

A G E N D A

REGULAR MEETING OF THE PLAN COMMISSION OF THE VILLAGE OF WILLOWBROOK TO BE HELD ON WEDNESDAY, JUNE 5, 2019 AT 7:00 P.M. AT THE WILLOWBROOK POLICE DEPARTMENT, TRAINING ROOM, 7760 QUINCY STREET, WILLOWBROOK, ILLINOIS.

1. CALL TO ORDER
2. ROLL CALL
3. OMNIBUS VOTE AGENDA
 - A. Waive Reading of Minutes (APPROVE)
 - B. Minutes - April 3, 2019
4. PLAN COMMISSION CONSIDERATION: Zoning Hearing Case 19-03:
Morgan Harbour Construction, LLC 7510 S. Madison Street, Willowbrook, Illinois. Petition requesting approval of a variation from Section 9-10-5(K) to reduce the number of required parking stalls from fifty-four (54) parking spaces to thirty-five (35) parking spaces to accommodate 10,645 square feet of office space and 7,902 square feet of warehouse space.
 - A. PUBLIC HEARING
 - B. DISCUSSION/RECOMMENDATION
5. PLAN COMMISSION CONSIDERATION: Zoning Hearing Case 19-04:
Petition for a text amendment to amend Section 9-3-15, Section 9-12-2, and Section 9-12-4(C) of the Zoning Title of the Village of Willowbrook to remove outdated information and to bring the Zoning Code into compliance with the recently enacted State and Federal laws. The proposed amendments to the Zoning Code will also clarify the application of certain bulk regulations to the permitted accessory use of amateur radio antennas in residential districts.
 - A. PUBLIC HEARING
 - B. DISCUSSION/RECOMMENDATION
6. PLAN COMMISSION CONSIDERATION: Zoning Hearing Case 19-05:
Petition for a text amendment to amend Section 9-9-7(C) of the Zoning Title of the Village of Willowbrook regarding

performance standards in the M-1 Light Manufacturing Zoning District.

A. PUBLIC HEARING

B. DISCUSSION/RECOMMENDATION

7. VISITOR'S BUSINESS

6. COMMUNICATIONS

7. ADJOURNMENT

MINUTES OF THE REGULAR HEARING 19-01 MEETING OF THE PLAN COMMISSION
HELD ON WEDNESDAY, APRIL 3 2019, AT THE WILLOWBROOK POLICE
DEPARTMENT, TRAINING ROOM, 7760 QUINCY STREET, WILLOWBROOK, ILLINOIS

1. CALL TO ORDER

Chairman Kopp called the meeting to order at the hour of 7:00pm

2. ROLL CALL

Those present at roll call were Commissioners Ruffalo, Kaucky, and Walec, Vice Chairman Wager, and Chairman Kopp.

Absent: Commissioner Remkus and Soukup

Also present were Planning Consultant Ann Choi, Building Inspector Roy Giuntoli, and Recording Secretary Lisa Shemroske.

3. OMNIBUS VOTE AGENDA

The items on the Omnibus Vote Agenda were as follows:

- A. Waive Reading of Minutes (APPROVE)
- B. Minutes – Regular Meeting February 6, 2019

MOTION: Made by Commissioner Ruffalo seconded by Commissioner Walec to approve the Omnibus Vote Agenda as presented.

MOTION DECLARED CARRIED

4. PLAN COMMISSION CONSIDERATION: Zoning Hearing Case 19-01: 7830-50 79th Street, Northeast corner of Route 83 Frontage Road and 79th Street, Willowbrook, Illinois-Northpoint Development LLC, 12977 N Outer Forty Road, Suite 203, St. Louis, Missouri 63141/ P {petition requesting approval of a Map Amendment to rezone the subject property from the B-3 General Business Zoning District to the M-1 Light Manufacturing Zoning District., approval of a Final Plat of Subdivision and approval of associated Variations on the property.

- A. PUBLIC HEARING Ended 7:34pm
- B. DISCUSSION/RECOMMENDATION

See Court Reporter Minutes for Discussion and Recommendation

MOTION: The following motion made by Kaucky was seconded by Walec and approved unanimous 5-0 roll call vote of the members present:

Based on the submitted petition and testimony provided, I move that the Plan Commission approve and adopt the Standards for Variations outlined in the Staff Report prepared for PC 19-01 for the April 3, 2019 Plan Commission meeting; and that the Plan Commission recommend to the Village Board approval of a map amendment to rezone the property located at 7830-7850 79th Street (located at the northeast corner of Frontage Road and 79th Street) from the B-3 General Business Zoning District to the M-1 Light Manufacturing Zoning District, a preliminary and final plat of subdivision and associated variations as listed as in the Staff Report prepared for PC-19-01 for the April 3, 2019 Plan Commission meeting, subject to the "Conditions of Approval" listed in the Staff Report prepared for PC19-01 for the April 3, 2019 Plan Commission meeting with changes to condition Four " final zoning approval " be replaced with "continuances of Building Permits.

ROLL CALL: AYES: Commissioners Ruffalo, Kaucky, Walec, and Vice Chairman Wagner and Chairman Kopp. NAYS: None. ABSENT: None.
Public Hearing ended at 7:34pm.

MOTION DECLARED CARRIED

5. VISITOR'S BUSINESS

None.

6. COMMUNICATIONS

Consultant Planner Choi had nothing to report.

Inspector Giuntoli reported about Pete's and the stores on the outer lots at that location.

Temporary Certificate of Occupancy were written for Lumes Restaurant and the Dental Office.

Fire House Sub expects to open April 21. Nail Salon is making progress. No tent for the End Cap as of now. Road work should be starting soon.

7. ADJOURNMENT

MOTION: Made by Commissioner Ruffalo, seconded by Commissioner Walec, to adjourn the special meeting of the Plan Commission at the hour of 7:41 p.m.

UNANIMOUS VOICE VOTE

MOTION DECLARED CARRIED

PRESENTED, READ AND APPROVED,

JUNE 5, 2019

Chairman

Minutes transcribed by Building and Zoning Secretary Lisa J Shemroske

4/3/2019

**VILLAGE OF WILLOWBROOK PUBLIC HEARING ZONING
HEARING CASE NO. 19-01**

ANNETTE FAKLIS MORIARTY, C.S.R.

VILLAGE OF WILLOWBROOK

PUBLIC HEARING

ZONING HEARING CASE NO. 19-01

REPORT OF PROCEEDINGS had at the Public
Hearing of the above-entitled case before the
Plan Commission on April 3, 2019, at 7:00 p.m.,
at the location of 7760 Quincy Street,
Willowbrook, Illinois.

PRESENT:

Daniel Kopp, Chairman;

Mr. John Wagner

Mr. Leonard Kaucky

Mr. Gregory Ruffalo,

Mr. Mike Walec

Mr. Roy Giuntoli, Building Inspector;

Ms. Ann Choi, Planning Consultant

Ms. Lisa Shemroske,
Building and Zoning Secretary.

1 (Whereupon the hearing began at
2 7:00 p.m.)

3 CHAIRMAN KOPP: All right. I call to
4 order the regular meeting of Plan Commission of
5 Willowbrook.

6 And will the Plan Commission Secretary
7 please call roll.

8 MS. SHEMROSKE: Commissioner Remkus?
9 Commissioner Soukup?

10 Commissioner Ruffalo?

11 COMMISSIONER RUFFALO: Here.

12 MS. SHEMROSKE: And Commissioner
13 Kaucky?

14 COMMISSIONER KAUCKY: Here.

15 MS. SHEMROSKE: Commissioner Walec?

16 COMMISSIONER WALEC: Here.

17 MS. SHEMROSKE: And Vice Chairman
18 Wagner?

19 MR. WAGNER: Here.

20 MS. SHEMROSKE: Chairman Kopp?

21 CHAIRMAN KOPP: Here.

22 MS. SHEMROSKE: Planner Ann Choi?

1 MS. CHOI: Here.

2 MS. SHEMROSKE: Building Inspector
3 Roy Giuntoli?

4 MR. GIUNTOLI: Here.

5 MS. SHEMROSKE: And I am Lisa
6 Shemroske.

7 CHAIRMAN KOPP: The next item on the
8 Agenda is the Omnibus Vote Agenda. Would anyone
9 like an item removed from the Omnibus Vote
10 Agenda?

11 If not, will someone make a motion to
12 approve the Omnibus Vote Agenda?

13 MR. RUFFALO: So moved.

14 MR. WALEC: Second.

15 CHAIRMAN KOPP: All in favor, say
16 aye.

17 (Chorus of ayes.)

18 Next item on the Agenda is Public
19 Hearing for Zoning Case Number 19-01. The
20 purpose of this public hearing shall be to
21 consider a petition requesting approval to rezone
22 the subject property from the B-3 General

1 Business Zoning District to the M-1 Light
2 Manufacturing Zoning District, approval of a Plat
3 of Subdivision, and approval of associated
4 variations to allow for the construction of a new
5 three-story, 138,705 square foot self storage
6 facility on property known as 7830-50 79th
7 Street, Willowbrook.

8 The Applicant for this petition is
9 NorthPoint Development, LLC, and TCGC Property,
10 LLC, as property owner. NorthPoint is from
11 St. Louis.

12 Notice of this public hearing is published
13 in the March 14, 2019 edition of the Doings
14 Newspaper.

15 Ann will give her presentation and the
16 Applicant will speak.

17 MS. CHOI: Good evening. My
18 presentation will be approximately 12 minutes.
19 If I go a little too fast, feel free to slow me
20 down.

21 The Plan Commission last saw concepts for
22 the Beyond Self Storage Facility back in February

1 2019. Tonight we are reviewing their final
2 plans. Prior to final approval by the Village
3 Board, the Petitioner will submit minor revisions
4 to the final plans, including a final plat of
5 subdivision, inclusive of the requested
6 revisions.

7 The subject property is located at the
8 northeast corner of Frontage Road and 79th
9 Street, just south of Willowbrook Inn and west of
10 the Econo Lodge.

11 The property is currently located in the B3
12 (General Business Zoning District), and is
13 adjacent to properties located in the B4 (Highway
14 and Service District) M1 (Light Manufacturing
15 District) and R2 (Single-Family Residence
16 District).

17 The subject property has been vacant and on
18 the market for a long time. It is also the site
19 of the former Chicago Gun Club proposal. As you
20 may recall, the Chicago Gun Club purchased the
21 property and requested a rezoning of the property
22 from B3 to B4, for a special use to develop at

1 31,000 square foot guntry club.

2 This request was denied by the Village
3 Board in 2017 and the Petitioner here today,
4 Northpoint Development, would like to purchase
5 the property to develop an indoor self-storage
6 facility called Beyond Self Storage.

7 The Petitioner wishes to rezone the
8 property from B3 to M1, which permits "Any
9 production, manufacturing, assembling,
10 processing, cleaning, servicing, testing, repair
11 or storage of materials, goods or products, and
12 business offices accessory thereto, which
13 conforms with the performance standards set out
14 in Chapter 9 of the zoning regulations.

15 The Petitioner is requesting the following
16 zoning approvals: A map amendment to rezone the
17 subject property from B3 General Business to M1
18 Light Manufacturing, approval of a Preliminary
19 Plat of Subdivision, approval of a Final Plat of
20 Subdivision, and approval of the following
21 variations:

22 Approval of a variation from Ordinance No.

1 75-0-11 to increase the maximum FAR of 0.80 to
2 0.93;

3 Approval of a variation from Section
4 9-10-5(K) to decrease the minimum parking
5 requirements from 93 standard parking spaces to
6 12 standard parking spaces;

7 Approval of a variation from Section
8 9-10-5(N)1 to decrease the minimum accessible
9 parking requirements from 4 accessible parking
10 spaces to 1 accessible parking space;

11 Approval of a variation from Section
12 9-10-5(L)2(d) to decrease the driveway centerline
13 distance from the north property line from 70
14 feet to 61.2 feet (a 12.6 percent reduction);

15 Approval of a variation from Section
16 9-10-4(H) to reduce the number of required
17 loading berths from 3 loading berths to 2 loading
18 berths;

19 Approval of a variation to eliminate the
20 requirement that the Applicant construct curbs
21 and gutters for the required street improvements
22 along IL Route 83 Frontage Road and 79th Street.

1 Beyond Storage proposes a three-story,
2 138,705 square-foot, Class A, all indoor, 100
3 percent climate controlled self-storage facility,
4 accessible to customers with a security code from
5 the hours of 6:00 a.m. to 10:00 p.m. Office
6 hours will be staffed by an on-site manager, who
7 will work on Mondays through Fridays from 9:00
8 a.m. to 6:00 p.m., on Saturdays from 9:00 a.m. to
9 5:00 p.m. and on Sundays from 11:00 a.m. to 4:00
10 p.m.

11 The self-storage facility will have a
12 maximum of 1 employee. The self-storage facility
13 is projected to have an average of 4 customers
14 per hour during a typical day.

15 Next we will go through the building
16 breakdown. For a detailed breakdown of uses
17 within the self-storage facility, please refer to
18 the floor plans in Attachment 4 of the staff
19 report. The colored first floor plan is also
20 located in Exhibit 6 on Page 11 of the staff
21 report.

22 First Floor: As you can see in BLUE,

1 almost three-quarters of the GFA of the building
2 will be dedicated to the 242 storage units on the
3 first level. There is a large loading/unloading
4 area with an internal drive-through located at
5 the northern portion of the building that can
6 accommodate 24 inch box trucks and up to 4 parked
7 cars.

8 And the trucks enter through a garage door
9 and park in the two loading berths that are
10 provided. For repeat customers, an outdoor
11 parking lot provides 12 parking spaces and
12 customers would enter through the lobby shown in
13 the color PINK. Two centrally located elevators
14 next to the lobby will allow customers to load
15 their belongings on carts and access the upper
16 levels.

17 Other uses on the first floor include:
18 Restrooms, Conference Room; back of house
19 functions such as electrical and maintenance
20 room. Upper Floors: The second floor will
21 include 33,800 square feet of storage space,
22 including 336 storage units. The third floor

1 will include 36,250 square feet of storage space,
2 including 362 storage units.

3 Storage unit sizes range from 5 by 5 to 10
4 by 30. Average rates based on other Beyond Self
5 Storage facilities range from \$55 per month for
6 the small units to \$119 per month for the medium
7 size units, and \$192 per month for the larger
8 unit.

9 Next we will go to the Building Elevations,
10 which are located in Attachment 4 of the Staff
11 Report. The building itself features a modern
12 facade on the west side of the building and the
13 building's main entrance is located at the west
14 side of the main elevation. Building materials
15 include a combination of high-quality materials
16 such as insulated metal panels, thin brick.
17 Building materials include a combination of
18 high-quality materials, such as insulated metal
19 panels, thin brick veneer, and prefabricated
20 metal awnings in complimentary, neutral colors
21 such as polar white, varying shades of grey,
22 teal, and natural brown. Three of the four

1 elevations have expanses of glass to allow
2 natural light into the facility. A variable 7-9
3 foot high brick knee wall has been added around
4 the entire perimeter of the building and is shown
5 on the enclosed Sheet A4.01 in Attachment 4.

6 Next we will look at the Signage. Building
7 Wall Signage. One wall sign is proposed on the
8 west side of the building and is shown in Exhibit
9 11 on Page 16 of the staff report. The wall sign
10 will include the name of the facility, Beyond
11 Self Storage in a combination of lowercase and
12 uppercase letters. The wall sign complies with
13 the sign surface area under the Village Zoning
14 Ordinance.

15 Next Zoning Bulk Requirements. Staff has
16 reviewed their plans for compliance with the M1
17 District. The M1 requirements are outlined in
18 Exhibit 7 on Page 12 of the staff report. The
19 table shows that the development is in compliance
20 with the minimum bulk regulations of the M1
21 zoning district except for the maximum FAR. The
22 subject property is subject to Exhibit C of

1 Ordinance No. 75-0-11, which permits a FAR of
2 0.80.

3 Variation: The Petitioner requests a
4 variation from Ordinance No. 75-0-11 to increase
5 the maximum FAR from 0.80 to 0.93. After the
6 Application of the required setbacks and the
7 dedication of a portion of the site to stormwater
8 detention, whatever remains can be utilized for
9 the building footprint, parking and loading.
10 Staff is supportive of this variation because
11 strict conformance with the maximum floor area
12 ration standard would limit the leasable floor
13 area, and the proposed development would
14 otherwise not yield reasonable returns.

15 Parking and Loading: Parking setbacks and
16 required parking are outlined in the parking
17 section of the Code. The table shows that the
18 proposed development is in compliance with the
19 pavement setbacks.

20 Required Parking. The Petitioner's site
21 plan proposes a total of 12 parking spaces
22 (including 1 accessible space) located along the

1 west side of the building, near the main
2 entrance.

3 Required parking was calculated by using
4 the parking formula outlined in the Zoning
5 Ordinance, and this calculation is outlined in
6 Exhibit 8 on Page 13 of the staff report. Based
7 on a warehouse/storage use, 93 standard parking
8 spaces including 4 accessible parking spaces are
9 required.

10 The Petitioner has submitted a parking
11 analysis, which is included as Exhibit 9 on Page
12 14 of the Staff report. The parking analysis
13 indicates that on average, their other storage
14 facilities see 4 customers per house. Each
15 facility provides approximately 6-8 parking
16 spaces. The Petitioner is requesting 2
17 variations from the Off Street Parking
18 requirements of the Zoning Ordinance: To decrease
19 the number of standard parking spaces from 93 to
20 12, and to decrease the number of accessible
21 parking spaces from 4 to 1.

22 The Parking a2(d) to reduce the minimum

1 distance of driveway from the nearest lot line
2 from 70 feet to 61.2 feet. Since IDOT would like
3 to locate the site access as far from the
4 Frontage Road curve to the south as much as
5 possible because of sight distance and visibility
6 issues, Staff supports this variation.

7 Staff concurs that self-storage facilities
8 are low traffic-generating uses and that the
9 required number of parking spaces would take up a
10 significant area of the site -- approximately 25
11 percent of the site area. Staff recommends
12 approval of these variations as the parking
13 analysis and traffic impact study verify that the
14 proposed use is low traffic generating use.

15 Next is Loading Facility: The Petitioner
16 is proposing 2 loading berths at the north side
17 of the building, which are located inside the
18 building. Variation: The Petitioner is
19 requesting one variation from Section 9-10-4(H)
20 of the Zoning Ordinance, to reduce the number of
21 required loading berths from 3 to 2.

22 Staff supports the variation because of the

1 hardships caused by the subject property's
2 irregular lot shape, the site area that would be
3 lost to stormwater detention requirements,
4 existing topography, and because the proposed use
5 is a low traffic-generating use. Staff believes
6 two loading berths would be sufficient to
7 accommodate the needs of the proposed
8 development.

9 Next, we can discuss Landscaping. The
10 Petitioner is proposing abundant landscaping for
11 the proposed development that exceeds the
12 requirements of the code.

13 The proposed landscaping: Effectively
14 frames the property with deciduous and evergreen
15 trees and shrubs; established 13 new street trees
16 along the property's frontage; adds greenery to
17 the self-storage facility's parking area. The
18 proposed landscaping is in conformance with the
19 landscaping requirements of the Village Code.

20 Next is Stormwater Management. The
21 Petitioner is also proposing one naturalized
22 detention area located to the south of the

1 proposed building:

2 The perimeter of the detention basin is
3 planted with low profile prairie seed mix; the
4 interior of the detention basin is planted with
5 wet meadow seed mix and emergent plantings; the
6 Village Engineer has reviewed the Stormwater
7 Report and has no further comments.

8 Subdivision Regulation Requirements. The
9 Petitioner's plans include the addition of a new
10 sidewalk along the subject property's frontage
11 along Frontage Road. The proposed sidewalk is
12 located within the subject property's lot lines,
13 and is considered private property. An easement
14 allowing for public use and Village maintenance
15 of the sidewalk will be required. Staff suggests
16 this easement be from the property line to one
17 foot beyond the sidewalk.

