

A G E N D A

REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK TO BE HELD ON MONDAY, NOVEMBER 23, 2020, AT 6:30 P.M. AT THE WILLOWBROOK POLICE DEPARTMENT TRAINING ROOM, 7760 QUINCY STREET, WILLOWBROOK, IL, DUPAGE COUNTY, ILLINOIS

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

THE PUBLIC CAN UTILIZE THE FOLLOWING CALL IN NUMBER:

Dial in Phone Number: 312 626 6799

Meeting ID: 813 3792 2167

Written Public Comments Can Be Submitted By 5:15 pm on November 23, 2020 to mmertens@willowbrook.il.us

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. VISITORS' BUSINESS - Public Comment is Limited to Three Minutes Per Person
5. OMNIBUS VOTE AGENDA:
 - a. Waive Reading of Minutes (APPROVE)
 - b. Minutes - Regular Board Meeting - November 9, 2020 (APPROVE)
 - c. Warrants - \$559,496.14 (APPROVE)
 - d. ORDINANCE - An Ordinance Extending Temporary Executive Powers Pursuant to 65 ILCS 5/11-1-6 (PASS)
 - e. ORDINANCE - An Ordinance Amending the Village of Willowbrook Personnel Manual by Amending Appendix L, Employee Safety Incentive Program (PASS)
 - f. MOTION - A Motion to Approve Meritorious Service Award for Officer Nick Volek (PASS)

g. ORDINANCE - An Ordinance Amending Special Use Permit No. 06-07 as Approved in Ordinances No. 06-O-27 and 07-O-10 and Amended in Ordinance Nos. 07-O-22, 09-O-29, 11-O-12, and 12-O-26 Approving a Minor Change to Install an Employee Shelter at the Chick Fil-A Drive-Through - Route 83 and Plainfield Road - Willowbrook Town Center (PASS)

NEW BUSINESS

6. ORDINANCE - An Ordinance Providing for the Levy of Taxes Fiscal Year Commencing on May 1, 2020 and Ending April 30, 2021 of the Village of Willowbrook, DuPage County, Illinois (PASS)
7. ORDINANCE - An Ordinance Amending a Special Use Permit for a Planned Unit Development and an Amendment to a Planned Unit Development as Approved in Ordinance No. 16-O-40 - PC 20-09 Carrington Club PUD Amendment (PASS)
8. ORDINANCE - An Ordinance Amending Chapter 9 Entitled "Hotels/Motels" of Title 3 Entitled "Business Regulations" of the Village Code of Ordinances of the Village of Willowbrook, DuPage County, Illinois (PASS)
9. ORDINANCE - An Ordinance Amending Section 3-12-5 Entitled "Classification," of Chapter 12 Entitled "Liquor," of Title 3 Entitled "Business Regulations" of the Village Code of Ordinances of the Village of Willowbrook, DuPage County, Illinois (PASS)
10. ORDINANCE - An Ordinance Approving a Third Amendment to Intergovernmental Jurisdictional Boundary Line Agreement By and Between the Village of Willowbrook and the Village of Westmont (PASS)

PRIOR BUSINESS

11. TRUSTEE REPORTS
12. ATTORNEY'S REPORT
13. CLERK'S REPORT
14. ADMINISTRATOR'S REPORT

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Village Board Agenda
November 23, 2020

15. MAYOR'S REPORT

16. CLOSED SESSION

17. ADJOURNMENT

MINUTES OF THE MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK TO BE HELD ON MONDAY, NOVEMBER 09, 2020, AT 6:30 P.M. AT THE WILLOWBROOK POLICE DEPARTMENT TRAINING ROOM, 7760 QUINCY STREET, WILLOWBROOK, DUPAGE COUNTY, ILLINOIS .

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

1. CALL TO ORDER

The meeting was called to order at 6:39 p.m. by Mayor Frank Trilla.

2. ROLL CALL

Those physically present at roll call were Mayor Frank A. Trilla and Trustee Umberto Davi.

Also, physically present were, Deputy Clerk Christine Mardegan, Deborah Hahn, Jim Hahn, Officers Martino, and Biggs.

Present Via conference call, due to the COVID-19 Pandemic, were Trustees Michael Mistele, Paul Oggerino, and Greg Ruffolo, Village Attorney Thomas Bastian, Village Administrator Brian Pabst, Assistant Village Administrator Michael Mertens, Director of Finance Carrie Dittman, Chief Robert Schaller, and Building Official Roy Giuntoli.

Absent: Trustee Sue Berglund and Deputy Chief Lauren Kaspar.

A QUORUM WAS DECLARED

3. PLEDGE OF ALLEGIANCE

Mayor Trilla asked Jim Hahn to lead everyone in saying the Pledge of Allegiance.

4. MOTION - Board Advice and Consent to Mayor's Appointment of Deborah A. Hahn to Fill a Vacancy in the Office of Village Clerk

MOTION: Made by Trustee Davi and seconded by Trustee Mistele to approve the vacancy for the Village Clerk.

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

5. OATH OF OFFICE - Village Clerk

The Village Attorney administered the Oath of Office to Deborah A. Hahn.

6. VISITORS' BUSINESS

None presented and no written comments were received.

7. OMNIBUS VOTE AGENDA

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

- a. Waive Reading of Minutes (APPROVE)
- b. Minutes - Regular Board Meeting - October 26, 2020 (APPROVE)
- c. Monthly Financial Report - October 2020 (APPROVE)
- d. Warrants - \$ 449,865.64 (APPROVE)
- e. ORDINANCE - An Ordinance Extending Temporary Executive Powers Pursuant to 65 ILCS 5/11-1-6 Ordinance No. 20-0-53 (PASS)
- f. RECEIVE - Plan Commission Recommendation: Zoning Hearing Case 20-09: Consideration of a petition requesting approval of an Amendment to a Special Use for a Planned Unit Development and Amendment to a Planned Unit Development to Allow for Major Changes Under Section 9-13-4(C)6(a) Including Certain Relief, Exceptions and Waivers from Title 9 of the Village Code (Carrington Club) (RECEIVE)
- g. MOTION - A Motion Dissolve the Hotel/Motel Advisory Committee (PASS)
- h. RESOLUTION - A Resolution Establishing the 2021 Calendar for FY 2021 of Schedule of Regular Board Meetings Resolution No. 20-R-52 (ADOPT)
- i. MOTION - A Motion to Approve Village Administrator Brian Pabst as the New Principal Authority for the Village of Willowbrook Illinois Funds Account - (PASS)

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

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

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

MOTION DECLARED CARRIED

NEW BUSINESS

8. RESOLUTION - A Resolution Approving a Professional Services Agreement with Halock Security Labs, Inc., to Perform External Network, Internal Network and Social Engineering Penetration Testing at a Cost Not-To-Exceed \$11,750 Authorize the Mayor to Execute Said Agreement on Behalf of the Village of Willowbrook, DuPage County, Illinois (ADOPT)

Administrator Pabst advised that on the morning of Friday, March 6, 2020, the Village of Willowbrook's municipal computer systems were on the receiving end of what appears to be a ransomware attack. This has included working closely with United States Secret Service officials to fully understand the attack's scope and origin. The forensic investigation is ongoing. It has not yet been determined whether or what information may have been implicated. Importantly, the Village's critical operations and public services are unaffected and have continued without interruption. As a result of a ransomware attack, it is recommended that the Village of Willowbrook approve and execute a services engagement agreement with Halock Security Labs, Inc. to provide IT security services to the Village of Willowbrook in connection with the response and remediation of a potential data security incident. Our legal council is recommending that the Village consider additional information security services as part of our ongoing security due diligence. Specifically, the proposed scope of service is an enhanced penetration tests that are focused on exploiting weaknesses with the intent of gaining access to the environment. There are two different divisions of Halock, one is the internal / external network penetration testing and the secondary security architecture review.

The first testing is focusing on exploiting weaknesses with the intent of gaining access to the environment. They are performed remote to the environment to simulate an external attack, targeting responding internet facing hosts and services. The total cost for

all three penetration tests (internal, external & social) is \$11,750. I have invited Terry Kurzynski from Halock to answer any technical questions you may have on the subject.

Terry Kurzynski, Senior Partner from Halock Security Labs, Inc., stated to clarify the social engineering is included in the \$11,750 it is a subcomponent.

A discussion was had on a timeline for this to be completed. Mr. Kurzynski stated that there will be a detailed report on their findings. This will test how well your system can withstand a threat.

MOTION: Made by Trustee Neal and seconded by Trustee Oggerino to adopt Resolution No. 20-R-53 as presented.

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

MOTION DECLARED CARRIED

9. RESOLUTION - A Resolution Approving a Professional Services Agreement with Halock Security Labs, Inc., to Perform a Security Architecture Review at a Cost Not-To-Exceed \$12,500 and Authorize the Mayor to Execute Said Agreement on Behalf of the Village of Willowbrook, DuPage County, Illinois (ADOPT)

Administrator Pabst asked Terry Kurzynski, from Halock Security Labs, Inc, to explain the difference between the two resolutions. Mr. Kurzynski shared the proposed scope of the service is to perform a security architecture review to discover, analyze, and assess the currently deployed security process and technical controls that would identify, prevent, contain, and remediate a cyber-attack. Halock will analyze the top twenty (20) critical controls.

MOTION: Made by Trustee Davi and seconded by Trustee Ruffolo Berglund to adopt Resolution No. 20-R-54 as presented.

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

MOTION DECLARED CARRIED

10. RESOLUTION - A Resolution Approving and Authorizing the Mayor and Village Clerk to Execute an Agreement with NJ Ryan Tree & Landscape, LLC to Provide Snow Removal and Salting Services for the 2020/2021 Winter Season in the Village of Willowbrook (ADOPT)

Public Works Foreman AJ Passero stated NJ Ryan has turned in a proposal that was the lowest most responsive and responsible bidder. The goal is to have a contractor come in and salt to reduce the over time in the Public Works Department. H&R willing to be a backup they are not willing to purchase salt equipment to continue their contract with us. NJ Ryan proposed the best price for the 2020/21 snow season.

Trustee Mistele do we have H&R Construction as backup if there is a blizzard?

Public Works Foreman Passero responded, yes, we do.

MOTION: Made by Trustee Mistele and seconded by Trustee Davi to adopt Resolution No. 20-R-55 as presented.

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

MOTION DECLARED CARRIED

11. ORDINANCE - An Ordinance Amending Section 3-12-5 Entitled "Classifications," of Chapter 12 Entitled "Liquor," of Title 3 Entitled "Business" of the Village Code of Ordinances of the Village of Willowbrook, DuPage County, Illinois (PASS)

Assistant Administrator Mertens stated, as the Board members are aware the Village will soon be issuing a certificate of occupancy for the Compass Arena. Due to the unique nature of this recreational / hospitality venue the Village finds it is proper and in the best interest of the Village to add a Class B-3 liquor license classification for the retail sale of alcoholic liquor. Specifically, this ordinance would create a new liquor category, B-3, to allow for retail - on premise consumption for a restaurant with a separate service area. The proposed Class B-3 license shall authorize the retail sale on the specified premises of alcoholic liquor for consumption of said premises when the primary business conducted upon said premises is that of a restaurant where not

less than seventy five percent (75%) of the retail floor area is devoted to the service of complete sit-down meals from a menu and not more than twenty five percent (25%) of the retail restaurant floor area is devoted to lounge or bar purposes. A Class B-3 license shall also permit the on-premises consumption of alcoholic liquor from a service bar or lounge separate from the restaurant facility and located on the mezzanine level of the specified premises. The Class B-3 license shall be Two Thousand Seven Hundred Dollars (\$2,700.00).

Trustee Neal asked if the restaurant was also covered under the B-3 licenses?

Assistant Administer Mertens, responded yes, it is.

MOTION: Made by Trustee Oggerino and seconded by Trustee Ruffolo to pass Ordinance No. 20-0-54 as presented.

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

MOTION DECLARED CARRIED

PRIOR BUSINESS

12. TRUSTEE REPORTS

Trustee Neal reported that we have not received the written evaluation on the traffic study that was done on Eleanor Place from October 11-17th. If you take the total cars going northbound and southbound at 79th and Eleanor Place for the seven (7) days, there was a total of 1,472 vehicles.

Mayor Trilla asked per week?

Trustee Neal answered, yes one week. We also, ran a parallel test on Brookbank and there were 733 vehicles.

Mayor Trilla thanked Trustee Neal for all her hard work.

Trustee Ruffolo had no report.

Mayor Trilla thanked Trustee Ruffolo for cleaning up the parks after a windstorm.

Trustee Mistele welcomed Debbie Hahn for joining the team again.

Trustee Berglund was not present.

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Trustee Davi had no report.

Trustee Oggerino welcomed Debbie Hahn.

13. ATTORNEY'S REPORT

Attorney Bastian had no report.

14. CLERK'S REPORT

Clerk Hahn had no report.

15. ADMINISTRATOR'S REPORT

Administrator Pabst had no report.

16. MAYOR'S REPORT

Mayor Trilla shared information about dining inside after receiving several informational studies from Governor Pritzker. He then shared a memo regarding COVID-19 data and decided to close the Village Hall, Police Department and Parks to the public. This would not include first responders due to the climbing numbers of COVID-19. The memo went out as a civic alert. He also, thanked Debbie Hahn for accepting the position of the Village Clerk.

17. CLOSED SESSION

No need for closed session tonight.

18. ADJOURNMENT

MOTION: Made by Trustee Davi and seconded by Trustee Mistele to adjourn the Regular Meeting at the hour of 7:10 p.m.

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

MOTION DECLARED CARRIED

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PRESENTED, READ, and APPROVED.

_____, 2020.

Frank A. Trilla, Mayor

Minutes transcribed by Deputy Clerk Christine Mardegan.

WARRANTS

November 23, 2020

GENERAL CORPORATE FUND	-----	\$108,816.60
WATER FUND	-----	\$172,268.54
WATER CAPITAL IMPROVEMENTS FUND	-----	\$5,000.00
POLICE PENSION FUND	-----	\$795.00
DEBT SERVICE FUND	-----	\$272,616.00
 TOTAL WARRANTS	-----	 \$559,496.14

Carrie Dittman, Director of Finance



APPROVED:
Frank A. Trilla, Mayor

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CHECK DISBURSEMENT REPORT FOR VILLAGE OF WILLOWBROOK

CHECK DATE FROM 11/11/2020 - 11/24/2020

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Check	Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 01 GENERAL FUND								
11/11/2020		APCH	96313*#	ACCESS ONE, INC.	PHONE - TELEPHONES	455-201	10	461.57
					PHONE - TELEPHONES	455-201	10	49.30
					PHONE - TELEPHONES	455-201	10	49.30
					PHONE - TELEPHONES	455-201	10	58.30
					INTERNET/WEBSITE HOSTING	460-225	10	400.00
					PHONE - TELEPHONES	455-201	20	91.76
					PHONE - TELEPHONES	455-201	20	91.76
					PHONE - TELEPHONES	630-201	30	299.84
					PHONE - TELEPHONES	630-201	30	58.30
					INTERNET/WEBSITE HOSTING	640-225	30	400.00
					TELEPHONES	710-201	35	91.76
					CHECK APCHK 96313 TOTAL FOR FUND 01:			2,051.89
11/11/2020		APCH	96314*#	VERIZON WIRELESS	PHONE - TELEPHONES	410-201	05	42.41
					PHONE - TELEPHONES	455-201	10	84.82
					PHONE - TELEPHONES	630-201	30	821.41
					TELEPHONES	710-201	35	84.82
					TELEPHONES	810-201	40	42.41
					CHECK APCHK 96314 TOTAL FOR FUND 01:			1,075.87
11/24/2020		APCH	96316	AMERICAN TRAFFIC SOLUTIONS	RED LIGHT - CAMERA FEES	630-247	30	22,475.00
					RED LIGHT - MISC FEE	630-249	30	2,145.00
					CHECK APCHK 96316 TOTAL FOR FUND 01:			24,620.00
11/24/2020		APCH	96317	ASPEN AUTO BODY INC.	MAINTENANCE - VEHICLES	630-409	30	384.00
11/24/2020		APCH	96319	B & E AUTO REPAIR & TOWING	MAINTENANCE - VEHICLES	630-409	30	2,827.52
11/24/2020		APCH	96320	BANNERVILLE USA INC	OFFICE/GENERAL PROGRAM SUPPLIES	550-301	20	338.00
11/24/2020		APCH	96321	BLACK GOLD SEPTIC	MAINTENANCE - PW BUILDING	725-418	35	350.00
11/24/2020		APCH	96322	CHICAGO METRO AGENCY FOR PLANNIN	FEES/DUES/SUBSCRIPTIONS	455-307	10	323.15
11/24/2020		APCH	96323	CHICAGO SUN-TIMES, INC	PRINTING & PUBLISHING	610-302	25	850.00
11/24/2020		APCH	96324	CINTAS CORPORATION NO 2	MAINTENANCE - PW BUILDING	725-418	35	70.14
11/24/2020		APCH	96325*#	COMED	RED LIGHT - COM ED	630-248	30	32.62
					RED LIGHT - COM ED	630-248	30	40.36
					RED LIGHT - COM ED	630-248	30	39.62
					ENERGY - STREET LIGHTS	745-207	35	492.97
					ENERGY - STREET LIGHTS	745-207	35	48.83

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CHECK DISBURSEMENT REPORT FOR VILLAGE OF WILLOWBROOK
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Check	Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 01 GENERAL FUND								
					ENERGY - STREET LIGHTS	745-207	35	537.55
					CHECK APCHK 96325 TOTAL FOR FUND 01:			1,191.95
11/24/2020	APCH	96326#	DISCOVERY BENEFITS SIMPLIFY		EMP DED PAY - FSA FEE	210-221	00	39.27
					HEALTH/DENTAL/LIFE INSURANCE	455-141	10	10.73
					CHECK APCHK 96326 TOTAL FOR FUND 01:			50.00
11/24/2020	APCH	96327#	DUPAGE COUNTY PUBLIC WORKS		SANITARY (835 MIDWAY)	466-251	10	67.25
					SANITARY USER CHARGE - PARKS	570-278	20	17.86
					SANITARY (7760 QUINCY)	630-250	30	255.83
					SANITARY USER CHARGE	725-417	35	22.35
					CHECK APCHK 96327 TOTAL FOR FUND 01:			363.29
11/24/2020	APCH	96328	EWS WELDING SUPPLY, INC		MAINTENANCE - BUILDING	466-228	10	55.08
11/24/2020	APCH	96329	FBI-LEEDA INC		FEES/DUES/SUBSCRIPTIONS	630-307	30	50.00
11/24/2020	APCH	96330	FIRESTONE TIRE & SERVICE		MAINTENANCE - VEHICLES	630-409	30	1,680.32
11/24/2020	APCH	96332	HINSDALE NURSERIES, INC.		STREET & ROW MAINTENANCE	750-328	35	5,083.00
11/24/2020	APCH	96333	HR SIMPLIFIED		HEALTH/DENTAL/LIFE INSURANCE	455-141	10	100.00
11/24/2020	APCH	96335	ILL. ASSN. CHIEFS OF POLICE		FEES/DUES/SUBSCRIPTIONS	630-307	30	95.00
					FEES/DUES/SUBSCRIPTIONS	630-307	30	150.00
					CHECK APCHK 96335 TOTAL FOR FUND 01:			245.00
11/24/2020	APCH	96336	ILL. MUNICIPAL LEAGUE		FEES/DUES/SUBSCRIPTIONS	410-307	05	925.00
11/24/2020	APCH	96337	J.P. COOKE CO.		OFFICE SUPPLIES	455-301	10	70.50
11/24/2020	APCH	96338#	JSN CONTRACTORS SUPPLY		OPERATING EQUIPMENT	630-401	30	397.50
					OPERATING EQUIPMENT	630-401	30	795.00
					OPERATING SUPPLIES & EQUIPMENT	710-401	35	71.25
					CHECK APCHK 96338 TOTAL FOR FUND 01:			1,263.75
11/24/2020	APCH	96340#	KONICA MINOLTA BUSINESS SOLUTION		COPY SERVICE	630-315	30	513.04
					COPY SERVICE	630-315	30	24.64
					COPY SERVICE	810-315	40	602.56
					CHECK APCHK 96340 TOTAL FOR FUND 01:			1,140.24
11/24/2020	APCH	96342	LAW ENFORCEMENT RECORDS MNGRS IL		SCHOOLS/CONFERENCES/TRAVEL	630-304	30	60.00

CHECK DISBURSEMENT REPORT FOR VILLAGE OF WILLOWBROOK
CHECK DATE FROM 11/11/2020 - 11/24/2020

Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 01 GENERAL FUND							
11/24/2020	APCH	96343	Midwest Helicopter Airways Inc.	BSEC19-002 - PB17-256	210-110	00	7,226.00
11/24/2020	APCH	96344	MPH INDUSTRIES	DRUG FORFEITURE EXP - FEDERAL	650-349	30	9,750.00
11/24/2020	APCH	96345	NICHOLAS VOLEK	UNIFORMS	630-345	30	309.96
11/24/2020	APCH	96346	NICOR GAS	NICOR GAS	725-415	35	97.27
11/24/2020	APCH	96347	NUTOYS LEISURE PRODUCTS	MAINTENANCE - EQUIPMENT	570-411	20	362.00
11/24/2020	APCH	96348	ORKIN EXTERMINATING	MAINTENANCE - BUILDING	630-228	30	96.63
11/24/2020	APCH	96349	PAPER DIRECT	OFFICE SUPPLIES	455-301	10	49.60
11/24/2020	APCH	96350	PIRTEK	MAINTENANCE - VEHICLES	735-409	35	1,451.61
11/24/2020	APCH	96351	RAGS ELECTRIC, INC	MAINTENANCE - BUILDING	630-228	30	716.98
11/24/2020	APCH	96352	RATHS, RATHS & JOHNSON, INC.	PLAN REVIEW - BUILDING CODE - REIMB	820-258	40	1,012.50
11/24/2020	APCH	96353	RAY O'HERRON CO., INC.	UNIFORMS	630-345	30	84.00
				UNIFORMS	630-345	30	25.98
				OPERATING EQUIPMENT	630-401	30	123.00
				CHECK APCHK 96353 TOTAL FOR FUND 01:			232.98
11/24/2020	APCH	96354#	SATELLITE PHONE STORE	PHONE - TELEPHONES	455-201	10	65.76
				PHONE - TELEPHONES	630-201	30	65.76
				CHECK APCHK 96354 TOTAL FOR FUND 01:			131.52
11/24/2020	APCH	96356	T.P.I.	COPY SERVICE-REIMB	810-315	40	150.00
				PLAN REVIEW - BUILDING CODE-REIMB	820-258	40	2,557.77
				PLAN REVIEW - BUILDING CODE-REIMB	820-258	40	10,866.00
				PART TIME - INSPECTOR-REIMB	830-109	40	3,990.00
				CHECK APCHK 96356 TOTAL FOR FUND 01:			17,563.77
11/24/2020	APCH	96357*#	TAMELING GRADING	STREET & ROW MAINTENANCE	750-328	35	6,523.50
11/24/2020	APCH	96359	THOMPSON ELEV. INSPECT. SERVICE	ELEVATOR INSPECTION-REIMB	830-117	40	200.00
11/24/2020	APCH	96360	THOMSON REUTERS - WEST	FEES/DUES/SUBSCRIPTIONS	630-307	30	185.57
11/24/2020	APCH	96361	ULINE	OFFICE SUPPLIES	630-301	30	90.50
11/24/2020	APCH	96363#	WAREHOUSE DIRECT	OFFICE SUPPLIES	455-301	10	40.13
				OFFICE SUPPLIES	455-301	10	36.23

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CHECK DISBURSEMENT REPORT FOR VILLAGE OF WILLOWBROOK

CHECK DATE FROM 11/11/2020 - 11/24/2020

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Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 01 GENERAL FUND							
				OFFICE SUPPLIES	455-301	10	28.57
				OFFICE SUPPLIES	455-301	10	8.02
				OFFICE SUPPLIES	455-301	10	117.50
				COMMISSARY PROVISION	455-355	10	16.99
				COMMISSARY PROVISION	455-355	10	16.99
				MAINTENANCE - BUILDING	466-228	10	380.97
				OFFICE/GENERAL PROGRAM SUPPLIES	550-301	20	21.13
				OFFICE SUPPLIES	610-301	25	81.68
				OFFICE SUPPLIES	610-301	25	14.42
				OFFICE SUPPLIES	610-301	25	11.98
				OFFICE SUPPLIES	630-301	30	116.24
				OFFICE SUPPLIES	710-301	35	178.00
				OFFICE SUPPLIES	710-301	35	89.00
				CHECK APCHK 96363 TOTAL FOR FUND 01:			1,157.85
11/24/2020	APCH	96364	WBK ENGINEERING LLC	PLAN REVIEW - PLANNER	520-257	15	15,084.67
11/24/2020	APCH	96365	WELD-ALL, INC.	MAINTENANCE - VEHICLES	735-409	35	240.00
11/24/2020	APCH	96366	WESTERN FIRST AID & SAFETY	OPERATING EQUIPMENT	630-401	30	80.12
11/24/2020	APCH	96367	WESTOWN AUTO SUPPLY COMPANY	MAINTENANCE - VEHICLES	735-409	35	1,084.87
				Total for fund 01 GENERAL FUND			108,816.60

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Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 02 WATER FUND							
11/11/2020	APCH	96313*#	ACCESS ONE, INC.	PHONE - TELEPHONES	401-201	50	91.76
				PHONE - TELEPHONES	401-201	50	91.76
				CHECK APCHK 96313 TOTAL FOR FUND 02:			183.52
11/11/2020	APCH	96314*#	VERIZON WIRELESS	PHONE - TELEPHONES	401-201	50	84.82
11/24/2020	APCH	188(E)	DUPAGE WATER COMMISSION	PURCHASE OF WATER	420-575	50	135,487.17
11/24/2020	APCH	96315	ACI PAYMENTS, INC	FEES DUES SUBSCRIPTIONS	401-307	50	25.35
11/24/2020	APCH	96318	ASSOCIATED TECHNICAL SERV. LTD.	LEAK SURVEYS	430-276	50	642.00
				LEAK SURVEYS	430-276	50	742.00
				CHECK APCHK 96318 TOTAL FOR FUND 02:			1,384.00
11/24/2020	APCH	96325*#	COMED	ENERGY - ELECTRIC PUMP	420-206	50	806.47
11/24/2020	APCH	96331	H AND R CONSTRUCTION INC.	WATER DISTRIBUTION REPAIRS/MAINTENANC	430-277	50	4,500.00
				WATER DISTRIBUTION REPAIRS/MAINTENANC	430-277	50	7,410.00
				CHECK APCHK 96331 TOTAL FOR FUND 02:			11,910.00
11/24/2020	APCH	96341	LA FASTENERS INC	MATERIAL & SUPPLIES - DISTRIBUTION	430-476	50	38.31
11/24/2020	APCH	96355	SHERIDAN PLUMBING & SEWER	WATER DISTRIBUTION REPAIRS/MAINTENANC	430-277	50	2,500.00
11/24/2020	APCH	96357*#	TAMELING GRADING	WATER DISTRIBUTION REPAIRS/MAINTENANC	430-277	50	3,484.50
11/24/2020	APCH	96358	TAMELING INDUSTRIES	WATER DISTRIBUTION REPAIRS/MAINTENANC	430-277	50	99.00
				WATER DISTRIBUTION REPAIRS/MAINTENANC	430-277	50	356.40
				CHECK APCHK 96358 TOTAL FOR FUND 02:			455.40
11/24/2020	APCH	96362*#	UMB BANK N.A.	INTEREST EXPENSE	449-102	50	4,595.00
				BOND PRINCIPAL EXPENSE	449-104	50	11,314.00
				CHECK APCHK 96362 TOTAL FOR FUND 02:			15,909.00
				Total for fund 02 WATER FUND			172,268.54

11/18/2020 11:32 AM

User: DSCHMIDT

DB: Willowbrook

CHECK DISBURSEMENT REPORT FOR VILLAGE OF WILLOWBROOK

CHECK DATE FROM 11/11/2020 - 11/24/2020

Page 6/8

Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 07 POLICE PENSION FUND							
11/24/2020	APCH	96334	I.P.P.F.A.	FEES DUES SUBSCRIPTIONS	401-307	62	795.00
Total for fund 07 POLICE PENSION FUND							
795.00							

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CHECK DATE FROM 11/11/2020 - 11/24/2020

Page 7/8

Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 09 WATER CAPITAL IMPROVEMENTS FUND							
11/24/2020	APCH	96339	JUDE R. VICKERY	WATER SYSTEM IMPROVEMENTS	440-600	65	5,000.00
Total for fund 09 WATER CAPITAL IMPROVEMENTS FU 5,000.00							

11/18/2020 11:32 AM

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CHECK DISBURSEMENT REPORT FOR VILLAGE OF WILLOWBROOK

CHECK DATE FROM 11/11/2020 ~ 11/24/2020

Page 8/8

Check	Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 11 DEBT SERVICE FUND								
11/24/2020	APCH	96362*	#	UMB BANK N.A.	BOND PRINCIPAL EXPENSE	550-401	70	218,686.00
					BOND INTEREST EXPENSE	550-402	70	53,930.00
					CHECK APCHK 96362 TOTAL FOR FUND 11:			272,616.00
					Total for fund 11 DEBT SERVICE FUND			272,616.00
					TOTAL - ALL FUNDS			559,496.14

'*'--INDICATES CHECK DISTRIBUTED TO MORE THAN ONE FUND

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

VILLAGE OF WILLOWSBROOK

BOARD MEETING
AGENDA ITEM - HISTORY/COMMENTARY

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

AGENDA NO. 5d

AGENDA DATE: 11/23/20

STAFF REVIEW: Mike Mertens, Assistant Village Administrator

SIGNATURE: 

LEGAL REVIEW: Thomas Bastian, Village Attorney

SIGNATURE: 

RECOMMENDED BY: Brian Pabst, Village Administrator

SIGNATURE: 

REVIEWED & APPROVED BY COMMISSION: YES NO N/A

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

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

On March 9, 2020 Illinois Governor JB Pritzker declared all counties in the State of Illinois as a disaster area, (Governor's Disaster Proclamation). Following the lead of Governor J. B. Pritzker, health agencies on both the State and Federal level, the DuPage County Board on March 16, 2020 passed the DuPage County Disaster Proclamation. The Centers for Disease Control (CDC) and World Health Organization have declared the COVID-19 a global pandemic. The CDC recommended that all events over 50 people be postponed or cancelled. The State of Illinois has entered Phase 4 of the Restore Illinois Plan with limited occupancy for restaurants, retail and office uses with facemask requirements and is still recommending a minimum six-foot social distancing policy. The Centers for Disease Control and Prevention has reported 11,300,635 confirmed cases and 247,834 deaths in the United States and the Illinois Department of Public Health has reported 606,771 confirmed cases and 11,014 deaths that are attributable to COVID-19 as of November 19, 2020.

