



INDEX

PAGE	CONTENTS
29-29.a	Plan Commission Recommendation Letter dated June 21, 2019
28-28.e	Plan Commission Meeting Minutes dated June 17, 2019
27-27.d	Attorney for 3001 Oak Brook Hills Rd Response dated June 14, 2019
26-26.b	Updated Staff Report dated June 17, 2019
25-25.g	Mark Daniel Revised Narrative and Map Amendment Standards
24	Proposed 2-Lot Subdivision dated May 8, 2019 (Included - Not Attached)
24.a	Applicant Attorney response to the Access Easement dated June 13, 2019 (Included - Not Attached)
23-23.a	Letter from Attorney for 3001 Oak Brook Hills Rd Re: Access Easement dated June 7, 2019
22-22.f	Zoning Protest from Several Neighboring Property Owners
21	Certificate of Publication dated June 3, 2019
20	Updated Resident Letter dated May 31, 2019
19	Plan Commission Canceled Meeting Notice dated May 20, 2019
18	Plan Commission Canceled Meeting Notice dated April, 15, 2019
17-17.a	Continuance Memos from Mark Daniel
16-16.a	Plan Commission Meeting Minutes – to Continue – dated March 18, 2019
15	Request to Continue Received from Attorney Daniel dated March 15, 2019
14-14.a	Zoning Board of Appeals Meeting Minutes – to Continue – dated March 5, 2019
13-13.g	Title Insurance and Support to Access Existing Easement
12-12.h	Plan Commission Meeting Minutes dated February 11, 2019
11	Resident Email in Opposition to Request
10-10.a	Topics Covered by Attorney Daniel with PowerPoint Presentation
9	Sample 2 lots Note- review 2-11 minutes for description of document)
8	Email from Neighbor at 3001 Oak Brook Hills Road
7-7.d	Staff Report dated February 6, 2019
6	Aerial View of Site
5-5.a	Updated Resident Letter dated January 25, 2019 and Initial Resident Letter dated January 7, 2019
4	Certificate of Publication dated January 9, 2019
3-3.b	Board of Trustees Meeting Minutes dated January 8, 2019
2	Referral Memo – Board of Trustees Agenda dated January 8, 2019
1	R-1 and R-2 Lot Area Requirements Comparison

Petition Application Documents

A-A.3	Petition Application – Map Amendment <ol style="list-style-type: none"> 1. Letter of Authorization 2. Affidavit of Membership and Interest 3. Notice of Transfer of Title and Assignment
B-B.2	Letter of Explanation and
B.2-B-7	Zoning Amendment Factors and Conclusion
C	Fee Receipt
D	Conceptual Subdivision Plan dated December 26, 2018 (Included – Not Attached)
E-E.2	Certification of Surrounding Property Owners and List
F	Subject Property Verification and Legal Description
G	Letter of Authorization
H	Zoning Map Excerpt of Subject Property (SP)
I-I.3	Copy of Deed
J-J.7	Grant of Easement
K	Plat of Survey dated May 23, 2018



VILLAGE OF
OAK BROOK
Illinois

**BUTLER GOVERNMENT CENTER
1200 OAK BROOK ROAD
OAK BROOK, ILLINOIS 60523**

June 21, 2019

Village President, Board of Trustees
and Zoning Board of Appeals
Village of Oak Brook
1200 Oak Brook Road
Oak Brook, IL 60523

Subject: 3005 Oak Brook Hills Road ALBURJ, LLC, owner (Mutaaz Darweesh and Nada Al-Dallal) – Map Amendment – To Rezone the Property from R-1 to R-2

Dear Village President, Board of Trustees and
Zoning Board of Appeals:

Background

The Plan Commission completed its review and deliberations over two meetings held on February 11, 2019 and June 17, 2019 on a petition from ALBURJ, LLC (Mutaaz Darweesh and Nada Al-Dallal), the owners of the property located at 3005 Oak Brook Hills Road seeking approval of a map amendment to rezone the property from R-1 (2-acre minimum) to R-2 (1-acre minimum). It is their intent to subdivide the approximate 3.71-acre parcel through a separate application that was also reviewed by the Plan Commission for a two-lot subdivision. There was a single family home originally on the property that was demolished in 2018 by the current owners due to its deteriorated condition. They plan to construct a new home on the northern portion of the parcel, in the general area where the former home existed.

The request for the map amendment was delayed in order for the applicant to submit a Subdivision Application for a two-lot subdivision to provide certainty as to how the property would be developed, minimize the impact on the surrounding neighbors, and confirm that access would be granted by the County to access a new lot onto Oak Brook Road. The Plan Commission recommended the proposed plat for approval subject to certain conditions, which will go to the Village Board along with this request for the map amendment. Approval of the map amendment is required in order to subdivide the property.