18 The Village Subdivision regulations provide
19 that the proposed subdivision would be required
20 to install sidewalk across the frontage of this
21 property, as well as curb and gutter along the
22 street edge. It is the Village's recommendation

1 that in lieu of the curb and gutter, the
2 Applicant install sidewalk along Frontage Road
3 from Quincy Street extending west as shown on
4 Exhibit 12 on Page 17 of the staff report to
5 close a gap and improve pedestrian access.
6 Although the sidewalk across the frontage of this
7 property has been added, the gap extending west
8 from Quincy Street has not been indicated.

9 A streetlight should be installed at the
10 corner of Frontage Road and 79th Street. These
11 items are included as recommended conditions of
12 approval and will need to be addressed and
13 approved by Village Staff prior to final approval
14 from the Village Board.

15 Traffic Impact Study. The Petitioner has
16 submitted a Traffic Impact Study, prepared by Sam
17 Schwartz Transportation Consultants.

18 The Traffic Impact Study:

- 19 1. Examined background traffic conditions
20 in the proposed development area;
- 21 2. Assessed the impact that the proposed
22 development will have on traffic conditions;

1 3. Determined if any roadway or access
2 improvements are necessary to accommodate traffic
3 generated by the proposed development.

4 In short:

5 1. The self-storage facility is projected
6 to generate low volumes of traffic.

7 2. Movements in and out of the site will
8 be controlled with stop-sign control;

9 3. On-site signage directing outbound
10 traffic to the south to access IL Route 83 will
11 help to minimize illegal maneuvers (northbound to
12 westbound left-turns) at the Frontage Road
13 intersection with Midway Drive.

14 4. No other roadway improvements are
15 required.

16 Next is Recommended Conditions of Approval:
17 A summary of recommended conditions for the Plan
18 Commission's motion is listed on pages 23 and 24
19 of the Staff Report.

20 1. The trash enclosure shall be
21 constructed to look like masonry and shall appear
22 similar to the color and style of the building.

1 2. The Petitioner shall install one
2 streetlight at the intersection of 79th Street
3 and Frontage Road once the specific location has
4 been provided by the Village Engineer. A revised
5 photometric plan must be submitted and approved
6 by the Village Engineer prior to final zoning
7 approval from the Village Board.

8 3. The Petitioner shall install a 5-foot
9 sidewalk along the entire length of the property
10 frontage and just southeast of the Quincy Street
11 and Joliet Road intersection, as determined by
12 Village Staff.

13 4. The Petitioner shall obtain all
14 necessary permits from IDOT prior to performing
15 any work within the Frontage Road/79th Street
16 right-of-way. The Petitioner shall provide a
17 copy of IDOT's review of the self-storage
18 facility's plans (which include the subdivision
19 improvements mentioned above) to Village Staff
20 before final zoning approval.

21 5. The proposed building must be fire
22 sprinklered and fully fire alarmed.

1 6. The Petitioner shall gain approval from
2 the Tri-State Fire Protection District that the
3 building's sprinkler system is adequate for the
4 proposed use.

5 7. The construction and use of the
6 self-storage facility shall at all times be in
7 substantial compliance with the Architectural
8 floor plans submitted by the Petitioner.

9 8. All landscaped areas shall be
10 constructed and landscape material installed
11 prior to the issuance of any permanent occupancy
12 permit for the subject realty or such earlier
13 time, as is reasonably practical.

14 9. The proposed water main and its
15 connections shall be reviewed by the Building
16 Department for compliance with the Illinois
17 Plumbing Code.

18 10. A permit is required from the DuPage
19 County Public Works for the sanitary sewer
20 connection prior to the Village issuing a
21 building permit.

22 11. Prior to the issuance of any final

1 certificate of occupancy, the owner shall
2 complete the improvements to the IL Route 83
3 Frontage Road along the frontage of the subject
4 realty as shown in the engineering plans.

5 12. A separate sign permit shall be
6 obtained for the proposed building signage,
7 pursuant to the Village Code.

8 13. The Petitioner shall provide on-site
9 signage directing outbound traffic to the south
10 to access IL Route 83 to minimize illegal
11 maneuvers (northbound to westbound left-turns) at
12 the Frontage Road intersection with Midway Drive.

13 14. The Petitioner shall locate fire
14 hydrant(s) in a location(s) approved by the Fire
15 Protection District and the Building Department.

16 15. The Petitioner shall revise the
17 Preliminary and Final Plats of Subdivision to
18 include an easement for public use and Village
19 maintenance of the proposed sidewalk prior to
20 final zoning approval.

21 16. All outstanding comments from the
22 Village Engineer must be addressed prior to final

1 zoning approval from the Village Board.

2 Before I conclude, I would like to amend
3 this list of conditions to modify Condition No. 4
4 of the Staff Report to read:

5 4. The Petitioner shall obtain all
6 necessary permits from IDOT prior to performing
7 any work within the Frontage Road/79th Street
8 right-of-way. The Petitioner shall provide a
9 copy of IDOT's review of the self-storage
10 facility's plans (which include the subdivision
11 improvements mentioned above) to Village Staff
12 before the issuance of construction permits by
13 the Village.

14 The Petitioner has recently notified the
15 Village Staff that IDOT's review typically takes
16 90 days and thus they would be unable to meet the
17 deadline if IDOT's review was required prior to
18 final zoning approval as was originally stated in
19 the staff report.

20 And in summary the Plan Commission was
21 generally supportive of the sketch plan back in
22 February of this year.

1 Minor changes, as well as additional
2 submittal materials will still be required from
3 the Petitioner prior to final approval from the
4 Village Board.

5 Chief among those revisions include the
6 addition of a sidewalk, street lighting, and
7 submittal of a revised FINAL plat of subdivision
8 including the sidewalk easement.

9 In summary, the proposed development will
10 replace marginally viable commercial land that
11 has sat vacant for a long time, with a more
12 suitable alternative use.

13 Staff is therefore supportive of this
14 project and suggests the Plan Commission
15 recommend approval of the map amendment to rezone
16 the property from B3 to M1, recommend approval of
17 the Preliminary and final plats of subdivision,
18 and recommend approval of the associated
19 variations to the Village Board subject to the
20 list of conditions on Pages 23 and 24 of the
21 staff report. A sample motion can be found on
22 page 24. The sample motion should also be

1 amended to include the modified condition No. 4.

2 And that concludes my presentation. I am
3 available for any questions.

4 CHAIRMAN KOPP: Does anyone have any
5 questions? Anyone who speaks, including the
6 audience, will be sworn in by the court reporter.

7 (Witness sworn.)

8 MR. JENKINS: My name is J.J.
9 Jenkins. I am with Northpoint Development. I am
10 here before you again. I was here in February
11 with our sketch plan here to kind of go through
12 our concept with you. I won't repeat all that
13 stuff in the interest of time, but I am happy to
14 go into as much of that in more detail as you
15 would like or other questions that you have. But
16 I will just hit on a couple of highlights to
17 point out for you.

18 Again we started our Beyond Self Storage
19 brand initiative in 2016. We currently have 11
20 facilities open and operating and about 20 more
21 under development at this time. The one here
22 that we are proposing in Willowbrook would be our

1 third in the Chicago market area.

2 One of the features of our developments
3 that kind of make us unique and stick out from
4 the competition is that our facilities are
5 100 percent climate control and all loading and
6 unloading is done interior to the building. So
7 we have the drive-thru that the tenant would
8 enter into, park their car inside the building,
9 do all their loading and unloading inside in the
10 climate control area, out of the weather.

11 There is the centrally located elevators
12 that Ann mentioned to take their goods up to the
13 second or third floor, as the case may be, and
14 then they exit the facility and then exit the
15 property.

16 The majority of what I have presented at
17 the sketch plan meeting is still the same. The
18 majority of the changes had to do with
19 architectural changes, which I think are all
20 improvements over what you saw before. We have
21 added an extensive amount of additional brick to
22 what was shown before and what you see is all the

1 architectural requirements and material
2 requirements of the Village.

3 Ann hit on the variance requests that we
4 have asked for. And those have stayed the same
5 since we presented the first time as well. So
6 again happy to answer questions for you or go
7 into more detail and looking forward to bringing
8 a quality development to Willowbrook on a piece
9 of property that's been vacant for a long time
10 with a very attractive building and providing a
11 use to the area. Thank you.

12 CHAIRMAN KOPP: Any Commissioners
13 have any questions for either Ann or the
14 Applicant?

15 MR. WAGNER: Stormwater, I am
16 assuming, heads south?

17 MR. JENKINS: Correct. And any
18 technical questions like that my civil engineer
19 is here as well. And I will let him address it,
20 but that is correct.

21 MR. WAGNER: Are there storm sewers
22 in the area or is it just all drainage ditch?

1 MR. BOHNE: I can address that.

2 CHAIRMAN KOPP: Please be sworn.

3 (Witness sworn.)

4 MR. BOHNE: William Bohne, B-O-H-N-E,
5 with Jacob and Heffner, Associates. We are civil
6 engineers out of Downers Grove.

7 The Frontage Road does not have any storm
8 sewer associated with it from a parallel
9 standpoint. It's got a ditch on each side. But
10 right at the curb at the southwest corner of the
11 site, there is an 18-inch culvert that the pond
12 will drain to. The existing site right now
13 drains to that same culvert and it heads west
14 underneath Route 83 and keeps heading west,
15 southwest.

16 MR. WAGNER: Thank you. Is there --
17 maybe you can speak to as to why we are not
18 putting curb and gutter on at least the east side
19 of the Frontage Road.

20 MS. CHOI: I think there was the wish
21 of the Village at the time because these were
22 conditions that were pulled from the previous

1 development that they wanted to reserve the rule
2 of cross section. There is just no curb and
3 gutter there right now. That is just what we
4 agreed to.

5 MR. WAGNER: The reason I ask is I
6 was looking at a satellite image of the area.
7 And there is curb and gutter from Midway Drive in
8 front of the restaurant and most of the hotel --

9 MS. CHOI: The Willowbrook Inn?

10 MR. WAGNER: Yes. And then it stops
11 and enters quite a vacant part of it and then
12 finally it picks up again around the corner on
13 79th Street. I am just wondering because we have
14 a variation to increase the building size by
15 almost 19,000 feet.

16 And if it's part of the ordinance, I don't
17 see a reason why we should not put in curb and
18 gutter.

19 MS. CHOI: That's noted. We can
20 discuss this.

21 MR. JENKINS: Part of that was also
22 the green that we are providing the additional

1 sidewalk half as well and that might be worth
2 pointing out as well.

3 MS. CHOI: Part of it requires that
4 the agreement was also -- there is a sidewalk
5 along Frontage Road or Joliet Road up to Quincy.
6 There is a large sidewalk there.

7 MR. WAGNER: So that's the exchange
8 then?

9 COMMISSIONER KOPP: Correct. It
10 wouldn't be fair to make you do both.

11 MR. WAGNER: Thank you.

12 COMMISSIONER KOPP: Do you have any
13 objections? I was going to mention that. Any
14 objections to the conditions that the staff has
15 proposed, the 16 conditions, including the
16 sidewalk?

17 MR. JENKINS: We are agreeable to
18 that if those are the ones that are in place,
19 other than the one that was brought up about DOT
20 that was revised.

21 COMMISSIONER KOPP: Any other
22 questions? Anyone in the audience that would

1 like to give testimony or ask questions?

2 (Witness sworn.)

3 MR. ZOLTAN: Zoltan Baksay,

4 Z-O-L-T-A-N, B-A-K-S-A-Y. Good evening,
5 Planning Commission and folks from the Staff. I
6 have a couple of questions. One on Page 12 in
7 the height requirement. I think the Staff notes
8 it mentioned a badminton facility and a 40-foot
9 height. I don't know if that might be a
10 carryover from a legacy. It's Exhibit 7. I'm
11 doing this off memory. It's just a weird
12 curiosity that I noted.

13 MS. CHOI: We did have a badminton
14 report.

15 MR. BAKSAY: This is a super minor
16 point. But the one question I have as a resident
17 of Willowbrook in close proximity, one, I'd first
18 like to say that the development that Northpoint
19 is proposing from my personal perspective is a
20 very welcome to our facility, especially when
21 compared to the previous proposal. So we look
22 forward to having neighbors, such as yourself,

1 and wish you success in business.

2 The one question that I have would be
3 related to a case where should the business plan
4 be unsuccessful, one concern that I personally
5 have, as do some friends of mine, would be the M1
6 Zoning Change Use has adult uses as a permitted
7 use.

8 And so I don't know all the formalities of
9 this. I was wondering if there might be a
10 willingness on the part of the Commission and/or
11 the developer, and I don't know if this is the
12 right form or whatever to request this, but would
13 it be possible to place a condition on the zoning
14 change that would prohibit future adult use in
15 the M1, or is that not something that is
16 possible?

17 Again, I'm not a subject matter expert in
18 municipalities. But that would be my one
19 question for this evening. Thank you.

20 COMMISSIONER KOPP: That's
21 interesting. And one piece of comfort I think
22 you can take from this is that we've been

1 concerned in the past about parking for the
2 substorage facilities for the reason that we
3 allow them to have much less parking than
4 required because they don't need it.

5 And so that's always our concern. And we
6 told ever Applicant -- and we tell this
7 Applicant -- if this fails we are not going to
8 allow you to convert this to retail with 13
9 parking spaces. You're going to have to
10 completely redevelop the site if it's not going
11 to be self-storage. I have no idea what the
12 parking requirements for adult uses are, but I'm
13 sure it's more than there are here.

14 And so I mean I personally would be
15 inclined to want to put that sort of condition on
16 it because we don't put it on any other. But
17 that's a good point. It's an interesting issue.

18 MR. WAGNER: I think we in the past
19 have -- and I have -- I don't know -- this
20 approval for all these variations, in my opinion,
21 should be related to this use in this specific
22 building rather than running with the land that

1 could allow something else to happen in the
2 fought with a different use.

3 And so I think this set of circumstances is
4 for this use and this building. Anything else
5 that would change, as far as use, they would have
6 to meet a greater level of demand for parking and
7 possibly other things if there was a change in
8 use in the building.

9 And as the Chairman said, we are always
10 concerned about the relationship of parking to
11 the amount of space that we are approving.
12 Because there is no other real use that you could
13 get away with, not even in manufacturing,
14 because you would have employees and so forth.

15 So I think we are safe in the fact that the
16 use more than likely couldn't change to that.

17 MR. BAKSAY: If I may ask just a
18 clarifying question. Thank you for both of your
19 comments. I'm not sure my understanding of your
20 comments is 100 percent clear. So would the M1
21 zoning be related to this specific Northpoint
22 development or would these two parcels, which, if

1 I understand correctly, the plats are proposed to
2 become one, would the M1 zoning carry forward to
3 potential future uses? And then again -- and I
4 wish nothing bad on your business plan and wish
5 you continued success in your endeavors -- but
6 should this fail, and if somebody were to acquire
7 the land, would they automatically be M1 zoned on
8 these two parcels and would modifications and
9 adding parking places -- and again I know I am
10 painting an unlikely picture.

11 But as someone that lives on Eleanor Place
12 right on the other side of Route 83 with a couple
13 of small girls, I do not want any sort of an
14 adult use facility within 500 feet of my home.

15 And so again I know I am painting an
16 unlikely scenario. But it is a curiosity of mine
17 and some of the my friends and neighbors.

18 CHAIRMAN KOPP: It would definitely
19 stay M1. But then if somebody comes in to do a
20 new use and that use isn't self-storage, that use
21 is retail or adult --

22 MR. GIUNTOLI: You're right. It

1 would trigger its own set of requirements at that
2 point, just like Chairman Kopp said.

3 MS. CHOI: I would also like to add
4 that the residents across Kingery are R2. And
5 there is a provision under the M1 standards that
6 adult uses aren't -- they can't be located within
7 750 feet.

8 MR. BAKSAY: I saw there was some
9 restriction on proximity to residences, but I
10 must have missed the 750 feet. Thank you.
11 That's all I have.

12 CHAIRMAN KOPP: Anybody else in the
13 audience have any questions or testimony?

14 Commissioners? You have the right to have
15 the last say. You don't have to say something.

16 If you have any other questions, I'm
17 here. All right. I'm going to close the public
18 hearing for Zoning hearing, Case Number 19-01.
19 And we will have our discussion and vote.

20 I was initially not -- not enthusiastic
21 about this particular site being self-storage
22 because it's the entry to the Village. But the

1 facility they're doing is very good looking and
2 frankly doesn't look like self-storage. So I am
3 definitely in favor of this, getting that land,
4 and getting it into productive use.

5 MR. WAGNER: Roy, the only question I
6 have is in our preliminary meeting, previous to
7 this, there was some discussion about building
8 materials. Has that been reviewed and does that
9 meet all the requirements of Code now?

10 MR. GIUNTOLI: Yes, it has.

11 MS. CHOI: I believe the Applicant
12 also brought some samples of the building
13 materials if you are curious about them.

14 MR. WAGNER: Just as long as it meets
15 code.

16 MR. GIUNTOLI: Yes, thank you.

17 CHAIRMAN KOPP: All right. If there
18 is no other questions or comments by the
19 Commissioners, will someone make a motion that
20 based on the submitted petition and testimony
21 provided, I move that the Plan Commission approve
22 and adopt the standards of variations outlined in

1 the Staff Report prepared for No. 19-01 for the
2 April 3, 2019 Plan Commission meeting; that the
3 Plan Commission recommend that the Village Board
4 approval of the map amendment to rezone the
5 property located at 7830 to 7850 79th Street,
6 located at this northeast corner of Frontage Road
7 and 79th Street from the B-3 General Business
8 Zoning District to the M-1 Light Manufacturing
9 Zoning District.

10 A Preliminary and final plat of Subdivision
11 and associated variations is listed in the Staff
12 Report prepared for PC 19-01 for the April 3rd,
13 2019 Plan Commission meeting, subject to the
14 conditions of approval listed in the Staff Report
15 prepared for PC 19-01 for the April 3, 2019 Plan
16 Commission meeting with the change to Condition 4
17 that the words "final zoning approval" be
18 replaced with "issuance of building permits."

19 Will someone make that motion?

20 MR. RUFFALO: So moved.

21 MR. WALEC: Second.

22 CHAIRMAN KOPP: Will the Plan

1 Commission secretary call the vote?

2 MS. SHEMROSKE: Commissioner Ruffalo?

3 Mr. RUFFALO: Aye.

4 MS. SHEMROSKE: Commissioner Kaucky?

5 COMMISSIONER KAUCKY: Yes.

6 MS. SHEMROSKE: Commissioner Walec?

7 MR. WALEC: Yes.

8 MS. SHEMROSKE: And Vice Chairman

9 Wagner?

10 MR. WAGNER: Yes.

11 MS. SHEMROSKE: Chairman Kopp?

12 CHAIRMAN KOPP: Yes.

13 Next item on the Agenda is -- by the
14 way, everyone is, of course, welcome to stay but
15 don't feel like you have to.

16 Next item on the Agenda is Visitors'
17 Business. Is there anyone in the audience that
18 has an issue that they would like to raise with
19 the Plan Commission?

20 If not, next item on the Agenda is
21 Communications. And I don't know if you have
22 anything to tell us.

1 MS. CHOI: Thank you. No, I have
2 nothing else.

3 COMMISSIONER KOPP: I don't either.
4 We also have Vice Chairman Wagner who has some
5 questions for Roy.

6 MR. WAGNER: Just Pete's was the only
7 thing. And it appears to be moving along and
8 things are opening.

9 MR. GIUNTOLI: Actually, just before
10 I came here, I wrote up the temporary Certificate
11 of Occupancy for Looms Pancake House. They
12 passed all their inspections today, and they will
13 be opening Monday.

14 The fire house plans on opening the 21st,
15 the day after Easter. There is no reason to
16 believe they won't be. They are pretty well on
17 schedule. The dental office received their
18 Certificate of Occupancy today as well. And that
19 constitutes everyone who has got anything going
20 in there. The nail salon is in progress. That
21 one is it still the build out.