On July 24, 2020 Illinois Governor JB Pritzker issued an additional Executive Order amending the criteria. On October 20, 2020, the Governor implemented additional restrictions limiting gatherings sizes and banning indoor bar and restaurant services beginning on October 23, 2020 for regions 7 and 8. On November 10, 2020 the Governor issued Executive Order 2020-70 further tightening restrictions on bars, restaurants and social gatherings to help mitigate the spread of COVID-19. On November 20, 2020, the Governor implemented Tier 3 Resurgence Mitigation restrictions to combat the exponential growth of COVID-19 within the State. (attached).

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

It is the policy of the Village of Willowbrook that the corporate authorities will be prepared to address any emergencies and, therefore, pursuant to Section 5/11-1-6 of the Illinois Municipal Code, it is necessary and appropriate to establish standards for the determination of whether a state of emergency exists authorizing the mayor to exercise extraordinary power and authority, by executive order, during the possible state of emergency, to ensure that the effects of COVID-19 are mitigated and minimized and that residents and visitors in the Village remain safe and secure.

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

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

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

ACTION PROPOSED: Pass the Ordinance.

DPH.SICK@ILLINOIS.GOV (<mailto:DPH.SICK@ILLINOIS.GOV>)

1-800-889-3931

 Search...

preparation)

FAQs

Resources

About Coronavirus (/s/about-coronavirus)

Tier 3 Resurgence Mitigations

With a new wave of COVID-19 surging across the state of Illinois and the nation, the state is committed to listening to public health experts and following the science to keep people safe. Tier 3 builds on the Resurgence Mitigation Plan first released in July to suppress the spread of the virus and ensure our hospitals do not become overrun. This new tier aims to limit gatherings and encourages people to stay home to the greatest extent possible, while permitting some industries to remain open at significantly reduced capacities with proper safety measures in place. All detailed Phase 4 operational guidance remains in effect.

Where Phase 4 guidance and Tier 3 Mitigations imply different standards, the more restrictive Tier 3 Mitigations will apply. School districts and local officials should follow extensive guidance released by IDPH and ISBE (<https://www.isbe.net/Pages/covid19.aspx>) in August and make decisions related to in-person and remote learning at the local level, based on the unique needs of their communities. Child care facilities may continue to operate subject to DCFS guidelines

(https://www2.illinois.gov/dcfs/brighterfutures/healthy/Documents/Day_Care_Guidance.pdf).

With COVID-19 spread now exponential in every region of the state, our statewide positivity rate at record highs and hospitalizations already surpassing our Spring peak, all 11 regions will move into Tier 3 **effective November 20, 2020 at 12:01am. The new mitigation requirements to combat the surge of COVID-19 across Illinois are as follows:**

SETTING

Retail (including service counters)

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pharmacy, and convenience stores

- Grocery stores and pharmacies may operate at up to 50% capacity
- Encourage delivery or curbside pickup options wherever possible
- When in-store shopping is necessary, promote efficient trips and consistent circulation

Personal Care Service

- Operate at lesser of 25 clients or 25% capacity
- Face coverings must be worn at all times by clients and service providers
- Suspend services where a face covering cannot be worn (e.g. facials, beard trims)
- Physical, occupational and massage therapy allowed as deemed necessary by a medical provider, but appointments must be spaced by a minimum of 15 minutes and facilities should take steps to sanitize and circulate clean air through service rooms before and after each service
- Virtual consultations recommended

Health and Fitness Centers

- Operate at no more than 25% capacity
- No indoor group classes
- Face coverings must be worn at all times, including while engaged in individual exercise regardless of person or machine spacing
- Reservations required
- Locker room areas should be closed

Hotels

- Hotel room occupancy should be limited to registered guests only, with the maximum allowance being the number of individuals permissible per existing fire code for each

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on a

RESERVATION MODEL, WITH CAPACITY LIMITED TO 25% OF THE

maximum occupancy for the room.

- Grab and go food allowed
- Event and meeting space closed

Manufacturing

- Additional COVID training for all employees required even if previous training occurred
- Operators should coordinate with IDPH to implement testing protocols and contact tracing, upon request, consistent with available testing supplies
- All employees must wear face coverings at all times unless eating or drinking. Exemptions only for safety purposes.
- Only manufacturing staff and key personnel allowed in facilities. Non-production employees must work remotely. Non-essential staff and visitors are not permitted. Exemptions only for critical equipment repairs, supply deliveries and safety reasons (“critical visitors”).
- All critical visitors must have an Employee Health and Safety (EHS)-approved risk-assessment done in advance, including travel history, tracking, and temperature check prior to entrance.
- Implement additional workstation realignment when feasible
- Stagger and space shifts, and designate shift entrances and exits (when possible) to minimize interactions of employees across unique shift groupings
- Station sanitation required at beginning and ending of shifts
- Operators must suspend covid-related incentive pay and promote staying home when sick or showing symptoms
- Implement temporary leave policies to accommodate workers who are sick
- ~~Develop and implement safety protocols for employee travel~~

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X nper

- All bars and restaurants close at 11pm and may reopen no

Bars and Restaurants

- earlier than 6am the following day
- No indoor service
- All bar and restaurant patrons should be seated at tables outside
- No ordering, seating, or congregating at bar (bar stools should be removed)
- Tables should be 6 feet apart
- No standing or congregating outdoors while waiting for a table or exiting
- No dancing or standing indoors
- No tables exceeding 6 people
- Reservations required for each party
- No seating of multiple parties at one table
- Indoor gaming terminals must suspend operations
- Includes private clubs and country clubs

Meetings, social events and gatherings (including weddings, potlucks, etc.)

- Limit in home gatherings to household members
- Meeting rooms, banquet centers, private party rooms, private clubs and country clubs may not host gatherings
- No party buses
- Funerals are limited to 10 family members of the decedents, not including staff, see IDPH guidance (<https://www.dph.illinois.gov/covid19/community-guidance/funeral-homes>)

Office

- All employees who can work remotely should work remotely

Organized group recreational activities (sports, indoor sports and activity facilities, etc.)

- Pause all indoor group sporting and recreational activities including youth and adult recreational sports, individual training
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- ~~outdoor sports and recreation allowed~~

Indoor recreation, theaters, cultural Institutions (e.g. casinos, bowling, arcades, movie theaters, museums and zoos)

- Participant groups and practices outdoors limited to 10 persons or less with social distancing
- Face coverings required for all activities at all times
- Locker rooms should be closed
- Gaming and casinos close
- Indoor recreation centers, including theaters, performing arts centers and indoor museums and amusement centers close
- Live streaming of performances encouraged with social distancing of performers and minimum operational staff
- Outdoor activities allowed at 25% capacity or less
- Outdoor group activities limited to 10 persons or less, participants/guests must wear face coverings at all times
- Reservations required for each guest for outdoor activities

The provisions above apply to industries/sectors with Restore Illinois Phase 4 guidance or other mitigations. Other functions (i.e. infrastructure, governments, logistics and warehousing etc.) that previously have not been subject to specific guidance may continue regular operations but are encouraged to voluntarily take proactive steps to support new mitigation strategy wherever possible. In these areas, customer serving functions should be limited to 25 percent capacity, aligned with Retail mitigations, and maximize work from home wherever possible.

IDPH will continue to track the positivity rates and hospital capacity metrics in regions over a 14-day monitoring period to determine if mitigations can be relaxed, if additional mitigations are required, or if current mitigation should remain in place. In order for a region to move back to Tier 2 mitigations, a region must experience less than 12 percent test positivity rate for three consecutive days AND greater than 20 percent available intensive care unit (ICU) and hospital bed availability AND declining COVID hospitalizations in 7 out of the last 10 days.

Follow the latest regional news
(<https://dph.illinois.gov/regions>)

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For more information on guidance for businesses and frequently asked questions (FAQ) please visit the [FAQ on DCEO's website. \(https://www2.illinois.gov/dceo/Documents/Phase 4 Business Guidance FAQ.pdf\)](https://www2.illinois.gov/dceo/Documents/Phase 4%20Business%20Guidance%20FAQ.pdf)

Mitigations will be applied on a regional basis based on the Emergency Medical Services (EMS) Regions that have traditionally guided IDPH in its statewide public health work.

Expanding to 11 regions allows for a more granular approach in this phase of the response to COVID-19. The regions follow county lines to account for counties that are in more than one region of the EMS system. The regions are as follows:

- **1. NORTH:** Boone, Carroll, DeKalb, Jo Daviess, Lee, Ogle, Stephenson, Whiteside, Winnebago
- **2. NORTH-CENTRAL:** Bureau, Fulton, Grundy, Henderson, Henry, Kendall, Knox, La Salle, Livingston, Marshall, McDonough, McLean, Mercer, Peoria, Putnam, Rock Island, Stark, Tazewell, Warren, Woodford
- **3. WEST-CENTRAL:** Adams, Brown, Calhoun, Cass, Christian, Greene, Hancock, Jersey, Logan, Macoupin, Mason, Mason, Menard, Montgomery, Morgan, Pike, Sangamon, Schuyler, Scott
- **4. METRO EAST:** Bond, Clinton, Madison, Monroe, Randolph, St. Clair, Washington
- **5. SOUTHERN:** Alexander, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Saline, Union, Wabash, Wayne, White, Williamson
- **6. EAST-CENTRAL:** Champaign, Clark, Clay, Coles, Crawford, Cumberland, De Witt, Douglas, Edgar, Effingham, Fayette, Ford, Iroquois, Jasper, Lawrence, Macon, Moultrie, Piatt, Richland, Shelby, Vermillion
- **7. SOUTH SUBURBAN:** Kankakee, Will
- **8. WEST SUBURBAN:** DuPage, Kane
- **9. NORTH SUBURBAN:** Lake, McHenry
- **10. SUBURBAN COOK:** Suburban Cook
- **11. CHICAGO:** City of

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Introduction

Regional Phase Dashboard

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- ⊕ View up to date information on how Illinois is handling the Coronavirus Disease 2019 (COVID-19) from the State of Illinois Coronavirus Response Site (<https://coronavirus.illinois.gov/>)

Illinois.gov (/)

Executive Order 2020-61

October 21, 2020

EXECUTIVE ORDER 2020-61

EXECUTIVE ORDER IN RESPONSE TO COVID-19 (COVID-19 EXECUTIVE ORDER NO.57)

WHEREAS, Coronavirus Disease 2019 (COVID-19), a novel severe acute respiratory illness, has rapidly spread throughout Illinois and continues to necessitate updated and more stringent guidance from federal, state, and local public health officials and significant measures to respond to the increasing public health disaster; and,

WHEREAS, COVID-19 can spread among people through respiratory transmissions, asymptomatic people can transmit the virus, and there is currently no effective treatment or vaccine; and,

WHEREAS, for the preservation of public health and safety throughout the entire State of Illinois, and to ensure that our healthcare delivery system is capable of serving those who are sick, I have found it necessary to take additional measures consistent with public health guidance to slow and stop the spread of COVID-19; and,

WHEREAS, on October 16, 2020, considering the expected continuing spread of COVID-19 and the ongoing health and economic impacts that that will be felt over the coming month by people across the State, I again declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, working with experts in the Department of Public Health, I put forward a deliberate plan that utilizes several layers of mitigation steps to combat a resurgence of COVID-19 and prevent uncontrollable spread; and,

WHEREAS, that plan described two scenarios that would cause the State to institute more restrictive public health measures and impose additional mitigations in a region: first, a sustained increase in the 7-day rolling average (7 out of 10 days) in the positivity rate, coupled with either (a) a sustained 7-day increase in hospital admissions for a COVID-like illness, or (b) a reduction in hospital capacity threatening surge capabilities (ICU capacity or medical/surgical beds under 20%); or second, three consecutive days averaging greater than or equal to an 8% positivity rate (7 day rolling average); and,

WHEREAS, the current spread of COVID-19 in Region 7, comprised of Will and Kankakee counties, and Region 8, comprised of Kane and DuPage counties, has triggered the second of these scenarios as the regions have averaged greater than or equal to an 8% COVID-19 positivity rate (7 day rolling average) for three consecutive days; and,

WHEREAS, the Department of Public Health has consulted with local public health departments and leaders in Regions 7 and 8 to determine appropriate public health mitigation strategies for the specific challenges the region is facing in attempting to prevent the further spread of COVID-19;

THEREFORE, by the powers vested in me as the Governor of the State of Illinois, and pursuant to Sections 7(1), 7(8), 7(9), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, and consistent with the powers set forth in the State's public health laws, I hereby order the following, effective October 23, 2020 at 12:01 a.m.:

Section 1. The following public health restrictions and mitigations are instituted for Region 7, comprised of Will and Kankakee counties, and Region 8, comprised of Kane and DuPage counties:

a. Mitigation for restaurants and bars. Restaurants and bars in the region are subject to these restrictions and mitigation measures, which supplement the Phase 4 guidance from the Department of Commerce and Economic Opportunity for Indoor and Outdoor Dining:

1. All restaurants and bars in the region must close at 11:00 p.m., and must remain closed until 6:00 a.m. the following day.
2. All restaurants and bars in the region must suspend indoor on-premises consumption.

3. All customers eating or drinking on premises must be seated at outdoor tables spaced at least six feet apart. Multiple parties may not be seated at a single table.
4. Customers who are not yet seated at a table must wait off premises and, when waiting, must not congregate in groups larger than the party with whom they are dining. Standing, congregating, or dancing on premises is not permitted.
5. Each party must have a reservation, even if made on-site, so that the restaurant or bar has contact information to reach every party for contact tracing if needed.

b. Mitigation for meetings and social events. Meetings and social events in the region are subject to these restrictions and mitigation measures, which supplement the Phase 4 guidance from the Department of Commerce and Economic Opportunity for Meetings and Social Events:

1. Meetings and social events are limited to the lesser of 25 people or 25% of overall room capacity.
2. Attendance lists must be kept for contact tracing.
3. Party buses are not permitted.

c. Mitigation for gaming and casinos. Gaming and casinos in the region are subject to these restrictions and mitigation measures:

1. Gaming venues and casinos must close, and gaming terminals must stop operating, between 11:00 p.m. and 6:00 a.m. the following day.
2. Gaming venues and casinos are limited to 25% capacity.
3. Gaming venues and casinos must follow the mitigation strategies for restaurants and bars for those portions of their facilities.

d. Mitigation for all workplaces. Businesses and establishments shall institute remote work for high risk individuals, and shall evaluate whether additional workers can telework. This Executive Order encourages remote work for as many workers as possible.

Section 2. This Executive Order supplements the Community Revitalization Order (Executive Order 2020-43), which remains in effect other than when its terms are inconsistent with those expressly set forth in Section 1 above. The additional requirements of the Community Revitalization Order, including the requirements relating to social distancing and wearing face coverings, remain in place. The exemptions set forth in Section 4 of the Community Revitalization Order apply to this Executive Order.

Section 3. If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Issued by the Governor October 21, 2020

Filed by the Secretary of State October 21, 2020

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Illinois.gov (/)

Executive Order 2020-70

November 10, 2020

EXECUTIVE ORDER 2020-70

EXECUTIVE ORDER IN RESPONSE TO COVID-19 (COVID-19 EXECUTIVE ORDER NO.66)

WHEREAS, Coronavirus Disease 2019 (COVID-19), a novel severe acute respiratory illness, has rapidly spread throughout Illinois and continues to necessitate updated and more stringent guidance from federal, state, and local public health officials and significant measures to respond to the increasing public health disaster; and,

WHEREAS, COVID-19 can spread among people through respiratory transmissions, asymptomatic people can transmit the virus, and there is currently no effective treatment or vaccine; and,

WHEREAS, for the preservation of public health and safety throughout the entire State of Illinois, and to ensure that our healthcare delivery system is capable of serving those who are sick, I have found it necessary to take additional measures consistent with public health guidance to slow and stop the spread of COVID-19; and,

WHEREAS, on October 16, 2020, considering the expected continuing spread of COVID-19 and the ongoing health and economic impacts that that will be felt over the coming month by people across the State, I again declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, working with experts in the Department of Public Health, I put forward a deliberate plan that utilizes several layers of mitigation steps to combat a resurgence of COVID-19 and prevent uncontrollable spread; and,

WHEREAS, that plan described two scenarios that would cause the State to institute more restrictive public health measures and impose additional mitigations in a region: first, a sustained increase in the 7-day rolling average (7 out of 10 days) in the positivity rate, coupled with either (a) a sustained 7-day increase in hospital admissions for a COVID-like illness, or (b) a reduction in hospital capacity threatening surge capabilities (ICU capacity or medical/surgical beds under 20%); or second, three consecutive days averaging greater than or equal to an 8% positivity rate (7 day rolling average); and,

WHEREAS, Region 5 (comprised of Marion, Jefferson, Wayne, Edwards, Wabash, Perry, Jackson, Franklin, Williamson, Saline, Hamilton, White, Gallatin, Union, Johnson, Pope, Hardin, Alexander, Massac, and Pulaski counties) has been under Tier 1 of the state's resurgence mitigation plan since October 22 and Regions 7 (Will and Kankakee counties) and 8 (Kane and DuPage counties) since October 23, after seeing a 7-day rolling average test positivity rate of 8 percent or above for three consecutive days; and,

WHEREAS, despite the mitigation measures in place since October 22 and 23, the positivity rate has continued to increase for Regions 5, 7, and 8;

THEREFORE, by the powers vested in me as the Governor of the State of Illinois, and pursuant to Sections 7(1), 7(8), 7(9), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, and consistent with the powers set forth in the State's public health laws, I hereby order the following, effective November 11, 2020 at 12:01 a.m.:

Section 1. The following public health restrictions and mitigations are instituted for Region 5 (comprised of Marion, Jefferson, Wayne, Edwards, Wabash, Perry, Jackson, Franklin, Williamson, Saline, Hamilton, White, Gallatin, Union, Johnson, Pope, Hardin, Alexander, Massac, and Pulaski counties), Region 7 (Will and Kankakee counties), and Region 8 (Kane and DuPage counties):

a. Mitigation for restaurants and bars. Restaurants and bars in the region are subject to these restrictions and mitigation measures, which supplement the Phase 4 guidance from the Department of Commerce and Economic Opportunity for Indoor and Outdoor Dining:

1. All restaurants and bars in the region must close at 11:00 p.m., and must remain closed until 6:00 a.m. the following day.

2. All restaurants and bars in the region must suspend indoor on-premises consumption
3. All customers eating or drinking on premises must be seated at outdoor tables spaced at least six feet apart. Multiple parties may not be seated at a single table. Parties are limited to groups of six or fewer.
4. Customers who are not yet seated at a table must wait off premises and, when waiting, must not congregate in groups larger than the party with whom they are dining. Standing, congregating, or dancing on premises is not permitted.
5. Each party must have a reservation, even if made on-site, so that the restaurant or bar has contact information to reach every party for contact tracing if needed.

b. Mitigation for meetings and social events. Meetings and social events in the region are subject to these restrictions and mitigation measures, which supplement the Phase 4 guidance from the Department of Commerce and Economic Opportunity for Meetings and Social Events:

1. Meetings and social events are limited to 10 people or fewer.
2. Attendance lists must be kept for contact tracing.
3. Party buses are not permitted.

c. Mitigation for gaming and casinos. Gaming and casinos in the region are subject to these restrictions and mitigation measures:

1. Gaming venues and casinos must close, and gaming terminals must stop operating, between 11:00 p.m. and 6:00 a.m. the following day.
2. Gaming venues and casinos are limited to 25% capacity.
3. Gaming venues and casinos must follow the mitigation strategies for restaurants and bars for those portions of their facilities.

d. Mitigation for indoor and outdoor recreation. Indoor and outdoor recreation facilities in the region are subject to these restrictions and mitigation measures, which supplement the Phase 4 guidance from the Department of Commerce and Economic Opportunity for Indoor and Outdoor Recreation:

1. Facilities are limited to the lesser of 25 people or 25% capacity.
2. Groups are limited to 10 people or fewer.

e. Mitigation for all workplaces. Businesses and establishments shall institute remote work for high risk individuals, and shall evaluate whether additional workers can telework. This Executive Order encourages remote work for as many workers as possible.

Section 2. This Executive Order supplements the Community Revitalization Order (Executive Order 2020-43), which remains in effect other than when its terms are inconsistent with those expressly set forth in Section 1 above. The additional

requirements of the Community Revitalization Order, including the requirements relating to social distancing and wearing face coverings, remain in place. The exemptions set forth in Section 4 of the Community Revitalization Order apply to this Executive Order.

Section 3. If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Issued by the Governor November 10, 2020

Filed by the Secretary of State November 10, 2020

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SPRINGFIELD, ILLINOIS

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INDEX DEPARTMENT
NOV 13 2020
IN THE OFFICE OF
SECRETARY OF STATE

Gubernatorial Disaster Proclamation

WHEREAS, since early March 2020, Illinois has faced a pandemic that has caused extraordinary sickness and loss of life, infecting over 550,000, and taking the lives of more than 10,500 residents; and,

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

WHEREAS, it is critical that Illinoisans who become sick have access to necessary care from medical professionals, including hospital beds, emergency room beds, or ventilators if needed; and,

WHEREAS, it is also critical that the State's health care and first responder workforce has adequate personal protective equipment (PPE) to safely treat patients, respond to public health disasters, and prevent the spread of communicable diseases; and,

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

WHEREAS, the World Health Organization declared COVID-19 a Public Health Emergency of International Concern on January 30, 2020, and the United States Secretary of Health and Human Services declared that COVID-19 presents a public health emergency on January 27, 2020; and,

WHEREAS, on March 11, 2020, the World Health Organization characterized the COVID-19 outbreak as a pandemic, and has now reported more than 52 million confirmed cases of COVID-19 and nearly 1.3 million deaths attributable to COVID-19 globally; and,

WHEREAS, despite efforts to contain COVID-19, the virus has continued to spread rapidly, resulting in the need for federal and State governments to take significant steps; and,

WHEREAS, on March 9, 2020, I, JB Pritzker, Governor of Illinois, declared all counties in the State of Illinois as a disaster area in response to the outbreak of COVID-19; and,

WHEREAS, on March 13, 2020, the President declared a nationwide emergency pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the “Stafford Act”), covering all states and territories, including Illinois; and,

WHEREAS, on March 26, 2020, the President declared a major disaster in Illinois pursuant to Section 401 of the Stafford Act; and,

WHEREAS, on April 1, 2020, due to the exponential spread of COVID-19 in Illinois, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on April 30, 2020, due to the continued spread of COVID-19 in Illinois, the threatened shortages of hospital beds, ER beds, and ventilators, and the inadequate testing capacity, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on May 29, 2020, due to the continued spread of COVID-19 in Illinois, and the resulting health and economic impacts of the virus, and the need to increase testing capacity, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on June 26, 2020, due to the further spread of COVID-19 in Illinois, the continuing health and economic impacts of the virus, and the need to continue to increase testing capacity and preserve our progress against the disease, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on July 24, 2020, due to the resurgence of COVID-19 in Illinois, the continuing health and economic impacts of the virus, and the need to continue to increase testing capacity and preserve our progress against the disease, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on August 21, 2020, due to the resurgence of COVID-19 in Illinois, the continuing health and economic impacts of the virus, and the need to continue to increase testing capacity and preserve our progress against the disease, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on September 18, 2020, due to the resurgence of COVID-19 in Illinois, the continuing health and economic impacts of the virus, and the need to continue to increase testing capacity and preserve our progress against the disease, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on October 16, 2020, due to the resurgence of COVID-19 in Illinois, the continuing health and economic impacts of the virus, and the need to continue to increase testing capacity and preserve our progress against the disease, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, as circumstances surrounding COVID-19 have evolved and new evidence emerges, there have been frequent changes in information and public health guidance; and,

WHEREAS, the unprecedented nature of COVID-19, including the health consequences it has on not just the respiratory system but the heart, brain, kidneys, and the body’s immune response, has made the virus’s effects and its path difficult to predict; and,

WHEREAS, from the outset, data suggested that older adults and those with serious underlying health conditions are more likely to experience severe and sometimes fatal complications from COVID-19; and,

WHEREAS, evidence has shown that young people, including infants and toddlers, are also at risk of such complications; and,

WHEREAS, young and middle-aged people have comprised a significant proportion of new COVID-19 cases and hospitalized COVID-19 patients, and there is evidence that COVID-19 causes blood clots and strokes, and has caused deadly strokes in young and middle-aged people who exhibited few symptoms; and,

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WHEREAS, the understanding of spread from infected individuals who have not shown symptoms has changed and, on April 12, 2020, the federal Centers for Disease Control and Prevention (CDC) changed the period of exposure risk from “onset of symptoms” to “48 hours before symptom onset”; and,

WHEREAS, some people infected by the virus remain asymptomatic but nonetheless may spread it to others; and,

WHEREAS, although the CDC initially recommended against wearing cloth face coverings or masks as protection, as a result of research on asymptomatic and pre-symptomatic transmission, the CDC revised its conclusions and recommends wearing cloth face coverings in public settings where social distancing measures are difficult to maintain; and,

WHEREAS, the CDC now advises that cloth face coverings or masks protect both the wearer and those around them from COVID-19; and,

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

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

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

WHEREAS, at the time I issued the first Gubernatorial Disaster Proclamation, there were 11 confirmed cases of COVID-19 in one Illinois county; and,

WHEREAS, as of today, there have been over 550,000 confirmed cases of COVID-19 in all 102 Illinois counties; and,

WHEREAS, the first death attributed to COVID-19 in Illinois was announced on March 17, 2020; and,

WHEREAS, as of today, November 13, 2020, more than 10,500 residents of Illinois have died due to COVID-19; and,

WHEREAS, from the outset, studies have suggested that for every confirmed case there are many more unknown cases, some of which are asymptomatic individuals who can pass the virus to others without knowing; and,

WHEREAS, the CDC estimates that total cases of COVID-19 may be up to 13 times higher than currently reported for certain regions; and,

WHEREAS, the number of new COVID-19 cases in the State has surged over the past several weeks, and the virus continues to infect thousands of individuals and claim the lives of too many Illinoisans each day; and,

WHEREAS, the COVID-19 pandemic is not limited to the most populous counties, and as of today, counties in all regions of the State are demonstrating significant increased COVID-19 risk; and,

WHEREAS, without precautions COVID-19 can spread exponentially, even in less populous areas; for example, in Jasper County, a single infected first responder visited a nursing home and instigated series of infections that resulted in one of highest infection rates in the State; and similarly, in Randolph County, a single infected person attended an event in mid-March that caused that county likewise to suffer one of the State’s highest infection rates; and,

WHEREAS, numerous counties all around the State have reported more than 75 cases per 100,000 people over the past 7 days; and,

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WHEREAS, the State and the Illinois Department of Public Health have developed a mitigation plan to trigger additional precautions when regions meet certain risk levels; and,

WHEREAS, as of today, all regions of the State have triggered these additional mitigation strategies; and,

WHEREAS, while the precautions taken by Illinoisans previously slowed the growth of COVID-19 cases and deaths in the State, the number of cases in the State is now again growing exponentially; and,

WHEREAS, the U.S. has surpassed 10.5 million total cases and more than 240,000 deaths; and,

WHEREAS, COVID-19 has claimed the lives of and continues to impact the health of Black and Hispanic Illinoisans at a disproportionately high rate – magnifying significant health disparities and inequities; and,

WHEREAS, the Illinois Department of Public Health activated its Illinois Emergency Operations Plan and its Emergency Support Function 8 Plan to coordinate emergency response efforts by hospitals, local health departments, and emergency management systems in order to avoid a surge in the use of hospital resources and capacity; and,

WHEREAS, as the virus has progressed through Illinois, the crisis facing the State continues to develop and requires an evolving response to ensure hospitals, health care professionals and first responders are able to meet the health care needs of all Illinoisans and in a manner consistent with CDC guidance that continues to be updated; and,

WHEREAS, in order to ensure that health care professionals, first responders, hospitals and other facilities are able to meet the health care needs of all residents of Illinois, the State must have critical supplies, including PPE, such as masks, face shields, gowns, and gloves; and,

WHEREAS, the State of Illinois maintains a stockpile that supports the existing PPE supply chains and stocks at various healthcare facilities; and,