The property abuts a number of different zoning districts and uses. The east side of the parcel is contiguous to the southwest edge of the Butterfield Country Club golf course, which is located in an unincorporated area of DuPage County zoned R-3. The north side of the property abuts the R-2 district, the west side abuts the R-1 district and the southern side abuts the R-3 district, Midwest Club located across Oak Brook Road. The surrounding Oak Brook zoning districts are improved with single family homes.

The only access that exists to the property is an easement across the neighbor's property onto Oak Brook Hills Road that has existed since the 1950's. The Commission reviewed the existing roadway access points to/from the property, although the Village Attorney noted that private access across the westerly lot along Oak Brook Hills Road was a private issue between the parties and not a ruling the Village would make.

June 21, 2019
Village President, Board of Trustees
and Zoning Board of Appeals
RE: 3005 Oak Brook Hills Road
Map Amendment – Rezone Property from R-1 to R-2
Page 2

See the application and other relevant materials in the case file for additional information regarding the requested map amendment as well as the design for the subdivision.

Public Comment

All interested parties were notified of the public meeting. Concerns and objections were raised by a number of residents in regards to reducing the size of the lot, changing the zoning, concern for safety, possible storm water issues, the character of the neighborhood, inconsistencies with the surrounding properties, increased traffic, safety issues and noise.

A Protest was filed that will be addressed by the Village Board at its meeting and is not a matter to be reviewed by the recommending commissions and boards.

Plan Commission Recommendation

The Plan Commission noted that the request met the factors/standards required for a map amendment to rezone the property from R-1 to R-2. By a vote of 3 to 2, the Plan Commission recommended approval and noted that the request was in compliance with the Comprehensive Plan and consistent with the surrounding properties, subject to the condition that any future subdivision would have a separate access point for each parcel and not share an access.

Very truly yours,



Marcia Tropinski
Chairwoman
Plan Commission



MINUTES OF THE JUNE 17, 2019
REGULAR MEETING OF THE
PLAN COMMISSION OF THE
VILLAGE OF OAK BROOK
APPROVED AS WRITTEN/AMENDED, 2019

1. CALL TO ORDER:

CALL TO
ORDER

The Meeting of the Plan Commission was called to order by Chairwoman Tropinski in the Samuel E. Dean Board Room of the Butler Government Center at 7:00 p.m.

2. ROLL CALL:

ROLL CALL

Gail Polanek called the roll with the following persons

PRESENT: Chairwoman Marcia Tropinski, Members Richard DiBernardo, Thomas Doyle, Raj Lal and Kenneth Wilczak

ABSENT: Members Raju Iyer and Rahma Hasan

IN ATTENDANCE: Trustee Edward Tiesenga, Trustee Michael Manzo, Village Attorney Kurt Asprooth, Development Services Director Tony Budzikowski, Planner Rebecca Von Drasek and Planning Technician Gail Polanek

3. APPROVAL OF MINUTES:

MINUTES

REGULAR PLAN COMMISSION MEETING OF MARCH 18, 2019

MARCH 18, 2019

Motion by Member Doyle, seconded by Member Wilczak to waive the reading of the minutes and to approve the minutes of the March 18, 2019 Regular Plan Commission meeting as written. VOICE VOTE: Motion Carried.

4.

UNFINISHED BUSINESS

UNFINISHED
BUSINESS

A. 3005 OAK BROOK HILLS ROAD – ALBURJ, LLC, DARWEESH AND AL-DALLAL – MAP AMENDMENT – TO REZONE THE PROPERTY FROM THE R-1 TO R-2 SINGLE-FAMILY DETACHED ZONING DISTRICT

3005 OAK BROOK
HILLS ROAD –
ALBURJ, LLC –
MAP AMEND –
FROM R-1 to R-2

Chairwoman Tropinski announced the petition and asked Director Budzikowski to provide updates.

Director Budzikowski provided a short recap of the February 11, 2019 Plan Commission meeting. Based upon the discussion at that meeting, the petitioner has reevaluated their request and has submitted an amended application, which includes the rezoning request from R-1 to R-2 and an application for a final subdivision plat for a two (2) lot residential subdivision.