22 There isn't a tenant for the end cap, the

1 West End cap just yet. Everyone is looking for a
2 restaurant use there or a hospitality use per se
3 for it. No one has signed up yet.

4 But road construction will be starting in
5 earnest in that area very soon. I asked today
6 because I have to extend their current TCO's to a
7 later date asking what date should I be extending
8 them to.

9 And so we are probably going to extend them
10 to right before Thanksgiving at that time because
11 it's probably going to take that long to finish
12 it.

13 But it's going to start soon and traffic
14 around there is possibly going to get
15 interesting.

16 But when it's all said and done, it's going
17 to be like a wide open west there. So that
18 should be nice. Couple of months of tough stuff
19 and it should be better.

20 MR. WAGNER: Thank you.

21 MR. RUFFALO: Roy, does the
22 intersection improvement still include that

1 division in front of Wendy's there?

2 MR. GIUNTOLI: I heard it does. I
3 was just saying that to Ann this morning, that
4 there will be kind of a median type of structure.
5 So westbound past 83 can't turn into the parking
6 lot at Wendy's.

7 And so they will have to either turn left
8 on 83 and go in the back door, the back side of
9 the parking lot or go past, turn around, and come
10 back east on Plainfield and go into that parking
11 lot.

12 MR. RUFFALO: It will have a
13 significant improvement if that occurs?

14 MR. GIUNTOLI: Absolutely.

15 CHAIRMAN KOPP: Someone make a motion
16 to adjourn.

17 MR. RUFFALO: So moved.

18 MR. WALEC: Second.

19 CHAIRMAN KOPP: Okay. All in favor
20 say aye.

21 (Chorus of ayes.)

22 Thanks, Folks. And I think that's

1 it.

2 (End of Proceedings.)

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

1 STATE OF ILLINOIS)
2) SS:
COUNTY OF C O O K)

3 I Annette Faklis Moriarty, being first
4 duly sworn, on oath says that she is a court
5 reporter doing business in the City of Chicago;
6 and that she reported in shorthand the
7 proceedings of said hearing, and that the
8 foregoing is a true and correct transcript of
9 her shorthand notes so taken as aforesaid, and
10 contains the proceedings given at said hearing

11
12 Annette Faklis Moriarty

13 Annette Faklis Moriarty, CSR

14 LIC. NO. 084-02318
15
16
17
18
19
20
21
22





Village of Willowbrook

Staff Report to the Plan Commission

Public Hearing Date:	June 5, 2019	
Prepared By:	Ann Choi, Planning Consultant	
Case Title:	19-03: Morgan Harbour Construction, LLC Headquarters, 7510 S. Madison Street	
Petitioner:	Morgan Harbour Construction, LLC, 7510 S. Madison Street, Willowbrook, Illinois 60527	
Action Requested by Applicant:	Consideration of a petition for a variation from Title 9 of the Village Code to approve a variation from Section 9-10-5(K) to reduce the number of required parking stalls from fifty-four (54) spaces to thirty-five (35) spaces to accommodate 10,645 square feet of office space and 7,902 square feet of warehouse space, in the Resubdivision of Lots 1 & 2 in Willowbrook Executive Plaza in the M-1 Zoning District.	
Location:	West side of Madison Street between Tameling Landscape Supply and a vacant industrial building (formerly occupied by Marquardt Printing Co.).	
Existing Zoning:	M-1 Light Manufacturing	
Existing Land Use:	Office and Warehouse	
Property Size:	0.897 Acres	
Surrounding Land Use:	Use	Zoning
	North Tameling Landscape Supply	M-1 Light Manufacturing
	South Vacant warehouse	M-1 Light Manufacturing
	East S. Madison Street	S. Madison Street
	West Hygieneering	OR Office Research
Documents Attached:	Attachment 1: Legal Description Attachment 2: Plat of Survey, dated 5/29/19 (1 Sheet) Attachment 3: Site Plan, dated 04/07/16 (1 Sheet) Attachment 4: Architectural Plans, dated 04/03/19 (4 Sheets) Attachment 5: Construction Schedule, dated 04/22/19 (1 Sheet)	

Necessary Action by Plan Commission: Open Public Hearing, accept testimony, and approve a recommendation to the Village Board.

A sample motion can be found on page 8.

Background

Site Description:

The property is located on the west side of Madison Street, and is bordered by Tameling Landscape Supply to the north, Hygieneering to the west, and a vacant warehouse building to the south. The site is a total 0.897 acres and contains an existing building currently used for office and manufacturing, with a loading area accommodating two loading berths, and thirty-four (34) existing parking spaces. The property has a lot depth of 263 feet, with 150 feet of frontage along Madison Street. The existing building has a footprint of +/- 18,550 square feet.

Exhibit 1 Site Location



Development Proposal

The building is used as the headquarters for the applicant, Morgan Harbour Construction, LLC. Morgan Harbour Construction, LLC is a full-service design/build general contractor and construction manager originally focused on tenant improvements and ground-up construction. Their portfolio includes an impressive list of projects including LEED certified properties, office, healthcare, distribution/warehousing, manufacturing, aviation and sports entertainment, mainly located in the Chicago area and Northwest Indiana.

The Village of Willowbrook building department was contacted in early 2019 with reports of construction at the subject property without the issuance of proper building permits. After confirmation of construction without proper approvals, the building department issued a stop order until proper zoning and building permits are issued. It was determined that the proposed interior modifications (the conversion of 1,645 square feet of warehouse space to office space) would require a higher parking demand.

The applicant wishes to complete the interior building modifications to the property located at 7510 S. Madison Street. As previously stated, the interior building modifications include the conversion of approximately 1,645 square feet of existing warehouse space into office space, resulting in the removal of two existing offices to accommodate four new offices (net gain of two offices), one huddle space, and an open office area. Other than the interior alterations to the subject tenant space, no changes to the exterior of the building are proposed.

Variation Requested

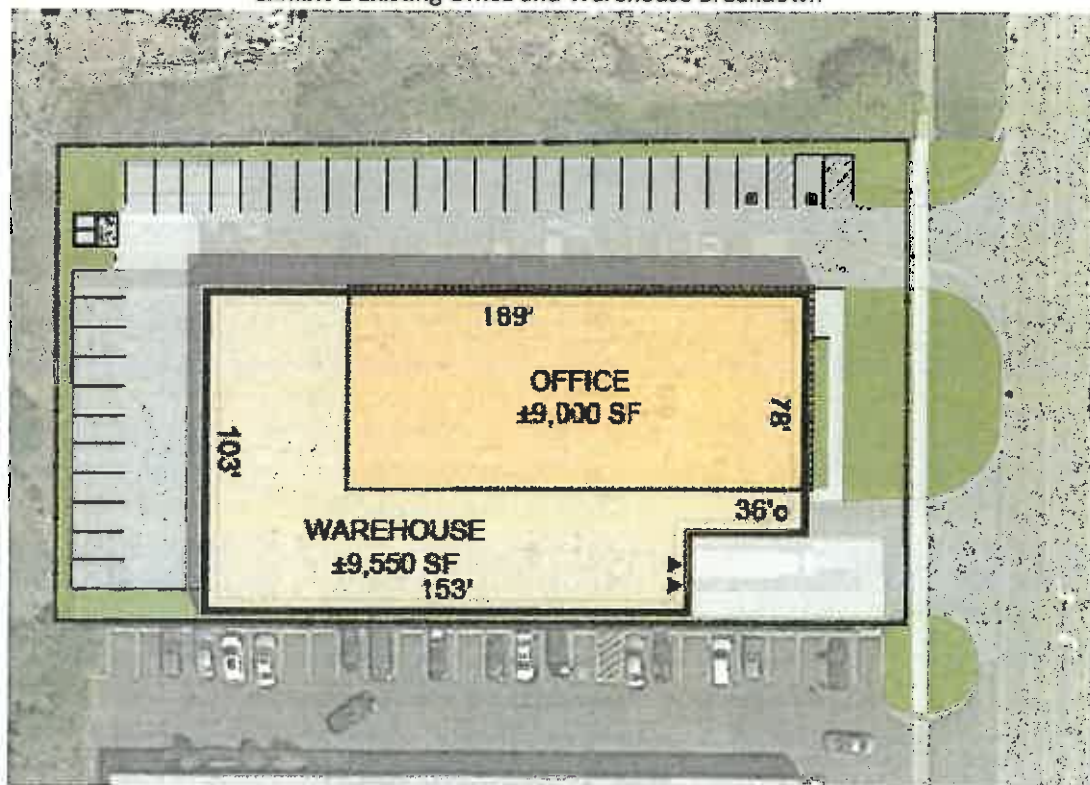
The purpose of this public hearing is to consider a petition requesting approval of a variation from Section 9-10-5(K) to reduce the number of required parking stalls from fifty-four (54) spaces to thirty-five (35) spaces.

Staff Analysis

Building Use Breakdown

As the current headquarters building was designed as an open office space, the petitioner quickly realized the need to provide their employees with more areas for files, meeting rooms, privacy and space to help offset the noise impact of the open office concept. The petitioner wishes to modify the existing building at 7510 S. Madison Street to improve employee comfort and collaboration, and reconfigure the existing office space to suit their current needs. The existing building area is approximately +/- 18,550 square feet, with a floor area ratio (FAR) of 0.47, and includes 9,000 square feet of office space and 9,550 square feet of warehouse area. The proposed modifications would increase the office area to approximately 10,645 square and reduce the warehouse area to approximately 7,902 square feet. Loading for the building is and would continue to be provided by two (2) dock doors located in the existing loading area and one (1) drive-in door located on the north side of the building.

Exhibit 2 Existing Office and Warehouse Breakdown



The following exhibits illustrate the proposed interior modifications. In **Exhibit 3**, the area highlighted in lightblue shows the proposed office space and the area highlighted in purple shows the proposed warehouse area. The dashed red line indicates the proposed expansion of office area into the underutilized warehouse area. **Exhibit 4** shows that the impact of the proposed interior alterations will result in the net gain of two single-user offices, a huddle room, and an open office area.

Exhibit 3 Proposed Floor Plan

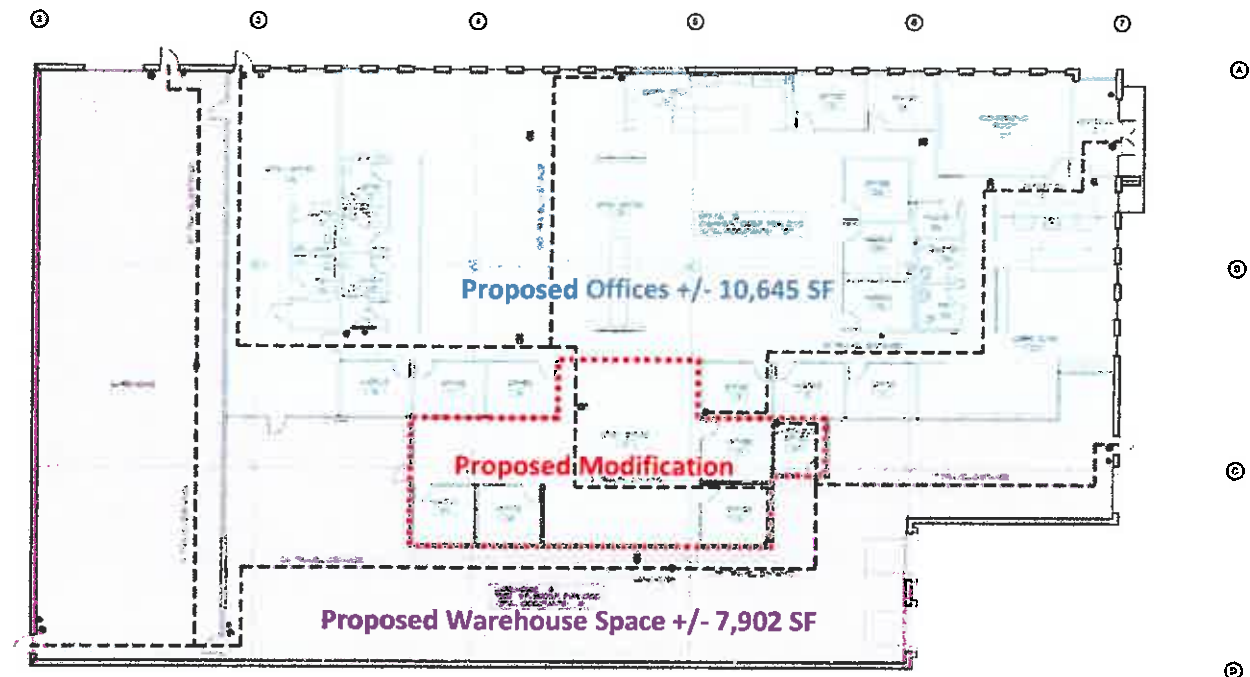
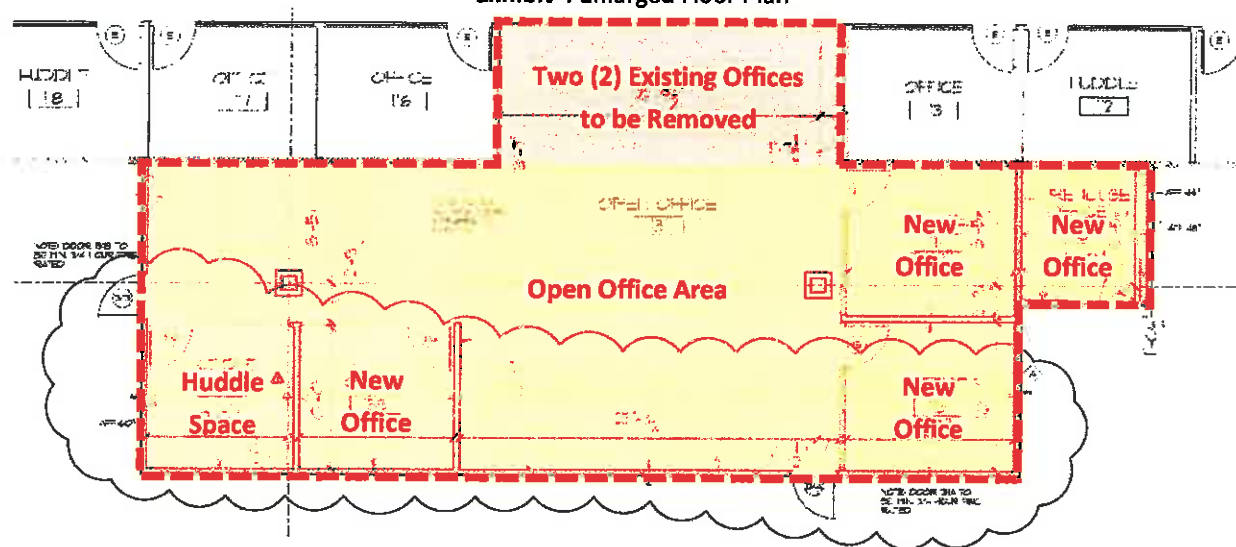


Exhibit 4 Enlarged Floor Plan



The addition of four new offices (a net gain of two offices), a huddle room, and an open office area results in the addition of approximately 1,645 square feet of office area and the removal of the same in warehouse area.



Parking Analysis

The subject property currently utilizes thirty-four (34) existing parking spaces, two (2) of which are accessible spaces as shown in the Plat of Survey, included as **Attachment 2** of this report. According to the Village code, fifty-four (54) parking spaces are required on the site. A parking variation was previously granted to allow for reduced parking spaces. In 2016, Ordinance 16-O-25 authorized a variation to reduce the required parking from forty-seven (47) parking spaces to thirty-four (34) parking spaces. The subject of this application is a request to approve a second variation from the off-site parking requirements that would increase the prior variation grant by an additional six (6) parking spaces.

The petitioner proposes to modify the existing parking by restriping the northern portion of the parking lot to include one additional parking space thus increasing the on-site parking to thirty-five (35) parking spaces. This will be achieved by allowing the existing accessible spaces to share an eight-foot (8') wide access aisle. Changes to the parking restriping is included in the proposed Site Plan, **Attachment 3**, of this report. The applicant is requesting a variation to reduce the number of required parking stalls from fifty-four (54) spaces to thirty-five (35) spaces since this is the maximum amount of parking that can be accommodated on the subject property.

Staff believes the applicant will provide testimony based on employment levels to support this parking variation. Please see the parking breakdown below in **Table 1**:

Table 1 Parking Requirements

Use	Square Footage	Code Requirement	Required	Proposed	Variation
Office	+/- 10,645 sf	1 space for each 225 sf of floor area	47.31 spaces		
Warehouse	+/- 7,902 sf	4 spaces plus 1 space for each 1,500 sf of floor area over 4,500 sf	6.27 spaces	54 spaces	Yes

Staff is concerned that a future change in building use with a greater parking demand will be constrained by a lack of off-street parking in relation to the size of the building and the minimum Village parking requirements. A future user in the 18,550 square foot building may generate parking needs greater than current parking needs based on the number of employees currently working at Morgan Harbour Construction. If this occurs, overflow parking could occur in parking lots of adjoining uses. Nevertheless, these parking concerns are merely hypothetical at this stage. Morgan Harbour Construction has invested considerably into improving their property and would like to stay in Willowbrook as a long-time owner and tenant. The company has an average of 30 employees in the office at any given time, and many of the employees spend their time on job sites, in off-site meetings, and are not typically in the office on a daily basis. Furthermore, the existing parking lot has an average of five (5) underutilized parking spaces on any given day. Therefore, the proposed parking variation is not expected to be detrimental to the overall parking situation as it stands today.

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 below, along with the proposed findings to be incorporated in the Plan Commission's recommendation and the Village Board's ordinance if approved.



- (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 subject property currently has a variation in place to reduce the required parking to thirty-four (34) parking spaces. The applicant would like to convert 1,645 square feet of existing warehouse space to office space and not increase the amount of parking. If needed, the applicant would like to utilize the drive-way in front of the exterior loading docks and drive-way for parking. The subject property is currently non-conforming with regards to the building and parking setbacks and there have been no issues to date.

Staff Finding: Due to the current office configuration, the property owner cannot utilize his current office space to meet his current day-to-day needs. It is not the property owner's intent to accommodate/add more employees through the proposed interior modifications, which would potentially intensify the parking situation. The increased office area would result in the net increase of two offices, one huddle space, and an open office area, and would optimize the existing space to suit the needs of the employees they currently have. Additionally, the property does not provide the parking count that users in the marketplace currently desire or need.

- (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 building was built years ago as a warehouse and was obsolete due to height requirements. The owner/user has converted the building into an attractive headquarters building and it serves as a home base for the employees when needed. The proposed interior modifications and parking variation for reduced parking will be a benefit to the current team to add more office space within the existing unused warehouse. The applicant has never had issues with parking and does not anticipate parking issues in the future.

Staff Finding: The proposed variation is needed since it will allow the applicant, an existing long-term owner-occupied user, to improve the working conditions for its current employees without requiring the user to provide additional and unnecessary parking spaces. The proposed variation will allow the owner to complete the interior modifications of the building, which will optimize the current working conditions for the building's users. The proposed variation will also alleviate a requirement for additional parking that the owner-occupied current user does not currently need. The subject site currently meets and exceeds the user's parking needs.

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

Applicant Finding: The hardship was created years ago when the building was built.

Staff Finding: The building and site improvements made in 2016 included the removal of part of the rear of the existing building to provide additional parking spaces on the west side of the property. This resulted in the removal of approximately 3,555 square feet of space. At the time, the market determined that the proposed area of 9,000 square feet dedicated for office use was sufficient. As it stands today, the current configuration does not meet the needs of the owner-occupied user. In order to meet the current parking requirements, additional bay(s) of the existing building would need to be removed thus making the building area too small for their purposes and infeasible for the current user. The hardship caused by the increased parking requirement from the conversion of



1,645 square feet of warehouse space to office space was created by bringing a non-conforming building up to current standards.

- (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 improvements will not be detrimental to the public or other neighboring properties. When the building was renovated three years ago, the petitioner made major improvements to the life safety and appearance of the building.