WHEREAS, while the State continues to make every effort to procure PPE, if those procurement efforts are disrupted or Illinois experiences a surge in COVID-19 cases, the State faces a life-threatening shortage of respirators, masks, protective eyewear, face shields, gloves, gowns, and other protective equipment for health care workers and first responders; and,

WHEREAS, hospitalizations now are rapidly rising again; and Illinois is using a significant percentage of hospital beds and ICU beds; and, if COVID-19 cases continue to surge, the State could face a shortage of critical health care resources; and,

WHEREAS, over the course of the COVID-19 crisis, the State has been constrained in the number of COVID-19 tests that can be taken and processed due to a limited number of testing sites and labs, as well as a shortage of necessary supplies, including the swabs needed to take samples; and,

WHEREAS, at the time I issued the first Gubernatorial Disaster Proclamation, Illinois had capacity to test no more than a few hundred people per day for COVID-19 at a small number of testing sites; and,

WHEREAS, the State has developed testing sites throughout Illinois and recently has exceeded 100,000 tests per day, and the State continues to focus efforts on increasing testing capacity; and,

WHEREAS, Illinois now has tested more than 8.8 million total specimens for COVID-19; and,

WHEREAS, national projections adjusted for Illinois' population suggest the State must continue to increase the number of tests processed per day as part of an effective effort to permanently slow and reduce the spread of COVID-19; and,

WHEREAS, in addition to causing the tragic loss of more than 10,500 Illinoisans and wreaking havoc on the physical health of tens of thousands more, COVID-19 has caused extensive

economic loss and continues to threaten the financial welfare of a significant number of individuals and businesses across the nation and the State; and,

WHEREAS, nationwide, more than 60 million people have filed unemployment claims since the start of the pandemic – representing more than one in four U.S. workers; and,

WHEREAS, the Illinois Department of Employment Security announced that the State's unemployment rate continues to be extremely high at above 10 percent; and,

WHEREAS, the Illinois Department of Employment Security is responding to the economic crisis in a number of ways, including through the Pandemic Unemployment Assistance program; and,

WHEREAS, the Department of Commerce and Economic Opportunity is working to address the economic crisis, including through assistance programs such as the Business Interruption Grants Program for businesses that experienced a limited ability to operate due to COVID-19 related closures; and,

WHEREAS, the economic loss and insecurity caused by COVID-19 threatens the viability of business and the access to housing, medical care, food, and other critical resources that directly impact the health and safety of residents; and,

WHEREAS, access to housing helps prevent spread of COVID-19 because individuals with housing are able to minimize physical contact with those outside their households; and,

WHEREAS, temporarily halting eviction proceedings avoids numerous interactions associated with being evicted, including with law enforcement officers, courtroom personnel, landlords, movers, and friends and family who agree to provide temporary housing, as well as, for those who are forced into homelessness, the interactions associated with taking refuge in a shelter; and,

WHEREAS, preventing spread by temporarily halting eviction proceedings thus also prevents spread of COVID-19 in the broader community; and,

WHEREAS, COVID-19 also has been extraordinarily disruptive to schools, and it is among the highest priorities of the State to ensure that students are able to obtain a quality education and that schools are able to provide an environment that is safe for students, teachers, and the community; and,

WHEREAS, based on the foregoing facts, and considering the rapid spread of COVID-19 and the ongoing health and economic impacts that will be felt over the coming month by people across the State, the current circumstances in Illinois surrounding the spread of COVID-19 constitute an epidemic emergency and a public health emergency under Section 4 of the Illinois Emergency Management Agency Act; and,

WHEREAS, based on the foregoing, the continuing burden on hospital resources, the ongoing potential that the State could face shortages of these resources in the event of a surge in infections, and the critical need to increase the purchase and distribution of PPE as well as to continue to expand COVID-19 testing capacity constitute a public health emergency under Section 4 of the Illinois Emergency Management Agency Act; and,

WHEREAS, it is the policy of the State of Illinois to be prepared to address any disasters and, therefore, it is necessary and appropriate to make additional State resources available to ensure that that our healthcare delivery system is capable of serving those who are sick and that Illinoisans remain safe and secure and able to obtain medical care; and,

WHEREAS, this proclamation will assist the State in facilitating economic recovery for individuals and businesses in an effort to prevent further devastating consequences from the economic instability COVID-19 has caused; and,

WHEREAS, this proclamation will assist Illinois agencies in coordinating State and Federal resources, including materials needed to test for COVID-19, personal protective equipment, and medicines, in an effort to support the State responses as well as the responses of local governments to the present public health emergency; and,

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WHEREAS, these conditions provide legal justification under Section 7 of the Illinois Emergency Management Agency Act for the new issuance of a proclamation of disaster; and,

WHEREAS, the Illinois Constitution, in Article V, Section 8, provides that “the Governor shall have the supreme executive power, and shall be responsible for the faithful execution of the laws,” and states, in the Preamble, that a central purpose of the Illinois Constitution is “provide for the health, safety, and welfare of the people”;

NOW, THEREFORE, in the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I, JB Pritzker, Governor of the State of Illinois, hereby proclaim as follows:

Section 1. Pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, I find that a disaster exists within the State of Illinois and specifically declare all counties in the State of Illinois as a disaster area. The proclamation authorizes the exercise of all of the emergency powers provided in Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, including but not limited to those specific emergency powers set forth below.

Section 2. The Illinois Department of Public Health and the Illinois Emergency Management Agency are directed to coordinate with each other with respect to planning for and responding to the present public health emergency.

Section 3. The Illinois Department of Public Health is further directed to cooperate with the Governor, other State agencies and local authorities, including local public health authorities, in the development and implementation of strategies and plans to protect the public health in connection with the present public health emergency.

Section 4. The Illinois Emergency Management Agency is directed to implement the State Emergency Operations Plan to coordinate State resources to support local governments in disaster response and recovery operations.

Section 5. To aid with emergency purchases necessary for response and other emergency powers as authorized by the Illinois Emergency Management Agency Act, the provisions of the Illinois Procurement Code that would in any way prevent, hinder or delay necessary action in coping with the disaster are suspended to the extent they are not required by federal law. If necessary, and in accordance with Section 7(1) of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(1), the Governor may take appropriate executive action to suspend additional statutes, orders, rules, and regulations.

Section 6. Pursuant to Section 7(3) of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(3), this proclamation activates the Governor’s authority, as necessary, to transfer the direction, personnel or functions of State departments and agencies or units thereof for the purpose of performing or facilitating emergency response programs.

Section 7. The Illinois Department of Public Health, Illinois Department of Insurance and the Illinois Department of Healthcare and Family Services are directed to recommend, and, as appropriate, take necessary actions to ensure expanded access to testing for COVID-19 and that consumers do not face financial barriers in accessing diagnostic testing and treatment services for COVID-19.

Section 8. The Illinois State Board of Education is directed to recommend, and, as appropriate, take necessary actions to address any impact to learning associated with the present public health emergency and to continue to alleviate any barriers to the use of remote learning during the effect of this proclamation that exist in the Illinois School Code, 105 ILCS 5/1-1 et. seq.

Section 9. All State agencies are directed to cooperate with the Governor, other State agencies and local authorities in the development and implementation of strategies and plans to cope with and recover from the economic impact of the present public health emergency.

Section 10. Pursuant to Section 7(14) of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(14), increases in the selling price of goods or services, including medical supplies, protective equipment, medications and other commodities intended to assist in the prevention of

or treatment and recovery of COVID-19, shall be prohibited in the State of Illinois while this proclamation is in effect.

Section 11. This proclamation can facilitate requests for federal emergency and/or disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

Section 12. For purposes of Public Act 101-0640, Article 15, section 15-5, amending the Open Meetings Act, new section 5 ILCS 120/7(e)(4), I find that the public health concerns at issue in this proclamation render in-person attendance of more than ten people at the regular meeting location not feasible.

Section 13. This proclamation shall be effective immediately and remain in effect for 30 days.

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the State of Illinois to be affixed.



*Done at the Capitol in the City of
Springfield this 13th day of November in
the Year of Our Lord two thousand and
twenty and of the State of Illinois two
hundred and second.*

Desee White
SECRETARY OF STATE

JB Pritzker
GOVERNOR

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IN THE OFFICE OF
SECRETARY OF STATE

ORDINANCE NO. 20-O-53

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

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

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

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

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

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

WHEREAS, during the April 27, 2020 regular meeting of the Mayor and Board of Trustees of the Village of Willowbrook, the Village Board adopted and approved Ordinance 20-O-13, entitled “An Ordinance Extending Temporary Executive Powers Pursuant to 65 ILCS 5/11-1-6”; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PASSED and APPROVED this 23rd day of November, 2020.

ROLL CALL VOTE:

AYES: _____

NAYS: _____

ABSTENTIONS: _____

ABSENT: _____

APPROVED:

Frank A. Trilla, Mayor

ATTEST:

Deborah A. Hahn, Village Clerk

VILLAGE OF WILLOWBROOK

BOARD MEETING AGENDA ITEM - HISTORY/COMMENTARY

ITEM TITLE: AN ORDINANCE AMENDING THE VILLAGE OF WILLOWBROOK EMPLOYEE PERSONNEL MANUAL APPENDIX L, EMPLOYEE SAFETY INCENTIVE PROGRAM	AGENDA NO. 5e	
STAFF REVIEW: Carrie Dittman, Director of Finance	SIGNATURE: <u>C. Dittman / mm</u>	
LEGAL REVIEW: Thomas Bastian, Village Attorney	SIGNATURE: <u>T. Bastian / mm</u>	
RECOMMENDED BY: Brian Pabst, Village Administrator	SIGNATURE: <u>B. Pabst</u>	
REVIEWED & APPROVED BY COMMITTEE: YES <input checked="" type="checkbox"/> Finance/Admin 11/9/2020	NO <input type="checkbox"/>	N/A <input type="checkbox"/>

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

Willowbrook is a member of the Intergovernmental Risk Management Agency (IRMA), which provides liability and workers compensation insurance to a pool of municipal members. An annual premium notice is issued each year in December based upon each member's revenues and claims experience. In accordance with the Village's Personnel Manual, Appendix L, any premium credit amount earned based on the experience modifier is intended to be distributed to employees as a safety incentive upon approval by the Board of Trustees. The Safety Incentive Program began in 1985.

Generally, all full-time employees employed for the most recent, full claim year have received the incentive, along with certain part-time employees. Example: employee must be employed January 1, 2019 – December 31, 2019 to be eligible for the incentive granted in December 2020. The program contains a mechanism whereby non-eligible employees could petition the full-time employees to receive either a full-share or half-share of the incentive. This has created tension amongst employees to pressure them to vote a certain way, based on popularity and other factors. In addition, it is cumbersome to manage generating and tallying voting ballots, and recomputing the employee distribution, in the short turnaround time between when the Board approves the incentive and when it must be paid out (typically about 2 days). Staff is proposing that the voting option for non-eligible employees be eliminated entirely. Additionally, language clarifying the program and its eligibility requirements has been added to the attached policy.

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

At the November 9, 2020 Finance and Administration committee meeting, the Committee discussed the modifications to the policy, which are noted in the attached, red-lined version. The Committee accepted the changes, and a clean, final version is also attached. If IRMA grants a credit to the Village, which will be determined next month, the policy would be effective for the December 2020 distribution.

ACTION PROPOSED: PASS THE ORDINANCE

ORDINANCE NO. 20 - O - _____

**AN ORDINANCE AMENDING THE VILLAGE OF WILLOWBROOK
EMPLOYEE PERSONNEL MANUAL BY AMENDING APPENDIX L,
EMPLOYEE SAFETY INCENTIVE PROGRAM**

WHEREAS, on February 13, 2012, the Village Board adopted an amended Village of Willowbrook Employee Personnel Manual; and

WHEREAS, the Village of Willowbrook Employee Personnel Manual includes an Appendix L providing for an Employee Safety Incentive Program; and

WHEREAS, the corporate authorities of the Village have determined that it is in the best interest of the Village to revise the Employee Personnel Manual with respect to its Employee Safety Incentive Program.

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

SECTION 1. Recitals. The facts and statements contained in the preambles to this Ordinance are found to be true and correct and are hereby adopted as part of this ordinance.

SECTION 2. The Village of Willowbrook Employee Personnel Manual is hereby amended by approving and amending thereto the Appendix L, Employee Safety Incentive Program, a copy of said program is attached hereto as Exhibit "A" and made a part hereof.

SECTION 3. This Employee Safety Incentive Program of the Village supersedes any prior policy or past practice of the Village with respect to the safety incentive.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent

jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. All ordinances or resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed, solely to the extent of said conflict.

PASSED and **APPROVED** this 23rd day of November, 2020 by a roll call vote as follows:

AYES: _____

NAYS: _____

ABSTENTIONS: _____

ABSENT: _____

APPROVED:

Frank A. Trilla, Mayor

ATTEST:

Deborah A. Hahn, Village Clerk

EXHIBIT "A"

**THE VILLAGE OF WILLOWBROOK
EMPLOYEE PERSONNEL MANUAL**

APPENDIX L

EMPLOYEE SAFETY INCENTIVE PROGRAM

L: EMPLOYEE SAFETY INCENTIVE PROGRAM

APPENDIX L

VILLAGE OF WILLOWBROOK

EMPLOYEE SAFETY INCENTIVE PROGRAM

I. GOALS AND OBJECTIVES

The Goals and Objectives of the Employee Safety Incentive Program are:

- A. To instill in the minds of every employee a concept that the safe way to perform a task is the most efficient and the only acceptable way.
- B. To compensate the employees when they collectively demonstrate a concern for their safety and the safety of others.

II. ELIGIBILITY

This Employee Safety Incentive Program shall apply to all Regular Full-Time Employees, as defined in the Personnel Manual, employed during the entire most recent claim year (January – December) used in the calculation of the Credit to be applied in the forthcoming premium year. Further, this plan shall apply only to employees who are employed by the Village at the time of the distribution approval by the Board.

In addition, for the purpose of this plan, part-time employees working in excess of 1,000 hours per year for the entire most recent claim year used in the calculation of the Credit shall be eligible for a full share.

III. METHODOLOGY

The Village of Willowbrook is a member of the Intergovernmental Risk Management Agency (IRMA). IRMA calculates the annual premium to be paid by the Village of Willowbrook based on two criteria:

- A. Total Revenues of Willowbrook for the fiscal year ending April 30, twenty months preceding the upcoming Premium Year.
- B. Loss experience of Willowbrook as compared with similar IRMA member's loss history in accordance with IRMA rules and regulations as amended from time to time. IRMA refers to this factor as the Experience Modifier.

On or about December 15 of each year, IRMA will have notified the Village of Willowbrook of the premium to be paid by the Village for the upcoming Premium Year beginning on the following January 1.

Additional compensation shall be awarded to each eligible employee as described in II above, as follows: the amount of the Credit granted to the Village as per the Experience Modifier shall be evenly distributed amongst the eligible employees as defined above. If there is no Credit, nothing shall be distributed.

IV. GENERAL RULES OF APPLICATION

- A. The IRMA formula as modified from time to time shall be the sole governing factor in determining the distribution as described in III, above.
- B. The position, job classification, or compensation of Eligible Employees shall not affect the allocation of the Safety Incentive Dividend.
- C. There shall be no additional consideration of loss issues, such as at-fault accidents, no-fault accidents, subrogated claims, or non-subrogated claims above and beyond the IRMA computation.
- D. Every effort will be made by the Village of Willowbrook to distribute any dividends due employees herein prior to December 31 of each calendar year.
- E. Prior to the allocation of a Safety Incentive Dividend, the approval of the Mayor and Board of Trustees must be obtained by the Village Administrator.
- F. All Eligible employees shall receive compensation of the Safety Incentive Dividends in the same manner as routine payroll is distributed.

VILLAGE OF WILLOWBROOK

BOARD MEETING AGENDA ITEM - HISTORY/COMMENTARY

MOTION TO APPROVE MERITORIOUS SERVICE AWARD FOR OFFICER NICK VOLEK

AGENDA NO. 5.f.

AGENDA DATE: 11/23/20

STAFF REVIEW: Lauren Kaspar, Deputy Chief of Police

SIGNATURE: L. Kaspar /m

LEGAL REVIEW: Tom Bastian, Village Attorney

SIGNATURE: T. Bastian /m

RECOMMENDED BY: Brian Pabst, Village Administrator

SIGNATURE: B. Pabst /m

REVIEWED & APPROVED BY PSC: YES NO N/A

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

The Village of Willowbrook's Personnel Manual allows for village personnel to be awarded a meritorious service award.

Any Willowbrook employee during his/her regular course of employment shall be eligible if, in attempting to save the life of another or prevent serious injuries to another, exhibits superior efforts in a range which exceeds the common standards of performance expected of his/her profession.

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

On October 22, 2020 Officer Volek was dispatched to an Ambulance Assist at a condominium complex for a subject who was unconscious. Upon arrival, Officer Volek observed a citizen performing Cardiopulmonary Resuscitation (CPR) on the victim and immediately took action. Officer Volek continued CPR and deployed his Automated External Defibrillator (AED), which delivered a shock to the victim. After checking for responsiveness Officer Volek continued CPR, and ultimately the victim began to breathe. Officer Volek then continued to monitor the victim until Tri State Fire Protection District arrived and took over care.

The Village Staff recommends a Meritorious Service Award be given to Officer Nick Volek.

ACTION PROPOSED: Approve Motion

VILLAGE OF WILLOWBROOK

BOARD MEETING AGENDA ITEM - HISTORY/COMMENTARY

ITEM TITLE:	AGENDA NO.
An Ordinance Amending Special Use Permit No. 06-27 as Approved in Ordinance Nos. 06-0-27 and 07-O-10 and Amended in Ordinance Nos. 07-O-22, 09-O-29, 11-O-12, and 12-O-26 Approving a Minor Change to Install An Employee Shelter at the Chick-Fil-A Drive-Through – Route 83 and Plainfield Road – Willowbrook Town Center	5g

AGENDA DATE:
11/23/20

STAFF REVIEW: Ann Choi, Planning Consultant

SIGNATURE: 

LEGAL REVIEW: Tom Bastian, Village Attorney

SIGNATURE: 

RECOMMENDED BY: Brian Pabst, Village Administrator

SIGNATURE: 

REVIEWED & APPROVED BY COMMITTEE: YES NO N/A

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

On August 28, 2006, the Village Board approved ordinance 06-O-27, which rezoned the property to the B-2 district, granted a special use permit for a PUD, granted variations from the Zoning Ordinance and Subdivision Regulations, and approved the Preliminary Plat of Subdivision and Preliminary Plat of PUD for the development of the Willowbrook Town Center. On May 29, 2007, the Village Board approved Ordinance 07-O-10, granting approval of the Final Plat of Subdivision and PUD for the Town Center. On September 24, 2007, the Village Board approved Ordinance 07-O-22, which amended the special use permit and approved an amended and restated preliminary and final plat of PUD. On November 23, 2009, the Village Board approved Ordinance 09-O-29, which amended the special use permit and approved a special use permit for a delicatessen and food store for the Willowbrook Town Center. On August 8, 2011, the Village Board approved Ordinance No. 11-O-12, which amended the special use permit and approved a minor change to modify the Portillo's drive-through. On November 26, 2012, the Village Board approved Ordinance No. 12-O-26, which amended the special use permit and approved a minor change to allow for a drive through restaurant (Chick-fil-A), including modifications to parking and circulation.

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

Chick-fil-A, as authorized by the Harlem Irving Companies, is requesting approval for an amendment to the Town Center PUD to allow for the installation of a prefabricated steel framed employee shelter measuring approximately 6'-4" by 5'-0" at a maximum height of 10'-6' (9'-6" clear height) for the existing Chick-fil-A restaurant. The approximately 5,500 square foot Chick-fil-A restaurant is surrounded with double drive-through lanes. The path of travel for vehicles using these drive-through lanes begin near the southeast corner of the restaurant where customers can access the menu order boards to submit their order. After putting in their orders at the menu boards, customers drive forward and make a left turn to the pick-up window. The menu order boards both have overhead canopies to provide shade and protect vehicles from inclement weather. Due to the increased stacking of vehicles through these drive-through lanes and into the parking aisles during peak hours, employees are often positioned outdoors along the drive-through lanes to expedite the ordering and pickup process. These employees have no protection from the sun or from inclement weather between the menu order boards and the pick-up window. The proposed employee shelter will be located right within the landscaped area where vehicles will make a left turn.

Per Section 9-13-4(C)6(b) of the Zoning Ordinance, major changes are distinguished from minor changes, and specifies that minor changes may be approved by the Village Board by ordinance without public hearing or consideration by the Plan Commission. The proposed installation of an employee shelter is classified as a minor change because it is not categorized in any of the seven listed major changes.

ACTION PROPOSED: Consideration of Attached Ordinance.

ORDINANCE NO. 20-O

**AN ORDINANCE AMENDING SPECIAL USE PERMIT NO. 06-27
AS APPROVED IN ORDINANCES NO. 06-O-27 AND 07-O-10
AND AMENDED IN ORDINANCE NOS. 07-O-22, 09-O-29, 11-O-12, AND 12-O-26
APPROVING A MINOR CHANGE TO INSTALL AN EMPLOYEE SHELTER AT THE
CHICK-FIL-A DRIVE-THROUGH
ROUTE 83 AND PLAINFIELD ROAD – WILLOWBROOK TOWN CENTER**

WHEREAS, by Ordinance No. 06-O-27 and Ordinance No. 07-O-10, the corporate authorities of the Village of Willowbrook approved a Special Use Permit for a Planned Unit Development in the B-2 Community Shopping District for the continued use of commercial properties; and

WHEREAS, on or about September 30, 2020, Steve Brescia, agent for Chick-fil-A and as authorized by Stanley Bouzoukis, agent for the property owner known as The Harlem Irving Companies, Inc., has petitioned the Village for a minor amendment to the Planned Unit Development in order to construct a prefabricated steel framed employee shelter at the existing Chick-fil-A restaurant drive-through; and

WHEREAS, said application also requested that the special use permit for a planned unit development relating to the SUBJECT REALTY, previously approved in Ordinance No. 06-O-27 and Ordinance No. 07-O-10 and as amended by Ordinance Nos. 07-O-22, 09-O-29, 11-O-12 and 12-O-26 be further amended to approve the minor change to the PUD as defined by Section 9-13-4(C)6(b) of the Village Code, and

WHEREAS, Village staff has determined that, pursuant to Section 9-13-4(C)6(b) of the Zoning Code, the request is a minor amendment to the PUD Agreement and, therefore, such amendment may be approved by the corporate authorities of the Village without resorting to a public hearing by the Village Plan Commission.

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

SECTION 1. Special Use Permit No. 06-27, passed and approved in Ordinance No. 06-0-27 and O7-O-10 and amended in Ordinance Nos. 07-O-22, 09-O-29, 11-O-12 and 12-O-26, is hereby further amended so as to permit the construction of a prefabricated steel framed employee shelter at the existing Chick-fil-A restaurant drive-through as depicted on Exhibit "A", attached hereto and made a part hereof.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED and **APPROVED** this 23rd day of November, 2020 by a roll call vote as follows:

ROLL CALL VOTE:

AYES: _____

NAYS: _____

ABSTENTIONS: _____

ABSENT: _____

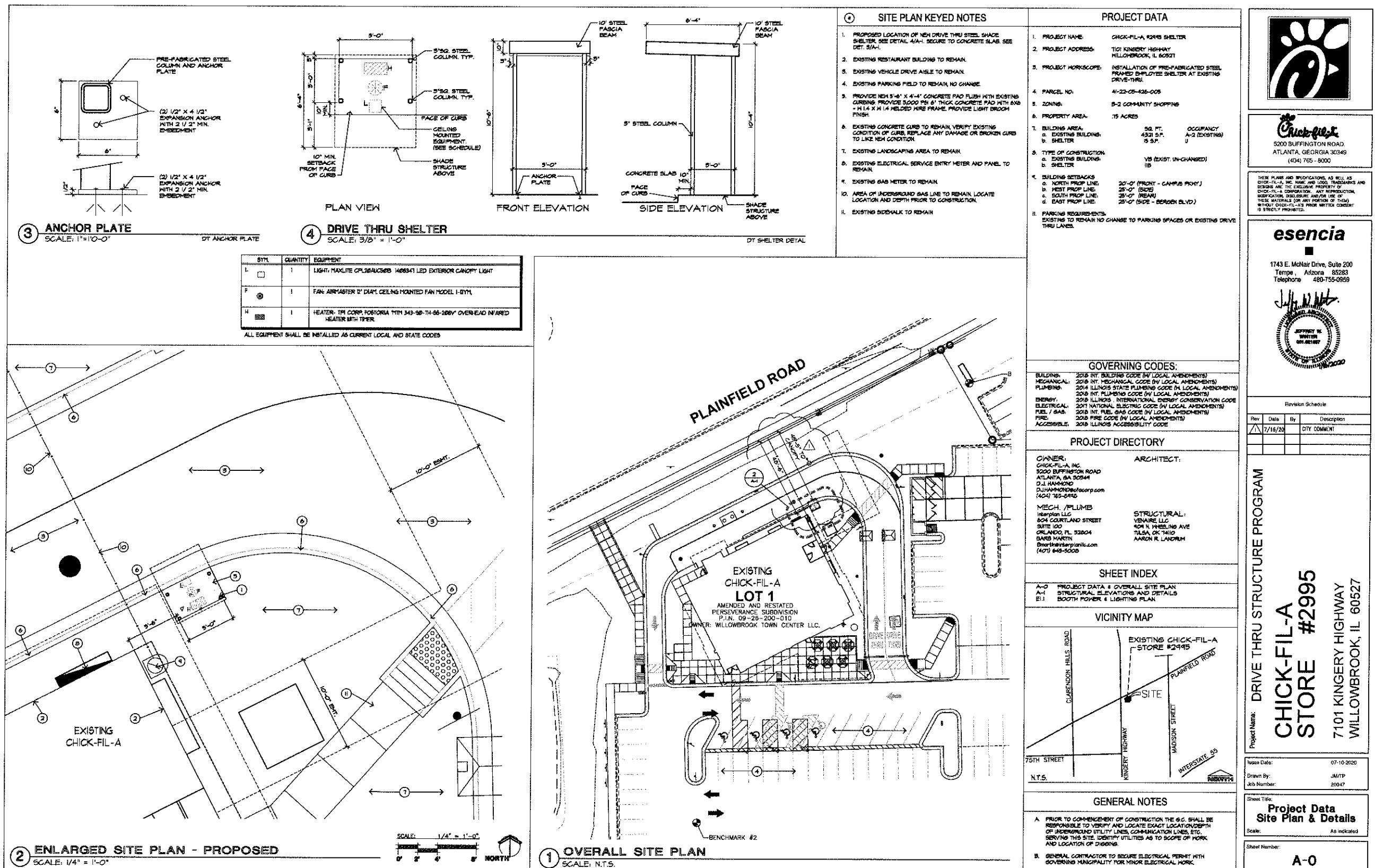
APPROVED:

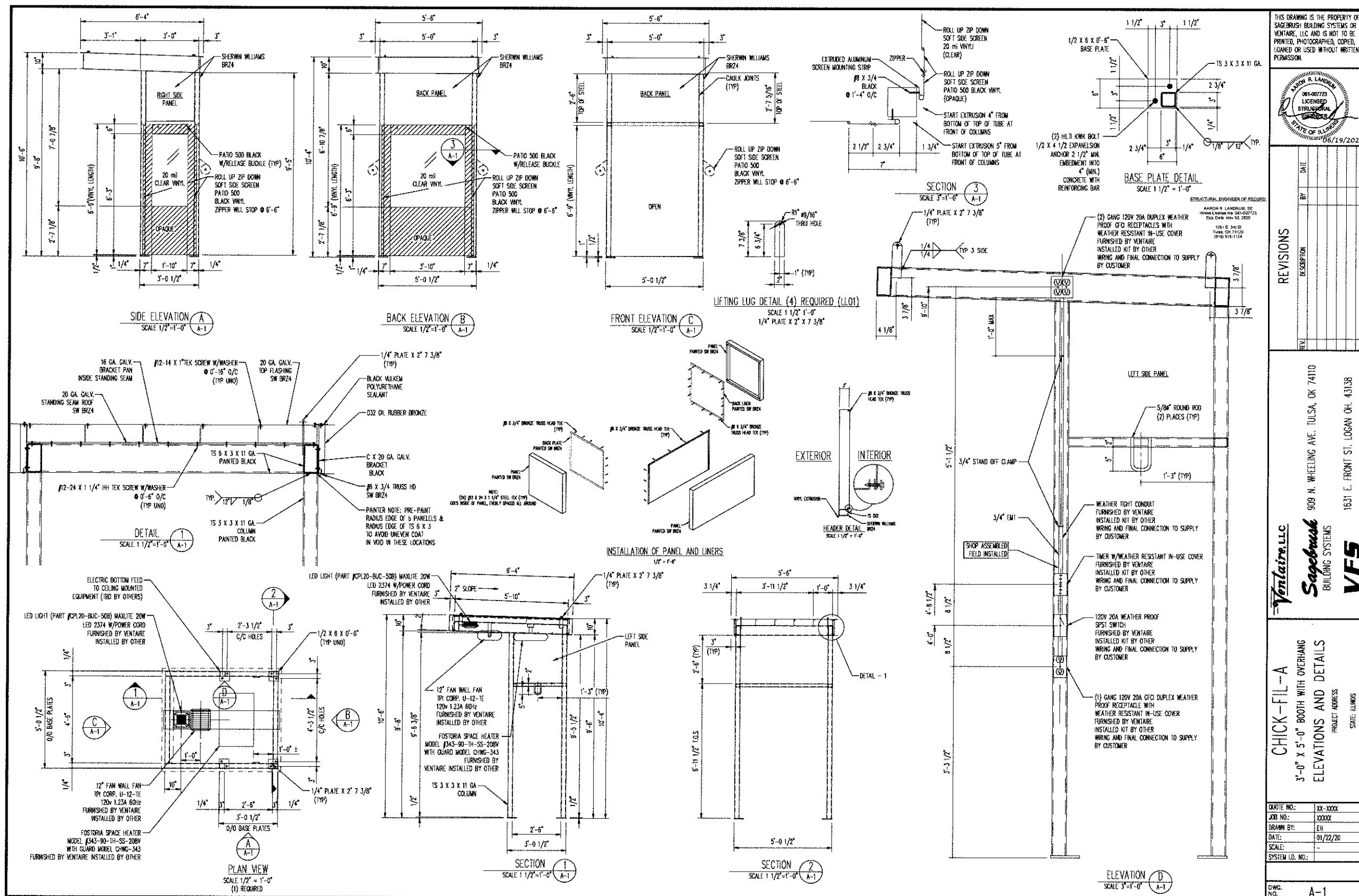
Frank A. Trilla, Mayor

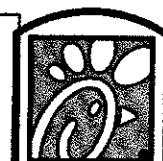
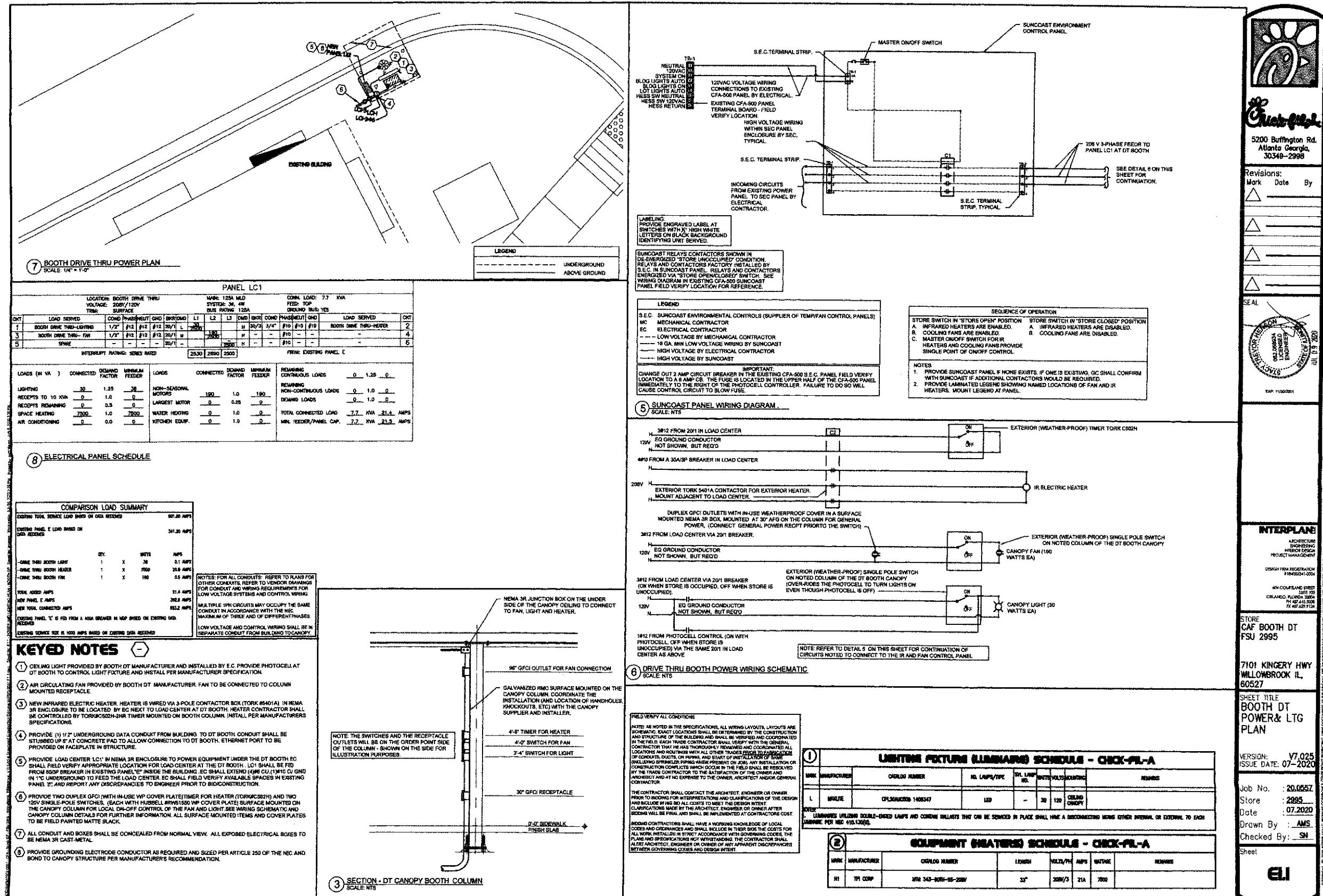
ATTEST:

Deborah A. Hahn, Village Clerk

EXHIBIT “A”







5200 Buffington Rd.
Atlanta, Georgia,
30349-2998

Revisions:
Mark Date By



STORE
CAF BOOTH DT
FSU 2995

7101 KINGERY HWY
WALLOWSBROOK IL
60527

SHEET TITLE
BOOTH DT
POWER & LTG
PLAN

VERSION: V7.025
ISSUE DATE: 07-2020

Job No.: 20.0557
Store: 2995
Date: 07.2020
Drawn By: AMS
Checked By: SN

Sheet

ELI



Village of Willowbrook

Staff Report to the Village Board

Village Board:

Receive/Vote Date November 23, 2020

Prepared By:

Ann Choi, Planning Consultant

Case Title:

Zoning Case No. 20-11:
Willowbrook Town Center Amendment #5 (Chick-fil-A)

Petitioner:

Chick-fil-A (Jason Rosier as property owner and Steve Brescia as agent)
5200 Buffington Road
Atlanta, GA 30349
And as authorized by:
The Harlem Irving Companies, Inc. (Stanley Bouzoukis)
4014 N. Harlem Avenue
Norridge, IL 60706

**Action Requested by
Applicant:**

Consideration to amend a Special Use for a Planned Unit Development and approval of an Amendment to a Planned Unit Development as a minor change under Section 9-13-4(C)6(b) to allow for the installation of a prefabricated steel framed employee shelter at the existing Chick-fil-A restaurant drive-through.

Location:

7101 Kingery Highway, Willowbrook IL

PINs:

09-26-200-010, 09-23-406-018 and 09-23-406-019

Existing Zoning:

B-2 with a Special Use Permit for a PUD/Mixed Use Retail

Existing Land Use:

Community Commercial

Property Size:

23.831 Acres

Surrounding Land Use:

	Use	Zoning
North	Pete's Fresh Market	B-2/Special Use
South	Woodland Plaza	B-2/Special Use
East	Lake Willoway Condo	R-5/Special Use
West	Single Family Residential	R-2/City of Darien

Documents Attached:

1. Legal Description
2. Alta/ACSM Land Title Survey
3. Architectural Drawings
4. Engineering Review Letter, prepared by Christopher B. Burke Engineering Ltd., and dated November 11, 2020 (1 page)

**Necessary Action by
Village Board:**

Consideration of Attached Ordinance.



Site Description

The Willowbrook (WB) Town Center shopping center has been successfully operating since its initial approval in 2006. The WB Town Center contains approximately over 200,000 square feet of retail and restaurant space. The applicant, Chick-fil-A, is now requesting the approval of a minor amendment to the WB Town Center Planned Unit Development (PUD) for the installation of an employee shelter located immediately to the northwest of the existing Chick-fil-A building. The minor amendment will be acted upon by the Village Board and does not require Plan Commission review and recommendation.

Exhibit 1 Site Location



Aerial Source: <https://gis.dunaaeco.org/>.

Background and History

On August 28, 2006, the Village Board approved ordinance 06-O-27, which rezoned the property to the B-2 district, granted a special use permit for a PUD, granted variations from the Zoning Ordinance and Subdivision Regulations, and approved the Preliminary Plat of Subdivision and Preliminary Plat of PUD for the development of the Willowbrook Town Center.

On May 29, 2007, the Village Board approved Ordinance 07-O-10, granting approval of the Final Plat of Subdivision and PUD for the Town Center.

On September 24, 2007, the Village Board approved Ordinance 07-O-22, which amended the special use permit and approved an amended and restated preliminary and final plat of PUD.

On November 23, 2009, the Village Board approved Ordinance 09-O-29, which amended the special use permit and approved a special use permit for a delicatessen and food store for the Willowbrook Town Center.



On August 8, 2011, the Village Board approved Ordinance No. 11-O-12, which amended the special use permit and approved a minor change to modify the Portillo's drive-through.

On November 26, 2012, the Village Board approved Ordinance No. 12-O-26, which amended the special use permit and approved a minor change to allow for a drive through restaurant (Chick-fil-A), including modifications to parking and circulation.

Development Request

Chick-fil-A, as authorized by the Harlem Irving Companies, is requesting approval for an amendment to the PUD to allow for the installation of a prefabricated steel framed employee shelter measuring approximately 6'-4" by 5'-0" at a maximum height of 10'-6" (9'-6" clear height) for the existing Chick-fil-A restaurant. The approximately 5,500 square foot Chick-fil-A restaurant is surrounded with double drive-through lanes. The path of travel for vehicles using these drive-through lanes begin near the southeast corner of the restaurant where customers can access the menu order boards to submit their order. After putting in their orders at the menu boards, customers drive forward and make a left turn to the pick-up window.



The menu order boards both have overhead canopies to provide shade and protect vehicles from inclement weather. Due to the increased stacking of vehicles through these drive-through lanes and into the parking aisles during peak hours, employees are often positioned outdoors along the drive-through lanes to expedite the ordering and pickup process. These employees have no protection from the sun or from inclement



weather between the menu order boards and the pick-up window. The proposed employee shelter will be located right within the landscaped area where vehicles will make a left turn.

The proposed installation of an employee shelter is a relatively minor request. Per Section 9-13-4(C)6(b) of the Zoning Ordinance, major changes are distinguished from minor changes, and specifies that minor changes may be approved by the Village Board by ordinance without public hearing or consideration by the Plan Commission. The proposed installation of the employee shelter is classified as a minor change because it is not categorized in any of the seven listed major changes.

Staff Analysis

Appropriateness of Use

The installation of an employee shelter does not conflict with the Comprehensive Plan's design objectives and conceptual design. The proposed fixture is consistent with the previously approved PUD plan.

Traffic Flow & Access

The proposed amendment will not affect traffic flow and access between the Chick-fil-A's drive-through entrance and exit area, nor will it negatively impact the existing parking/circulation. Instead, the proposed shelter will provide shelter for Chick-fil-A employees who will be working outdoors to expedite drive-through orders to alleviate the over stacking of vehicles within the Town Center's parking areas.

Wetlands/Stormwater Management

No change. Adequate facilities, both on site and off site, are provided to ensure that all drainage related issues are addressed. The proposed employee shelter has been reviewed by the Village Engineer to ensure it does not conflict with any known existing utilities (e.g. watermain, sanitary sewer, storm sewer).

Summary of Relief Requested

No variations or relief are being requested nor recommended.

Staff Recommendation

Staff recommends the Village Board approve the minor change to the existing PUD subject to the plans listed in the staff report dated November 23, 2020.

1. Chick-Fil-A Store #2995, Project Data and Site Plan and Details (Sheet A-0 and A-1), as prepared by Esencia, 1743 E. McNair Drive, Suite 200, Tempe, Arizona 85283, Project No. 20047, dated 07-10-2020 and revised through 07/16/2020.
2. Chick-Fil-A Store #2995, Booth DT Power & LTG Plan (Sheet E1.1), as prepared by Interplan Architecture/Engineering/Interior Design/Project Management, 604 Courtland Street, Suite 100, Orlando, Florida 32804, Job No. 20.0557, and dated 07.2020.



Attachment 1
Legal Description

PARCEL A:

LOTS 1, 2, AND 3 IN AMENDED AND RESTATED PERSEVERANCE SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 23 AND PART OF THE NORTHEAST QUARTER OF SECTION 26, ALSO BEING A RESUBDIVISION OF PART OF LOTS 7 AND 8 IN OWNER'S SUBDIVISION SITUATED IN PART OF SECTION 23 AND 26, ALSO BEING A RESUBDIVISION OF LOTS 1, 2, AND 3 IN IN HINSDALE HIGHLANDS ESTATES, ACCORDING TO THE PLAT OF HINSDALE HIGHLANDS ESTATES, RECORDED JULY 23, 1954 AS DOCUMENT 720969 AND AMENDED BY CERTIFICATE OF CORRECTION DATED AUGUST 18, 1954 AND RECORDED AUGUST 23, 1954 AS DOCUMENT 727413, IN TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE AMENDED AND RESTATED PLAT OF SAID PERSEVERANCE SUBDIVISION RECORDED OCTOBER 9, 2007, AS DOCUMENT NUMBER R2007-183986, IN DUPAGE COUNTY, ILLINOIS.

PARCEL B:

EASEMENT APPURTENANT FOR THE BENEFIT OF PARCEL A ABOVE FOR GRADING, PLANTING AND LANDSCAPING AS CREATED BY EASEMENT AGREEMENT DATED JANUARY 12, 2007 AND RECORDED JANUARY 25, 2007 AS DOCUMENT NUMBER R2007-016036.

PARCEL C:

EASEMENT APPURTENANT FOR THE BENEFIT OF PARCEL A ABOVE FOR UTILITY EASEMENTS AS CREATED BY DECLARATION OF EASEMENTS DATED OCTOBER 30, 2007 AND RECORDED NOVEMBER 20, 2007 AS DOCUMENT NUMBER R2007-207439.

PIN: 09-26-200-010, 09-23-406-018 and 09-23-406-019

ADDRESS: 7101 - 7199 Kingery Highway, Willowbrook, IL 60527



Attachment 2
Plat of Survey

LEGEND

	SUBJECT PROPERTY BOUNDARY
	BURIED BOUNDARY
	LOT/PARCEL LINE
	RIGHT OF WAY LINE
	PROPOSED LOT LINE
	SETBACK LINE
	EXISTING EASEMENT LINE
	PROPOSED EASEMENT LINE
	SECTION LINES
■	127 E.R. SPINE/MAIL IN ASPHALT IRON PIN W/OPEN IN SPINE IRON CROSS IN CONCRETE
■	317 CONCRETE MOUND
■	FOUND IRON PLATE
■	FOUND IRON PIPE
■	FOUND IRON ROD
■	FOUND CHISELED IRON
■	FOUND IRON
■	FOUND IRON-OF-RWY MARKER
■	CHISEL MOUND
■	IRON BUSH
■	FLANGED IRON SECTION
■	IRON HYD.
■	IRON VALVE
■	WATER WHEEL
■	MILL
■	IRON WATER
■	SPRINKLER CONTROL VALVE
■	IRON TRANSFORMER
■	ELECTRO MOUND
■	TELEPHONE MOUND
■	CLAYDUST
■	LIFT SODDIN
■	IRON JEWEL
■	GROUND LIGHT
■	UTILITY POLE
■	LAMP POLE
■	LIGHT POLE
■	CAVE WIRE
■	TELEPHONE POLE/IRON
■	TRAFFIC SIGNAL, MAIL BOX
■	PARALLEL COURSE
■	BEACH MARK
■	IRON BELL
■	PISTON INDICATOR VALVE
■	SPRING CONNECTION
■	WATER SERVICE
■	ELECTRIC PAINT MARK
■	GRS PAINT MARK/FLAG
■	CABLE PAINT MARK/FLAG
■	TELEPHONE PAINT MARK/FLAG
■	WATER PAINT MARK/FLAG
■	IRON PIPE
■	SIGNAL POLE
■	ELECTRIC METER
■	FLAGPOLE
■	QUINTAIN
■	— UT— UNDERGROUND ELECTRIC
■	— EC— OVERHEAD ELECTRIC
■	— UT— UNDERGROUND TELEPHONE
■	— C— UNDERGROUND GAS
■	— WLS— WATER LINE
■	— SAN— SANITARY LINE
■	— SW— SEWER LINE
■	— H.U.— POINT OF BEGINNING
■	— P.C.— POINT OF COMMENCEMENT
■	— TD— END OF CASTING
■	— BC— BACK OF CURB

FLOOD ZONE INFORMATION

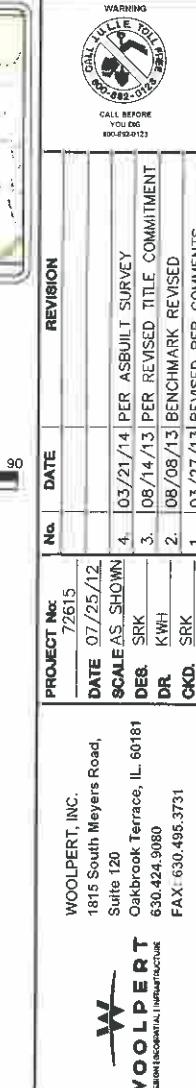
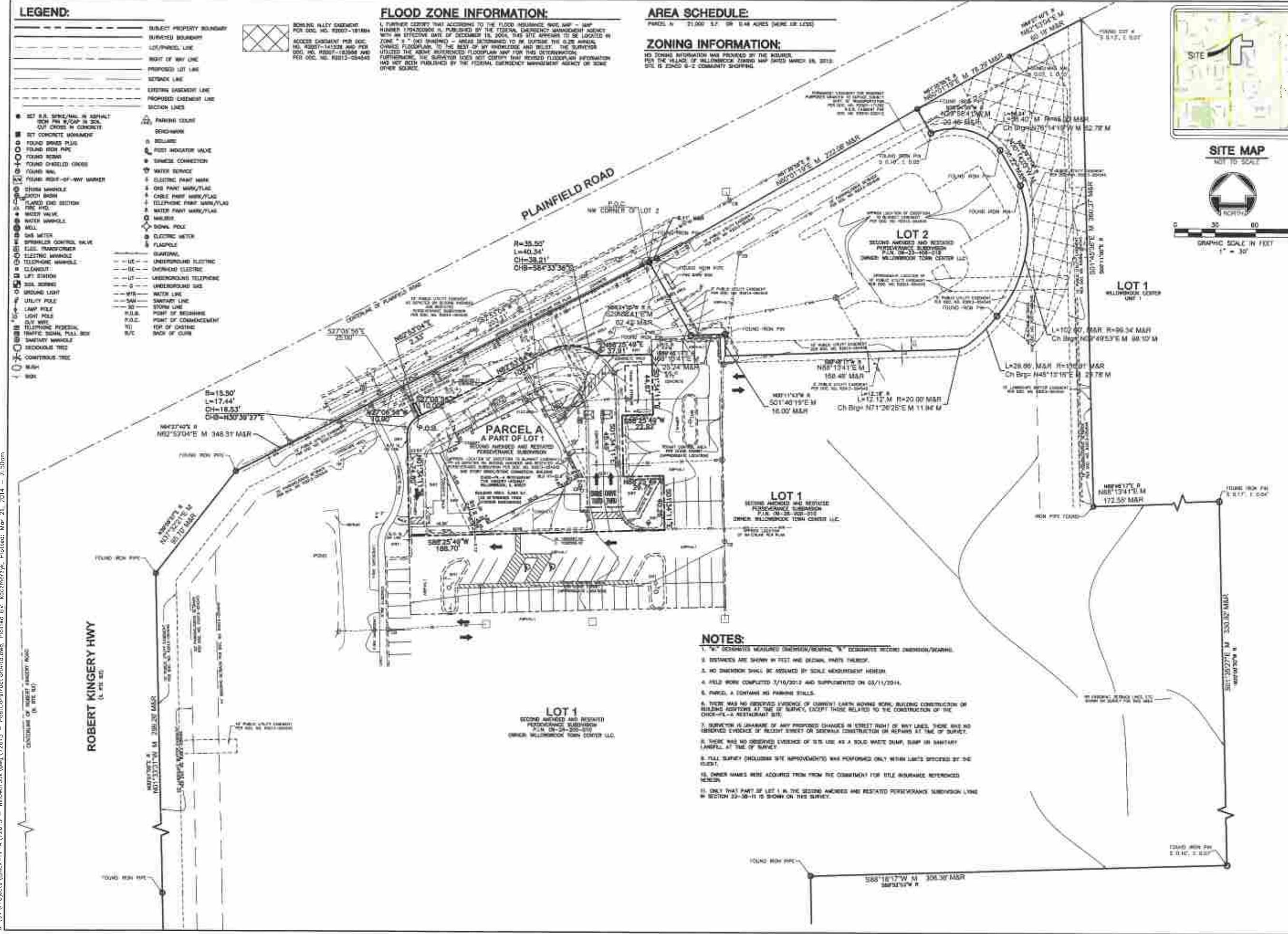
1. I FURTHER CERTIFY THAT ACCORDING TO THE FLOOD INSURANCE RATE MAP - FIRM NUMBER 1042020006, PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY WITH AN EFFECTIVE DATE OF DECEMBER 1, 2004, THIS SITE APPEARS TO BE LOCATED IN ZONE "A" (100-YEAR FLOODPLAIN - AREAS DETERMINED TO LY OUTSIDE THE 100-YEAR CHANCES FLOODPLAIN TO THE REST OF MY KNOWLEDGE AND BELIEF). THE SURVEYOR UNQUOTE LISTED THE ABOVE-REFERENCED FLOODPLAIN MAP FOR THIS DOCUMENTATION. FURTHERMORE, THE SURVEYOR INDICATED THAT RECENT FLOODPLAIN INFORMATION HAS NOT BEEN PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY OR SOME OTHER SOURCE.

AREA SCHEDULE:

PARTE A 21.000 5.2 0.9 0.48 AÑOS (1991-1995)

ZONING INFORMATION:

NO SONGHO INFORMATION WAS PROVIDED BY THE INQUIRER.
PER THE VILLAGE OF WILLOWBROOK ZONING MAP DATED MARCH 18, 2013.
STL IS ZONED G-2 COMMUNITY SHOPPING.



CHICK-FIL-A, WILLOWBROOK, IL

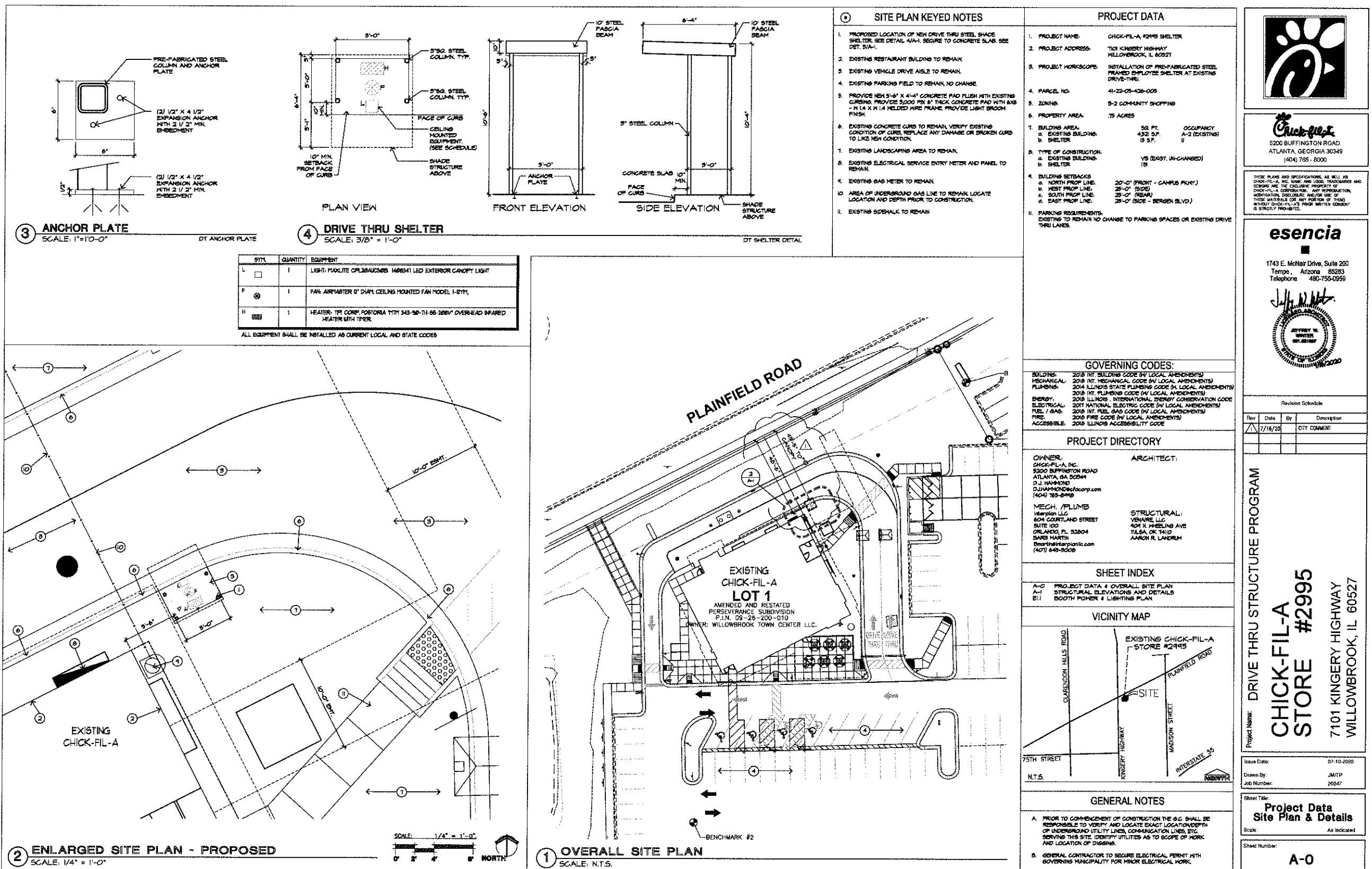
PART OF LOT 1 N AMENDED AND RESTATED PERSEVERANCE SUBDIVISION,
BEING A SUBDIVISION OF PART OF THE SE 1/4 OF SECTION 23 AND PART OF
THE NE 1/4 OF SECTION 26, ALL IN TOWNSHIP 38 NORTH, RANGE 11 EAST OF
THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

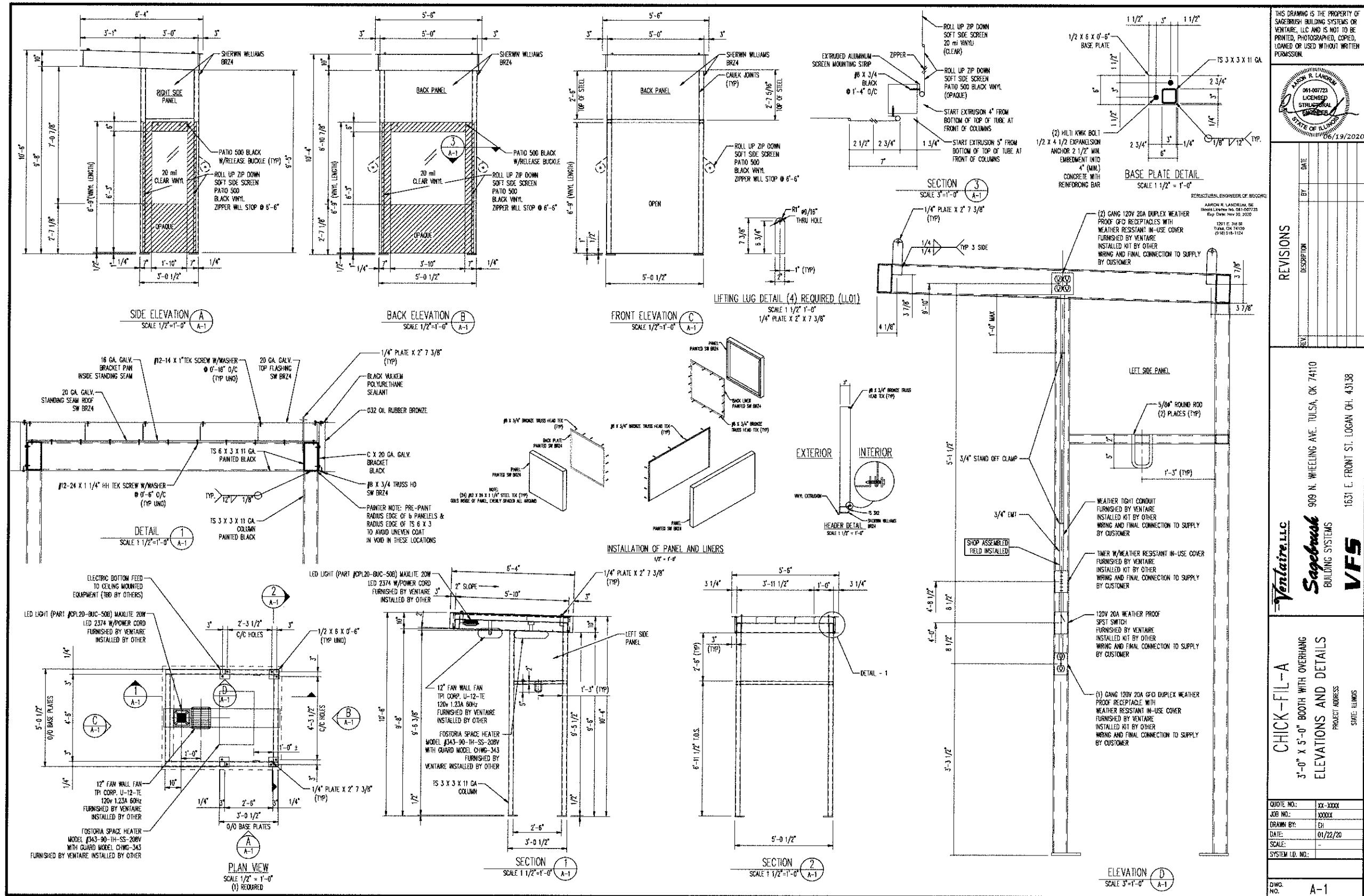
ALTA/ACSM LAND TITLE SURVEY

SWEET N



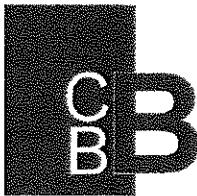
Attachment 3
Architectural Drawings (3 sheets)







Attachment 4
Engineer's Review Letter (1 page)



CHRISTOPHER B. BURKE ENGINEERING, LTD.