Staff Finding: The petitioner has provided testimony that the proposed interior alterations would improve the working conditions of its current employees, without increasing the number of employees or increasing the parking demand. The petitioner has also testified that as it stands today, there is an abundance of five (5) vacant parking spaces that are underutilized. Therefore it is not anticipated that parking will spill over onto adjacent properties and the proposed variation will not be materially detrimental to the public welfare or 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: 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.

Staff Finding: The proposed variation will not result in any exterior alterations to the building and therefore 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 as the proposed alterations to the building are interior in nature.

- (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 character of the building or locality.

Staff Finding: The proposed variation would not affect the physical character of the locality since no exterior alterations to the building are proposed. The addition of 1,645 square feet of office space (and removal of 1,645 square feet of unused warehouse space) would not detrimentally impact the existing parking supply and is more than sufficient to accommodate the user's current and future parking needs. It is not anticipated that parking would spill over onto adjacent parking lots.

- (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 allows a less than ideal property to be utilized by a long-term owner-occupied user and will not negatively impact the neighboring properties. The user is involved in the community, supports local business and employs local personnel.

Staff Finding: The proposed variation is in harmony with the spirit and intent of this title. The granting of the proposed variation will allow an existing long-term owner-occupied user and a good local business employer to improve the working conditions for its current employees without



requiring the user to provide additional and unnecessary parking spaces. Retaining local businesses will result in a benefit to surrounding residents and businesses.

Staff Recommendation

Staff supports the variation to reduce the off-street parking requirement to accommodate the proposed interior building alterations. The site meets the intended use of the M-1 district and encourages business development in the Village of Willowbrook. Morgan Harbour is a local business employer, maintains strong ties with the community, and envisions themselves as a long-term partner in the community.

Staff is supportive of the proposed petition and recommends approval of the proposed variation from Title 9 of the Village Code for the subject property as legally described in Attachment 1, subject to the following conditions:

Recommended Conditions of Approval

Based on plans submitted by the petitioner, Staff recommends the following conditions to be included in a motion for this case.

1. The northern portion of the parking lot shall be restriped to provide thirty-five (35) parking spaces, including two (2) accessible spaces, and shall be in compliance with the planning document associated with Case 19-03, included as Attachment 3 Site Dimensional Exhibit, prepared by Pinnacle Engineering Group, dated 4/7/2016.
2. The variation granted only applies to Lot 3, in the Resubdivision of Lots 1 & 2 in Willowbrook Executive Plaza.
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.

Sample Motion

Based on the submitted petition and testimony provided, I move that the Plan Commission approve and adopt the Standards for Variations outlined in the Staff Report for PC 19-03 for the June 5, 2019 Plan Commission meeting; and that the Plan Commission recommend to the Village Board approval of a variation from Section 9-10-5(K) to reduce the off-street parking requirements for the property located at 7510 S. Madison Street as outlined in the Staff Report dated for the June 5th, 2019 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 19-03 for the June 5, 2019 Plan Commission meeting.



Attachment 1
Legal Description

PARCEL 1:

LOT 3 IN RESUBDIVISION OF LOTS 1 AND 2 IN WILLOWBROOK EXECUTIVE PLAZA, A SUBDIVISION OF PART OF THE SOUTH EAST QUARTER OF SECTION 26, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED ON JANUARY 6, 1977 AS DOCUMENT R77-01268, IN DU PAGE COUNTY, ILLINOIS.

PARCEL 2:

EASEMENT OF THE BENEFIT OF PARCEL 1 OVER THE NORTH 5 FEET OF LOT 2 IN RESUBDIVISION OF LOTS 1 AND 2 IN WILLOWBROOK EXECUTIVE PLAZA, A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED ON JANUARY 6, 1977 AS DOCUMENT R77-01268, IN DU PAGE COUNTY, ILLINOIS; FOR THE PURPOSE OF PERFORMING NECESSARY MAINTENANCE PROCEDURES WHICH MAY BE REQUIRED UPON THE SOUTH WALL OF THE BUILDING ON PARCEL 1 AS CREATED BY AGREEMENT DATED JULY 9, 1981 AND RECORDED SEPTEMBER 8, 1981 AS DOCUMENT R81-49042, BY AND BETWEEN STAR-PIC REALTY JOINT VENTURE AND OTHERS, IN DU PAGE, ILLINOIS.

PINs: 09-26-403-011

ADDRESS: 7510 S. Madison Street, Willowbrook, Illinois 60527



Attachment 2
Plat of Survey (1 Sheet)

DATE:	05/28/2019
JOB NO.:	9-1824
SCALE:	1" = 20'
SHEET	1 OF 1

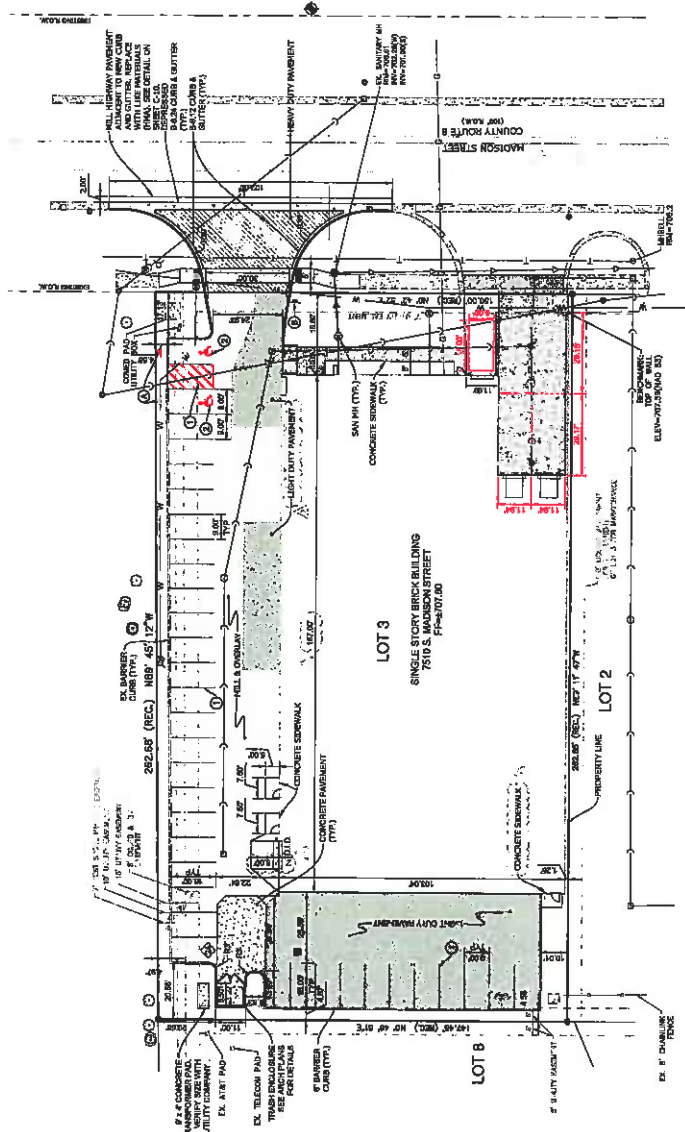


Attachment 3
Site Plan, dated 04/07/16 (1 Sheet)

① 4" YELLOW LINE
② LETTERS AND SYMBOLS PAVEMENT MARKINGS
③ RZ-B B. RZ-BP HANDICAP
④ RZ-1 STOP SIGN (30" x 30")

SITE AREA: 0.897 AC (39,079.42 SF.)
BUILDING AREA: 618,547 S.F.
F.A.U.I.: 0.47
DRIVE IN DOORS: 2 POSITIONS
DOCK DOOR: 2 POSITIONS
PARKING: 47 SPACES
REQUIRED: 36 STALLS (OVERLAPPING) 2 A

NOTE:
EXISTING TOPOGRAPHY SHOWN REPRESENTS SITE CONDITIONS AS PREPARED BY GERALD L. HEINE & ASSOCIATES ON MARCH 30, 2016. CONTRACTOR SHALL FIELD CHECK EXISTING HORIZONTAL AND VERTICAL SITE FEATURES AND CONDITIONS PRIOR TO CONSTRUCTION AND NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO STARTING CONSTRUCTION.



REVISIONS

**SITE DIMENSIONAL
EXHIBIT**

**MORGAN HARBOUR HEADQUARTERS
7510 S. MADISON STREET
WILLOWBROOK, ILLINOIS**

PLAN | DESIGN | DELIVER
WWW.P|D|D|C|S-O|G|R-C|O|U

PINNACLE ENGINEERING GROUP
AN ENVIRONMENTAL, MATERIAL, RESOURCES & SURVEILLANCE
CHICAGO OFFICE
3051 E. MAIN ST. | SUITE 127
EAST AURORA, IL 60127
(708) 535-5500
CHICAGO SUBURBS OFFICE
CHICAGO, ILLINOIS • NATIONWIDE

PINNACLE ENGINEERING GROUP



Attachment 4
Architectural Plans, bearing a revision date of 04/03/19 (4 Sheets)

GENERAL NOTES:



DATE: 05-21-2015
BY: [Signature]
CHECKED: [Signature]

SCALE: 1/8" = 1'-0"

DATE: 05-21-2015

BY: [Signature]

CHECKED: [Signature]

MORGAN HARBOUR
INTERIOR ALTERATION
7510 MADISON STREET
WILLOWBROOK, ILLINOIS

DEMOLITION PLAN

Sheet No. 19094
D100

© CORNERSTONE ARCHITECTS LTD. 2015

C) FLOOR PLAN
PLAN NORTH
SCALE: 1/8" = 1'-0"

E) REFLECTED CEILING PLAN
PLAN NORTH
SCALE: 1/8" = 1'-0"

REMOVE EXISTING TERRACE WALL.
PARTIAL PATCH TERRACE.
REMOVE EXISTING DOORS & PARTIAL
PATCH & REPAIR.

REMOVE
EXISTING
DOORS
& PARTIAL
PATCH & REPAIR

REMOVE
EXISTING
DOORS
& PARTIAL
PATCH & REPAIR

GENERAL NOTES:

1. ALL PARTITIONS SHALL BE 5/8" Gypsum Board on 2x4" Stud Framing.
2. ALL PARTITIONS SHALL BE 5/8" Gypsum Board on 2x4" Stud Framing.
3. ALL PARTITIONS SHALL BE 5/8" Gypsum Board on 2x4" Stud Framing.
4. ALL PARTITIONS SHALL BE 5/8" Gypsum Board on 2x4" Stud Framing.
5. ALL PARTITIONS SHALL BE 5/8" Gypsum Board on 2x4" Stud Framing.
6. ALL PARTITIONS SHALL BE 5/8" Gypsum Board on 2x4" Stud Framing.
7. ALL PARTITIONS SHALL BE 5/8" Gypsum Board on 2x4" Stud Framing.
8. ALL PARTITIONS SHALL BE 5/8" Gypsum Board on 2x4" Stud Framing.
9. ALL PARTITIONS SHALL BE 5/8" Gypsum Board on 2x4" Stud Framing.
10. ALL PARTITIONS SHALL BE 5/8" Gypsum Board on 2x4" Stud Framing.

ALL PARTITIONS SHALL BE 5/8" Gypsum Board on 2x4" Stud Framing.

ALL PARTITIONS SHALL BE 5/8" Gypsum Board on 2x4" Stud Framing.

ALL PARTITIONS SHALL BE 5/8" Gypsum Board on 2x4" Stud Framing.

ALL PARTITIONS SHALL BE 5/8" Gypsum Board on 2x4" Stud Framing.

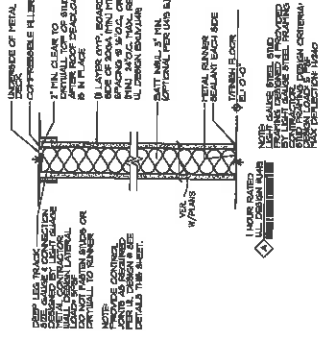
ALL PARTITIONS SHALL BE 5/8" Gypsum Board on 2x4" Stud Framing.

ALL PARTITIONS SHALL BE 5/8" Gypsum Board on 2x4" Stud Framing.

ALL PARTITIONS SHALL BE 5/8" Gypsum Board on 2x4" Stud Framing.

ALL PARTITIONS SHALL BE 5/8" Gypsum Board on 2x4" Stud Framing.

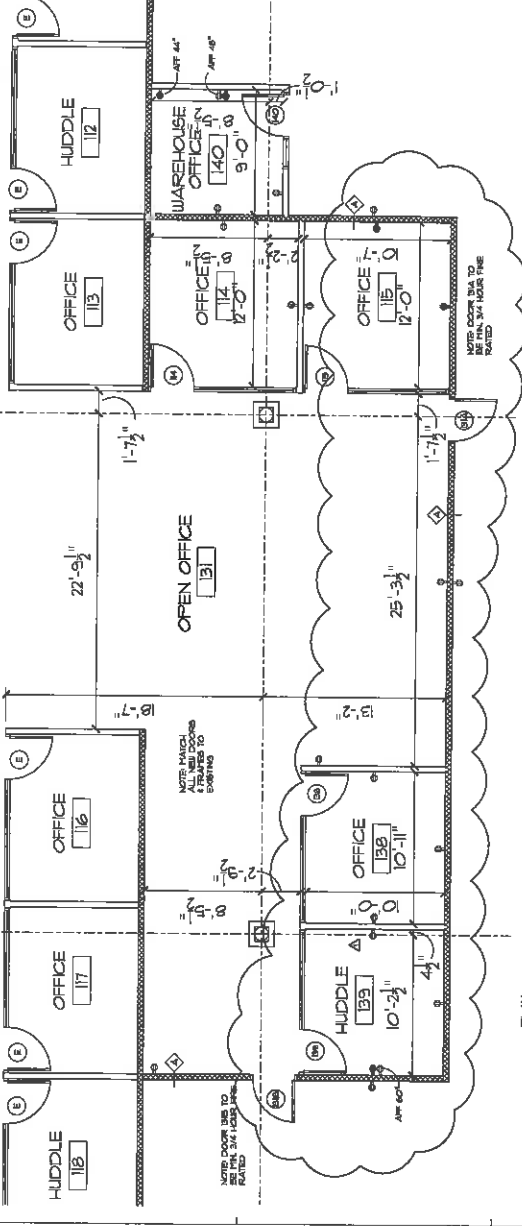
ALL PARTITIONS SHALL BE 5/8" Gypsum Board on 2x4" Stud Framing.



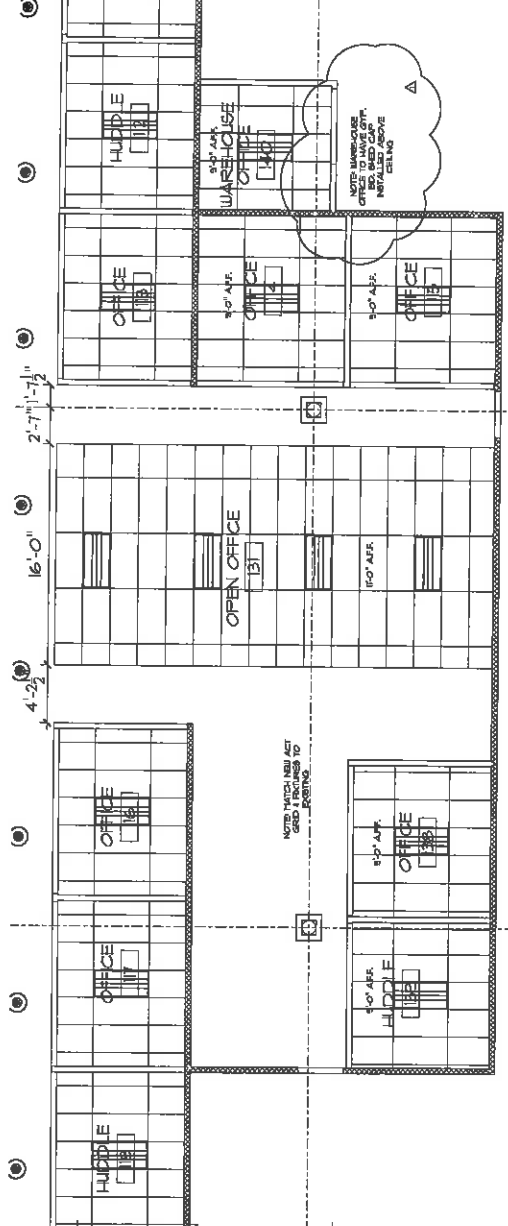
SECTION TYPE 'A'
SCALE: 1/4" = 1'-0"



© CORNERSTONE ARCHITECTS LTD. 2019



FLOOR PLAN
SCALE: 1/4" = 1'-0"



REFLECTED CEILING PLAN
SCALE: 1/4" = 1'-0"

GENERAL NOTES:

- [illegible]

 = EXISTING FIRE EXTINGUISHER



DATE	REVIEW COMMENTS
04-03-2019	ISSUED FOR PERMIT
03-01-2018	revision described

LIT : pages
 ACS : ACS
 LIT : LIT

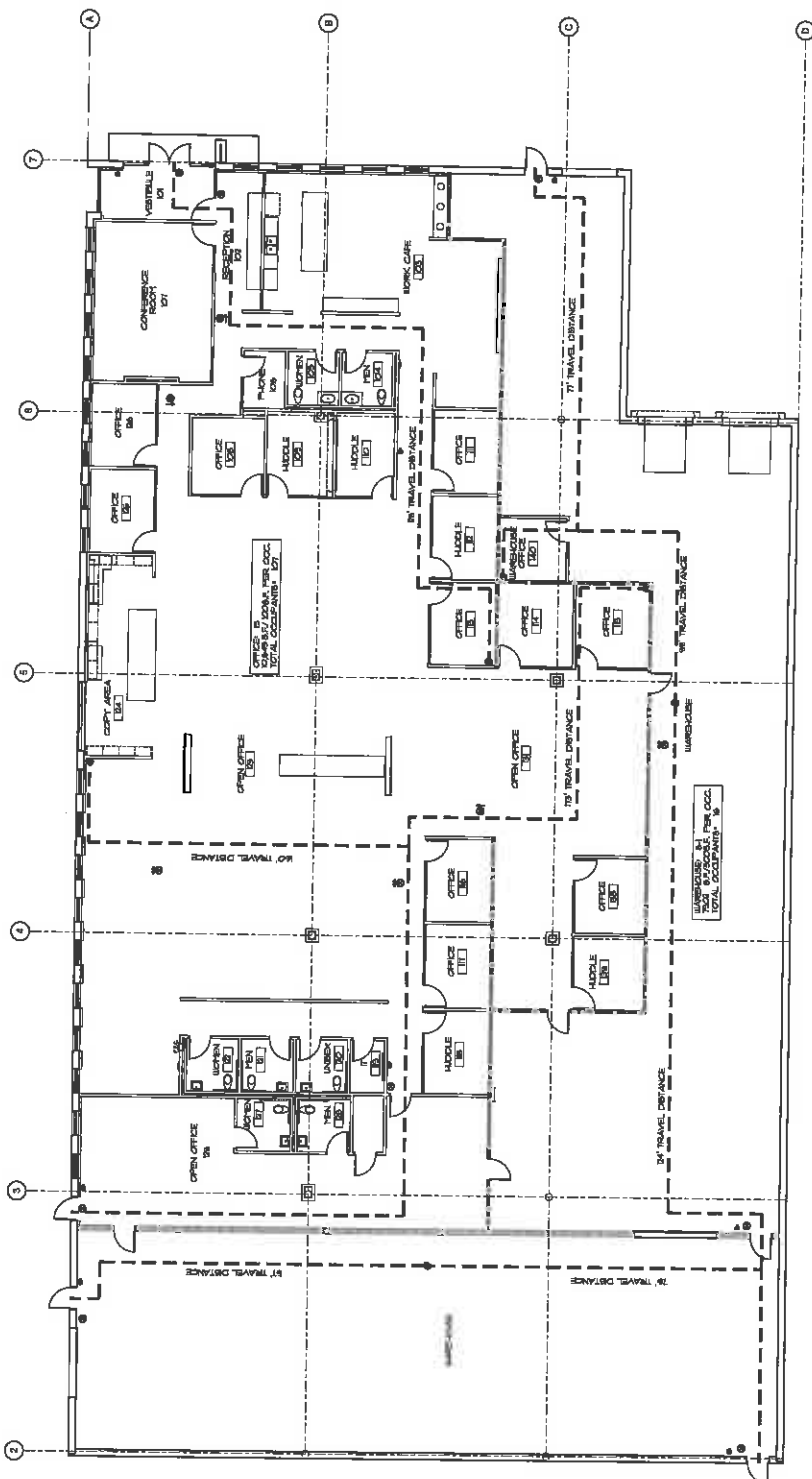
**MORGAN HARBOUR
INTERIOR ALTERATION**
7510 MADISON STREET
WILLOWBROOK, ILLINOIS

OCCUPANCY & EGRESS PLAN

19094

A900

©CORNERSTONE ARCHITECTS LTD. 2019



PLAN NORTH

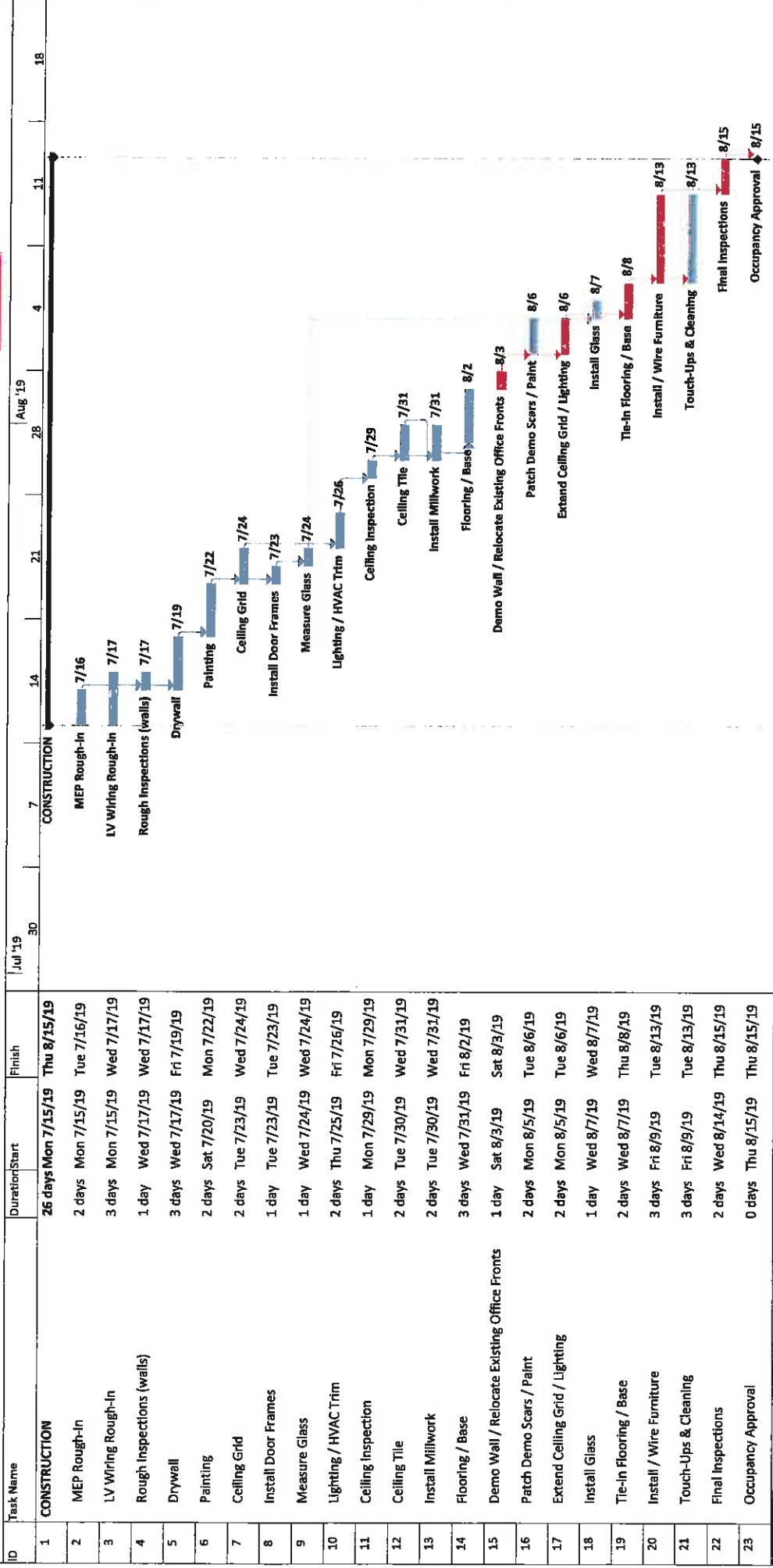


Attachment 5
Construction Schedule, dated 04/22/19 (1 Sheet)

MHC OFFICE EXPANSION
7510 S. Madison St.
Willowbrook, IL
Preliminary Project Schedule



MORGAN / HARBOUR
CONSTRUCTION



Project: MHC Office Expansion Sched

Date: Mon 4/22/19

Task

Split

Milestone

Summary

Project Summary

External Task

External Milestone

Inactive Task

Inactive Milestone

Inactive Summary

Manual Task

Duration-only

Manual Summary Rollup

Manual Summary

Start-only

Finish-only

Deadline

Critical

Critical Split

Progress



Village of Willowbrook
Staff Report to the Plan Commission

Public Hearing Date:	June 5, 2019						
Prepared By:	Ann Choi, Planning Consultant						
Case Title:	PC 19-04: Text Amendments to amend Sections 9-3-15, 9-12-2 and 9-12-4(C) of the Zoning Title of the Village of Willowbrook regarding regulation of telecommunications antennas and antenna support structures.						
Petitioner:	Village of Willowbrook						
Action Requested by Applicant:	Consideration and recommendation of text amendments to the Zoning Ordinance of the Village of Willowbrook.						
Code Sections to be by Amended or Added:	Title 9 – Zoning Sections: <table><tbody><tr><td>9-3-15</td><td>Antennas and Towers for Personal Wireless Services</td></tr><tr><td>9-12-2</td><td>Permitted Accessory Buildings, Structures and Uses</td></tr><tr><td>9-12-4(C)</td><td>Bulk Regulations</td></tr></tbody></table>	9-3-15	Antennas and Towers for Personal Wireless Services	9-12-2	Permitted Accessory Buildings, Structures and Uses	9-12-4(C)	Bulk Regulations
9-3-15	Antennas and Towers for Personal Wireless Services						
9-12-2	Permitted Accessory Buildings, Structures and Uses						
9-12-4(C)	Bulk Regulations						

Necessary Action by Plan Commission:	Make a recommendation to the Mayor and Village Board regarding approval of the proposed text amendments.
---	--

A sample motion can be found on page 5.



History & Discussion of Request

Village staff proposes text amendments to the Village Zoning Code to remove outdated information and to bring it into compliance with the recently enacted state laws. The proposed amendments to the Zoning Code will also clarify the application of certain bulk regulations to the permitted accessory use of amateur radio antennas in residential districts.

Pursuant to the proposed text amendment, Section 9-3-15 of the Village Zoning Code will be amended to remove references to the Director of Municipal Services, a position which no longer exists within the Village. Section 9-3-15 will also be amended to acknowledge that certain provisions contained therein are preempted by the Small Wireless Facilities Deployment Act, 50 ILCS 840/1 et seq. recently adopted by the State of Illinois. The Small Wireless Facilities Deployment Act sets forth certain bulk standards for right-of-way construction of Small Wireless Antenna Facilities and permits the installation of such antennas within Commercial and Industrial districts. The Village of Willowbrook previously amended Title 4 of the Village Code to comply with the recent state law, and the proposed amendment to the Zoning Code will clarify the relevant code sections to proposed small wireless service providers. The remaining proposed amendments to Section 9-3-15 will clarify the application of the height, setback and aesthetic standards contained therein to amateur radio antennas and uses.

The proposed text amendment will revise Section 9-12-2 of the Zoning Code to remove outdated language regarding setbacks for amateur radio antennas. This is an administrative correction; as Section 9-12-2 of the Zoning Code had previously been preempted by the setback requirements of Section 9-3-15. The revised language will refer amateur radio users to the correct section of the Zoning Code. Likewise, Section 9-12-4 will be amended to clarify that the limitations on height of amateur radio antennas and support structures are governed by Section 9-3-15 and not by the 15' limitation imposed on other types of accessory uses.

Amend Sections 9-3-15, 9-12-2 and 9-12-4(C) as follows:

Pursuant to the proposed text amendment, Sections 9-3-15, 9-12-2 and 9-12-4(C) of the Village Zoning Code will be amended to remove references to the Director of Municipal Services, a position which no longer exists within the Village. All instances of "Director of Municipal Services" will be replaced with "**Village Administrator or his/her designee**".

Amend Section 9-3-15(A) as follows:

Add to the definition of PERSONAL WIRELESS SERVICES "amateur radio communications, including shortwave, HAM, or CB Radio services," before "and unlicensed wireless services (i.e., telecommunications services using duly authorized devices which do not require individual licenses, but not including direct to home satellite services)."

Existing text:

"PERSONAL WIRELESS SERVICES: Commercial mobile services, common carrier wireless exchange access services, and unlicensed wireless services (i.e., telecommunications services using duly authorized devices which do not require individual licenses, but not including direct to home satellite services)."

Proposed text:

"PERSONAL WIRELESS SERVICES: Commercial mobile services, common carrier wireless exchange access services, **amateur radio communications, including shortwave, HAM, or CB Radio services**, and unlicensed wireless services (i.e., telecommunications services using duly authorized devices which do not require individual licenses, but not including direct to home satellite services)."



Amend Section 9-3-15(B) as follows:

Add "to require location of towers and antennas a safe distance from adjacent property owners;" before "and to comply with the requirements of Federal Law".

Existing text:

"The purpose and intention of this section is to provide for the installation of antennas and towers for personal wireless services so as to: encourage the location of towers in nonresidential areas and minimize the total number of towers throughout the Village; encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the Village is minimal; encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; and to comply with the requirements of Federal law."

Proposed text:

"The purpose and intention of this section is to provide for the installation of antennas and towers for personal wireless services so as to: encourage the location of towers in nonresidential areas and minimize the total number of towers throughout the Village; encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the Village is minimal; encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; **to require location of towers and antennas a safe distance from adjacent property owners;** and to comply with the requirements of Federal law."

Amend Section 9-3-15(C) as follows:

Add "Notwithstanding the foregoing, antennas and towers used for amateur radio communications, including shortwave, CB, or HAM radio transmitting and receiving, are hereby deemed permitted accessory structures and uses in rear yards of all residential districts as described in Section 9-12-2 of the Willowbrook Municipal Code." as the last paragraph of this section.

Proposed text:

Antennas and towers for personal wireless services, complying with the requirements of this section, may be installed on lots, except parks, in the following districts:

B-1	Neighborhood Shopping District
B-2	Community Shopping District
B-3	General Business District
B-4	Highway and Service Business District
L-O-P	Limited Office Professional District
O-R	Office and Research District
L-O-R	Limited Office and Research District
M-1	Light Manufacturing District



Further, antennas for personal wireless services, complying with the requirements of this section, may be installed on lots in the R-5 Residential District, or lots owned by the Village, a unit of local government, the State, or the Federal government, in any residential district.

Antennas and towers for personal wireless services may be installed on lots with different existing principal structures and/or uses. Such antennas and towers, complying with the requirements of this section, shall not be deemed to be either principal or accessory structures or uses, but shall be permitted additional structures. Such antennas and towers, including all associated electrical and mechanical equipment, shall, however, be included for purposes of determining maximum lot coverages for the lots upon which they are located.

Notwithstanding the foregoing, antennas and towers used for amateur radio communications, including shortwave, CB, or HAM radio transmitting and receiving, are hereby deemed permitted accessory structures and uses in rear yards of all residential districts as described in Section 9-12-2 of the Willowbrook Municipal Code.

Amend Section 9-3-15(D)(2) as follows:

Add "The provisions of this paragraph shall not apply to amateur radio devices, including shortwave, HAM or CB radio antenna facilities." as the last sentence of this paragraph.

Existing text:

"Each tower shall be of a monopole type (i.e., a cylindrical, tapering metal pole without guywires) and shall have a galvanized finish or be painted a neutral color so as to minimize visual obstructiveness."

Proposed text:

"Each tower shall be of a monopole type (i.e., a cylindrical, tapering metal pole without guywires) and shall have a galvanized finish or be painted a neutral color so as to minimize visual obstructiveness. **The provisions of this paragraph shall not apply to amateur radio devices, including shortwave, HAM or CB radio antenna facilities.**"

Amend Section 9-3-15 as follows:

Add "(G) To the extent that this section is in conflict with the Small Wireless Facilities Deployment Act, 50 ILCS 840/1 et seq. or the provisions of Section 4-6-3 of the Willowbrook Municipal Code, this section shall not apply to the deployment of small wireless facilities in Village Zoning Districts."

Amend Section 9-12-2 as follows:

Delete "Within 15' of lot line, not more than 2 antennae on any 1 structure" from the "Permitted Encroachment" column under the following "Permitted Use/Obstruction" category: "Antenna, shortwave radio, transmitting and receiving, citizen band radio, transmitting and receiving, broadcast band radio, receiving and television, receiving".

Add "Subject to bulk and setback regulations set forth in Section 9-3-15 of this Title." under the "Permitted Encroachment" column in the following "Permitted Use/Obstruction" category: "Antenna, shortwave radio, transmitting and receiving, citizen band radio, transmitting and receiving, broadcast band radio, receiving and television, receiving".

Delete "and television, receiving" from the section of the table referring to "Antenna, shortwave radio, transmitting and receiving, citizen band radio, transmitting and receiving, broadcast band radio, receiving and television, receiving".

Add "Antenna, television, receiving" as its own category underneath same section of the table.



Existing text:

Antenna, shortwave radio, transmitting and receiving, citizen band radio, transmitting and receiving, broadcast band radio, receiving and television, receiving	Within 15' of lot line, not more than 2 antennae on any 1 structure	-	-	X	-
---	---	---	---	---	---

Proposed text:

Antenna, shortwave radio, transmitting and receiving, citizen band radio, transmitting and receiving, broadcast band radio, receiving	Subject to bulk and setback regulations set forth in Section 9-3-15 of this Title.	-	-	X	-
Antenna, television, receiving	Within 15' of lot line, not more than 2 antennae on any 1 structure	-	-	X	-

Amend Section 9-12-4(C) as follows:

Add "4. The height of antenna for use in shortwave radio, transmitting and receiving, citizen band radio, transmitting and receiving, broadcast band radio, receiving shall be regulated by Section 9-3-15 of this Title."

Recommendation

Staff supports the proposed text amendments. If the Plan Commission concurs, the following sample recommendation is offered for consideration.

Based on the submitted petition and testimony presented, I move that the Plan Commission recommend to the Village Board approval of the text amendments presented on Pages 1 to 5 of the Staff Report for PC Case Number 19-04 to amend Sections 9-3-15, 9-12-2 and 9-12-4(C) of the Zoning Title of the Village of Willowbrook. The proposed text amendments will remove outdated information, bring the zoning code into compliance with the recently enacted state laws, and clarify the application of certain bulk regulations to the permitted accessory use of amateur radio antennas in residential districts.



Village of Willowbrook
Staff Report to the Plan Commission

Public Hearing Date: June 5, 2019

Prepared By: Ann Choi, Planning Consultant

Case Title: PC 19-05: Text Amendments to amend Section 9-9-7(C) of the Zoning Title of the Village of Willowbrook regarding performance standards in the M-1 Light Manufacturing Zoning District.

Petitioner: Village of Willowbrook

Action Requested by Applicant: Consideration and recommendation of the following text amendments:

Amend Section 9-9-7(C)(1) as follows:

"Uses involving the manufacture, storage **and/or** utilization of materials **and/or** products which decompose by detonation **shall** be allowed only as a special use." [Emphasis added.]

Amend Section 9-9-7(C)(4) as follows:

Delete ", except that the storage of finished products in original sealed containers of fifty five (55) gallons or less shall be unrestricted."

Amend Section 9-9-7(C) Table IV(b) as follows:

"Industries engaged in utilization **and/or** manufacture of flammable materials where storage is an ancillary use:". [Emphasis added.]

Amend Section 9-9-7(C)(4) as follows:

Add "Facilities that store, utilize or manufacture chemicals in quantities that equal or exceed the thresholds in amounts that have been determined by EPCRA Sections 311-312 under the following categories: Extremely Hazardous Substances (EHSs)(40 CFR part 355 Appendix A and Appendix B), gasoline (all grades combined) at a retail gas station, diesel fuel (all grades combined) at a retail gas station, and all other hazardous chemicals, shall, prior to commencement of operations at or exceeding the thresholds, obtain a Resource Conservation and Recovery Act ("RCRA") permit and provide a copy of said permit to the Village or complete and file Tier II reports required by the Federal Emergency Planning and Community Right to Know Act ("EPCRA") or Toxic Release Inventory ("TRI") and provide copies of the same to the Village."

Necessary Action by Plan Commission: Make a recommendation to the Mayor and Village Board regarding approval of the proposed text amendments.

A sample motion can be found on page 5.



Documents Attached:

Attachment 1: EPCRA Sections 311-312 (3 Pages)

Attachment 2: Appendix A To Part 355—The List Of Extremely Hazardous Substances And Their Threshold Planning Quantities (6 Pages)

Attachment 3: Appendix B To Part 355—The List Of Extremely Hazardous Substances And Their Threshold Planning Quantities (6 Pages)



History & Discussion of Request

The Village of Willowbrook has identified various sections of the Zoning Ordinance, specifically the Fire and Explosions Hazard standards of the M-1 Light Manufacturing Zoning District that require clarification. This section was originally drafted in 1975 and amended in 1997. The current language is somewhat ambiguous and outdated, and these proposed amendments will eliminate inconsistencies, widen the scope of potential uses that would require a special use, and require certain users to file inventory reports of hazardous substances. Specifically, the following sections are to be amended:

Amend Section 9-9-7(C)(1) as follows:

Existing text:

"Uses involving the manufacture, storage and utilization of materials and products which decompose by detonation may be allowed only as a special use."

Proposed text:

"Uses involving the manufacture, storage **and/or** utilization of materials **and/or** products which decompose by detonation **shall** be allowed only as a special use." [Emphasis added.]

Emphasis is added to eliminate any ambiguity, making special uses mandatory, not optional, in the event that one or more of the categories listed occurs. The text amendment broadens the scope of those uses which would require a special use.

Amend Section 9-9-7(C)(4) as follows:

Delete ", except that the storage of finished products in original sealed containers of fifty five (55) gallons or less shall be unrestricted."

Existing text:

"The storage, utilization or manufacture of flammable liquids or materials which produce flammable or explosive vapors or gases shall be permitted in accordance with table IV of this section, except that the storage of finished products in original sealed containers of fifty five (55) gallons or less shall be unrestricted."

Proposed text:

"The storage, utilization or manufacture of flammable liquids or materials which produce flammable or explosive vapors or gases shall be permitted in accordance with table IV of this section."

Table IV(a) sets the maximum number of gallons of certain for resale materials that are permitted above ground and below ground. This section is being amended to eliminate the volume thresholds excepting these materials from the regulations of this section of the Zoning Ordinance. The amendment gives the Village more oversight in regulating these potentially dangerous materials by requiring that they comply with Table IV, regardless of the number of gallons. The text amendment eliminates the exemption for the storage of finished products in original sealed containers of 55 gallons or less.

Amend Section 9-9-7(C) Table IV(b) as follows:

Existing text:

"Industries engaged in utilization and manufacture of flammable materials where storage is an ancillary use:"



Proposed text:

"Industries engaged in utilization **and/or** manufacture of flammable materials where storage is an ancillary use:". [Emphasis added.]