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

November 11, 2020

Village of Willowbrook
835 Midway Drive
Willowbrook, IL 60527

Attention: Ann Choi

Subject: Chick Fil A – Drive Thru Booth
(CBBEL Project No. 900144.A6)

Dear Ann:

As requested on November 6, 2020, we have reviewed the plans for an employee booth for the drive-thru lane employees. The submittal includes various documents including an ALTA survey and plans from the original restaurant construction. The location of the proposed booth will not conflict with any known existing utilities (e.g. watermain, sanitary sewer, storm sewer). The semi-enclosed booth is approximately 5 feet by 6 feet and I have seen them at other Chick Fil A restaurants. I have no objection to the booth being constructed.

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

Sincerely,

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

Cc Roy Giuntoli, Village of Willowbrook

VILLAGE OF WILLOWBROOK

BOARD MEETING

AGENDA ITEM - HISTORY/COMMENTARY

AN ORDINANCE PROVIDING FOR THE LEVY OF TAXES FOR THE FISCAL YEAR COMMENCING ON MAY 1, 2020 AND ENDING APRIL 30, 2021, OF THE VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS

AGENDA NO. 6.

AGENDA DATE: 11/23/20

STAFF REVIEW: Carrie Dittman, Finance Director

SIGNATURE: C. Dittman /m

LEGAL REVIEW: Thomas Bastian, Village Attorney

SIGNATURE: T. Bastian /m

RECOMMENDED BY: Brian Pabst, Village Administrator

SIGNATURE: B. Pabst

REVIEWED BY COMMITTEE: YES on October 12, 2020 NO N/A

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

At the October 12, 2020 Finance and Administration Committee meeting, staff presented the proposed \$74,794 tax levy for the Special Recreation levy, which funds certain ADA accessible park programs and projects.

Per 35 ILCS 200/18-60, the Village is required, not less than 20 days prior to the adoption of its aggregate levy, to determine the amounts of money, exclusive of any portion of that levy attributable to the cost of conducting an election required by the general election law, estimated to be necessary to be raised by taxation for that year upon the taxable property in its district. A Resolution estimating the tax to be levied was brought forth to the Village Board on October 26, 2020 and was approved at that meeting (20-R-48).

The 20-day waiting requirement to pass the ordinance to adopt the tax levy has now elapsed, and the attached ordinance must be adopted and filed with the County Clerk before the end of December.

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

The 2020 proposed tax levy is \$74,794. At this amount, the tax impact for a homeowner with a home market value of \$300,000 would be approximately \$14.64. This is a 2.81% increase from the prior year's levy, or \$2,044, and includes amounts planned for ADA accessibility at Village parks and the Community Resource Center. All tax collected is restricted to be used on special recreation activities.

Gateway membership	\$ 39,310
Staff costs	5,600
ADA Accommodations	6,500
Park Maintenance	4,880
Park Improvements	128,550
Less: Est. Reserve at 4/30/2021	<u>(\$110,046)</u>
Total	\$ 74,794

ACTION PROPOSED: PASS THE ORDINANCE

ORDINANCE NO. 20-O-_____

**AN ORDINANCE PROVIDING FOR THE LEVY OF TAXES FOR THE FISCAL YEAR
COMMENCING ON MAY 1, 2020 AND ENDING APRIL 30, 2021, OF THE VILLAGE
OF WILLOWBROOK, DU PAGE COUNTY, ILLINOIS**

WHEREAS, this ordinance shall be designated and known as an ordinance providing for the "Levy Taxes for the Fiscal Year Commencing on May 1, 2020 and ending April 30, 2021; and

WHEREAS, on or about May 26, 2020, the corporate authorities of the Village of Willowbrook passed Ordinance No. 20-O-20, entitled "Annual Appropriation Ordinance Village of Willowbrook, DuPage County, Illinois for the Fiscal Year Beginning May 1, 2020 and Ending April 30, 2021"; and

WHEREAS, the corporate authorities of the Village of Willowbrook, by this Ordinance, desire to levy such taxes as are necessary to defray all expenses and liabilities for the fiscal year commencing May 1, 2020 and ending April 30, 2021.

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

SECTION 1: That the Mayor and Board of Trustees of the Village of Willowbrook have and hereby do ascertain the total amount of appropriations legally made and all amounts deemed necessary to defray additional expenses and liabilities for all corporate purposes to be provided for by the levy of taxes for the fiscal year commencing May 1, 2020 and ending April 30, 2021, as follows:

ACCOUNT NUMBER	OBJECT AND PURPOSE FOR WHICH APPROPRIATIONS ARE MADE	AMOUNT APPROPRIATED FOR EACH OBJECT OR PURPOSE IN DOLLARS	AMOUNT LEVIED IN DOLLARS
<u>GENERAL CORPORATE FUND</u>		<u>EXPENDITURES</u>	
01-20-550-101	Salaries-Permanent Employees	\$65,170	\$5,600
01-20-590-518	ADA – Gateway Dues	\$78,620	\$39,310
01-20-590-519	ADA – Park Maintenance	\$9,680	\$4,880
01-20-590-520	ADA Accommodations	\$15,400	\$6,500
01-20-590-521	ADA Park Improvements	\$30,800	\$18,504

SECTION 2: That there be and hereby is levied a tax, pursuant to 65 ILCS 5/11-95-14, for the fiscal year commencing on May 1, 2020 and ending April 30, 2021, upon all property subject to taxation within the Village of Willowbrook, DuPage County, as such property is assessed and equalized for State and County purposes for the current year, the sum of \$74,794 for the purposes and the funds set forth in Section One of this Ordinance.

SECTION 3: That the Village Clerk be and the same is hereby directed to certify a copy of this Ordinance and file said certified copy with the County Clerk of DuPage County, within the time specified by law.

SECTION 4: There is hereby certified to the County Clerk of DuPage County, Illinois the sums aforesaid, constituting the total amount of \$74,794.00, which said total amount the Village of Willowbrook, DuPage County, Illinois, requires to be raised by taxation for the fiscal year May 1, 2020 to April 30, 2021 of said Village.

SECTION 5: That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

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SECTION 6: That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED and **APPROVED** this 23rd day of November, 2020 by a roll call vote as follows:

AYES: _____

NAYS: _____

ABSTENTIONS: _____

ABSENT: _____

APPROVED:

Frank A. Trilla, Mayor

ATTEST:

Deborah A. Hahn, Village Clerk

STATE OF ILLINOIS)
) SS.
COUNTY OF DU PAGE)

I, Frank A. Trilla, do hereby certify that I am the duly qualified Mayor of the Village of Willowbrook, DuPage County, Illinois. I do further certify that the provisions of Sections 18-60 through 18-85 of the "Truth in Taxation Act" (35 ILCS 200/18-55 *et seq.*) are inapplicable to its 2020-2021 Tax Levy Ordinance, passed this 23rd day of November, 2020.

IN WITNESS WHEREOF, I hereunto affix my official signature at Willowbrook, Illinois, this 23rd day of November, 2020.

Frank A. Trilla, Mayor

(SEAL)

ATTEST:

Deborah A. Hahn, Village Clerk

STATE OF ILLINOIS)
)
) SS.
COUNTY OF DU PAGE)

CERTIFICATION

I, Deborah A. Hahn, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Willowbrook, DuPage County, Illinois, and as such Clerk I am the keeper of the records and files of the Village of Willowbrook. I do further hereby certify that the attached and foregoing is a true and complete copy of Ordinance No. 20-O-___ - an "Ordinance Providing for the Levy of Taxes for the Fiscal Year Commencing on May 1, 2020 and Ending April 30, 2021," of the Village of Willowbrook, as adopted by the Mayor and Board of Trustees of the Village of Willowbrook at its properly convened meeting held on the 23rd day of November, 2020, as appears from the official records of the Village of Willowbrook in my care and custody.

(SEAL)

VILLAGE OF WILLOWBROOK

BOARD MEETING AGENDA ITEM - HISTORY/COMMENTARY

ITEM TITLE:	AGENDA NO.
AN ORDINANCE AMENDING A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT AND AN AMENDMENT TO A PLANNED UNIT DEVELOPMENT AS APPROVED IN ORDINANCE NO. 16-O-40 – PC 20-09: Carrington Club PUD Amendment	7
	AGENDA DATE: 11/23/20
STAFF REVIEW: Ann Choi, Planning Consultant	SIGNATURE: 
LEGAL REVIEW: Tom Bastian, Village Attorney	SIGNATURE: 
RECOMMENDED BY: Brian Pabst, Village Administrator	SIGNATURE: 
REVIEWED & APPROVED BY COMMITTEE:	YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>

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

On September 12, 2016, the Village Board approved Ordinance No. 16-O-40, which granted the following: a special use for a planned unit development including a Final Plat of PUD, certain waivers from the zoning ordinance, certain variations from the Subdivision Regulations, approval of a Final Plat of Subdivision, and other related matters for the Carrington Club, for the construction of twenty-nine (29) new single family homes on over 8 acres. All 29 homes were constructed almost right up to their lot lines, otherwise known as zero lot construction, and certain fixtures such as rear patios, front steps and unenclosed uninhabitable front porches, were allowed to extend over the lots lines and into the common areas as long as approved grading and drainage were not impacted.

On October 1, 2020, amendments to the existing PUD were initiated by the Village on behalf of the Pulte Home Corporation and the Carrington Club's Homeowner's Association to allow additional fixtures that were never contemplated in the 2016 approval to extend over the lot lines and into the common areas.

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

The purpose of this PUD amendment was to allow window wells, concrete slabs, walkways, air conditioning units, gas generators (permanently affixed, hard-wired and powered by natural gas), and other fixtures to be constructed over the lot lines of Lots 1 through 29 and into the common area provided they do not affect approved grading and/or drainage, and have been reviewed and approved by the Building Official, the Village Engineer and the Homeowner's Association. The Plan Commission conducted a public hearing on this petition at a regular meeting of the Plan Commission at their November 4, 2020 meeting. Chairman Kopp acknowledged that the changes to the Carrington Club PUD appeared reasonable but that the requirement of having the Village Engineer review and approve the installation of additional fixtures might be too burdensome and expensive for the homeowners of Carrington Club. Commissioner Remkus concurred with Chairman Kopp and added that he would like to decrease the amount of bureaucracy within the Village. Chairman Kopp proposed that the primary responsibility for review and approval should rest with the Building Official, and if necessary, the Building Official should consult the Village Engineer in those situations, but that the requirement of the Village Engineer should be eliminated. Chairman Kopp proposed to eliminate the reference to "Village Engineer" and be substituted for "Building Official or his/her designee". The Plan Commission did not express any opposition to the proposed changes.

The Plan Commission voted 7-0 in favor of the proposed PUD amendment, as modified, to forward a positive recommendation to the Village Board.

ACTION PROPOSED: November 9, 2020: Receive Plan Commission Recommendation.

November 23, 2020: Consideration of Attached Ordinance.

ORDINANCE NO. 20-O-_____

**AN ORDINANCE AMENDING A SPECIAL USE PERMIT FOR A PLANNED UNIT
DEVELOPMENT AND AN AMENDMENT TO A PLANNED UNIT DEVELOPMENT
AS APPROVED IN ORDINANCE NO. 16-O-40
PC 20-09: Carrington Club PUD Amendment**

WHEREAS, on or about October 1, 2020, the Village of Willowbrook, as applicant (“APPLICANT”) and as authorized by the Carrington Club Homeowners’ Association (“HOMEOWNERS’ ASSOCIATION”) and Pulte Home Corporation, filed an application with respect to the property legally described in Exhibit “A” attached hereto which is, by this reference, incorporated herein (“SUBJECT REALTY”); and,

WHEREAS, said application requested that the Village grant an amendment to their existing special use permit for a Planned Unit Development and an amendment to the Planned Unit Development for the SUBJECT REALTY, to grant an increase in the approved deviations such as allowing the installation of fixtures such as window wells, air conditioning units, concrete walkways, concrete slabs, gas generators that are permanently affixed, hard-wired and powered by natural gas, and other fixtures over the lot lines of Lots 1 through 29 and into the common area as long as these fixtures do not affect the approved grading and/or drainage; and,

WHEREAS, a public notice was published in compliance with Section 9-15-3(A) of the Zoning Ordinance, in The Chicago Sun Times newspaper on October 19, 2020, which is more than fifteen (15) days but less than thirty (30) days prior to the public hearing date; a public notice was mailed to all adjacent owners within two hundred-fifty (250) feet in each direction of the location of the SUBJECT REALTY via certified mail, return receipt requested, more than fifteen (15) days but less than thirty (30) days prior to the public hearing date, in compliance with Section 9-15-3(B) of the Zoning Ordinance and state law; and public notice was provided

by posting on the property a sign visible to the general public complying with the requirements of Sections 9-15-3(D) of the Zoning Ordinance, for at least fifteen (15) consecutive days prior to the public hearing date; and,

WHEREAS, pursuant to said Notice, the Plan Commission of the Village of Willowbrook conducted a public hearing on November 4, 2020, all as required by the statutes of the State and the ordinances of the Village; and,

WHEREAS, at said public hearing, the applicant provided testimony in support of said application and all interested parties has an opportunity to be heard; and,

WHEREAS, the Plan Commission forwarded its recommendations, including its Findings of Fact, to the Mayor and Board of Trustees on or about November 9, 2020, a copy of which is attached hereto as Exhibit "B" which is, by this reference, made a part hereof; and,

WHEREAS, the Mayor and Board of Trustees of the Village of Willowbrook have received the recommendation of the Plan Commission pursuant to a memorandum dated November 9, 2020.

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

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

SECTION TWO: That pursuant to Section 9-13-6(L) of the Village Code, the following waivers from the provisions of the Zoning Ordinance be and the same are hereby granted relative to the Special Use Permit for a Planned Unit Development Permit, as the waivers are not detrimental to, and do not endanger the public health, safety and general welfare:

A. That Sections 9-5A-3(D)1, 9-5A-3(D)2, 9-5A-3(D)3, 9-5A-3(D)4, 9-5A-3(E), and 9-5A-3(G) of the Village Code of the Village of Willowbrook establishing minimum front, interior side, exterior side, and rear setbacks, lot coverage and FAR requirements be varied with respect to the SUBJECT REALTY to allow construction of all improvements associated with the homes in close proximity but located within the lot lines of Lots 1 through 29 (zero lot line construction), and that construction over the lot lines of Lots 1 through 29 and into the Common Area for the SUBJECT REALTY may also occur only in the following instances:

1. Rear patios only, not exceeding 100 square feet, may be constructed over any rear lot line of Lots 1 through 29 and into the Common Area provided they are not constructed in any easement, do not affect approved grading, and are constructed at grade and utilize only concrete or other similar masonry products. Patio improvements shall not include any permanent vertical “built-in” fixtures such as walls, chimneys or similar improvements.
2. Front steps and unenclosed, non-inhabitable porches only, not extending more than thirty inches (30”) from the front wall, nor greater than fifteen feet (15’) in width across the front.
3. Window wells, concrete slabs, walkways, air conditioning units, gas generators (permanently affixed, hard-wired and powered by natural gas), and other fixtures may be constructed over the lot lines of Lots 1 through 29 and into the Common Area provided they do not affect approved grading and/or drainage, and have been reviewed and approved by the Building Official or his/her designee and the Homeowner’s Association.

SECTION THREE: That passage of this Ordinance shall constitute approval of an amendment to Ordinance 16-O-40 attached hereto as Exhibit "C".

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

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

PASSED and APPROVED this 23rd day of November, 2020.

ROLL CALL VOTE: AYES: _____

 NAYS: _____

 ABSTENTIONS: _____

 ABSENT: _____

 APPROVED:

Frank A. Trilla, Mayor

ATTEST:

Deborah A. Hahn,
Village Clerk

EXHIBIT A

LEGAL DESCRIPTION OF SUBJECT REALTY

ALL LOTS AND OUTLOTS IN CARRINGTON CLUB SUBDIVISION, A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 27, 2016 AS DOCUMENT NO. R2016-104256 (CARRINGTON CLUB SUBDIVISION).

PINs:

09-22-207-025, 09-22-207-026, 09-22-207-027, 09-22-207-028, 09-22-207-029, 09-22-207-030, 09-22-207-031, 09-22-207-032, 09-22-207-033, 09-22-207-034, 09-22-207-035, 09-22-207-036, 09-22-207-037, 09-22-207-038, 09-22-207-039, 09-22-207-040, 09-22-207-041, 09-22-207-042, 09-22-207-043, 09-22-207-044, 09-22-207-045, 09-22-207-046, 09-22-207-047, 09-22-207-048, 09-22-207-049, 09-22-207-050, 09-22-207-051, 09-22-207-052, 09-22-207-053, 09-22-207-054

ADDRESS:

6521 Arabian Circle, 6531 Arabian Circle, 6541 Arabian Circle, 6551 Arabian Circle, 309 Arabian Circle, 315 Arabian Circle, 321 Arabian Circle, 327 Arabian Circle, 333 Arabian Circle, 322 Arabian Circle, 316 Arabian Circle, 310 Arabian Circle, 311 Palomino Trail, 317 Palomino Trail, 323 Palomino Trail, 6550 Arabian Circle, 6540 Arabian Circle, 6530 Arabian Circle, 6520 Arabian Circle, 6510 Arabian Circle, 6500 Arabian Circle, 330 Arabian Circle, 324 Arabian Circle, 318 Arabian Circle, 312 Arabian Circle, 320 Palomino Trail, 314 Palomino Trail, 308 Palomino Trail, 302 Palomino Trail, in Willowbrook IL 60527, and Outlot in Willowbrook IL 60514

EXHIBIT B

PLAN COMMISSION RECOMMENDATION AND FINDINGS OF FACT

MEMORANDUM

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

MEMO FROM: Daniel Kopp, Chairman, Plan Commission

DATE: November 9, 2020

SUBJECT: **Zoning Hearing Case 20-09:** Village of Willowbrook, 835 Midway Drive, Willowbrook, Illinois. Consideration of a petition requesting approval of an Amendment to a Special Use for a Planned Unit Development and Amendment to a Planned Unit Development to allow for major changes under Section 9-13-4(C)6(a) including certain relief, exceptions and waivers from Title 9 of the Village Code.

At the regular meeting of the Plan Commission held on November 4, 2020, the above referenced application was discussed and the following motion was made:

MOTION: Made by Remkus and seconded by Soukup that based on the submitted petition and testimony presented, I move that the Plan Commission forward its Findings of Fact for a Special Use and Findings of Fact for a Planned Unit Development referenced in the Staff Report for PC 20-09 prepared for the November 4, 2020 meeting and recommend approval of an Amendment to a Special Use for a Planned Unit Development and Amendment to the Planned Unit Development to allow for a major change under Section 9-13-4(C)6(a)7 to allow for the construction of additional fixtures over the lot lines as presented on pages 5 and 6 of the Staff Report for PC Case Number 20-09, with the exception that the words “or his/her designee” are substituted for the words “Village Engineer”:

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

MOTION DECLARED CARRIED

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

DK:jp

EXHIBIT B (CONTINUED)

FINDINGS OF FACT

Standards for Special Use

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

- (A)** That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

Finding: The amendment to the special use for the Carrington Club Planned Unit Development and amendment to the planned unit development will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community. The amendment would allow additional fixtures to extend over the zero lot lines for the existing twenty-nine (29) single family homes and will have minimal to no impacts to the surrounding roadways and the utilities downstream. The size and location of these fixtures shall be reviewed by the Homeowners Association, and the Village of Willowbrook's Building Department and the Village Engineer prior to final approval to ensure that the placement of the fixtures will have no adverse impact to the existing drainage of the development.

- (B)** That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

Finding: The proposed changes to the Carrington Club development will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The proposed development would allow additional fixtures to extend over the zero lot lines for the existing twenty-nine (29) single family homes and will have minimal impact to surrounding properties within the neighborhood.

- (C)** That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

Finding: The proposed changes to the Carrington Club development will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district. The surrounding property is currently developed as single family homes, many of which were constructed relatively recently. The proposed changes are internal to the Carrington Club development and will not affect surrounding properties within the neighborhood.

- (D) That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided.

Finding: The Carrington Club development has already been developed and constructed. The subject property is currently improved with adequate utilities, access roads, and drainage to service the site.

- (E) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

Finding: Ingress and egress to the proposed Carrington Club development is currently provided to and from Clarendon Hills Road. A left turn lane allows vehicles to turn left into the development from Clarendon Hills Road at the proposed entrance to the site and provides safe turning movements for vehicles entering the proposed development. Additionally, this development provides minimal impact to the surrounding roadways as it relates to trip generations, and it replaces a previous use (horse farm) that hosted larger gatherings of people. Adequate measures have been taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets and the proposed changes to the development will not affect these measures.

- (F) That the special use shall in all other respects conform to the applicable regulations of the district in which it located, except as such regulations may in each instance be modified by the Village Board pursuant to the recommendation of the Plan Commission.

Finding: The proposed changes to the Carrington Club development in all other respects conform to the applicable regulations of the district it is located.

- (G) Conditions in the area have substantially changed, and at least one year has elapsed since any denial by the Village Board of any prior application for a special use permit that would have authorized substantially the same use of all or part of the site. (Ord. 97-O-05, 1-27-1997).

Finding: The Village Board has not denied a special use permit on this property in the last year.

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Planned Unit Development Findings

Section 9-13-7 of the Willowbrook Zoning Ordinance requires that the following seven (7) Findings of Fact must be evaluated by the Plan Commission and the Village Board:

(A) In what respects the proposed plan is consistent with the stated purpose of the planned unit development regulations.

Finding: The PUD amendment provides relief from the 2016 approving ordinance that is required in order to allow some flexibility in what can be constructed into the common areas of the Carrington Club development. The amendment to the PUD would provide environmental design in the development of land that is better than what is possible through the strict application of ordinance requirements.

(B) The extent to which the proposed plan meets the requirements and standards of the planned unit development regulations. (Ord. 97-O-05, 1-27-1997)

Finding: For the reasons stated in the Special Use Findings and the Standards for the Planned Unit Development listed in the staff report prepared for the November 4, 2020 meeting, the proposed plan meets the requirements and standards of the Planned Unit Development.

(C) The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including, but not limited to, the density, dimension, area, bulk and use, and the reasons why such departures are deemed to be in the public interest.

Finding: The PUD amendment includes exceptions as identified in the Staff Report for the November 4, 2020 Plan Commission meeting. The prior approval documents a detailed list of departures from the zoning regulations. Requests for relief granted in the past in addition to the requested relief contained in this petition will serve the public interest as it will allow the construction of additional fixtures that were never contemplated in the 2016 approving ordinance to continue as the development is nearly complete.

(D) The method by which the proposed plan makes adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects designated common open space, and furthers the amenities of light and air, recreation and visual enjoyment.

Finding: The Carrington Club development has been constructed to ensure that the improved site is developed with adequate ingress and egress to service the site and minimize traffic congestion in the public streets. The site has been developed to accommodate garbage trucks, emergency vehicles and the maneuvering of large vehicles throughout the site. The site has been designed to accommodate a substantial amount of landscaping and common areas for patrons to provide access to light, air and visual enjoyment.

(E) The relationship and compatibility of the proposed plan to the adjacent properties and neighborhood. (Ord. 75-O-3, 3-10-1975)

Finding: The proposed changes to the Carrington Club planned unit development include allowing the construction of additional fixtures within the development's common areas and will not affect the relationship and compatibility to the adjacent properties and neighborhood.

(F) The desirability of the proposed plan with respect to the physical development, tax base and economic well being of the Village.

Finding: The Carrington Club planned unit development has brought opportunities for home ownership to the area with the construction of twenty-nine (29) single family homes which has benefited property values in the area, and strengthened the economic well being of the Village.

(G) The conformity with the intent and spirit of the current planning objectives of the Village. (Ord. 97-O-05, 1-27-1997)

Finding: The amendment to the PUD conforms to the spirit and intent of the Village's current planning objective if developed as recommended by the Plan Commission.

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EXHIBIT C

ORDINANCE NO. 16-O-40

ORDINANCE NO. 16-O-40

AN ORDINANCE GRANTING A SPECIAL USE FOR A PLANNED UNIT DEVELOPMENT, INCLUDING APPROVAL OF FINAL PLAT OF PUD, GRANTING CERTAIN WAIVERS FROM THE ZONING ORDINANCE, GRANTING CERTAIN VARIATIONS FROM THE SUBDIVISION REGULATIONS, GRANTING APPROVAL OF A FINAL PLAT OF SUBDIVISION, AND RELATED MATTERS - PC 16-04: 6526 CLARENDON HILLS ROAD - CARRINGTON CLUB BY PULTE (REDEVELOPMENT OF ARABIAN KNIGHTS HORSE FARM)

WHEREAS, on or about January 21, 2016, Pulte Home Corporation, as applicant ("APPLICANT"), with permission from Willowbrook Real Estate Investment, LLC (Parcel 1) and North Star Trust Company (Parcel 2), as owners ("OWNER") through agents Michael and Elizabeth Vena, filed an application with the Village of Willowbrook with respect to the property legally described on Exhibit "A", attached hereto and incorporated herein by reference ("SUBJECT REALTY"). Said application requested that the Village grant a special use permit for a Planned Unit Development for the SUBJECT REALTY, grant certain waivers from the requirements of the Zoning Ordinance of the Village, grant certain variations from the requirements of the Subdivision Regulations of the Village, approve a final plat of subdivision with respect to the SUBJECT REALTY, approve a final plat of Planned Unit Development, and related matters; and,

WHEREAS, Notice of Public Hearing on said application was published on or about March 18, 2016, in a newspaper having general circulation within the Village, to-wit, The Suburban Life

newspaper, all as required by the statutes of the State of Illinois and the ordinances of the Village; and,

WHEREAS, pursuant to said Notice, the Plan Commission of the Village of Willowbrook conducted a Public Hearing on or about April 6, 2016, and continued said hearing to May 4, 2016, all as required by the statutes of the State of Illinois and the ordinances of the Village; and,

WHEREAS, at said Public Hearings, the applicant presented testimony in support of said application and all interested parties had an opportunity to be heard; and,

WHEREAS, the Plan Commission forwarded its recommendations, including its Findings of Fact, in a report dated May 6, 2016 to the Mayor and Board of Trustees on or about May 23, 2016, a copy of which is attached hereto as Exhibit "B" which is, by this reference, made a part hereof; and,

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

SECTION ONE: That the Zoning Map of the Village of Willowbrook be amended to reflect the granting of a special use permit on the SUBJECT REALTY pursuant to Section 9-5A-2 of the Zoning Ordinance of the Village of Willowbrook, so as to permit a planned unit development.

SECTION TWO: That the Findings of Fact pursuant to 9-13-6, 9-13-7 and 9-14-5.2 of the Village Code of the Village of Willowbrook made by the Plan Commission in its recommendation attached hereto as Exhibit "B" are hereby adopted by the Mayor and Board of Trustees.

SECTION THREE: That pursuant to Section 9-13-6(L) of the Village Code, the following waivers from the provisions of the Zoning Ordinance be and the same are hereby granted:

- A. That Section 9-5A-3(A)1 of the Village Code of the Village of Willowbrook, establishing a minimum lot area for detached single-family dwellings in the R-1 Residential District, be varied with respect to the SUBJECT REALTY by reducing same from 30,000 square feet to 3,300 square feet for Lots 1 through 3, 6, 7, 10 through, 15, 17 through 21, and 26 through 29.
- B. That Section 9-5A-3(A)1 of the Village Code of the Village of Willowbrook, establishing a minimum lot area for detached single family dwellings in the R-1 Residential District, be varied with respect to the SUBJECT REALTY by reducing same from 30,000 square feet to 3,424 square feet for Lots 4, 5, 8, 9, 16, and 22 through 25.
- C. That Section 9-5A-3(B)2 of the Village Code of The Village of Willowbrook, establishing a minimum lot width in the R-1 Residential District, be varied with respect to the SUBJECT REALTY by reducing same from 100' to 50'.
- D. That Section 9-5A-3(B)3 of the Village Code of the Village of Willowbrook, establishing a minimum corner lot width in the R-1 Residential District, be variety with respect to the SUBJECT REALTY by reducing same from 125' to 50'.
- E. That Section 9-5A-3(C) of the village Code of the Village of willowbrook, establishing a minimum lot depth in the R-1 Residential District, be varied with respect to the SUBJECT REALTY by reducing same from 150' to a minimum of 66'.