Table IV(b) sets the maximum number of gallons of certain materials that are permitted above ground and below ground. The text amendment would impose additional reporting requirements to the Village regarding flammable liquids, and clarifies that if any (not all) of the categories listed are present, it will be subject to the standards listed in Table IV(b).

Amend Section 9-9-7(C)(4) as follows:

Add "Facilities that store, utilize or manufacture chemicals in quantities that equal or exceed the thresholds in amounts that have been determined by EPCRA Sections 311-312 under the following categories: Extremely Hazardous Substances (EHSs)(40 CFR part 355 Appendix A and Appendix B), gasoline (all grades combined) at a retail gas station, diesel fuel (all grades combined) at a retail gas station, and all other hazardous chemicals, shall, prior to commencement of operations equal to or exceeding the thresholds, obtain a Resource Conservation and Recovery Act ("RCRA") permit and provide a copy of said permit to the Village or complete and file Tier II reports required by the Federal Emergency Planning and Community Right to Know Act ("EPCRA") or Toxic Release Inventory ("TRI") and provide copies of the same to the Village."

Existing text:

"The storage, utilization or manufacture of flammable liquids or materials which produce flammable or explosive vapors or gases shall be permitted in accordance with table IV of this section, except that the storage of finished products in original sealed containers of fifty five (55) gallons or less shall be unrestricted."

Proposed text:

"The storage, utilization or manufacture of flammable liquids or materials which produce flammable or explosive vapors or gases shall be permitted in accordance with table IV of this section. **Facilities that store, utilize or manufacture chemicals in quantities that equal or exceed the thresholds in amounts that have been determined by EPCRA Sections 311-312 under the following categories: Extremely Hazardous Substances (EHSs)(40 CFR part 355 Appendix A and Appendix B), gasoline (all grades combined) at a retail gas station, diesel fuel (all grades combined) at a retail gas station, and all other hazardous chemicals, shall, prior to commencement of operations at or exceeding the thresholds, obtain a Resource Conservation and Recovery Act ("RCRA") permit and provide a copy of said permit to the Village or complete and file Tier II reports required by the Federal Emergency Planning and Community Right to Know Act ("EPCRA") or Toxic Release Inventory ("TRI") and provide copies of the same to the Village.**"

This section is further amended to broaden the scope of uses that must comply with Table IV(b) in Section 9-9-7(C), and requires a Resource Conservation and Recovery Act ("RCRA") permit for facilities that store, utilize or manufacture flammable liquids at or above the thresholds set by the EPA. The Village of Willowbrook will use the thresholds set by the EPA and the Emergency Planning and Community Right-to-Know Act ("EPCRA") Hazardous Chemical Inventory Reporting Requirements, included for reference only, as **Attachments 1, 2 and 3**, of this report. The EPA periodically makes updates to these documents; therefore, facilities shall use the most updated thresholds found on the EPA's website. The proposed text amendment also requires these facilities to file Tier II reports required by the EPCRA or Toxic Release Inventory ("TRI") and provide copies of the same to the Village. Tier II reports serve as an inventory of hazardous chemicals for certain users, and would assist emergency responders in identifying which facilities store potentially dangerous substances on-site.



Recommendation

Staff supports the proposed text amendments. If the Plan Commission concurs, the following sample recommendation is offered for consideration.

Sample Motion

Based on the submitted petition and testimony presented, I move that the Plan Commission recommend to the Village Board approval of the text amendments presented on Page 1 of the Staff Report for PC Case Number 19-05 to amend Section 9-9-7(C) of the Zoning Title of the Village of Willowbrook regarding performance standards in the M-1 Light Manufacturing Zoning District.



Attachment 1
EPCRA Sections 311-312, Facilities That Are Covered
(3 pages)



EPCRA Sections 311-312

Emergency Planning and Community Right-to-Know Act (EPCRA) Hazardous Chemical Inventory Reporting Requirements

For any hazardous chemical used or stored in the workplace, facilities must maintain a material safety data sheet (MSDS) (or Safety Data Sheet, SDS). Facilities must submit MSDSs (or SDSs), or a list of hazardous chemicals, to their State Emergency Response Commission (SERC), Local Emergency Planning Committee (LEPC) and local fire department.

Facilities must also submit an annual inventory of these chemicals by March 1 of each year to their SERC, LEPC and local fire department. The information submitted by facilities must be made available to the public.

- [What facilities are covered?](#)
- [What is a hazardous chemical?](#)
- [What are facilities required to do?](#)
- [How do I submit a Tier I or Tier II Inventory Report?](#)
- [Where can I find more information on these requirements?](#)

What facilities are covered?

Any facility that is required to maintain MSDSs (or SDSs) under the Occupational Safety and Health Administration (OSHA) regulations for hazardous chemicals stored or used in the work place.

Facilities with chemicals in quantities that equal or exceed the following thresholds must report:

- For Extremely Hazardous Substances (EHSs)(40 CFR part 355 [Appendix A](#) and [Appendix B](#) (PDF)), either 500 pounds or the Threshold Planning Quantity (TPQ), whichever is lower.
- For gasoline (all grades combined) at a retail gas station, the threshold level is 75,000 gallons (or approximately 283,900 liters), if the tank(s) was stored entirely underground and was in compliance at all times during the preceding calendar year with all applicable Underground Storage Tank (UST) requirements at 40 CFR part 280 or requirements of the State UST program approved by the Agency under 40 CFR part 281.
- For diesel fuel (all grades combined) at a retail gas station, the threshold level is 100,000 gallons (or approximately 378,500 liters), if the tank(s) was

stored entirely underground and the tank(s) was in compliance at all times during the preceding calendar year with all applicable UST requirements at 40 CFR part 280 or requirements of the State UST program approved by the Agency under 40 CFR part 281.

- For all other hazardous chemicals: 10,000 pounds.

What is a hazardous chemical?

Hazardous chemicals are substances for which a facility must maintain a MSDS (or SDS) under the OSHA (Occupational Safety and Health Administration) Hazard Communication Standard, which lists the criteria used to identify a hazardous chemical. MSDSs (or SDSs) are detailed information sheets that provide data on health hazards and physical hazards of chemicals along with associated protective measures. Over 500,000 products have MSDSs (SDSs) which are normally obtained from the chemical manufacturer.

What are facilities required to do?

- Under Section 311 of the Emergency Planning and Community Right-to-Know Act (EPCRA), facilities must submit the MSDSs (or SDSs) of hazardous chemicals present on-site at or above the reporting threshold to their SERC, LEPC, and local fire department. Facilities may choose to submit a list of the hazardous chemicals grouped into hazard categories instead. This is a one-time submittal. New facilities have three months after becoming subject to the OSHA regulations to submit their MSDSs (or SDSs) or the list of the hazardous chemicals to their SERC, LEPC, and the fire department.
- Facilities that need to submit MSDSs (or SDSs) or the list of hazardous chemicals under Section 311, also need to submit an annual inventory report for the same chemicals (EPCRA (Emergency Planning and Community Right-to-Know Act) Section 312). This inventory report must be submitted to the SERC, LEPC and local fire department by March 1 of each year.

How do I submit a Tier I or Tier II Inventory Report?

Facilities covered by these requirements must submit an emergency and hazardous chemical inventory form to their SERC, LEPC and the local fire department annually. Facilities provide either a Tier I or Tier II form. Most states require the Tier II form. Tier II forms require basic facility identification information, employee contact information for both emergencies and non-emergencies, and information about chemicals stored or used at the facility. EPA recently revised the Tier II form to include additional data elements which would be useful of local planners and responders.

The following is a list of some of the information required on the inventory form:

- The chemical name or the common name as indicated on the MSDS (or SDS)
- An estimate of the maximum amount of the chemical present at any time during the preceding calendar year and the average daily amount

- A brief description of the manner of storage of the chemical
- The location of the chemical at the facility
- An indication of whether the owner of the facility elects to withhold location information from disclosure to the public

[Tier I Forms and Instructions](#)

[Tier II Forms and Instructions](#)

[Tier II Reporting Requirements by State](#) and [Tier2 Submit Software](#)

Where can I find more information on these requirements?

For more information, see [40 CFR part 370](#) and [EPCRA Amendments and Guidance](#).

LAST UPDATED ON APRIL 4, 2018



Attachment 2

Appendix A To Part 355

**The List Of Extremely Hazardous Substances And Their Threshold Planning Quantities
(6 pages)**

Pt. 355, App. A

40 CFR Ch. I (7-1-13 Edition)

Release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles) of any hazardous chemical, EHS, or CERCLA hazardous substance.

Reportable quantity means, for any CERCLA hazardous substance, the quantity established in Table 302.4 of 40 CFR 302.4, for such substance. For any EHS, reportable quantity means the quantity established in Appendices A and B of this part for such substance. Unless and until superseded by regulations establishing a reportable quantity for newly listed EHSs or CERCLA hazardous substances, a weight of 1 pound shall be the reportable quantity.

SERC means the State Emergency Response Commission for the State in which the facility is located except where the facility is located in Indian Country, in which case, SERC means the Emergency Response Commission for the Tribe under whose jurisdiction

the facility is located. In the absence of a SERC for a State or Indian Tribe, the Governor or the chief executive officer of the tribe, respectively, shall be the SERC. Where there is a cooperative agreement between a State and a Tribe, the SERC shall be the entity identified in the agreement.

Solution means any aqueous or organic solutions, slurries, viscous solutions, suspensions, emulsions, or pastes.

State means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Northern Mariana Islands, any other territory or possession over which the United States has jurisdiction and Indian Country.

Threshold planning quantity means, for a substance listed in Appendices A and B of this part, the quantity listed in the column "threshold planning quantity" for that substance.

[73 FR 65462, Nov. 3, 2008, as amended at 73 FR 76960, Dec. 18, 2008; 77 FR 16688, Mar. 22, 2012]

APPENDIX A TO PART 355—THE LIST OF EXTREMELY HAZARDOUS SUBSTANCES AND THEIR THRESHOLD PLANNING QUANTITIES

[Alphabetical Order]

CAS No.	Chemical name	Notes	Reportable quantity* (pounds)	Threshold planning quantity (pounds)
75-86-5	Acetone Cyanohydrin		10	1,000
1752-30-3	Acetone Thiocarbamide		1,000	1,000/10,000
107-02-8	Acrolein		1	500
79-06-1	Acrylamide	f	5,000	1,000/10,000
107-13-1	Acrylonitrile	f	100	10,000
814-68-6	Acrylyl Chloride	d	100	100
111-69-3	Adiponitrile	f	1,000	1,000
116-06-3	Aldicarb	b	1	100/10,000
309-00-2	Aldrin		1	500/10,000
107-18-6	Allyl Alcohol		100	1,000
107-11-9	Allylamine		500	500
20859-73-8	Aluminum Phosphide	a	100	500
54-62-6	Aminopterin		500	500/10,000
78-53-5	Amilof		500	500
3734-97-2	Amilof Oxalate		100	100/10,000
7864-41-7	Ammonia	f	100	500
300-82-9	Amphetamine		1,000	1,000
62-53-3	Aniline	f	5,000	1,000
88-05-1	Aniline, 2,4,6-Trimethyl-		500	500
7783-70-2	Antimony Pentafluoride		500	500
1397-94-0	Antimycin A	b	1,000	1,000/10,000
86-86-4	ANTU		100	500/10,000
1303-28-2	Arsenic Pentoxide		1	100/10,000
1327-53-3	Arsenous Oxide	d	1	100/10,000
7784-34-1	Arsenous Trichloride		1	500
7784-42-1	Arsine		100	100
2642-71-9	Azinphos-Ethyl		100	100/10,000
86-50-0	Azinphos-Methyl		1	10/10,000
98-87-3	Benzal Chloride		5,000	500

Environmental Protection Agency

Pt. 355, App. A

[Alphabetical Order]

CAS No.	Chemical name	Notes	Reportable quantity* (pounds)	Threshold planning quantity (pounds)
98-16-8	Benzenamine, 3-(Trifluoromethyl)-		500	500
100-14-1	Benzene, 1-(Chloromethyl)-4-Nitro-		500	500/10,000
98-05-5	Benzeneearsonic Acid		10	10/10,000
3615-21-2	Benzimidazole, 4,5-Dichloro-2-(Trifluoromethyl)-	c	500	500/10,000
98-07-7	Benzotrichloride		10	100
100-44-7	Benzyl Chloride		100	500
140-29-4	Benzyl Cyanide	d	500	500
15271-41-7	Bicyclo[2.2.1]Heptane-2-Carbonitrile, 5-Chloro-6-(((Methylamino)Carbonyl)Oxy)Imino-, (1s-(1-alpha,2-beta,4-alpha,5-alpha,6E))-		500	500/10,000
534-07-6	Bis(Chloromethyl) Ketone		10	10/10,000
4044-65-9	Bltoecanate		500	500/10,000
10294-34-5	Boron Trichloride		500	500
7637-07-2	Boron Trifluoride		500	500
353-42-4	Boron Trifluoride Compound With Methyl Ether (1:1)		1,000	1,000
28772-66-7	Bromadiolone		100	100/10,000
7726-95-6	Bromine	f	500	500
1306-19-0	Cadmium Oxide		100	100/10,000
2223-93-0	Cadmium Stearate	b	1,000	1,000/10,000
7776-44-1	Calcium Arsenate		1	500/10,000
8001-35-2	Camphochlor		1	500/10,000
56-26-7	Cantharidin		100	100/10,000
51-83-2	Carbachol Chloride		500	500/10,000
26419-73-8	Carbamic Acid, Methyl-, O-(((2,4-Dimethyl-1, 3-Dithiolan-2-yl)Methylene)Amino)-		100	100/10,000
1563-66-2	Carbofuran		10	10/10,000
75-15-0	Carbon Disulfide	f	100	10,000
786-19-6	Carbophenothion		500	500
57-74-9	Chlordane		1	1,000
470-90-6	Chlorfenvinfos		500	500
7782-50-5	Chlorine		10	100
24934-91-6	Chlormephos		500	500
999-81-6	Chlormequat Chloride	d	100	100/10,000
79-11-8	Chloroacetic Acid		100	100/10,000
107-07-3	Chloroethanol		500	500
627-11-2	Chloroethyl Chloroformate		1,000	1,000
67-66-3	Chloroform	f	10	10,000
542-88-1	Chloromethyl Ether	d	10	100
107-30-2	Chloromethyl Methyl Ether	b	10	100
3681-35-8	Chlorophacinone		100	100/10,000
1982-47-4	Chloroxuron		500	500/10,000
21923-23-9	Chlorthiophos	d	500	500
10025-73-7	Chromic Chloride		1	1/10,000
62207-76-5	Cobalt, ((2,2'-(1,2-Ethanedithybis (Nitrilomethylidene)) Bis(6-Fluorophenolato))(2-)-N,N',O,O')-		100	100/10,000
10210-68-1	Cobalt Carbonyl	d	10	10/10,000
64-86-8	Colchicine	d	10	10/10,000
56-72-4	Coumaphos		10	100/10,000
5836-29-3	Coumatetralyl		500	500/10,000
95-48-7	Cresol, o-		100	1,000/10,000
535-89-7	Crimidine		100	100/10,000
4170-30-3	Crotonaldehyde		100	1,000
123-73-9	Crotonaldehyde, (E)-		100	1,000
506-68-3	Cyanogen Bromide		1,000	500/10,000
506-78-5	Cyanogen Iodide		1,000	1,000/10,000
2636-26-2	Cyanophos		1,000	1,000
675-14-9	Cyanuric Fluoride		100	100
86-81-9	Cycloheximide		100	100/10,000
108-91-8	Cyclohexylamine	f	10,000	10,000
17702-41-9	Decaborane(14)		500	500/10,000
8065-46-3	Demeton		500	500
919-86-8	Demeton-S-Methyl		500	500
10311-84-9	Dialifor		100	100/10,000
19287-45-7	Diborane		100	100
111-44-4	Dichloroethyl ether		10	10,000
149-74-6	Dichloromethylphenylsilane		1,000	1,000
82-73-7	Dichlorvos		10	1,000
141-86-2	Dicrotophos		100	100
1464-53-5	Diepoxybutane		10	500
814-49-3	Diethyl Chlorophosphate	d	500	500
71-83-6	Digitoxin	b	100	100/10,000

[Alphabetical Order]

CAS No.	Chemical name	Notes	Reportable quantity* (pounds)	Threshold planning quantity (pounds)
2238-07-5	Diglycidyl Ether		1,000	1,000
20830-75-5	Digoxin	d	10	10/10,000
115-26-4	Dimetox		500	500
60-51-6	Dimethoate		10	500/10,000
2524-03-0	Dimethyl Phosphorochloridothioate		500	500
77-78-1	Dimethyl sulfate		100	500
75-78-8	Dimethyldichlorosilane	d	500	500
57-14-7	Dimethylhydrazine		10	1,000
99-98-9	Dimethyl-p-Phenylenediamine		10	10/10,000
644-64-4	Dimetilan		1	500/10,000
534-52-1	Dinitroresol		10	10/10,000
88-85-7	Dinoseb		1,000	100/10,000
1420-07-1	Dinoterb		500	500/10,000
78-34-2	Dioxathion		500	500
82-66-6	Diphacnone		10	10/10,000
152-16-9	Diphosphoramidate, Octamethyl-		100	100
298-04-4	Disulfoton		1	500
514-73-8	Dithiazanine Iodide		500	500/10,000
541-53-7	Dithioburet		100	100/10,000
316-42-7	Emetine, Dihydrochloride	d	1	1/10,000
115-29-7	Endosulfan		1	10/10,000
2778-04-3	Endothion		500	500/10,000
72-20-8	Endrin		1	500/10,000
106-89-8	Epichlorohydrin	f	100	1,000
2104-64-5	EPN		100	100/10,000
50-14-6	Ergocalciferol	b	1,000	1,000/10,000
379-79-3	Ergotamine Tartrate		500	500/10,000
1622-32-8	Ethanesulfonyl Chloride, 2-Chloro-		500	500
10140-87-1	Ethanol, 1,2-Dichloro-, Acetate		1,000	1,000
563-12-2	Ethion		10	1,000
13194-48-4	Ethoprophos		1,000	1,000
538-07-8	Ethylbis(2-Chloroethyl)Amine	d	500	500
371-62-0	Ethylene Fluorohydrin	b, d	10	10
75-21-8	Ethylene Oxide	f	10	1,000
107-15-3	Ethylenediamine		5,000	10,000
151-56-4	Ethylenimine		1	500
542-80-5	Ethylthiocyanate		10,000	10,000
22224-92-6	Fenamiphos		10	10/10,000
115-90-2	Fensulfothion	d	500	500
4301-50-2	Fluometil		100	100/10,000
7782-41-4	Fluorine	e	10	500
640-19-7	Fluoroacetamide		100	100/10,000
144-49-0	Fluoroacetic Acid		10	10/10,000
359-06-8	Fluoroacetyl Chloride	b	10	10
51-21-8	Fluorouracil		500	500/10,000
944-22-9	Fonofos		500	500
50-00-0	Formaldehyde	f	100	500
107-16-4	Formaldehyde Cyanohydrin	d	1,000	1,000
23422-53-9	Formetanate Hydrochloride	d	100	500/10,000
2540-82-1	Formothion		100	100
17702-57-7	Formparanate		100	100/10,000
21548-32-3	Fosthietan		500	500
3878-19-1	Fuberidazole		100	100/10,000
110-00-9	Furan		100	500
13450-80-3	Gallium Trichloride		500	500/10,000
77-47-4	Hexachlorocyclopentadiene	d	10	100
4835-11-4	Hexamethylenediamine, N,N'-Dibutyl-		500	500
302-01-2	Hydrazine		1	1,000
74-90-8	Hydrocyanic Acid		10	100
7847-01-0	Hydrogen Chloride (gas only)	f	5,000	500
7864-39-3	Hydrogen Fluoride		100	100
7722-84-1	Hydrogen Peroxide (Conc > 52%)	f	1,000	1,000
7783-07-5	Hydrogen Selenide		10	10
7783-06-4	Hydrogen Sulfide	f	100	500
123-31-9	Hydroquinone	f	100	500/10,000
13463-40-6	Iron, Pentacarbonyl-		100	100
297-78-9	Isobenzan		100	100/10,000
78-82-0	Isobutyronitrile	d	1,000	1,000
102-36-3	Isocyanic Acid, 3,4-Dichlorophenyl Ester		500	500/10,000
485-73-6	Isodrin		1	100/10,000
55-91-4	Isosulphate	b	100	100