F. That Sections 9-5A-3(D)1, 9-5A-3(D)2, 9-5A-3(D)3, 9-5A-3(D)4, 9-5A-3(E), and 9-5A-3(G) of the Village Code of the Village of Willowbrook establishing minimum front, interior side, exterior side, and rear setbacks, lot coverage and FAR requirements be varied with respect to the SUBJECT REALTY to allow construction of all improvements associated with the homes in close proximity but located within the lot lines of Lots 1 through 29 (zero lot line construction), and that construction over the lot lines of Lots 1 through 29 and into the Common Area for the SUBJECT REALTY may occur only in the following instances:

1. Rear patios only, not exceeding 100 square feet, may be constructed over any rear lot line of Lots 1 through 29 and into the Common Area provided they are not constructed in any easement, do not affect approved grading, and are constructed at grade and utilize only concrete or other similar masonry products. Patio improvements shall not include any permanent vertical "built-in" fixtures such as walls, chimneys or similar improvements.
2. Front steps and unenclosed, non-inhabitable porches only, not extending more than thirty inches (30") from the front wall, nor greater than fifteen feet (15') in width across the front wall of a home, may be constructed over the front lot line and into the Common Area only on Lots 1 through 3; 6; 7; 10 through 15; 17 through 21; and 26 through 29.

G. That Section 9-13-6(E)1 of the Village Code of the Village of Willowbrook, establishing a minimum permitted space between buildings in planned unit development, be varied with respect to the SUBJECT REALTY by reducing same from thirty feet (30') to ten feet (10').

H. That Section 9-13-6(J) of the Village Code of the Village of Willowbrook prohibiting planned unit developments from deviating from the requirements of Title 10 of the Village Code in the absence of a variance, be varied with respect to the SUBJECT REALTY so as to permit the variations from said Title 10 detailed in SECTION 4.

SECTION FOUR: That pursuant to Section 10-8-6 of the Village Code, the following variations from the provision of the Subdivision Regulations be and the same are hereby granted:

- A. That Section 10-4-1(B)8(a) of the Village Code of the Village of Willowbrook, establishing a maximum cul-de-sac length for detached single-family residential uses be varied with respect to the SUBJECT REALTY by increasing same from 500' to 600'.
- B. That Section 10-7-2(B)7 of the Village Code of the Village of Willowbrook, establishing a minimum pavement width requirement for all residential cul-de-sac streets, be varied with respect to the private street constructed on the SUBJECT REALTY by reducing same from thirty feet (30') to a minimum of 28'.
- C. That Section 10-7-2(B)7 of the Village Code of the Village of Willowbrook, establishing a minimum pavement radius requirement for residential cul-de-sacs, be varied with respect to the private cul-de-sac construction on the SUBJECT REALTY by reducing same from fifty feet (50') to thirty two feet (32').
- D. That Section 10-7-2(B)7 of the Village Code of the Village of Willowbrook, establishing a minimum pavement radius requirement for residential cul-de-sac streets, be varied with respect to the improvements to the adjoining Tennessee Avenue right-of-way by reducing same from fifty feet (50') to forty-five feet (45').
- E. That Section 10-7-2(B)7 of the Village Code of the Village of Willowbrook, establishing a minimum pavement width requirement for all residential cul-de-sac streets, be varied with respect to the improvements to the adjoining Tennessee Avenue right-of-way by reducing same from thirty feet (30') to 25.1'.
- F. That Section 10-7-2(C) of the Village Code of the Village of Willowbrook, establishing a requirement for curb and gutter, be varied to eliminate the requirement that the applicant construct curbs and gutters for the required street improvements along Tennessee Avenue.
- G. That Section 10-7-4(A) of the Village Code of the Village of Willowbrook, establishing a requirement that sidewalks be provided on both sides of all streets, be varied with respect to the SUBJECT REALTY so as to not require sidewalks on the SUBJECT REALTY in front of Lots 10 through 15.
- H. That Section 10-7-4(A) of the Village Code of the Village of Willowbrook, establishing a requirement that sidewalks be provided on both sides of all streets, be varied with respect to the improvement along Tennessee Avenue so as to not require sidewalks on the west side of Tennessee Avenue.

SECTION FIVE: That passage of this Ordinance shall constitute approval of the Final Plat of Subdivision, pursuant to the "Final Plat of Subdivision of Carrington Club", as prepared by V3, consisting of three (3) sheets and latest revision dated August 31, 2016 and attached hereto as Exhibit "C".

SECTION SIX: That passage of this Ordinance shall constitute approval of the Final Planned Unit Development, pursuant to the "Final P.U.D. Plat of Carrington Club", as prepared by V3, consisting of three (3) sheets and latest revision dated August 31, 2016 and attached hereto as Exhibit "D"

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

- A. The SUBJECT REALTY shall be in substantial accordance with the following plans and specifications ("APPROVED PLANS) attached hereto as Exhibit "E".
- B. That Lots 1 and 29 shall have key lot side elevations, as shown in Exhibit "E", attached hereto, and that Lots 1,2,3, and 4, shall have key lot rear elevations, as shown in Exhibit "E", attached hereto.
- C. That the demolition and removal of all existing structures on the property in question be performed in accordance with the regulations of the Village of Willowbrook. No demolition work shall be initiated until a demolition permit has been issued by the Village.
- D. That the SUBJECT REALTY shall be subject to the restrictions and requirements in substantial compliance with the

"Declaration of Covenants for Carrington Club" attached here to as Exhibit "F".

- E. Prior to the issuance of any construction permits, the Owner shall submit an executed Traffic Regulation Agreement substantially in the form attached hereto and incorporated herein as Exhibit "G".
- F. That the Applicant obtain all necessary permits from the authorities having jurisdiction prior to any work being initiated within the right-of-way of Clarendon Hills Road and Tennessee Avenue.
- G. That the applicant pay all required impact fees to the DuPage County Division of Transportation and submit verification of said payment to the Village of Willowbrook prior to the issuance of building permits by the Village.
- H. That all wells, if any, on the SUBJECT REALTY be capped and sealed pursuant to the regulations of the State of Illinois, the DuPage County Health Department and the Village prior to the issuance of building permits by the Village.
- I. That the design of the sanitary sewage system for the SUBJECT REALTY be specifically approved by DuPage County and a permit issued by the Illinois Environmental Protection Agency prior to the issuance of building permits by the Village.
- J. That the design of the water main system for the SUBJECT REALTY in question be in conformance with the Village Code, be specifically approved by the Village and a permit issued by the Illinois Environment Protection Agency prior to the installation of any water mains and prior to the issuance of building permits by the Community development Department.
- K. That construction activities on the SUBJECT REALTY shall be accomplished by vehicles accessing the site only by way of Clarendon Hills Road, except for necessary improvements to or for making connection within the Tennessee Avenue right-of-way as provided in the Approved Final Plans.
- L. That not more than 29 dwelling units shall be constructed on the SUBJECT REALTY.
- M. Prior to the issuance of any construction permits, the Owner shall submit an executed Subdivision Improvement Agreement in substantially the form attached hereto and incorporated

herein as Exhibit "H", and tender the security required by such Agreement.

N. All perimeter fences and landscaped areas shall be constructed and landscape material installed prior to the issuance of any occupancy permit for the SUBJECT REALTY, or such earlier time as is reasonably practical.

SECTION EIGHT: The use of private streets on the SUBJECT REALTY is hereby approved by the Board of Trustees pursuant to Section 10-4-1(A)7 of the Village Code of the Village of Willowbrook.

SECTION NINE: That the Village Clerk is hereby authorized and directed to note the zoning grants made by this Ordinance upon the Official Zoning Map of the Village of Willowbrook.

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

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

PASSED and APPROVED this 12TH day of September, 2016.



APPROVED:

Mayor

ATTEST:

Larry R Hansen
Village Clerk

ROLL CALL VOTE:

AYES: Berglund, David Kelly, Mistele, New Dafford

NAYS: 0

ABSTENTIONS: 0

ABSENT: 0



Village of Willowbrook Staff Report to the Village Board

Village Board

Receive: November 9, 2020
Vote: November 23, 2020

Plan Commission:

Hearing Date November 4, 2020

Prepared By:

Ann Choi, Planning Consultant

Case Title:

PC 20-09: Carrington Club PUD Amendment

Petitioner:

Village of Willowbrook

Action Requested by

Petitioner: Consideration of a petition requesting approval of an Amendment to a Special Use for a Planned Unit Development and Amendment to a Planned Unit Development to allow for major changes under Section 9-13-4(C)6(a) including certain relief, exceptions and waivers from Title 9 of the Village Code.

Location:

6521 Arabian Circle, 6531 Arabian Circle, 6541 Arabian Circle, 6551 Arabian Circle, 309 Arabian Circle, 315 Arabian Circle, 321 Arabian Circle, 327 Arabian Circle, 333 Arabian Circle, 322 Arabian Circle, 316 Arabian Circle, 310 Arabian Circle, 311 Palomino Trail, 317 Palomino Trail, 323 Palomino Trail, 6550 Arabian Circle, 6540 Arabian Circle, 6530 Arabian Circle, 6520 Arabian Circle, 6510 Arabian Circle, 6500 Arabian Circle, 330 Arabian Circle, 324 Arabian Circle, 318 Arabian Circle, 312 Arabian Circle, 320 Palomino Trail, 314 Palomino Trail, 308 Palomino Trail, 302 Palomino Trail, in Willowbrook IL 60527, and Outlot in Willowbrook IL 60514

PINs:

09-22-207-025, 09-22-207-026, 09-22-207-027, 09-22-207-028, 09-22-207-029, 09-22-207-030, 09-22-207-031, 09-22-207-032, 09-22-207-033, 09-22-207-034, 09-22-207-035, 09-22-207-036, 09-22-207-037, 09-22-207-038, 09-22-207-039, 09-22-207-040, 09-22-207-041, 09-22-207-042, 09-22-207-043, 09-22-207-044, 09-22-207-045, 09-22-207-046, 09-22-207-047, 09-22-207-048, 09-22-207-049, 09-22-207-050, 09-22-207-051, 09-22-207-052, 09-22-207-053, 09-22-207-054

Existing Zoning:

R-1 with a Special Use for a Planned Unit Development

Existing Land Use:

Low Density Residential

Property Size:

8.32 acres

Surrounding Land Use:

	Use	Zoning
North	Single Family Residential	R-1 and R-1A
South	Single Family Residential	Darien
East	Nantucket Townhomes	R-4 PUD
West	Single Family Residential	R-1 and R-2

**Necessary Action by
Village Board:**

Consideration of Attached Ordinance.



Documents Attached:

- Attachment 1:** Notice of Public Hearing (2 pages)
- Attachment 2:** Findings of Fact, Standards for Special Use
- Attachment 3:** Findings of Fact for Planned Unit Development
- Attachment 4:** Standards for Planned Unit Development
- Attachment 5:** Legal Description
- Attachment 6:** Ordinance No. 16-O-40



Site Description

The subject property contains 8.32 acres and is located on the west side of Clarendon Hills Road, between 63rd and 69th Street. The single family homes to the south are in Darien and part of the "Eagle's Nest" development. There are two single family homes to the north and five single family homes to the west on properties that are in Willowbrook. The property to the east across Clarendon Hills Road is also in Willowbrook and is part of the "Nantucket Homes" development.

Exhibit 1 Site Location



Aerial Source: <https://gis.dupageco.org/parcelviewer/>.

Development Request

On September 12, 2016, the Village Board approved Ordinance No. 16-O-40 granting a special use for a Planned Unit Development, including approval of Final Plat of PUD, granting certain waivers from the Zoning Ordinance, granting certain variations from the Subdivision Regulations, granting approval of a Final Plat of Subdivision, and related matters for the Carrington Club by Pulte (a redevelopment of Arabian Knights Horse Farm).

The Carrington Club Planned Unit Development (PUD) is a subdivision composed of twenty-nine (29) new single family cluster homes on 8.32 acres. All 29 homes have been constructed in close proximity to, but located within the lot lines of, Lots 1 through 29 (zero lot line construction). Since the approval of the original Carrington Club PUD, the Village of Willowbrook has approved several fixtures including, but not limited to, air conditioning units and window wells within the development's common areas. In recent months,



however, new homeowners have requested to add additional fixtures such as gas generators within the common areas between the homes, which are currently not permitted as approved fixtures. The Village of Willowbrook determined that the original PUD should be amended to account for additional fixtures such as window wells, concrete slabs, walkways, air conditioning units, gas generators, and other fixtures that were never contemplated in the original PUD ordinance, provided they do not affect approved grading and/or drainage, and have been reviewed and approved by the Village's building department, the Village Engineer and the Homeowner's Association. The Village is requesting an amendment to their existing PUD approval to allow for increases to the previously approved deviations under Section 9-13-4(C)6(a)7.

Per Section 9-13-4(C)6(a), a major change to a PUD shall require a new application for preliminary and final plat of a planned unit development, unless otherwise restricted by the ordinance granting the special use for the planned unit development.

A major change to a PUD is further classified under this section of the zoning code as any of the following:

- A. A greater than five percent (5%) increase in density, gross floor area or building height.
- B. A greater than five percent (5%) decrease in the number of parking spaces, landscaped area or open space.
- C. Changes in the location of points of ingress or egress.
- D. A greater than twenty foot (20') change in the location of principal buildings, roadways or parking areas.
- E. Changes in the types of permitted land use.
- F. Changes in the approved development schedule.
- G. Increases in the approved deviations.**

Staff Analysis

Current Ordinance Language

Ordinance No. 16-O-40 previously approved a waiver to allow certain elements to be constructed over the lot lines of Lots 1 through 29.

The ordinance is included as **Attachment 6** and allows the following under Section F:

- F. That Sections 9-5A-3(D)1, 9-5A-3(D)2, 9-5A-3(D)3, 9-5A-3(D)4, 9-5A-3(E), and 9-5A-3(G) of the Village Code of the Village of Willowbrook establishing minimum front, interior side, exterior side, and rear setbacks, lot coverage and FAR requirements be varied with respect to the SUBJECT REALTY to allow construction of all improvements associated with the homes in close proximity but located within the lot lines of Lots 1 through 29 (zero lot line construction), and that construction over the lot lines of Lots 1 through 29 and into the Common Area for the SUBJECT REALTY may occur only in the following instances:

- 1. Rear patios only, not exceeding 100 square feet, may be constructed over any rear lot line of Lots 1 through 29 and into the Common Area provided they are not constructed in any easement, do not affect approved grading, and are constructed at grade and utilize only concrete or other similar masonry products. Patio improvements shall not include any permanent vertical "built-in" fixtures such as walls, chimneys or similar improvements.
- 2. Front steps and unenclosed, non-inhabitable porches only, not extending more than thirty inches (30") from the front wall, nor greater than fifteen feet (15') in width across the front



wall of a home, may be constructed over the front lot line and into the Common Area only on Lots 1 through 3; 6; 7; 10 through 15; 17 through 21; and 26 through 29.

The PUD amendment would additionally allow for the following:

~~Window wells, concrete slabs, walkways, air conditioning units, gas generators (permanently affixed, hard-wired and powered by natural gas), and other fixtures may be constructed over the lot lines of Lots 1 through 29 and into the Common Area provided they do not affect approved grading and/or drainage, and have been reviewed and approved by the Building Official, the Village Engineer and the Homeowner's Association.~~

Special Use and Planned Development Standards

State Statutes and local ordinances require findings be made with regard to special use and planned development standards. A list of the standards is provided in **Attachments 2** and **Attachment 3**, along with a "finding" that can be referenced in the Plan Commission's motion. Please note that the "findings" assume acceptance of the required changes and proposed conditions in this report. Modifying a required change or proposed condition may require changing a listed finding.

Standards for Planned Unit Development

Section 9-13-6 of the Willowbrook Zoning Ordinance establishes twelve (12) standards for planned unit developments that must be met. Responses are provided in **Attachment 4** of this report.

Summary of Relief Requested

In order to maintain compliance with the Village Zoning Code, the proposed PUD amendment will require additional relief, exceptions, and waivers as outlined below.

Zoning Ordinance

Pursuant to Section 9-13-6 of the Village Code, the following waivers from the provisions of the Zoning Ordinance include but are not limited to:

F. That Sections 9-5A-3(D)1, 9-5A-3(D)2, 9-5A-3(D)3, 9-5A-3(D)4, 9-5A-3(E), and 9-5A-3(G) of the Village Code of the Village of Willowbrook establishing minimum front, interior side, exterior side, and rear setbacks, lot coverage and FAR requirements be varied with respect to the SUBJECT REALTY to allow construction of all improvements associated with the homes in close proximity but located within the lot lines of Lots 1 through 29 (zero lot line construction), and that construction over the lot lines of Lots 1 through 29 and into the Common Area for the SUBJECT REALTY may also occur only in the following instances:

1. Rear patios only, not exceeding 100 square feet, may be constructed over any rear lot line of Lots 1 through 29 and into the Common Area provided they are not constructed in any easement, do not affect approved grading, and are constructed at grade and utilize only concrete or other similar masonry products. Patio improvements shall not include any permanent vertical "built-in" fixtures such as walls, chimneys or similar improvements.
2. Front steps and unenclosed, non-inhabitable porches only, not extending more than thirty inches (30") from the front wall, nor greater than fifteen feet (15') in width across the front



3. Window wells, concrete slabs, walkways, air conditioning units, gas generators (permanently affixed, hard-wired and powered by natural gas), and other fixtures may be constructed over the lot lines of Lots 1 through 29 and into the Common Area provided they do not affect approved grading and/or drainage, and have been reviewed and approved by the Building Official, the Village Engineer and the Homeowner's Association.

Staff Recommendation

Staff recommends that the Plan Commission recommend to the President and Village Board adoption of the attached findings and approval of the request for an Amendment to the Special Use for a Planned Unit Development and Amendment to a Planned Unit Development to allow for a major changes under Section 9-13-4(C)6(a)7 Increases in the Approved Deviations, including certain relief, exceptions and waivers from Title 9 of the Village Code.

Public Hearing

The Plan Commission conducted a public hearing on this petition at their November 4, 2020 meeting. The following members were in attendance: Chairman Kopp, Vice Chairman Wagner, Commissioners Kaczmarek, Kaucky, Soukup, Remkus and Walec. There was one member of the public that came forward with public comments/questions.

Chairman Kopp acknowledged that the changes to the Carrington Club Planned Unit Development appear to be reasonable but that the requirement of having the Village Engineer review and approve the installation of additional fixtures within the common areas might be too burdensome and expensive for the homeowners of Carrington Club. Commissioner Remkus concurred with Chairman Kopp and added that he would like to decrease the amount of bureaucracy within the Village.

Roy Giuntoli, the Village's Building Official, explained that the proposed requirement to involve the Village Engineer was to ensure that the installation of fixtures would have no negative effect on the flow of stormwater within the development. Building Official Giuntoli further explained that there are a couple of locations within the development that might be affected with the installation of such fixtures, and that he would not be in a position to approve something beyond his level of training or expertise. In those situations, Building Official Giuntoli would consult with the Village Engineer, and the correspondence could be a simple email or a phone call, without being cost prohibitive to the applicant. Roy added that prior to the applicant submitting a permit application for the installation of a fixture to the Village, the Carrington Club's Homeowner's Association would need to hire their own civil engineer to verify that grading/drainage would not be negatively impacted, and that the Village's Engineer would verify this information. Building Official Giuntoli did not foresee the Village Engineer requiring a full engineering set of drawings or a report to achieve this.

A resident of Carrington Club questioned why a civil engineer would need to get involved if a gas generator would be installed right up against the face of a single-family home, and would likely avoid impacting a drainage swale, in those instances where a generator would be located between two homes. Building Official Giuntoli explained that the size and dimension of gas generators vary, and that gas generators are required to be located a minimum of eighteen inches (18") away from the house, and factoring in the sum of these dimensions could cause the fixture to be located close to a swale.

Chairman Kopp proposed that the primary responsibility for review and approval should rest with the Building Official, and if necessary, the Building Official should consult the Village Engineer in those situations, but that the requirement of the Village Engineer should be eliminated. Chairman Kopp proposed to substitute the proposed language to read:



"Window wells, concrete slabs, walkways, air conditioning units, gas generators (permanently affixed, hard-wired and powered by natural gas), and other fixtures may be constructed over the lot lines of Lots 1 through 29 and into the Common Area provided they do not affect approved grading and/or drainage, and have been reviewed and approved by the Building Official or his/her designee and the Homeowner's Association."

The Plan Commission did not express any opposition to the proposed PUD amendment with the exception of the above-mentioned changes. The Plan Commission voted 7-0 in favor of the proposed changes to forward a positive recommendation to the Village Board.

Motion

The following sample motion was provided in the staff report for the Plan Commission:

Based on the submitted petition and testimony presented, I move that the Plan Commission forward its Findings of Fact for a Special Use and Findings of Fact for a Planned Unit Development referenced in the Staff Report for PC 20-09 prepared for the November 4, 2020 meeting and recommend approval of an Amendment to a Special Use for a Planned Unit Development and Amendment to the Planned Unit Development to allow for a major change under Section 9-13-4(C)6(a)7 to allow for the construction of additional fixtures over the lot lines as presented on pages 5 and 6 of the Staff Report for PC Case Number 20-09.

The following motion made by Remkus was seconded by Soukup and approved unanimous 7-0 roll call vote of the members present:

Based on the submitted petition and testimony presented, I move that the Plan Commission forward its Findings of Fact for a Special Use and Findings of Fact for a Planned Unit Development referenced in the Staff Report for PC 20-09 prepared for the November 4, 2020 meeting and recommend approval of an Amendment to a Special Use for a Planned Unit Development and Amendment to the Planned Unit Development to allow for a major change under Section 9-13-4(C)6(a)7 to allow for the construction of additional fixtures over the lot lines as presented on pages 5 and 6 of the Staff Report for PC Case Number 20-09, with the exception that the words "or his/her designee" are substituted for the words "Village Engineer".



Attachment 1
Notice of Public Hearing
(4 pages)

**NOTICE OF PUBLIC HEARING
ZONING HEARING CASE NO. 20-09**

NOTICE IS HEREBY GIVEN that the Plan Commission of the Village of Willowbrook, DuPage County, Illinois, will conduct a public hearing at a regular meeting of the Plan Commission on the 4th of November, 2020 at the hour of 7:00 P.M. This meeting would typically take place in the Willowbrook Police Department Training Room, 7760 S. Quincy St, Willowbrook, IL 60527. However, due to the current circumstances concerning Covid-19, this meeting will be held virtually. Internet address and access instructions will be provided on the Village of Willowbrook's Plan Commission website once available:

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

The purpose of this public hearing shall be to consider a petition requesting approval of an Amendment to a Special Use for a Planned Unit Development and Amendment to a Planned Unit Development to allow for major changes under Section 9-13-4(C)6(a) including certain relief, exceptions and waivers from Title 9 of the Village Code, on property legally described as follows:

ALL LOTS AND OUTLOTS IN CARRINGTON CLUB SUBDIVISION, A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 27, 2016 AS DOCUMENT NO. R2016-104256 (CARRINGTON CLUB SUBDIVISION).

PINs: 09-22-207-025, 09-22-207-026, 09-22-207-027, 09-22-207-028, 09-22-207-029, 09-22-207-030, 09-22-207-031, 09-22-207-032, 09-22-207-033, 09-22-207-034, 09-22-207-035, 09-22-207-036, 09-22-207-037, 09-22-207-038, 09-22-207-039, 09-22-207-040, 09-22-207-041, 09-22-207-042, 09-22-207-043, 09-22-207-044, 09-22-207-045, 09-22-207-046, 09-22-207-047, 09-22-207-048, 09-22-207-049, 09-22-207-050, 09-22-207-051, 09-22-207-052, 09-22-207-053, 09-22-207-054

ADDRESS: 6521 Arabian Circle, 6531 Arabian Circle, 6541 Arabian Circle, 6551 Arabian Circle, 309 Arabian Circle, 315 Arabian Circle, 321 Arabian Circle, 327 Arabian Circle, 333 Arabian Circle, 322 Arabian Circle, 316 Arabian Circle, 310 Arabian Circle, 311 Palomino Trail, 317 Palomino Trail, 323 Palomino Trail, 6550 Arabian Circle, 6540 Arabian Circle, 6530 Arabian Circle, 6520 Arabian Circle, 6510 Arabian Circle, 6500 Arabian Circle, 330 Arabian Circle, 324 Arabian Circle, 318 Arabian Circle, 312 Arabian Circle, 320 Palomino Trail, 314 Palomino Trail, 308 Palomino Trail, 302 Palomino Trail, all in Willowbrook IL 60527, and Outlot in Willowbrook IL 60514.

The applicant for this petition is the Village of Willowbrook, 835 Midway Drive, Willowbrook, IL 60527.

A copy of the Village's petition is on file in the Office of the Village Planner, Village of Willowbrook, 835 Midway, Willowbrook, Illinois, and is available for public inspection. Any individual with a disability requiring a reasonable accommodation in order to participate in any public meeting held under the authority of the Village of Willowbrook should contact Ann Choi,

Village of Willowbrook, 835 Midway, Willowbrook, IL 60527, or call (630) 920-2233, Monday through Friday, between 8:30 A.M. and 4:30 P.M.

All persons desiring to be heard in support or opposition to the application shall be afforded an opportunity and may submit their statements orally, in written form, or both. Written comments may be submitted up to the hour of 6:00pm on November 4, 2020 to planner@willowbrook.il.us. This hearing may be recessed to another date if not concluded on the evening scheduled.

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

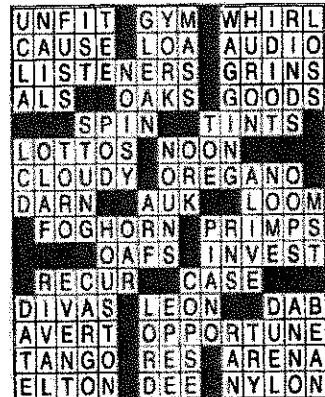
Published in the October 19, 2020 edition of *The Chicago Sun Times* Newspaper.

Monday, October 19, 2020

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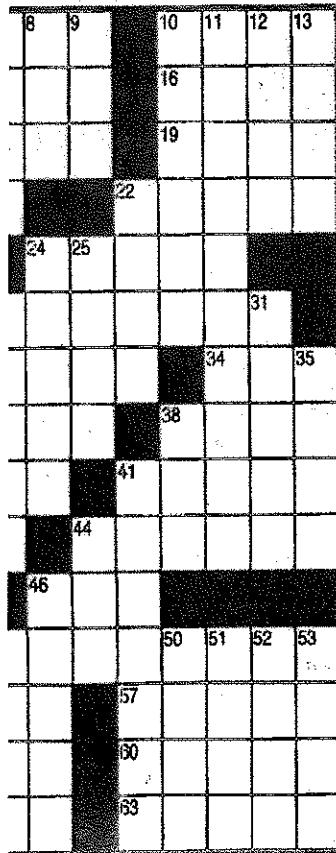
OSSWORD

PREVIOUS PUZZLE SOLVED



10-19-20 © 2020 UFS, Dist. by Andrews McMeel for UFS

26 Foot parts
27 Young raptor
28 Like a rookie
29 Pod content
30 Striped antelope
31 Battle tactic
33 Swipe
35 Advance
37 Police raid
38 Pamplona cry
40 Modem-speed unit
41 Without a goal
43 By leaps and —
44 Indentation



Storage - Legal

Storage - Legal

Public Hearings

Public Hearings

Extra Space Storage will hold a public auction to sell personal property belonging to those individuals listed below at the location indicated:

#1598 1301 S Harlem Ave. Berwyn, IL 60402 (708)776-3606 on October 27 2020 at 10:00 AM Ira Bey 1128.
#7239 1301 S Cicero Ave. Cicero, IL 60604 (708)326-6313 on October 27 2020 at 11:00 AM Christian Orozco 2188
#0729 707 W Harrison St. Chicago, IL 60607 (312)939-0136 on October 27 2020 at 01:00 PM Rakeisha Merritt 3053; Phil Olson 3058;
#0731 1255 S Wabash Ave. Chicago, IL 60605 (312)254-6096 on October 27 2020 at 02:00 PM Tammy Ford 2163; Kathleen White 4006; Shannon Bonner 4098; Mary Maxine Reed 5015; Osama Alahoudi 6003
#1810 601 W Harrison St. Chicago, IL 60607 (312)360-1153 on October 27 2020 at 02:30 PM Craig Atkins 103
#7013 1205 W Jackson Blvd. Chicago, IL 60607 (773)832-7368 on October 27 2020 at 03:00 PM Mikael Thames 4103
#8433 1242 W Washington Blvd. Chicago, IL 60607 (312)442-2458 on October 27 2020 at 05:00 PM Anton Gratch 110, Cindy Brown 50

The auction will be listed and advertised on www.storage-treasures.com. Purchases must be made with cash only and paid at the above referenced facility in order to complete the transaction. Extra Space Storage may refuse any bid and may rescind any purchase up until the winning bidder takes possession of the personal property.

10/12, 10/19/2020 #1114918

Public Hearings

Public Hearings

NOTICE OF PUBLIC HEARING ZONING HEARING CASE NO. 20-09

NOTICE IS HEREBY GIVEN that the Plan Commission of the Village of Willowbrook, DuPage County, Illinois, will conduct a public hearing at a regular meeting of the Plan Commission on the 4th of November, 2020 at the hour of 7:00 P.M. This meeting would typically take place in the Willowbrook Police Department Training Room, 7760 S. Quincy St., Willowbrook, IL 60527. However, due to the current circumstances concerning Covid-19, this meeting will be held virtually. Internet address and access instructions will be provided on the Village of Willowbrook's Plan Commission website once available:

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

The purpose of this public hearing shall be to consider a petition requesting approval of an Amendment to a Special Use for a Planned Unit Development and Amendment to a Planned Unit Development to allow for major changes under Section 9-13-4(C)(6)(a) including certain relief, exceptions and waivers from Title 9 of the Village Code, on property legally described as follows:

ALL LOTS AND OUTLOTS IN CARRINGTON CLUB SUBDIVISION, A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 27, 2016 AS DOCUMENT NO. R2016-104256 (CARRINGTON CLUB SUBDIVISION).

PINs: 09-22-207-025, 09-22-207-026, 09-22-207-027, 09-22-207-028, 09-22-207-029, 09-22-207-030, 09-22-207-031, 09-22-207-032, 09-22-207-033, 09-22-207-034, 09-22-207-035, 09-22-207-036, 09-22-207-037, 09-22-207-038, 09-22-207-039, 09-22-207-040, 09-22-207-041, 09-22-207-042, 09-22-207-043, 09-22-207-044, 09-22-207-045, 09-22-207-046, 09-22-207-047, 09-22-207-048, 09-22-207-049, 09-22-207-050, 09-22-207-051, 09-22-207-052, 09-22-207-053, 09-22-207-054

ADDRESS: 6521 Arabian Circle, 6531 Arabian Circle, 6541 Arabian Circle, 6551 Arabian Circle, 309 Arabian Circle, 315 Arabian Circle, 321 Arabian Circle, 327 Arabian Circle, 333 Arabian Circle, 322 Arabian Circle, 316 Arabian Circle, 310 Arabian Circle, 311 Palomino Trail, 317 Palomino Trail, 323 Palomino Trail, 6550 Arabian Circle, 6540 Arabian Circle, 6530 Arabian Circle, 6520 Arabian Circle, 6510 Arabian Circle, 6500 Arabian Circle, 330 Arabian Circle, 324 Arabian Circle, 318 Arabian Circle, 312 Arabian Circle, 320 Palomino Trail, 314 Palomino Trail, 308 Palomino Trail, 302 Palomino Trail, all in Willowbrook IL 60527, and Outlot in Willowbrook IL 60514.

The applicant for this petition is the Village of Willowbrook, 835 Midway Drive, Willowbrook, IL 60527.

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

All persons desiring to be heard in support or opposition to the application shall be afforded an opportunity and may submit their statements orally, in written form, or both. Written comments may be submitted up to the hour of 6:00pm on November 4, 2020 to planner@willowbrook.il.us. This hearing may be recessed to another date if not concluded on the evening scheduled.

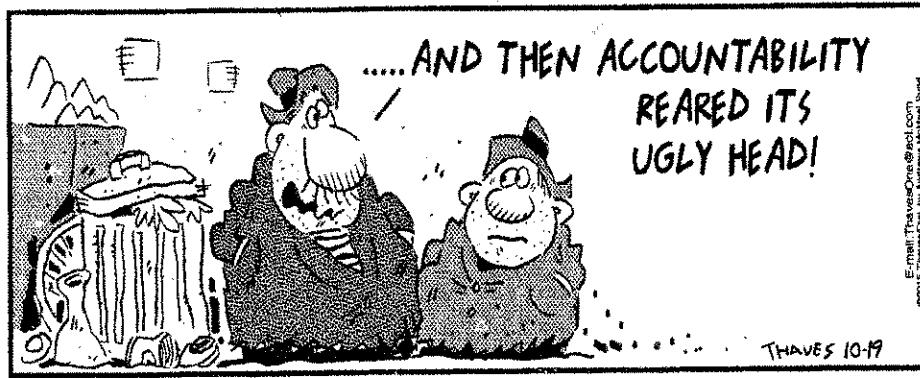
/s/ Brian Pabst
Village Administrator
(630) 920-2261

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

Published in the October 19, 2020 edition of The Chicago Sun Times newspaper.
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FRANK & ERNEST



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THAVES 10-19

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PUBLIC HEARING
VILLAGE OF WILLBROOK
PC 20-09

PRESENT ZONING: R-1 WITH SPECIAL USE FOR A PLANNED UNIT DEVELOPMENT

PROPOSED ZONING: R-1 WITH SPECIAL USE FOR A PLANNED UNIT DEVELOPMENT

PUBLIC HEARING DATE: NOVEMBER 4, 2020

PUBLIC HEARING LOCATION: DUE TO COVID-19 PANDEMIC, THE VILLAGE WILL BE UTILIZING A CALL-IN NUMBER. ACCESS INSTRUCTIONS WILL BE PROVIDED ON THE VILLAGE OF WILLBROOK'S PLAN COMMISSION WEBSITE ONCE AVAILABLE.

THROUGH THE LINK BELOW:

<https://www.willbrookil.org/Archive.aspx?ID=44>

PUBLIC HEARING TIME: 7:00PM

FOR ADDITIONAL INFORMATION, PLEASE CONTACT BRIAN PASAT, VILLAGE ADMINISTRATOR, 835 MIDWAY DRIVE, WILLBROOK, IL OR CALL 847-420-3000



Attachment 2
Special Use Standards and Findings for PC 20-09 Carrington Club PUD Amendment

Special Use Standards

The Plan Commission shall not recommend and the Board of Trustees shall not grant a Special Use Permit from the regulation of this title unless affirmative findings of fact shall be made as to all of the standards set forth in Section 9-14-5(B), which findings of fact shall be based upon evidence adduced upon the hearing held thereon, that:

(A) That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

Finding: The amendment to the special use for the Carrington Club Planned Unit Development and amendment to the planned unit development will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community. The amendment would allow additional fixtures to extend over the zero lot lines for the existing twenty-nine (29) single family homes and will have minimal to no impacts to the surrounding roadways and the utilities downstream. The size and location of these fixtures shall be reviewed by the Homeowners Association, and the Village of Willowbrook's Building Department and the Village Engineer prior to final approval to ensure that the placement of the fixtures will have no adverse impact to the existing drainage of the development.

(B) That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

Finding: The proposed changes to the Carrington Club development will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The proposed development would allow additional fixtures to extend over the zero lot lines for the existing twenty-nine (29) single family homes and will have minimal impact to surrounding properties within the neighborhood.

(C) That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

Finding: The proposed changes to the Carrington Club development will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district. The surrounding property is currently developed as single family homes, many of which were constructed relatively recently. The proposed changes are internal to the Carrington Club development and will not affect surrounding properties within the neighborhood.

(D) That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided.

Finding: The Carrington Club development has already been developed and constructed. The subject property is currently improved with adequate utilities, access roads, and drainage to service the site.

(E) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.



Finding: Ingress and egress to the proposed Carrington Club development is currently provided to and from Clarendon Hills Road. A left turn lane allows vehicles to turn left into the development from Clarendon Hills Road at the proposed entrance to the site and provides safe turning movements for vehicles entering the proposed development. Additionally, this development provides minimal impact to the surrounding roadways as it relates to trip generations, and it replaces a previous use (horse farm) that hosted larger gatherings of people. Adequate measures have been taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets and the proposed changes to the development will not affect these measures.

(F) That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the Village Board pursuant to the recommendation of the Plan Commission.

Finding: The proposed changes to the Carrington Club development in all other respects conform to the applicable regulations of the district it is located.

(G) Conditions in the area have substantially changed, and at least one year has elapsed since any denial by the Village Board of any prior application for a special use permit that would have authorized substantially the same use of all or part of the site. (Ord. 97-O-05, 1-27-1997).

Finding: The Village Board has not denied a special use permit on this property in the last year.

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Attachment 3

**Findings of Fact, Planned Unit Development for PC 20-09 Carrington Club PUD Amendment
(2 pages)**

Planned Unit Development Findings

Section 9-13-7 of the Willowbrook Zoning Ordinance requires that the following seven (7) Findings of Fact must be evaluated by the Plan Commission and the Village board.

(A) In what respects the proposed plan is consistent with the stated purpose of the planned unit development regulations.

Finding: The PUD amendment provides relief from the 2016 approving ordinance that is required in order to allow some flexibility in what can be constructed into the common areas of the Carrington Club development. The amendment to the PUD would provide environmental design in the development of land that is better than what is possible through the strict application of ordinance requirements.

(B) The extent to which the proposed plan meets the requirements and standards of the planned unit development regulations.

Finding: For the reasons stated in the Special Use Findings and the Standards for the Planned Unit Development listed in the staff report prepared for the November 4, 2020 meeting, the proposed plan meets the requirements and standards of the Planned Unit Development.

(C) The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including, but not limited to, the density, dimension, area, bulk and use, and the reasons why such departures are deemed to be in the public interest.

Finding: The PUD amendment includes exceptions as identified in the Staff Report for the November 4, 2020 Plan Commission meeting. The prior approval documents a detailed list of departures from the zoning regulations. Requests for relief granted in the past in addition to the requested relief contained in this petition will serve the public interest as it will allow the construction of additional fixtures that were never contemplated in the 2016 approving ordinance to continue as the development is nearly complete.

(D) The method by which the proposed plan makes adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects designated common open space, and furthers the amenities of light and air, recreation and visual enjoyment.

Finding: The Carrington Club development has been constructed to ensure that the improved site is developed with adequate ingress and egress to service the site and minimize traffic congestion in the public streets. The site has been developed to accommodate garbage trucks, emergency vehicles and the maneuvering of large vehicles throughout the site. The site has been designed to accommodate a substantial amount of landscaping and common areas for patrons to provide access to light, air and visual enjoyment.

(E) The relationship and compatibility of the proposed plan to the adjacent properties and neighborhood.



Finding: The proposed changes to the Carrington Club planned unit development include allowing the construction of additional fixtures within the development's common areas and will not affect the relationship and compatibility to the adjacent properties and neighborhood.

(F) The desirability of the proposed plan with respect to the physical development, tax base and economic well being of the village.

Finding: The Carrington Club planned unit development has brought opportunities for home ownership to the area with the construction of twenty-nine (29) single family homes which has benefited property values in the area, and strengthened the economic well being of the Village.

(G) The conformity with the intent and spirit of the current planning objectives of the village.

Finding: The amendment to the PUD conforms to the spirit and intent of the Village's current planning objective if developed as recommended by the Plan Commission.

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Attachment 4
Standards for Planned Unit Development
(3 pages)

The planned unit development must meet the following standards:

(A) **Comprehensive Plan:** A planned unit development must conform with the intent and spirit of the planning goals and objectives of the Village Comprehensive Plan.

Response: The proposed PUD amendment will not change the intent of the original PUD and will conform with the intent and spirit of the planning goals and objectives of the Village Comprehensive Plan. The PUD Amendment will allow the Village and the homeowners within the Carrington Club to construct additional fixtures within the common areas as approved by the Village and the Homeowners' Association.

(B) **Size And Ownership:** The site of the planned unit development must be under single ownership and/or unified control and be not less than two (2) acres in area.

Response: The Carrington Club PUD is currently managed by the developer, Pulte Home Corporation. It is anticipated that the developer will turn over the management of the development to an elected governing board of homeowners in December 2020. The Carrington Club is located on a 8.32-acre lot.

(C) **Compatibility:** The uses permitted in the planned unit development must be of a type and so located as to exercise no undue detrimental influence upon surrounding properties.

Response: All units are detached single family, with setbacks that meet/exceed PUD standards.

(D) **Stormwater Management:** Adequate facilities, both on site and off site, shall be provided to ensure that all drainage related issues are addressed.

Response: The site has been designed to address all drainage related issues.

(E) **Space Between Buildings:** The minimum horizontal distance between buildings shall be:

1. Thirty feet (30') between one-story, two-story and two and one-half story buildings or combinations thereof.
2. Equal to the height of the taller buildings in the case of freestanding, unattached buildings other than one-, two- or two and one-half story buildings.

Response: A minimum of 30 feet between buildings is required. However, per Section 9-13-6(L) of the Zoning Ordinance, this standard was modified, and has been approved via Ordinance No. 16-O-40 under Section Three, Subsection (G), to allow a minimum spacing of ten feet (10') between buildings.

(F) **Yards:** The required yards or setbacks along the periphery of the planned unit development shall be at least equal in width or depth to that of the applicable required yard within the adjacent zoning district. Notwithstanding the foregoing, buildings of more than twenty four feet (24') in height shall



provide a setback from any property line not less than a distance equal to the height of such buildings.

Response: The proposed PUD amendment will not change any existing required yards or setbacks along the periphery of the approved planned unit development.

(G) **Parking Requirements:** Adequate parking shall be provided as set forth in other sections of this title.

Response: The proposed PUD amendment will not change the parking provisions of the approved planned unit development.

(H) **Traffic:** That adequate provision be made to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

Response: The proposed PUD amendment will not change the ingress or egress that was approved as part of the original planned unit development. The proposed project is served by a driveway to Clarendon Hills Road that aligns with Gulf Island Drive (entrance to Nantucket) on the east side of Clarendon Hills Road. A short left turn lane has been provided for north bound traffic into the development. Additional improvements to Clarendon Hills Road include curb and gutter on the west side, and a new sidewalk and parkway trees in compliance with the Subdivision Regulations.

(I) **Preservation Standards:** Due regard shall be demonstrated for any existing site conditions worthy of consideration including: desirable trees of a minimum six inch (6") caliper or greater, natural bodies of water, designated wetlands and/or flood hazard areas, etc. All desirable vegetation shall be identified by location, caliper size, type, condition and a method by which preservation efforts will be conducted.

Response: The proposed PUD amendment will not change the preservation efforts that were part of the original planned unit development. There are no wetlands on the site and all perimeter trees were inventoried and certain perimeter trees are preserved where possible.

(J) **Design Standards:** The provisions of the Willowbrook subdivision ordinance shall be adhered to, unless a variance is granted by the Village Board.

Response: The proposed PUD amendment is not requesting additional relief from the subdivision ordinance.

(K) **Uses For PUDs Greater Than Five Acres:** Any permitted or special use available under any of the various zoning districts classifications, whether singly or in combination, and any other use permitted by law, may be allowed as either a permitted or special use within a planned unit development consisting of more than five (5) acres, but only to the extent specifically approved by the Village Board, after a finding that such use is consistent with the objectives of this chapter.

Response: No other uses are requested as part of the proposed PUD amendment.

(L) **Other Standards:** The planned unit development may depart from strict conformance with the required density, dimension, area, height, bulk, and other regulations for the underlying zoning district and other provisions of this title to the extent specified in the preliminary plat and documents authorizing the planned unit development so long as the planned unit development will not be detrimental to or endanger the public health, safety and general welfare. Notwithstanding



the foregoing, every planned unit development must comply with the minimum standards set forth in subsections (A), (B), (C), (D), (H), (I) and (K) of this section. (Ord. 06-O-12, 5-8-2006)

Response: The proposed PUD amendment is not requesting additional relief from the required density, dimension, area, height, bulk, and other regulations for the underlying zoning district and other provisions and will not be detrimental to or endanger the public health, safety and general welfare.

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Attachment 5
Legal Description

ALL LOTS AND OUTLOTS IN CARRINGTON CLUB SUBDIVISION, A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 27, 2016 AS DOCUMENT NO. R2016-104256 (CARRINGTON CLUB SUBDIVISION).

PINs:

09-22-207-025, 09-22-207-026, 09-22-207-027, 09-22-207-028, 09-22-207-029, 09-22-207-030, 09-22-207-031, 09-22-207-032, 09-22-207-033, 09-22-207-034, 09-22-207-035, 09-22-207-036, 09-22-207-037, 09-22-207-038, 09-22-207-039, 09-22-207-040, 09-22-207-041, 09-22-207-042, 09-22-207-043, 09-22-207-044, 09-22-207-045, 09-22-207-046, 09-22-207-047, 09-22-207-048, 09-22-207-049, 09-22-207-050, 09-22-207-051, 09-22-207-052, 09-22-207-053, 09-22-207-054

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Attachment 6
Ordinance No. 16-O-40
(9 pages)

ORDINANCE NO. 16-0-40

AN ORDINANCE GRANTING A SPECIAL USE FOR A PLANNED UNIT DEVELOPMENT, INCLUDING APPROVAL OF FINAL PLAT OF PUD, GRANTING CERTAIN WAIVERS FROM THE ZONING ORDINANCE, GRANTING CERTAIN VARIATIONS FROM THE SUBDIVISION REGULATIONS, GRANTING APPROVAL OF A FINAL PLAT OF SUBDIVISION, AND RELATED MATTERS - PC 16-04: 6526 CLARENDON HILLS ROAD - CARRINGTON CLUB BY PULTE (REDEVELOPMENT OF ARABIAN KNIGHTS HORSE FARM)

WHEREAS, on or about January 21, 2016, Pulte Home Corporation, as applicant ("APPLICANT"), with permission from Willowbrook Real Estate Investment, LLC (Parcel 1) and North Star Trust Company (Parcel 2), as owners ("OWNER") through agents Michael and Elizabeth Vena, filed an application with the Village of Willowbrook with respect to the property legally described on Exhibit "A", attached hereto and incorporated herein by reference ("SUBJECT REALTY"). Said application requested that the Village grant a special use permit for a Planned Unit Development for the SUBJECT REALTY, grant certain waivers from the requirements of the Zoning Ordinance of the Village, grant certain variations from the requirements of the Subdivision Regulations of the Village, approve a final plat of subdivision with respect to the SUBJECT REALTY, approve a final plat of Planned Unit Development, and related matters; and,

WHEREAS, Notice of Public Hearing on said application was published on or about March 18, 2016, in a newspaper having general circulation within the Village, to-wit, The Suburban Life

newspaper, all as required by the statutes of the State of Illinois and the ordinances of the Village; and,

WHEREAS, pursuant to said Notice, the Plan Commission of the Village of Willowbrook conducted a Public Hearing on or about April 6, 2016, and continued said hearing to May 4, 2016, all as required by the statutes of the State of Illinois and the ordinances of the Village; and,

WHEREAS, at said Public Hearings, the applicant presented testimony in support of said application and all interested parties had an opportunity to be heard; and,

WHEREAS, the Plan Commission forwarded its recommendations, including its Findings of Fact, in a report dated May 6, 2016 to the Mayor and Board of Trustees on or about May 23, 2016, a copy of which is attached hereto as Exhibit "B" which is, by this reference, made a part hereof; and,

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

SECTION ONE: That the Zoning Map of the Village of Willowbrook be amended to reflect the granting of a special use permit on the SUBJECT REALTY pursuant to Section 9-5A-2 of the Zoning Ordinance of the Village of Willowbrook, so as to permit a planned unit development.

SECTION TWO: That the Findings of Fact pursuant to 9-13-6, 9-13-7 and 9-14-5.2 of the Village Code of the Village of Willowbrook made by the Plan Commission in its recommendation attached hereto as Exhibit "B" are hereby adopted by the Mayor and Board of Trustees.

SECTION THREE: That pursuant to Section 9-13-6(L) of the Village Code, the following waivers from the provisions of the Zoning Ordinance be and the same are hereby granted:

- A. That Section 9-5A-3(A)1 of the Village Code of the Village of Willowbrook, establishing a minimum lot area for detached single-family dwellings in the R-1 Residential District, be varied with respect to the SUBJECT REALTY by reducing same from 30,000 square feet to 3,300 square feet for Lots 1 through 3, 6, 7, 10 through, 15, 17 through 21, and 26 through 29.
- B. That Section 9-5A-3(A)1 of the Village Code of the Village of Willowbrook, establishing a minimum lot area for detached single family dwellings in the R-1 Residential District, be varied with respect to the SUBJECT REALTY by reducing same from 30,000 square feet to 3,424 square feet for Lots 4, 5, 8, 9, 16, and 22 through 25.
- C. That Section 9-5A-3(B)2 of the Village Code of The Village of Willowbrook, establishing a minimum lot width in the R-1 Residential District, be varied with respect to the SUBJECT REALTY by reducing same from 100' to 50'.
- D. That Section 9-5A-3(B)3 of the Village Code of the Village of Willowbrook, establishing a minimum corner lot width in the R-1 Residential District, be variety with respect to the SUBJECT REALTY by reducing same from 125' to 50'.
- E. That Section 9-5A-3(C) of the village Code of the Village of willowbrook, establishing a minimum lot depth in the R-1 Residential District, be varied with respect to the SUBJECT REALTY by reducing same from 150' to a minimum of 66'.

F. That Sections 9-5A-3(D)1, 9-5A-3(D)2, 9-5A-3(D)3, 9-5A-3(D)4, 9-5A-3(E), and 9-5A-3(G) of the Village Code of the Village of Willowbrook establishing minimum front, interior side, exterior side, and rear setbacks, lot coverage and FAR requirements be varied with respect to the SUBJECT REALTY to allow construction of all improvements associated with the homes in close proximity but located within the lot lines of Lots 1 through 29 (zero lot line construction), and that construction over the lot lines of Lots 1 through 29 and into the Common Area for the SUBJECT REALTY may occur only in the following instances:

1. Rear patios only, not exceeding 100 square feet, may be constructed over any rear lot line of Lots 1 through 29 and into the Common Area provided they are not constructed in any easement, do not affect approved grading, and are constructed at grade and utilize only concrete or other similar masonry products. Patio improvements shall not include any permanent vertical "built-in" fixtures such as walls, chimneys or similar improvements.
2. Front steps and unenclosed, non-inhabitable porches only, not extending more than thirty inches (30") from the front wall, nor greater than fifteen feet (15') in width across the front wall of a home, may be constructed over the front lot line and into the Common Area only on Lots 1 through 3; 6; 7; 10 through 15; 17 through 21; and 26 through 29.

G. That Section 9-13-6(E)1 of the Village Code of the Village of Willowbrook, establishing a minimum permitted space between buildings in planned unit development, be varied with respect to the SUBJECT REALTY by reducing same from thirty feet (30') to ten feet (10').

H. That Section 9-13-6(J) of the Village Code of the Village of Willowbrook prohibiting planned unit developments from deviating from the requirements of Title 10 of the Village Code in the absence of a variance, be varied with respect to the SUBJECT REALTY so as to permit the variations from said Title 10 detailed in SECTION 4.

SECTION FOUR: That pursuant to Section 10-8-6 of the Village Code, the following variations from the provision of the Subdivision Regulations be and the same are hereby granted:

- A. That Section 10-4-1(B)8(a) of the Village Code of the Village of Willowbrook, establishing a maximum cul-de-sac length for detached single-family residential uses be varied with respect to the SUBJECT REALTY by increasing same from 500' to 600'.
- B. That Section 10-7-2(B)7 of the Village Code of the Village of Willowbrook, establishing a minimum pavement width requirement for all residential cul-de-sac streets, be varied with respect to the private street constructed on the SUBJECT REALTY by reducing same from thirty feet (30') to a minimum of 28'.
- C. That Section 10-7-2(B)7 of the Village Code of the Village of Willowbrook, establishing a minimum pavement radius requirement for residential cul-de-sacs, be varied with respect to the private cul-de-sac construction on the SUBJECT REALTY by reducing same from fifty feet (50') to thirty two feet (32').
- D. That Section 10-7-2(B)7 of the Village Code of the Village of Willowbrook, establishing a minimum pavement radius requirement for residential cul-de-sac streets, be varied with respect to the improvements to the adjoining Tennessee Avenue right-of-way by reducing same from fifty feet (50') to forty-five feet (45').
- E. That Section 10-7-2(B)7 of the Village Code of the Village of Willowbrook, establishing a minimum pavement width requirement for all residential cul-de-sac streets, be varied with respect to the improvements to the adjoining Tennessee Avenue right-of-way by reducing same from thirty feet (30') to 25.1'.
- F. That Section 10-7-2(C) of the Village Code of the Village of Willowbrook, establishing a requirement for curb and gutter, be varied to eliminate the requirement that the applicant construct curbs and gutters for the required street improvements along Tennessee Avenue.
- G. That Section 10-7-4(A) of the Village Code of the Village of Willowbrook, establishing a requirement that sidewalks be provided on both sides of all streets, be varied with respect to the SUBJECT REALTY so as to not require sidewalks on the SUBJECT REALTY in front of Lots 10 through 15.
- H. That Section 10-7-4(A) of the Village Code of the Village of Willowbrook, establishing a requirement that sidewalks be provided on both sides of all streets, be varied with respect to the improvement along Tennessee Avenue so as to not require sidewalks on the west side of Tennessee Avenue.

SECTION FIVE: That passage of this Ordinance shall constitute approval of the Final Plat of Subdivision, pursuant to the "Final Plat of Subdivision of Carrington Club", as prepared by V3, consisting of three (3) sheets and latest revision dated August 31, 2016 and attached hereto as Exhibit "C".

SECTION SIX: That passage of this Ordinance shall constitute approval of the Final Planned Unit Development, pursuant to the "Final P.U.D. Plat of Carrington Club", as prepared by V3, consisting of three (3) sheets and latest revision dated August 31, 2016 and attached hereto as Exhibit "D"

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

- A. The SUBJECT REALTY shall be in substantial accordance with the following plans and specifications ("APPROVED PLANS) attached hereto as Exhibit "E".
- B. That Lots 1 and 29 shall have key lot side elevations, as shown in Exhibit "E", attached hereto, and that Lots 1,2,3, and 4, shall have key lot rear elevations, as shown in Exhibit "E", attached hereto.
- C. That the demolition and removal of all existing structures on the property in question be performed in accordance with the regulations of the Village of Willowbrook. No demolition work shall be initiated until a demolition permit has been issued by the Village.
- D. That the SUBJECT REALTY shall be subject to the restrictions and requirements in substantial compliance with the

"Declaration of Covenants for Carrington Club" attached here to as Exhibit "F".

- E. Prior to the issuance of any construction permits, the Owner shall submit an executed Traffic Regulation Agreement substantially in the form attached hereto and incorporated herein as Exhibit "G".
- F. That the Applicant obtain all necessary permits from the authorities having jurisdiction prior to any work being initiated within the right-of-way of Clarendon Hills Road and Tennessee Avenue.
- G. That the applicant pay all required impact fees to the DuPage County Division of Transportation and submit verification of said payment to the Village of Willowbrook prior to the issuance of building permits by the Village.
- H. That all wells, if any, on the SUBJECT REALTY be capped and sealed pursuant to the regulations of the State of Illinois, the DuPage County Health Department and the Village prior to the issuance of building permits by the Village.
- I. That the design of the sanitary sewage system for the SUBJECT REALTY be specifically approved by DuPage County and a permit issued by the Illinois Environmental Protection Agency prior to the issuance of building permits by the Village.
- J. That the design of the water main system for the SUBJECT REALTY in question be in conformance with the Village Code, be specifically approved by the Village and a permit issued by the Illinois Environment Protection Agency prior to the installation of any water mains and prior to the issuance of building permits by the Community development Department.
- K. That construction activities on the SUBJECT REALTY shall be accomplished by vehicles accessing the site only by way of Clarendon Hills Road, except for necessary improvements to or for making connection within the Tennessee Avenue right-of-way as provided in the Approved Final Plans.
- L. That not more than 29 dwelling units shall be constructed on the SUBJECT REALTY.
- M. Prior to the issuance of any construction permits, the Owner shall submit an executed Subdivision Improvement Agreement in substantially the form attached hereto and incorporated

herein as Exhibit "H", and tender the security required by such Agreement.

N. All perimeter fences and landscaped areas shall be constructed and landscape material installed prior to the issuance of any occupancy permit for the SUBJECT REALTY, or such earlier time as is reasonably practical.

SECTION EIGHT: The use of private streets on the SUBJECT REALTY is hereby approved by the Board of Trustees pursuant to Section 10-4-1(A)7 of the Village Code of the Village of Willowbrook.

SECTION NINE: That the Village Clerk is hereby authorized and directed to note the zoning grants made by this Ordinance upon the Official Zoning Map of the Village of Willowbrook.

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

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

PASSED and APPROVED this 12TH day of September, 2016.



APPROVED:

Mayor

A handwritten signature in black ink that reads "John S. Smith".

ATTEST:

Larry R Hansen
Village Clerk

ROLL CALL VOTE:

AYES: Berglund, Dani, Kelly, Mistele, Neel, D'Agostino

NAYS: 0

ABSTENTIONS: 0

ABSENT: 0

VILLAGE OF WILLOWBROOK

BOARD MEETING AGENDA ITEM - HISTORY/COMMENTARY

An Ordinance Amending Chapter 9 Entitled "Hotels/Motels" of Title 3 Entitled "Business Regulations" of the Village Code of Ordinances of the Village of Willowbrook, DuPage County, Illinois

AGENDA NO. 8.

AGENDA DATE: 11/23/20

STAFF REVIEW: Mike Mertens, Assistant Village Administrator

SIGNATURE: M. Mertens

LEGAL REVIEW: Tom Bastian, Village Attorney

SIGNATURE: T. Bastian / un

RECOMMENDED BY: Brian Pabst, Village Administrator

SIGNATURE: B. Pabst

REVIEWED & APPROVED BY COMMITTEE:

YES NO N/A

BACKGROUND:

At the March 9, 2020 Law and Ordinances Committee meeting, Trustee Neal provided an overview of the current Village of Willowbrook Building Code as it relates to Hotel/Motels. Trustee Neal advised the Committee that most of the code dates to 1970 with various minor updates occurring in 1978, 1984, 1985 and 2005. Trustee Neal recommended that the Village consider reviewing the code to make sure the code utilizes the best practices applied within the industry, including but not limited to yearly inspections for property maintenance, health, and sanitation related issues.

On June 8, 2020, staff presented an initial redline document highlighting the possible updates to Chapter 9, Hotel / Motel section, of the Building Code. Staff received input and direction on the proposed language on sections 3-9-1 through section 3-9-6. On July 13, 2020, the Committee reviewed sections 3-9-7 through 3-9-10 and provided staff input. We have asked our code enforcement officer, Karyn Byrne, to join us for the meeting to walk through the enforcement process and to help ensure we closeout any loose ends on the proposed yearly inspection process.