Environmental Protection Agency

Pt. 355, App. A

[Alphabetical Order]

CAS No.	Chemical name	Notes	Reportable quantity* (pounds)	Threshold planning quantity (pounds)
4098-71-9	Isophorone Diisocyanate	g	500	500
108-23-6	Isopropyl Chloroformate		1,000	1,000
118-38-0	Isopropylmethyl-pyrazolyl Dimethylcarbamate		100	500
78-97-7	Lactonitrile		1,000	1,000
21609-90-5	Leptophos		500	500/10,000
541-25-3	Lewisite	b, d	10	10
58-88-9	Lindane		1	1,000/10,000
7580-67-8	Lithium Hydride	a	100	100
109-77-3	Malononitrile		1,000	500/10,000
12108-13-3	Manganese, Tricarbonyl Methylcyclopentadienyl	d	100	100
51-75-2	Mechlorethamine	b	10	10
950-10-7	Mephsfolen		500	500
1600-27-7	Mercuric Acetate		500	500/10,000
7487-94-7	Mercuric Chloride		500	500/10,000
21908-63-2	Mercuric Oxide		500	500/10,000
10476-95-6	Methacrolein Diacetate		1,000	1,000
760-93-0	Methacrylic Anhydride		500	500
126-98-7	Methacrylonitrile	d	1,000	500
920-46-7	Methacryloyl Chloride		100	100
30874-80-7	Methacryloyloxyethyl Isocyanate	d	100	100
10265-92-6	Methamidophos		100	100
558-25-8	Methanesulfonyl Fluoride		1,000	100/10,000
950-37-8	Methidathion		500	500/10,000
2032-65-7	Methiocarb		10	500/10,000
16752-77-5	Methomyl	d	100	500/10,000
151-38-2	Methoxyethylmercuric Acetate		500	500/10,000
80-63-7	Methyl 2-Chloroacrylate		500	500
74-83-9	Methyl Bromide	f	1,000	1,000
79-22-1	Methyl Chloroformate	d	1,000	500
60-34-4	Methyl Hydrazine		10	500
624-83-9	Methyl Isocyanate		10	500
556-61-6	Methyl Isothiocyanate	a	500	500
74-83-1	Methyl Mercaptan	f	100	500
3735-23-7	Methyl Phenkapton		500	500
676-87-1	Methyl Phosphonic Dichloride	a	100	100
556-64-9	Methyl Thiocyanate		10,000	10,000
78-94-4	Methyl Vinyl Ketone		10	10
502-38-6	Methylmercuric Dicyanamide		500	500/10,000
75-79-6	Methyltrichlorosilane	d	500	500
1129-41-5	Metolcarb		1,000	100/10,000
7786-34-7	Mevinphos		10	500
315-18-4	Mexacarbate	d	1,000	500/10,000
50-07-7	Mitomycin C		10	500/10,000
6923-22-4	Monocrotophos		10	10/10,000
2763-96-4	Muscimol		1,000	500/10,000
505-60-2	Mustard Gas	d	500	500
13463-39-3	Nickel Carbonyl		10	1
54-11-5	Nicotine	b	100	100
65-30-5	Nicotine Sulfate		100	100/10,000
7687-37-2	Nitric Acid		1,000	1,000
10102-43-9	Nitric Oxide	b	10	100
98-95-3	Nitrobenzene	f	1,000	10,000
1122-60-7	Nitrocyclohexane		500	500
10102-44-0	Nitrogen Dioxide		10	100
62-75-9	Nitrosodimethylamine	d	10	1,000
991-42-4	Norbornide		100	100/10,000
	Organorhodium Complex (PMN-82-147)		10	10/10,000
630-60-4	Quabain	b	100	100/10,000
23135-22-0	Oxamyl		100	100/10,000
78-71-7	Oxetane, 3,3-Bis(Chloromethyl)-		500	500
2487-07-6	Oxydisulfoton	d	500	500
10028-15-6	Ozone		100	100
1910-42-5	Peraquat Dichloride		10	10/10,000
2074-50-2	Peraquat Methosulfate		10	10/10,000
56-38-2	Parathion	b	10	100
298-00-0	Parathion-Methyl	b	100	100/10,000
12002-03-8	Paris Green		1	500/10,000
19624-22-7	Pentaborane		500	500
2570-26-5	Pentadecylamine		100	100/10,000
79-21-0	Peracetic Acid		500	500
594-42-3	Perchloromethylmercaptan		100	500

[Alphabetical Order]

CAS No.	Chemical name	Notes	Reportable quantity* (pounds)	Threshold planning quantity (pounds)
108-95-2	Phenol		1,000	500/10,000
4418-66-0	Phenol, 2,2'-Thiobis(4-Chloro-6-Methyl)-		100	100/10,000
64-00-6	Phenol, 3-(1-Methylethyl)-, Methylcarbamate		10	500/10,000
58-36-6	Phenoxarsine, 10,10'-Oxydi-		500	500/10,000
686-28-6	Phenyl Dichloroarsine	d	1	500
59-88-1	Phenylhydrazine Hydrochloride		1,000	1,000/10,000
62-38-4	Phenylmercury Acetate		100	500/10,000
2097-19-0	Phenylsulfatane	d	100	100/10,000
103-85-5	Phenylthiourea		100	100/10,000
298-02-2	Phorate		10	10
4104-14-7	Phosacetim		100	100/10,000
947-02-4	Phosfolan		100	100/10,000
75-44-5	Phosgene	f	10	10
13171-21-6	Phosphamidon		100	100
7803-51-2	Phosphine		100	500
2703-13-1	Phosphonothioic Acid, Methyl-, O-Ethyl O-(4-(Methylthio) Phenyl) Ester.		500	500
50782-69-9	Phosphonothioic Acid, Methyl-, S-(2-(Bis(1-Methylethyl)Amino)Ethyl) O-Ethyl Ester.		100	100
2685-30-7	Phosphonothioic Acid, Methyl-, O-(4-Nitrophenyl) O-Phenyl Ester.		500	500
3254-83-5	Phosphoric Acid, Dimethyl 4-(Methylthio)Phenyl Ester.		500	500
2587-90-8	Phosphorothioic Acid, O,O-Dimethyl-S-(2-Methylthio) Ethyl Ester.	b, c	500	500
7723-14-0	Phosphorus	a, d	1	100
10025-87-3	Phosphorus Oxychloride		1,000	500
10026-13-6	Phosphorus Pentachloride	a	500	500
7719-12-2	Phosphorus Trichloride		1,000	1,000
57-47-6	Physostigmine		100	100/10,000
57-64-7	Physostigmine, Salicylate (1:1)		100	100/10,000
124-87-8	Picrotoxin		500	500/10,000
110-89-4	Piperidine		1,000	1,000
23505-41-1	Pirimifos-Ethyl		1,000	1,000
10124-50-2	Potassium Arsenite		1	500/10,000
151-50-8	Potassium Cyanide	a	10	100
506-61-6	Potassium Silver Cyanide	a	1	500
2631-37-0	Promecarb	d	1,000	500/10,000
106-96-7	Propargyl Bromide		10	10
57-57-8	Propiolactone, Beta-		10	500
107-12-0	Propionitrile		10	500
542-76-7	Propionitrile, 3-Chloro-		1,000	1,000
70-69-9	Propiophenone, 4-Amino-	c	100	100/10,000
109-61-5	Propyl Chloroformate		500	500
75-56-9	Propylene Oxide	f	100	10,000
75-55-8	Propyleneimine		1	10,000
2275-18-5	Prothoate		100	100/10,000
129-00-0	Pyrene	b	5,000	1,000/10,000
140-76-1	Pyridine, 2-Methyl-5-Vinyl-		500	500
504-24-5	Pyridine, 4-Amino-	d	1,000	500/10,000
1124-33-0	Pyridine, 4-Nitro-, I-Oxide		500	500/10,000
53558-25-1	Pyriminil	d	100	100/10,000
14167-18-1	Salcomine		500	500/10,000
107-44-8	Sarin	d	10	10
7783-00-8	Selenious Acid		10	1,000/10,000
7791-23-3	Selenium Oxychloride		500	500
563-41-7	Semicarbazide Hydrochloride		1,000	1,000/10,000
3037-72-7	Silane, (4-Aminobutyl)Diethoxymethyl-		1,000	1,000
7631-89-2	Sodium Arsenate		1	1,000/10,000
7784-46-5	Sodium Arsenite		1	500/10,000
26628-22-8	Sodium Azide (Na(N ₃))	a	1,000	500
124-85-2	Sodium Cacodylate		100	100/10,000
143-33-9	Sodium Cyanide (Na(CN))	a	10	100
62-74-8	Sodium Fluoroacetate		10	10/10,000
13410-01-0	Sodium Selenate		100	100/10,000
10102-18-8	Sodium Selenite	d	100	100/10,000
10102-20-2	Sodium Tellurite		500	500/10,000
900-95-8	Stannane, Acetoxytriphenyl-	c	500	500/10,000
57-24-9	Strychnine	b	10	100/10,000
60-41-3	Strychnine Sulfate		10	100/10,000
3689-24-6	Sulfotep		100	500

Environmental Protection Agency

Pt. 355, App. A

[Alphabetical Order]

CAS No.	Chemical name	Notes	Reportable quantity* (pounds)	Threshold planning quantity (pounds)
3569-57-1	Sulfoxide, 3-Chloropropyl Octyl		500	500
7446-09-5	Sulfur Dioxide	f	500	500
7783-60-0	Sulfur Tetrafluoride		100	100
7446-11-9	Sulfur Trioxide	a	100	100
7664-93-9	Sulfuric Acid		1,000	1,000
77-81-6	Tabun	b, d	10	10
7783-60-4	Tellurium Hexafluoride	e	100	100
107-49-3	TEPP		10	100
13071-79-9	Terbutos	d	100	100
78-00-2	Tetraethyllead	b	10	100
597-64-6	Tetraethyltin	b	100	100
75-74-1	Tetramethyllead	b, f	100	100
509-14-8	Tetranitromethane		10	500
10031-59-1	Thallium Sulfate	d	100	100/10,000
6533-73-9	Thallous Carbonate	b, d	100	100/10,000
7781-12-0	Thallous Chloride	b, d	100	100/10,000
2757-18-8	Thallous Malonate	b, d	100	100/10,000
7446-18-6	Thallous Sulfate		100	100/10,000
2231-57-4	Thiocarbazine		1,000	1,000/10,000
39196-18-4	Thiofanox		100	100/10,000
297-97-2	Thionazin		100	500
108-98-5	Thiophenol		100	500
79-19-6	Thiosemicarbazide		100	100/10,000
5344-82-1	Thiourea, (2-Chlorophenyl)-		100	100/10,000
614-78-8	Thiourea, (2-Methylphenyl)-		500	500/10,000
7550-45-0	Titanium Tetrachloride		1,000	100
584-84-9	Toluene 2,4-Diisocyanate		100	500
91-08-7	Toluene 2,6-Diisocyanate		100	100
110-57-6	Trans-1,4-Dichlorobutene		500	500
1031-47-6	Triamphos		500	500/10,000
24017-47-8	Triazofos		500	500
76-02-8	Trichloroacetyl Chloride		500	500
115-21-9	Trichloroethylsilane	d	500	500
327-98-0	Trichloronate	e	500	500
98-13-5	Trichlorophenylsilane	d	500	500
1558-25-4	Trichloro(Chloromethyl)Silane	d	100	100
27137-85-5	Trichloro(Dichlorophenyl) Silane		500	500
998-30-1	Triethoxysilane		500	500
75-77-4	Trimethylchlorosilane		1,000	1,000
824-11-3	Trimethylpropane Phosphite	d	100	100/10,000
1066-45-1	Trimethyltin Chloride		500	500/10,000
639-58-7	Triphenyltin Chloride		500	500/10,000
555-77-1	Tris(2-Chloroethyl)Amine	d	100	100
2001-85-8	Valinomycin	b	1,000	1,000/10,000
1314-62-1	Vanadium Pentoxide		1,000	100/10,000
108-05-4	Vinyl Acetate Monomer	f	5,000	1,000
81-81-2	Warfarin		100	500/10,000
129-06-6	Warfarin Sodium	d	100	100/10,000
28347-13-9	Xylylene Dichloride		100	100/10,000
58270-08-9	Zinc, Dichloro(4,4-Dimethyl-5((((Methylamino)Carbonyl)Oxy)imino)Pentanenitrile)-, (T-4)-		100	100/10,000
1314-84-7	Zinc Phosphide	a	100	500

* Only the statutory or final RQ is shown. For more information, see 40 CFR 355.61.

Notes:

a. This material is a reactive solid. The TPQ does not default to 10,000 pounds for non-powder, non-molten, non-solution form.

b. The calculated TPQ changed after technical review as described in a technical support document for the final rule, April 22, 1987.

c. Chemicals added by final rule, April 22, 1987.

d. Revised TPQ based on new or re-evaluated toxicity data, April 22, 1987.

e. The TPQ was revised due to calculation error, April 22, 1987.

f. Chemicals on the original list that do not meet toxicity criteria but because of their acute lethality, high production volume and known risk are considered chemicals of concern ("Other chemicals"), November 17, 1986 and February 15, 1990.

g. The TPQ was recalculated (September 8, 2003) since it was mistakenly calculated in the April 22, 1987 final rule under the wrong assumption that this chemical is a reactive solid, when in fact it is a liquid. RQ for this chemical was adjusted on September 11, 2006.



Attachment 3

Appendix B To Part 355

**The List Of Extremely Hazardous Substances And Their Threshold Planning Quantities
(6 pages)**

Pt. 355, App. B

40 CFR Ch. I (7-1-13 Edition)

APPENDIX B TO PART 355—THE LIST OF EXTREMELY HAZARDOUS SUBSTANCES AND
 THEIR THRESHOLD PLANNING QUANTITIES

[CAS Number Order]

CAS No.	Chemical name	Notes	Reportable quantity* (pounds)	Threshold planning quantity (pounds)
0	Organorhodium Complex (PMN-82-147)		10	10/10,000
50-00-0	Formaldehyde	f	100	500
50-07-7	Mitomycin C		10	500/10,000
50-14-6	Ergocalciferol	b	1,000	1,000/10,000
51-21-8	Fluorouracil		500	500/10,000
51-75-2	Mechlorethamine	b	10	10
51-83-2	Carbachol Chloride		500	500/10,000
54-11-5	Nicotine	b	100	100
54-62-6	Aminopterin		500	500/10,000
55-91-4	Isoliuorophate	b	100	100
58-25-7	Cantharidin		100	100/10,000
58-38-2	Parathion	b	10	100
58-72-4	Coumaphos		10	100/10,000
57-14-7	Dimethylhydrazine		10	1,000
57-24-8	Strychnine	b	10	100/10,000
57-47-6	Physostigmine		100	100/10,000
57-57-8	Propiolactone, Beta-		10	500
57-64-7	Physostigmine, Salicylate (1:1)		100	100/10,000
57-74-9	Chlordane		1	1,000
58-36-6	Phenoxarsine, 10,10'-Oxydi-		500	500/10,000
58-89-9	Lindane		1	1,000/10,000
59-88-1	Phenyldiazine Hydrochloride		1,000	1,000/10,000
60-34-4	Methyl Hydrazine		10	500
60-41-3	Strychnine sulfate		10	100/10,000
60-51-5	Dimethoate		10	500/10,000
62-38-4	Phenylmercury Acetate		100	500/10,000
62-53-3	Aniline	f	5,000	1,000
62-73-7	Dichlorvos		10	1,000
62-74-8	Sodium Fluoroacetate		10	10/10,000
62-75-9	Nitrosodimethylamine	d	10	1,000
64-00-6	Phend, 3-(1-Methylethyl)-, Methylcarbamate		10	500/10,000
64-86-8	Colchicine	d	10	10/10,000
65-30-5	Nicotine sulfate		100	100/10,000
66-81-9	Cycloheximide		100	100/10,000
67-66-3	Chloroform	f	10	10,000
70-69-9	Propiophenone, 4-Amino-	c	100	100/10,000
71-63-6	Digitoxin	b	100	100/10,000
72-20-8	Endrin		1	500/10,000
74-83-9	Methyl Bromide	f	1,000	1,000
74-90-8	Hydrocyanic Acid		10	100
74-93-1	Methyl Mercaptan	f	100	500
75-15-0	Carbon Disulfide	f	100	10,000
75-21-8	Ethylene Oxide	f	10	1,000
75-44-5	Phosgene	f	10	10
75-55-6	Propyleneimine		1	10,000
75-56-9	Propylene Oxide	f	100	10,000
75-74-1	Tetramethyllead	b, f	100	100
75-77-4	Trimethylchlorosilane		1,000	1,000
75-78-5	Dimethyldichlorosilane	d	500	500
75-79-6	Methyltrichlorosilane	d	500	500
75-86-5	Acetone Cyanohydrin	d	10	1,000
76-02-8	Trichloroacetyl Chloride		500	500
77-47-4	Hexachlorocyclopentadiene	d	10	100
77-78-1	Dimethyl Sulfate		100	500
77-81-6	Tabun	b, d	10	10
78-00-2	Tetraethyllead	b	10	100
78-34-2	Dioxathion		500	500
78-53-6	Amibon		500	500
78-71-7	Oxetane, 3,3-Bis(Chloromethyl)-		500	500
78-82-0	Isobutyronitrile	d	1,000	1,000
78-94-4	Methyl Vinyl Ketone		10	10
78-97-7	Lactonitrile		1,000	1,000
79-06-1	Acrylamide	f	5,000	1,000/10,000
79-11-8	Chloroacetic Acid		100	100/10,000
79-19-6	Thiosemicarbazide		100	100/10,000
79-21-0	Peracetic Acid		500	500
79-22-1	Methyl Chloroformate	d	1,000	500
80-63-7	Methyl 2-Chloroacrylate		500	500

Environmental Protection Agency

Pt. 355, App. B

[CAS Number Order]