On August 10, 2020, staff presented a redline version of the suggested code enhancements from the previous meetings. The Committee reviewed the item and provided further feedback to staff and the Village Attorney. The discussion continued at the October 12, 2020 and the November 9, 2020 Committee. Staff presented the final version for consideration and the consensus of the committee was to recommend the draft for formal consideration at the November 23, 2020 Village Board meeting.

STAFF RECOMMENDATION

The attached ordinance amends Chapter 9 Hotel / Motel as summarized as follows:

- Clarifies various definitions.
- Provides for an annual inspection to determine whether the hotel or motel complies with the minimum standards for property maintenance, buildings, sanitation, fire prevention and public health and safety and makes it a requirement through the business license process.
- Provides a process for suspension of business operations, revocation of license, prosecution and other penalties, hearing procedures and hearing costs.
- Prohibits licenses to owners that have been convicted of any crime involving moral turpitude, or any offense involving gambling, prostitution, a violation of the Illinois Controlled Substances Act or any other felony offense.
- Provides for the establishment to keep a register of guests. This register shall contain the name, legal residence, make, year and license of car – if any, number and names of persons occupying the rooms, the number or numbers of the room or rooms assigned to the guest or guests and the date of arrival and departure and that register of guests shall only be available to law enforcement officers for a period of not less than three years.

ACTION PROPOSED: Pass the Ordinance

ORDINANCE NO. 20-O—

**AN ORDINANCE AMENDING CHAPTER 9 ENTITLED “HOTELS/MOTELS” OF
TITLE 3 ENTITLED “BUSINESS REGULATIONS” OF THE VILLAGE CODE OF
ORDINANCES OF THE VILLAGE OF WILLOWBROOK,
DUPAGE COUNTY, ILLINOIS**

WHEREAS, the Village Laws and Ordinance Committee has conducted a comprehensive review of the Village’s “Hotel/Motel” Ordinance; and

WHEREAS, upon completion of its review of the Village “Hotel/Motel” Ordinance, the Village Laws and Ordinance Committee has recommended to the corporate authorities of the Village that the “Hotel/Motel” Ordinance be amended in the manner hereinafter set forth.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Willowbrook, DuPage County, Illinois, that Chapter 9 entitled “Hotels/Motels” of Title 3 entitled “Business Regulations” of the Village Code of Ordinances of the Village of Willowbrook, DuPage County, Illinois, as amended, is hereby further amended to read as follows:

SECTION ONE: CHAPTER 9 HOTELS/MOTELS.

“3-9-1: DEFINITIONS:

For the purposes of this chapter, the words and terms given below are defined as follows:

HOTEL: Any building or structure which provides a common entrance, lobby, halls and stairways in which lodging the public, especially transients, where sleeping or lodging accommodations, with or without meals, are furnished for compensation and which contains a minimum of fifty (50) rooms.

MOTEL: Any building or structure consisting of a minimum of twenty-five (25) rooms, used for lodging the public, especially transients, where sleeping or lodging accommodations, with or without meals, are furnished for compensation, which provides the guests and lodgers thereof ready access to their automobiles or other motor vehicles.

3-9-2: BUILDING CODE APPLICABLE:

No building hereafter constructed shall be occupied or used as a hotel or lodging house and no building or portion thereof not now so used shall be converted into or used for a hotel or motel unless, in addition to all other requirements of this Code, the building conforms to the requirements of the Building Code and all adopted codes of the Village.

3-9-3: LICENSE REQUIRED:

- (A) It shall be unlawful for any person, firm, corporation, partnership or any other entity to conduct, manage, keep or operate a hotel or motel without having first obtained a license therefore.
- (B) No license, pursuant to this Chapter, shall be issued without a valid certificate of occupancy having been issued for the structure by the Building Official of the Village.
- (C) No license shall be issued to any applicant if any manager, owner or person owing more than five percent (5%) of the shares of stock in the hotel or motel has, within seven (7) years next preceding submission of an application for a hotel or motel license, has been convicted of any crime involving moral turpitude, or any offense involving gambling, prostitution, a violation of the Illinois Controlled Substances Act or any other felony offense as provided by the Illinois Criminal Code of 2012 (720 ILCS 5/1-1, *et seq.*)

3-9-4: LICENSE APPLICATION:

Each applicant for a license to operate or maintain a hotel or motel shall file an application with the Village Clerk stating therein the name and address of: (a) the franchisor (if any); (b) owner and any shareholder, member or partner of the owner owning more than five percent (5%) of the owner; (c) any manager or assistant manager of the owner having charge of the management or control of the premises, name and address of the manager, assistant manager; location of the hotel or motel, the number of rooms to be available; the maximum number of persons and vehicles to be accommodated; and whether or not kitchen facilities are afforded and, if so, the number and location of each such unit. Unless the application shall have been previously presented and approved, the application shall be accompanied by plans of the hotel or motel drawn by a licensed architect, showing the proposed or existing locations of all buildings, rooms, fire spaces, stairs, windows, toilets, type of heating, sewer connections, driveways and other improvements.

The application shall be filed with the Village Clerk or his/her designee who shall refer the application to the building official for investigation to be made to determine whether the building or premises in which such hotel or motel is to be operated complies to the requirements of this Code and all Village adopted codes regarding construction, sanitation and public health and safety. If the Village Clerk or his/her designee approves the application, license shall be issued upon payment of the prescribed fee.

3-9-5: LICENSE FEES:

The annual license fee and any applicable prorated annual license fees for a hotel or motel shall be as set forth in Section 3-1A-1 of this Title.

3-9-6: INSPECTIONS:

Every hotel and motel located within the Village shall be subject to an annual inspection by the building official or his/her designee to determine whether the hotel or motel complies with the minimum standards for property maintenance, buildings, sanitation, fire prevention and public health and safety as set forth in the Village Code and all adopted codes. Hotels and motels that do not meet the minimum standards as set forth in the Village Code and all adopted codes are subject to re-inspection(s) and additional re-inspection fees.

3-9-7: ADDITIONAL PREMISES REQUIREMENTS:

- (A) Basement: No hotel or motel shall use or permit the use of a basement or any part thereof for lodging or rooming purposes.
- (B) Ventilation: No room in any hotel or motel shall be occupied as a sleeping room by any human being unless there are at least four hundred (400) cubic feet of air space, exclusive of wardrobe and closet space for each person occupying such room.
- (C) Bathrooms and Toilets: In every hotel and motel, bath and toilet facilities shall be provided in each room or unit.
- (D) Light Housekeeping: No person operating any hotel or motel shall permit the cooking or preparation of food or meals or the storage of foodstuffs, with the exception of the use of minibars, small microwaves and mini refrigerators for incidentals, in any room used for sleeping purposes; light housekeeping, so called, shall not be permitted in any such sleeping rooms.
- (E) Each hotel or motel shall keep a register of all transient guests. This register shall contain the name, legal residence, make of car, year of car, car license, if any, number and names of persons occupying the rooms, the number or number of the room or rooms assigned to the guest or guests and the date of arrival and departure. The register shall only be available for inspection by law enforcement officers for a period of not less than three years.

3-9-8: ACCESSORY BUILDINGS:

No accessory building shall be used for hotel or motel purposes.

3-9-9: NUISANCE DECLARED:

The maintenance or use of any building or structure or portion thereof in violation of any provision of this chapter or of the Village Building Code or adopted codes is hereby declared a public nuisance and may be abated as such.

3-9-10: PENALTIES; SUSPENSION; REVOCATION OF LICENSE.

(A) Suspension of Business Operations:

1. When the conduct or operation of any hotel or motel, whether licensed or unlicensed, shall constitute a nuisance in fact or a clear and present danger to the public health, safety, or general welfare, the Village Administrator shall be authorized to summarily order the cessation of business and the closing of the premises for a period not to exceed ten (10) days.
2. Within eight (8) days after a license is suspended, the Village Administrator shall call a hearing as provided in Subsection D of this Section for the purpose of determining whether or not the license or permit should be revoked or further suspended.

(B) Revocation of License:

1. Hotel and motel licenses issued by the Village may be suspended for up to thirty (30) days or revoked by the Village Administrator after notice and hearing as provided in subsection D of this section for any of the following causes:
 - a. Any fraud, misrepresentation, or false statement contained in the application for the license;
 - b. Failure by the applicant to comply with any provision of this Code or any Statutes of the State relating to the business, occupation, or activity of the license;
 - c. Conviction of the applicant of any felony or of a misdemeanor where such conviction indicates their inability to operate a safe, honest, and legitimate business separation within the Village;
 - d. Failure of the licensee or permittee to pay, after notice, any judgment, fine, penalty, tax or other indebtedness or charge due and owing to the Village.
 - e. Any deceptive trade practices as defined by State or Federal law or regulation and shall comply with all applicable laws and regulations regarding consumer protection and deceptive trade practices;
 - f. Failure to comply with all Village Zoning, Building, Fire and Health Codes, and ordinances, as well as all other application Village codes, ordinances, rules, and regulations and failure to maintain the premises in good repair, free of litter and debris and in a safe condition for employees, customers and other persons present therein or thereon; or
 - g. Refusal to permit an inspection or any interference with a duly authorized Village officer or employee while in the reasonable performance of his duties in making such inspections.

(C) Prosecution and Other Penalties: Such revocation, if ordered, shall not preclude prosecution and imposition of any other penalties provided for the violation of other applicable provisions of this chapter or other ordinances of the Village. No person whose license has been revoked shall be eligible for a new license during the period for which the original license was originally issued.

(D) Hearing Procedures:

1. Notice:

- a. Notice of a hearing shall set forth, specifically, the grounds of the complaint and the time and place of the hearing.
- b. Such notice shall be served by certified mail (return receipt requested) to the licensee at his last known residence or business address, at least five (5) days prior to the date set for the hearing or personally served on the licensee at least three (3) days prior to the date set for the hearing.
- c. If the licensee shall request a continuance in the date of the hearing, any suspension in effect shall be continued until the continued hearing date.
- d. All pleadings, motions, notices, and orders shall be filed with the Village Clerk.

2. Procedural Rules:

- a. Prior to the beginning of any hearing, the Village Administrator may adopt additional procedural rules as may be necessary for that hearing.
- b. At that hearing, the licensee shall be permitted counsel and shall have the right to respond, present evidence, and cross examine witnesses.
- c. All proceedings shall be stenographically or electronically recorded.
- d. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence as applied in civil cases in the circuit courts of the state shall not apply. Evidence not admissible under those rules of evidence may be admitted, however, if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. Objections to evidentiary offers may be made and shall be noted in the record.
- e. No discovery procedure shall be used prior to a hearing except by leave of the Village Manager who shall supervise all of any part of any discovery procedures.
- f. The standard for proof of hearings shall be by the preponderance of the evidence.

g. The village administrator shall preside and render the decision within a reasonable time after the conclusion of the hearing, but not later than fourteen (14) days after the conclusion of the hearing. The decision shall be in writing and shall summarize the evidence and state the reasons for the decision.

3. Hearing Costs:

- a. Any hotel or motel licensee whose license is suspended or revoked, or a hotel or motel business that operates without a license, shall pay to the Village the costs of the hearing before the Village Administrator. The Village Administrator shall determine the costs incurred by the Village for said hearing, including, but not limited to, court reporter fees, the costs of transcripts or records, attorney fees, the cost of preparing the mailing notices and orders, and all other miscellaneous expenses incurred by the Village or such lesser sum as the Village Manager may allow.
- b. The licensee shall pay said costs to the village within thirty (30) days of notification of the costs by the Village Administrator. Failure to pay said costs within thirty (30) days of notification is a violation of this section and may be cause of license suspension or revocation, or the levy of a fine.

(E) Any licensee aggrieved by the decision of the Village Administrator may, within fourteen (14) days of service of the Village Administrator's decision, appeal such adverse decision to the Village Board of Trustees. The Village Board of Trustees shall, by a majority vote of the trustees sustain or reverse the decision of the Village Administrator. The decision of the Village Board of Trustees shall be final.

(F) Any person violating any provision of this Chapter shall be fined in an amount not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each such offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues."

SECTION TWO: Any ordinance or portion of any ordinance in conflict with the provisions of this Ordinance is hereby repealed solely to the extent of said conflict.

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

PASSED and APPROVED this 23rd day of November, 2020 by a roll call vote as follows:

AYES: _____

NAYS: _____

ABSTENTIONS: _____

ABSENT: _____

APPROVED:

Frank A. Trilla, Mayor

ATTEST:

Deborah A. Hahn, Village Clerk

VILLAGE OF WILLOWSBROOK

BOARD MEETING AGENDA ITEM - HISTORY/COMMENTARY

AN ORDINANCE AMENDING SECTION 3-12-5 ENTITLED "CLASSIFICATION," OF CHAPTER 12 ENTITLED "LIQUOR," OF TITLE 3 ENTITLED "BUSINESS REGULATIONS" OF THE VILLAGE CODE OF ORDINANCES OF THE VILLAGE OF WILLOWSBROOK, DUPAGE COUNTY, ILLINOIS

AGENDA NO. 9.

AGENDA DATE: 11/23/20

STAFF REVIEW: Mike Mertens, Assistant Village Admin.

SIGNATURE: 

LEGAL REVIEW: Tom Bastian, Village Attorney

SIGNATURE: 

RECOMMENDED BY: Brian Pabst Village Administrator

SIGNATURE: 

REVIEWED & APPROVED BY COMMITTEE: YES NO N/A

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

The Village Code of Ordinances provides for the number of liquor licenses that are currently issued to qualified business establishments within the community. It is the policy of the Liquor Control Commissioner and the Village Board not to maintain any unassigned liquor licenses. The Village's Liquor Control Commissioner is the authority that may grant local licenses to persons or entities for premises within the Village. The Village Board has the authority to amend the Village Code, upon the recommendation of the Liquor Control Commissioner, to reflect an increase or decrease in the number of liquor licenses that exist within each class of license.

At the September 14, 2020 Law & Ordinance Committee, staff advised the Committee that the Village has received a petition requesting a text amendment to our Village Zoning Code to allow for a smoking lounge at 7900 Joliet Road Willowbrook, IL 60527. A public hearing for the requested text amendment was held on September 23, 2020. The Plan Commission has recommended to allow a retail tobacco store with smoking lounge as a permitted use in the B 4 business district. On October 12, 2020, the Village Board approved an ordinance allowing for a retail tobacco store with smoking lounge as a permitted use in the B 4 business district. In conjunction with this text amendment application the petitioner is requesting consideration for BYOB Liquor License for the proposed smoking lounge. Currently our Village Code does not allow for BYOB licenses.

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

The attached ordinance would amend the Village Code to reflect the creation of a new liquor license classification, Class Q, to allow BYOB for the proposed smoking lounge to be located at 7900 Joliet Road.

A summary of the draft ordinance is as follows:

- 1) Creates a new liquor license classification, a Class Q – BYOB – Cigar Lounge. A Class Q license shall authorize the one-premise consumption of a patron's own bottle (BYOB) of unopened beer, wine and/or liquor brought on the premises of a business operating as a place of public accommodation and solely as a compliment to the sale or purchase of tobacco products.
- 2) The business operating as a public accommodation must be located in a freestanding building, not connected to other businesses or buildings.
- 3) The licensee must offer for rent or sale a personal and secured storage locker for members or patrons for the storage of unconsumed products.

- 4) Consumption of alcohol shall not occur in the retail area of the tobacco store.
- 5) The licensee may provide glassware and ice to patrons and may uncork or open the alcohol, pour it, and control its consumption for a corkage fee.
- 6) No person shall carry, transport, or possess alcoholic liquor in an unsealed and open condition, except as may be permitted for wine bottles from restaurants, pursuant to Section 5/6-33 of the Illinois Liquor Control Act.
- 7) All employees who perform corkage duties shall be BASSETT trained and shall serve the alcohol as if it were purchased in the establishment complying with all state and local laws.
- 8) The licensee shall provide a certificate of insurance reflecting coverage for general liability purposes as well as liquor liability insurance naming the Village of Willowbrook as an additional insured on the licensee's policies of insurance.
- 9) The annual fee for a Class Q (BYOB) license shall be One Thousand Dollars and 00/100 (\$1,000.00). The maximum number of Class Q (BYOB) licenses shall be one (1).

ACTION PROPOSED: Pass the Ordinance.

ORDINANCE NO. 20-O—

**AN ORDINANCE AMENDING SECTION 3-12-5 ENTITLED “CLASSIFICATIONS,”
OF CHAPTER 12 ENTITLED “LIQUOR,” OF TITLE 3 ENTITLED “BUSINESS
REGULATIONS” OF THE VILLAGE CODE OF ORDINANCES OF
THE VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS**

WHEREAS, the corporate authorities of the Village of Willowbrook, are expressly authorized, pursuant to Section 4-1 of the Illinois Liquor Control Act (235 ILCS 5/4-1), to regulate the number, classification and license fees authorizing the retail sale of alcoholic liquor in the Village; and

WHEREAS, the corporate authorities of the Village of Willowbrook, have determined that it is proper and in the best interest of the Village to add a new liquor license classification to be known as a Class Q (BYOB) liquor license classification for the consumption of alcoholic liquor in the Village of Willowbrook.

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

SECTION ONE: Section 3-12-5 entitled: “Classifications,” of Chapter 12 entitled “Liquor,” of Title 3 entitled “Business Regulations” of the Village Code of Ordinances of the Village of Willowbrook, DuPage County, Illinois, as amended, is hereby further amended by adding the following thereto in proper alphabetical order:

Q	BYOB - Cigar Lounge.
---	----------------------

“[Q] Class Q: A Class Q license shall authorize the one-premise consumption of a patron’s own bottle (BYOB) of unopened beer, wine and/or liquor brought on the

premises of a business operating as a place of public accommodation and solely as a compliment to the sale or purchase of tobacco products subject to the following conditions:

1. Only after a Class Q license is approved by the Liquor Commissioner;
2. The licensee must offer for rent or sale a personal and secured storage locker for members or patrons for the storage of unconsumed products;
3. The hours of BYOB service shall be limited to the hours that the business establishment is open for business to the public for all of tobacco products, but in no event shall alcoholic liquor be consumed on the premises between the hours of one o'clock (1:00) A.M. and nine o'clock (9:00) A.M. on weekdays, between the hours of two o'clock (2:00) A.M. and nine o'clock (9:00) A.M. on Saturday, between the hours of two o'clock (2:00) A.M. and ten o'clock (10:00) A.M. on Sunday.
4. Consumption of alcohol shall not occur in the retail area of the tobacco store;
5. No person under the age of twenty-one (21) years shall be allowed on the premises;
6. The licensee may provide glassware and ice to patrons and may uncork or open the alcohol, pour it and control its consumption for a corkage fee;
7. All employees who perform corkage duties shall be BASSETT trained and shall serve the alcohol as if it was purchased in the establishment complying with all state and local laws;
8. No person shall carry, transport or possess alcoholic liquor in an unsealed and open condition, except as may be permitted for wine bottles from restaurants, pursuant to Section 5/6-33 of the Illinois Liquor Control Act (235 ILCS 5/6-33);
9. The licensee shall provide a certificate of insurance reflecting coverage for general liability purposes as well as liquor liability insurance naming the Village of Willowbrook as an additional insured on the licensee's policies of insurance.

The annual fee for a Class Q (BYOB) license shall be One Thousand Dollars and 00/100 (\$1,000.00). The maximum number of Class Q (BYOB) licenses shall be one (1)."

SECTION TWO: The remaining provisions of Section 3-12-5 shall remain in full force and effect and unamended by this ordinance.

SECTION THREE: Any ordinance or portion of any ordinance in conflict with the provisions of this Ordinance is hereby repealed solely to the extent of said conflict.

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

PASSED and **APPROVED** this 23rd day of November, 2020 by a roll call vote as follows:

AYES: _____

NAYS: _____

ABSTENTIONS: _____

ABSENT: _____

APPROVED:

Frank A. Trilla, Mayor

ATTEST:

Deborah A. Hahn, Village Clerk

VILLAGE OF WILLOWBROOK

BOARD MEETING AGENDA ITEM - HISTORY/COMMENTARY

An Ordinance Approving a Third Amendment to Intergovernmental Jurisdictional Boundary Line Agreement Between the Village of Willowbrook and the Village of Westmont

AGENDA NO. 10.

AGENDA DATE: 11/23/20

STAFF REVIEW: Mike Mertens, Assistant Village Administrator

SIGNATURE: M. Mertens

LEGAL REVIEW: Tom Bastian, Village Attorney

SIGNATURE: T. Bastian /mar

RECOMMENDED BY: Brian Pabst, Village Administrator

SIGNATURE: B. Pabst

REVIEWED & APPROVED BY COMMITTEE: YES NO N/A

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

The Villages of Willowbrook and Westmont have previously entered into an Intergovernmental Jurisdictional Boundary Line Agreement on or about October 12, 1998. This agreement was first amended on or about January 22, 2001 and approved a Second Amendment to the Agreement on or about August 23, 2004.

Village staff has been in discussion with the Village of Westmont regarding the property located at the following 409 W 63rd Street (PIN: 09-22-200-008), Willowbrook, Illinois. The subject property is currently within the jurisdictional area of the Village of Willowbrook. The owner of the subject property owns two parcels of land which are adjacent to the subject property and which are located within the jurisdictional area of the Village of Westmont. The property owner desires to voluntarily annex those two parcels along with the subject property into in the Village of Westmont.

STAFF RECOMMENDATION

The Village of Willowbrook and the Village of Westmont find it beneficial to amend the Intergovernmental Jurisdictional Boundary Line Agreement by this Third Amendment so that the Subject property is within the jurisdictional area of Village of Westmont.

ACTION PROPOSED:

Pass the Ordinance

ORDINANCE NO. 20-O-_____

**AN ORDINANCE APPROVING A THIRD AMENDMENT TO
INTERGOVERNMENTAL JURISDICTIONAL BOUNDARY LINE AGREEMENT
BY AND BETWEEN THE VILLAGE OF WILLOWBROOK AND
THE VILLAGE OF WESTMONT**

WHEREAS, the Village of Willowbrook ("Willowbrook") and the Village of Westmont ("Westmont") are municipal corporations organized and existing by virtue of the provisions of the Illinois Municipal Code; and

WHEREAS, Section 11-12-9 of the Illinois Municipal Code (65 ILCS 5/11-12-9) authorizes the corporate authorities of municipalities to agree upon boundaries for the exercise of their respective jurisdiction within unincorporated territory that lies within one and one-half miles of the boundaries of such municipalities; and

WHEREAS, Section 10 of Article VII of the Illinois Constitution of 1970 authorizes units of local government, including municipalities, to contract to exercise, combine or transfer any power or function not prohibited to them by law or ordinance; and

WHEREAS, the Illinois Intergovernmental Cooperation Act (5 ILCS 220/1, *et seq.*) authorizes municipalities to exercise jointly with any public agency of the State, including other units of local government, any power, privilege or authority which may be exercised by a unit of local government individually, and to enter into contracts for the performance of governmental services, activities, and undertakings; and

WHEREAS, Willowbrook and Westmont have previously entered into an Intergovernmental Jurisdictional Boundary Line Agreement on or about October 12, 1998; and

WHEREAS, Willowbrook and Westmont subsequently approved a First Amendment to said Agreement on or about January 22, 2001 and approved a Second Amendment to said Agreement on or about August 23, 2004; and

WHEREAS, Willowbrook and Westmont now desire to amend the Agreement by this Third Amendment in order that the Subject Property, as set forth in the Third Amendment, will be within the jurisdictional area of Westmont.

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

SECTION 1: The foregoing preamble clauses are hereby adopted as the findings of the corporation authorities of the Village of Willowbrook as if fully recited herein.

SECTION 2: That certain Third Amendment to Intergovernmental Jurisdictional Boundary Line Agreement, attached hereto as Exhibit "A" and expressly made a part hereof, is approved.

SECTION 3: The Village Mayor be and is hereby authorized and directed to execute the Third Amendment to Intergovernmental Jurisdictional Boundary Line Agreement on behalf of the Village of Willowbrook, and the Village Clerk is hereby directed to attest to said signature of the Village Mayor.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

SECTION 4: This ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED and APPROVED this 23rd day of November, 2020 by a roll call vote as follows:

AYES: _____

NAYS: _____

ABSTENTIONS: _____

ABSENT: _____

APPROVED:

Frank A. Trilla, Mayor

ATTEST:

Deborah A. Hahn, Village Clerk

EXHIBIT "A"

**Third Amendment to Intergovernmental
Jurisdictional Boundary Line Agreement**

**THIRD AMENDMENT TO INTERGOVERNMENTAL
JURISDICTIONAL BOUNDARY LINE AGREEMENT**

THIS THIRD AMENDMENT TO INTERGOVERNMENTAL JURISDICTIONAL BOUNDARY LINE AGREEMENT (“Third Amendment”) is entered into this _____ day of _____, 2020 by and between the Village of Willowbrook, an Illinois municipal corporation (“Willowbrook”) and the Village of Westmont, an Illinois municipal corporation (“Westmont”) (Willowbrook and Westmont may be referred to individually herein as a “Party” and collectively as the “Parties”).

WHEREAS, Willowbrook and Westmont have previously entered into an Intergovernmental Jurisdictional Boundary Line Agreement on or about October 12, 1998; and

WHEREAS, Willowbrook and Westmont subsequently approved a First Amendment to said Agreement on or about January 22, 2001 and approved a Second Amendment to said Agreement on or about August 23, 2004; and

WHEREAS, the Intergovernmental Jurisdictional Boundary Line Agreement, and the First Amendment and Second Amendment thereto, are collectively referred to herein as the “Agreement”; and

WHEREAS, pursuant to the Agreement, the following legally described property (the “Subject Realty”) is currently within the jurisdictional area of Willowbrook:

409 W 63rd Street, Willowbrook, Illinois
PIN: 09-22-200-008

LOT 4 OF JATCZAK’S RESUBDIVISION, BEING A SUBDIVISION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT R1954-734609, ALL IN DUPAGE COUNTY, ILLINOIS

(Exhibit A); and

WHEREAS, the owner of the Subject Realty owns two parcels of land which are adjacent to the Subject Realty and which are located within the jurisdictional area of Westmont, and said owner desires to voluntarily annex those two parcels along with the Subject Realty into Westmont; and

WHEREAS, the Parties desire to amend the Agreement by this Third Amendment so that the Subject Realty is within the jurisdictional area of Westmont; and

WHEREAS, Section 11-12-9 of the Illinois Municipal Code (65 ILCS 5/11-12-9) authorizes the corporate authorities of municipalities to agree upon boundaries for the exercise of their respective jurisdiction within unincorporated territory that lies within one and one-half miles of the boundaries of such municipalities; and

WHEREAS, Section 10 of Article VII of the Illinois Constitution of 1970 authorizes units of local government, including municipalities, to contract to exercise, combine or transfer any power or function not prohibited to them by law or ordinance; and

WHEREAS, the Illinois Intergovernmental Cooperation Act (5 ILCS 220/1, *et seq.*) authorizes municipalities to exercise jointly with any public agency of the State, including other units of local government, any power, privilege or authority which may be exercised by a unit of local government individually, and to enter into contracts for the performance of governmental services, activities, and undertakings; and

WHEREAS, this Third Amendment constitutes the lawful exercise of intergovernmental cooperation between the Parties and constitutes the lawful exercise of the Parties' rights to enter into jurisdictional boundary agreements.

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual promises hereinafter contained, the adequacy and sufficiency of which the Parties stipulate, Willowbrook and Westmont agree as follows:

1. Incorporation of Recitals. The above-stated Recitals are hereby restated and incorporated into this Section 1 as though fully set forth herein as substantive provisions.

2. Integration. The provisions of this Third Amendment shall be deemed by the Parties to be fully integrated into the Agreement. The Agreement shall remain in full force and effect except to the extent that it is expressly modified by the terms of this Third Amendment. Should any provision or exhibit of the Agreement conflict with any provision of this Third Amendment, the provisions of this Third Amendment shall control.

3. Jurisdictional Boundary Line. The boundary line between Willowbrook and Westmont for the purpose of establishing their respective jurisdictions for land use planning, official map purposes, subdivision control and annexation of unincorporated territory, all as hereinafter provided, shall be as depicted upon the map attached hereto as Exhibit "A" and made a part hereof. Said map reflects that the Subject Realty, which is legally described in Exhibit "B" attached hereto and made a part hereof, is now within the jurisdictional area of Westmont.

That portion of the unincorporated territory lying generally east of said boundary line shall be within the Willowbrook jurisdictional area as shown on Exhibit "B." That portion of the unincorporated territory lying generally west of the said boundary line shall be within the Westmont jurisdictional area as shown on Exhibit "B."

[Signature Page to Follow]

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals on the date first above written.

VILLAGE OF WILLOWBROOK, an Illinois
municipal corporation

By: _____
Village President

Attest: _____
Village Clerk

VILLAGE OF WESTMONT, an Illinois
municipal corporation

By: _____
Mayor

Attest: _____
Village Clerk

EXHIBIT "A"

LEGAL DESCRIPTION OF SUBJECT REALTY

409 W 63rd Street, Willowbrook, Illinois
PIN: 09-22-200-008

LOT 4 OF JATCZAK'S RESUBDIVISION, BEING A SUBDIVISION OF THE
NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP
38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO
THE PLAT THEREOF RECORDED AS DOCUMENT R1954-734609, ALL IN DUPAGE
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EXHIBIT "B"

BOUNDARY MAP