CAS No.	Chemical name	Notes	Reportable quantity* (pounds)	Threshold planning quantity (pounds)
81-81-2	Warfarin		100	500/10,000
82-66-6	Diphenylone		10	10/10,000
86-50-0	Azinphos-Methyl		1	10/10,000
86-88-4	ANTU		100	500/10,000
88-05-1	Aniline, 2,4,6-Trimethyl-		500	500
88-85-7	Dinoseb		1,000	100/10,000
91-08-7	Toluene 2,6-Diisocyanate		100	100
95-48-7	Cresol, o-		100	1,000/10,000
98-05-5	Benzeneearsonic Acid		10	10/10,000
98-07-7	Benzotrithloride		10	100
98-13-5	Trichlorophenylsilane	d	500	500
98-16-8	Benzenamine, 3-(Trifluoromethyl)-		500	500
98-87-3	Benzal Chloride		5,000	500
98-85-3	Nitrobenzene	f	1,000	10,000
99-98-9	Dimethyl-p-Phenylenediamine		10	10/10,000
100-14-1	Benzene, 1-(Chloromethyl)-4-Nitro-		500	500/10,000
100-44-7	Benzyl Chloride		100	500
102-38-3	Isocyanic Acid, 3,4-Dichlorophenyl Ester		500	500/10,000
103-85-5	Phenylthiourea		100	100/10,000
108-89-8	Epichlorohydrin	f	100	1,000
106-96-7	Propargyl Bromide		10	10
107-02-8	Acrolein		1	500
107-07-3	Chloroethanol		500	500
107-11-9	Allylamine		500	500
107-12-0	Propionitrile		10	500
107-13-1	Acrylonitrile	f	100	10,000
107-15-3	Ethylenediamine		5,000	10,000
107-16-4	Formaldehyde Cyanohydrin	d	1,000	1,000
107-18-6	Allyl Alcohol		100	1,000
107-30-2	Chloromethyl Methyl Ether	b	10	100
107-44-8	Sarin	d	10	10
107-48-3	TEPP		10	100
108-05-4	Vinyl Acetate Monomer	f	5,000	1,000
108-23-6	Isopropyl Chloroformate		1,000	1,000
108-91-8	Cyclohexylamine	f	10,000	10,000
108-95-2	Phenol		1,000	500/10,000
108-98-5	Thiophenol		100	500
109-61-5	Propyl Chloroformate		500	500
109-77-3	Malononitrile		1,000	500/10,000
110-00-9	Furan		100	500
110-57-6	Trans-1,4-Dichlorobutene		500	500
110-89-4	Piperidine		1,000	1,000
111-44-4	Dichloroethyl Ether		10	10,000
111-69-3	Adiponitrile	f	1,000	1,000
115-21-9	Trichloroethylsilane	d	500	500
115-26-4	Dimefox		500	500
115-29-7	Endosulfan		1	10/10,000
115-90-2	Fensulfthion	d	500	500
116-06-3	Aldicarb	b	1	100/10,000
119-38-0	Isopropylmethyl-pyrazolyl Dimethylcarbamate		100	500
123-31-9	Hydroquinone	f	100	500/10,000
123-73-9	Crotonaldehyde, (E)-		100	1,000
124-65-2	Sodium Cacodylate		100	100/10,000
124-87-8	Picrotoxin		500	500/10,000
126-98-7	Methacrylonitrile	d	1,000	500
129-00-0	Pyrene	b	5,000	1,000/10,000
129-08-6	Warfarin Sodium	d	100	100/10,000
140-29-4	Benzyl Cyanide	d	500	500
140-76-1	Pyridine, 2-Methyl-5-Vinyl-		500	500
141-66-2	Dicrotophos		100	100
143-33-9	Sodium Cyanide (Na(CN))	a	10	100
144-49-0	Fluoroacetic Acid		10	10/10,000
149-74-6	Dichloromethylphenylsilane		1,000	1,000
151-38-2	Methoxyethylmercuric Acetate		500	500/10,000
151-50-8	Potassium Cyanide	a	10	100
151-56-4	Ethylenimine		1	500
152-16-9	Diphosphoramide, Octamethyl-		100	100
297-78-9	Isobenzan		100	100/10,000
297-97-2	Thionazin		100	500
298-00-0	Parathion-Methyl	b	100	100/10,000
298-02-2	Phorate		10	10

[CAS Number Order]

CAS No.	Chemical name	Notes	Reportable quantity* (pounds)	Threshold planning quantity (pounds)
298-04-4	Disulfoton		1	500
300-82-9	Amphetamine		1,000	1,000
302-01-2	Hydrazine		1	1,000
309-00-2	Aldrin		1	500/10,000
315-18-4	Mexacarbate		1,000	500/10,000
316-42-7	Emetine, Dihydrochloride	d	1	1/10,000
327-98-0	Trichloronate	e	500	500
353-42-4	Boron Trifluoride Compound With Methyl Ether (1:1)		1,000	1,000
359-06-8	Fluoroacetyl Chloride	b	10	10
371-62-0	Ethylene Fluorohydrin	b, d	10	10
379-79-3	Ergotamine Tartrate		500	500/10,000
465-73-6	Isoctin		1	100/10,000
470-90-6	Chlorfenvinfos		500	500
502-39-6	Methylmercuric Dicyanamide		500	500/10,000
504-24-6	Pyridine, 4-Amino-	d	1,000	500/10,000
505-60-2	Mustard Gas	d	500	500
506-61-6	Potassium Silver Cyanide	a	1	500
506-68-3	Cyanogen Bromide		1,000	500/10,000
506-78-5	Cyanogen Iodide		1,000	1,000/10,000
509-14-8	Tetranitromethane		10	500
514-73-8	Dithiazanine Iodide		500	500/10,000
534-07-6	Bis(Chloromethyl) Ketone		10	10/10,000
534-52-1	Dinitroresol		10	10/10,000
535-89-7	Crimidine		100	100/10,000
538-07-8	Ethylbis(2-Chloroethyl)Amine	d	500	500
541-25-3	Lewisite	b, d	10	10
541-53-7	Dithioburet		100	100/10,000
542-76-7	Propionitrile, 3-Chloro-		1,000	1,000
542-88-5	Chloromethyl Ether	d	10	100
542-90-5	Ethylthiocyanate		10,000	10,000
555-77-1	Tris(2-Chloroethyl)Amine	d	100	100
556-61-6	Methyl Isothiocyanate	a	500	500
556-64-8	Methyl Thiocyanate		10,000	10,000
559-25-8	Methanesulfonyl Fluoride		1,000	1,000
563-12-2	Ethion		10	1,000
563-41-7	Semicarbazide Hydrochloride		1,000	1,000/10,000
584-84-9	Toluene 2,4-Diisocyanate		100	500
584-42-3	Perchloromethylmercaptan		100	500
597-64-8	Tetraethyltin	b	100	100
614-78-8	Thiourea, (2-Methylphenyl)-		500	500/10,000
624-83-9	Methyl Isocyanate		10	500
627-11-2	Chloroethyl Chloroformate		1,000	1,000
630-60-4	Quabain	b	100	100/10,000
639-58-7	Triphenyltin Chloride		500	500/10,000
640-19-7	Fluoroacetamide		100	100/10,000
644-64-4	Dimetilan		1	500/10,000
675-14-9	Cyanuric Fluoride		100	100
676-97-1	Methyl Phosphonic Dichloride	a	100	100
696-28-6	Phenyl Dichloroarsine	d	1	500
760-83-0	Methacrylic Anhydride		500	500
786-19-8	Carbophenothion		500	500
814-49-3	Diethyl Chlorophosphate	d	500	500
814-68-6	Acrylyl Chloride	d	100	100
824-11-3	Trimethylolpropane Phosphite	d	100	100/10,000
900-95-8	Stannane, Acetoxytriphenyl-	c	500	500/10,000
919-86-8	Demeton-S-Methyl		500	500
920-46-7	Methacryloyl Chloride		100	100
944-22-9	Fonofos		500	500
947-02-4	Phosfolan		100	100/10,000
950-10-7	Mephosfolan		500	500
950-37-8	Methidathion		500	500/10,000
991-42-4	Norbornide		100	100/10,000
998-30-1	Triethoxysilane		500	500
999-81-5	Chloromequat Chloride	d	100	100/10,000
1031-47-6	Triamphos		500	500/10,000
1068-45-1	Trimethyltin Chloride		500	500/10,000
1122-60-7	Nitrocyclohexane		500	500
1124-33-0	Pyridine, 4-Nitro-,1-Oxide		500	500/10,000
1129-41-5	Metolcarb		1,000	100/10,000
1303-28-2	Arsenic Pentoxide		1	100/10,000
1306-19-0	Cadmium Oxide		100	100/10,000

Environmental Protection Agency

Pt. 355, App. B

[CAS Number Order]

CAS No.	Chemical name	Notes	Reportable quantity* (pounds)	Threshold planning quantity (pounds)
1314-82-1	Vanadium Pentoxide		1,000	100/10,000
1314-84-7	Zinc Phosphide	a	100	500
1327-53-3	Arsenous Oxide	d	1	100/10,000
1397-94-0	Antimycin A	b	1,000	1,000/10,000
1420-07-1	Dinoterb		500	500/10,000
1464-53-5	Diepoxbutane		10	500
1558-25-4	Trichloro(Chloromethyl)Silane		100	100
1563-66-2	Carbofuran		10	10/10,000
1600-27-7	Mercuric Acetate		500	500/10,000
1622-32-8	Ethanesulfonyl Chloride, 2-Chloro-		500	500
1752-30-3	Acetone Thiosemicarbazide		1,000	1,000/10,000
1910-42-5	Paraquat Dichloride		10	10/10,000
1982-47-4	Chloroxuron		500	500/10,000
2001-85-8	Valinomycin	b	1,000	1,000/10,000
2032-85-7	Methiocarb		10	500/10,000
2074-50-2	Paraquat Methosulfate		10	10/10,000
2097-19-0	Phenylsilatrane	d	100	100/10,000
2104-64-5	EPN		100	100/10,000
2223-93-0	Cadmium Stearate	b	1,000	1,000/10,000
2231-57-4	Thiocarbazine		1,000	1,000/10,000
2238-07-5	Diglycidyl Ether		1,000	1,000
2275-18-5	Prothoate		100	100/10,000
2497-07-6	Oxydisulfoton	d	500	500
2524-03-0	Dimethyl Phosphorochloridothioate		500	500
2540-82-1	Formothion		100	100
2570-26-5	Pentadecylamine		100	100/10,000
2587-90-8	Phosphorothioic Acid, O,O-Dimethyl-S-(2-Methylthio) Ethyl Ester.	b, c	500	500
2631-37-0	Promecarb	d	1,000	500/10,000
2636-26-2	Cyanophos		1,000	1,000
2642-71-9	Azinphos-Ethyl		100	100/10,000
2665-30-7	Phosphonothioic Acid, Methyl-, O-(4-Nitrophenyl) O-Phenyl Ester.		500	500
2703-13-1	Phosphonothioic Acid, Methyl-, O-Ethyl O-(4-Methylthio)Phenyl Ester.		500	500
2757-18-8	Thalious Malonate	b, d	100	100/10,000
2763-86-4	Muscimol		1,000	500/10,000
2778-04-3	Endothion		500	500/10,000
3037-72-7	Silane, (4-Aminobutyl)Diethoxymethyl-		1,000	1,000
3254-63-5	Phosphoric Acid, Dimethyl 4-(Methylthio)Phenyl Ester.		500	500
3569-57-1	Sulfoxide, 3-Chloropropyl Octyl		500	500
3615-21-2	Benzimidazole, 4,5-Dichloro-2-(Trifluoromethyl)-	c	500	500/10,000
3689-24-5	Sulfotep		100	500
3691-35-8	Chlorophacinone		100	100/10,000
3734-97-2	Amiton Oxalate		100	100/10,000
3735-23-7	Methyl Phenkapton		500	500
3878-19-1	Fuberidazole		100	100/10,000
4044-65-9	Bitoscanate		500	500/10,000
4098-71-9	Isophorone Diisocyanate	g	500	500
4104-14-7	Phosacetim		100	100/10,000
4170-30-3	Crotonaldehyde		100	1,000
4301-50-2	Fluometil		100	100/10,000
4418-66-0	Phenol, 2,2'-Thiobis(4-Chloro-6-Methyl)-		100	100/10,000
4835-11-4	Hexamethylenediamine, N,N'-Dibutyl-		500	500
5344-82-1	Thiourea, (2-Chlorophenyl)-		100	100/10,000
5836-29-3	Coumatetralyl		500	500/10,000
6533-73-9	Thalious Carbonate	b, d	100	100/10,000
6923-22-4	Monocrotophos		10	10/10,000
7446-09-5	Sulfur Dioxide	f	500	500
7446-11-9	Sulfur Trioxide	a	100	100
7446-18-6	Thalious Sulfate		100	100/10,000
7487-94-7	Mercuric Chloride		500	500/10,000
7550-45-0	Titanium Tetrachloride		1,000	100
7580-67-8	Lithium Hydride	a	100	100
7631-89-2	Sodium Arsenate		1	1,000/10,000
7637-07-2	Boron Trifluoride		500	500
7647-01-0	Hydrogen Chloride (gas only)	f	5,000	500
7664-39-3	Hydrogen Fluoride		100	100
7664-41-7	Ammonia	f	100	500
7664-93-9	Sulfuric Acid		1,000	1,000

[CAS Number Order]

CAS No.	Chemical name	Notes	Reportable quantity* (pounds)	Threshold planning quantity (pounds)
7687-37-2	Nitric Acid		1,000	1,000
7719-12-2	Phosphorus Trichloride		1,000	1,000
7722-84-1	Hydrogen Peroxide (Conc >52%)	f	1,000	1,000
7723-14-0	Phosphorus	a, d	1	100
7726-95-6	Bromine	f	500	500
7778-44-1	Calcium Arsenate		1	500/10,000
7782-41-4	Fluorine	e	10	500
7782-50-5	Chlorine		10	100
7783-00-8	Selenious Acid		10	1,000/10,000
7783-06-4	Hydrogen Sulfide	f	100	500
7783-07-5	Hydrogen Selenide		10	10
7783-60-0	Sulfur Tetrafluoride		100	100
7783-70-2	Antimony Pentafluoride		500	500
7783-80-4	Tellurium Hexafluoride	e	100	100
7784-34-1	Arsenous Trichloride		1	500
7784-42-1	Arsine		100	100
7784-46-5	Sodium Arsenite		1	500/10,000
7786-34-7	Mevinphos		10	500
7791-12-0	Thallous Chloride	b, d	100	100/10,000
7791-23-3	Selenium Oxychloride		500	500
7803-51-2	Phosphine		100	500
8001-35-2	Camphochlor		1	500/10,000
8065-48-3	Demeton		500	500
10025-73-7	Chromic Chloride		1	1/10,000
10025-87-3	Phosphorus Oxychloride		1,000	500
10026-13-8	Phosphorus Pentachloride	a	500	500
10028-15-6	Ozone		100	100
10031-59-1	Thallium Sulfate	d	100	100/10,000
10102-18-8	Sodium Selenite	d	100	100/10,000
10102-20-2	Sodium Tellurite		500	500/10,000
10102-43-9	Nitric Oxide	b	10	100
10102-44-0	Nitrogen Dioxide		10	100
10124-50-2	Potassium Arsenite		1	500/10,000
10140-87-1	Ethanol, 1,2-Dichloro-, Acetate		1,000	1,000
10210-68-1	Cobalt Carbonyl	d	10	10/10,000
10265-82-6	Methamidophos		100	100/10,000
10294-34-5	Boron Trichloride		500	500
10311-84-9	Dialifor		100	100/10,000
10476-95-6	Methacrolein Diacetate		1,000	1,000
12002-03-8	Paris Green		1	500/10,000
12108-13-3	Manganese, Tricarbonyl Methylcyclopentadienyl	d	100	100
13071-79-9	Terbufos	d	100	100
13171-21-6	Phosphamidon	d	100	100
13194-48-4	Ethoprophos		1,000	1,000
13410-01-0	Sodium Selenate		100	100/10,000
13450-80-3	Gallium Trichloride		500	500/10,000
13463-39-3	Nickel Carbonyl		10	1
13483-40-6	Iron, Pentacarbonyl		100	100
14167-18-1	Salcomine		500	500/10,000
15271-41-7	Bicyclo[2.2.1]heptane-2-Carbonitrile, 5-Chloro-6-(((Methylamino)Carbonyl)Oxy)Imino-, (1s-(1-alpha,2-beta,4-alpha,5-alpha,6E))-		500	500/10,000
16752-77-5	Methomyl	d	100	500/10,000
17702-41-9	Decaborane(14)		500	500/10,000
17702-57-7	Formparanate		100	100/10,000
19287-45-7	Diborane		100	100
19624-22-7	Pentaborane		500	500
20830-75-5	Digoxin	d	10	10/10,000
20858-73-8	Aluminum Phosphide	a	100	500
21546-32-3	Fosthietan		500	500
21609-90-5	Leptophos		500	500/10,000
21908-53-2	Mercuric Oxide		500	500/10,000
21923-23-9	Chlorthiophos	d	500	500
22224-92-6	Fenamiphos		10	10/10,000
23135-22-0	Oxamyl		100	100/10,000
23422-53-9	Formetanate Hydrochloride	d	100	500/10,000
23505-41-1	Pirimifos-Ethyl		1,000	1,000
24017-47-8	Triazofos		500	500
24934-91-6	Chlormephos		500	500
26419-73-8	Carbamic Acid, Methyl-, O-(((2,4-Dimethyl-1, 3-Dithiolan-2-yl)Methylene)Amino)-		100	100/10,000

[CAS Number Order]

CAS No.	Chemical name	Notes	Reportable quantity* (pounds)	Threshold planning quantity (pounds)
26628-22-8	Sodium Azide (Na ₃ N ₃)	a	1,000	500
27137-85-5	Trichloro(Dichlorophenyl)Silane .....	.....	500	500
28347-13-9	Xylylene Dichloride .....	.....	100	100/10,000
28772-56-7	Bromadiolone .....	.....	100	100/10,000
30674-80-7	Methacryloyloxyethyl isocyanateh .....	.....	100	100
39198-18-4	Thiofanox .....	.....	100	100/10,000
50782-69-9	Phosphonothioic Acid, Methyl-, S-(2-(Bis(1-Methylethyl)Amino)Ethyl) O-Ethyl Ester.	.....	100	100
53558-25-1	Pyriminil	d	100	100/10,000
58270-08-9	Zinc, Dichloro(4,4-Dimethyl-5((((Methylamino) Carbonyl)Oxy)imino)Pentanenitrile)-, (T-4)-.	.....	100	100/10,000
62207-76-5	Cobalt, ((2,2'-(1,2-Ethanediybis (Nitrilomethylidene)) Bis(6-Fluorophenolato)) (2-)-N,N',O,O')-.	.....	100	100/10,000

* Only the statutory or final RQ is shown. For more information, see 40 CFR 355.61.

Notes:

- This material is a reactive solid. The TPQ does not default to 10,000 pounds for non-powder, non-molten, non-solution form.
- The calculated TPQ changed after technical review as described in a technical support document for the final rule, April 22, 1987.
- Chemicals added by final rule, April 22, 1987.
- Revised TPQ based on new or re-evaluated toxicity data, April 22, 1987.
- The TPQ was revised due to calculation error, April 22, 1987.
- Chemicals on the original list that do not meet toxicity criteria but because of their acute lethality, high production volume and known risk are considered chemicals of concern ("Other chemicals"). (November 17, 1986, and February 15, 1990.)
- The TPQ was recalculated (September 8, 2003) since it was mistakenly calculated in the April 22, 1987, final rule under the wrong assumption that this chemical is a reactive solid, when in fact it is a liquid. RQ for this chemical was adjusted on September 11, 2006.

PART 370—HAZARDOUS CHEMICAL REPORTING: COMMUNITY RIGHT-TO-KNOW

Subpart A—General Information

Sec.

- 370.1 What is the purpose of this part?
- 370.2 Who do "you," "I," and "your" refer to in this part?
- 370.3 Which section contains the definitions of the key words used in this part?

Subpart B—Who Must Comply

- 370.10 Who must comply with the hazardous chemical reporting requirements of this part?
- 370.11 [Reserved]
- 370.12 What hazardous chemicals must I report under this part?
- 370.13 What substances are exempt from these reporting requirements?
- 370.14 How do I report mixtures containing hazardous chemicals?

Subpart C—Reporting Requirements

- 370.20 What are the reporting requirements of this part?

HOW TO COMPLY WITH MSDS REPORTING

- 370.30 What information must I provide and what format must I use?
- 370.31 Do I have to update the information?
- 370.32 To whom must I submit the information?

- 370.33 When must I submit the information?

HOW TO COMPLY WITH INVENTORY REPORTING

- 370.40 What information must I provide and what format must I use?
- 370.41 What is Tier I inventory information?
- 370.42 What is Tier II inventory information?
- 370.43 What codes are used to report Tier I and Tier II inventory information?
- 370.44 To whom must I submit the inventory information?
- 370.45 When must I submit the inventory information?

Subpart D—Community Access to Information

- 370.60 How does a person obtain MSDS information about a specific facility?
- 370.61 How does a person obtain inventory information about a specific facility?
- 370.62 What information may a State or local official request from a facility?
- 370.63 What responsibilities do the SERC and the LEPC have to make requested information available?
- 370.64 What information can I claim as trade secret or confidential?
- 370.65 Must I allow the local fire department to inspect my facility and must I provide specific location information about hazardous chemicals at my facility?
- 370.66 How are key words in this part defined?