Mark Daniel, Daniel Law Office, P.C. 17W733 Butterfield Road, Unit F, Oakbrook Terrace, attorney for the applicants gave an overview of the requests. The original petition included a three (3) lot concept plan which has since changed to a two (2) lot subdivision. They continue to request that the access across 3001 Oak Brook Hills Road remain for the north lot. They will bring the access to the south lot directly from Oak Brook Road (31st Street). In March 2019, they obtained preliminary indication from the DuPage County Division of Transportation that they would allow direct access onto Oak Brook Road from the south lot.

Last week, they received word that the owners of 3001 Oak Brook Hills Road are disputing the access easement across their property. They also understand that some neighbors are objecting to the zoning change.

He presented a PowerPoint which included the proposed final plat of subdivision in order to show the lot density. The south lot is 1.35-acres and would have access from Oak Brook Road which has no effect to traffic on Oak Brook Hills Road. The south lot is entirely disconnected from Oak Brook Hills Road. However, they will continue to share in the cost of maintenance and the private improvements of Oak Brook Hills Road.

The north lot is 2.36-acres and would continue to have access from Oak Brook Hills Road. Its front yard setback would align with the vacant lot due north at 2923 Oak Brook Hills Road which complies with zoning codes.

A comparison of lots along Baybrook and Oak Brook Hills Road showed that many lots were smaller than the proposed south lot. In addition, the east side of Oak Brook Hills Road has more density than the west side and is zoned R-2.

Between Meyers Road and Midwest Road approximately 30% of the north frontage lots and 49% the south frontage lots are situated within 100-feet of Oak Brook Road. 100% of opposing south Oak Brook Hills Road frontage homes are 60-feet from the right-of-way. Adding one additional home on the north side within 100-feet of Oak Brook Road would not be detrimental.

The shared access driveway between 3001 and 3005 has been in existence since before 1956 and has shared access since that time. In 2018, the debilitated home at 3005 Oak Brook Hills Road was demolished. Prior to issuing the demolition permit, the new owner had to provide proof of access to the Village. The access drive was used during the entire demolition process.

There was a 1971 deed that split the east 285-feet from the west 285-feet of the parcels. He noted the language "The grantors reserve to themselves, their heirs and assigns an easement appurtenant for driveway purposes over and across the north fifteen (15) feet of the premises hereby conveyed".

In 1980, when a new home was being constructed at 3005 Oak Brook Hills Road, the owners of 3001 Oak Brook Hills Road created an easement agreement that governed the maintenance of the access easement in order to share in the costs of the shared drive. The recorded Grant of Easement was provided for the record. He stated that today, his clients were willing to pay 100% of the access drive's maintenance costs going forward.

An exhibit of a 1980 Sanitary Sewer Plan clearly showed the access drive. In 1981 the Village approved a site plan that showed the access drive easement. A 1982 ComEd easement showed the access drive as well. Several additional recorded transactions refer to the access drive as well as photos of the continued shared access throughout the years.

In 2018, the petitioner purchased the property at 3005 Oak Brook Hills Road through a sheriff's sale. The recorded document grants the new owners hereditaments and appurtenances to the property; which essentially grants them all rights, easements, access and similar interests belonging to or for the benefit of such land.

A surveyor's sworn site plan of existing conditions included the access drive. It showed the existing home at 3001 Oak Brook Hills Road and the now vacant lot at 3005 Oak Brook Hills Road. The drive was used throughout the entire demolition process with no objection.

An aerial view of the Hollibrook Acres Subdivision, which is just north of the subject property showed 3-lots with an average lot size of 1.48-acres. The proposed 2-lot subdivision has an average lot size of 1.86-acres.

The annexation history showed a lack of unified planning for the neighborhood. He believed the staggering of the annexations may have occurred due to the village not wanting to provide services to properties outside of their jurisdiction. A slide was shown of the Flag Creek sanitary connections in the immediate area.

He asked the commissioners to consider obvious differences between the east side and west side of Oak Brook Hills Road. The street is the line of demarcation between less dense development (R-1) on the west side of the road and denser development (R-2) on the east that abuts the north side of this parcel.

He noted that since the subdivision was discussed during this map amendment request, he wanted to mention that the village has the capacity to put a restriction on the plat to ensure the proposal remains as a 2-lot subdivision that will have access restrictions. The county will likely also ensure that the south lot will be the only lot with direct access to Oak Brook Road (31st Street).

Ray Paice, 2921 Oak Brook Hills Road, a 40- year resident, owns the two lots just north of the subject property and opposed the rezoning of the property. He was

worried that if the zoning request was granted that several other large lots would want to subdivide as well as more traffic on the access drive. The original lot was setup to use Oak Brook Road (31st Street) for access. Once the lot was sold and divided into two addresses 3001 and 3005, they used the drive with the shortest distance. He believed that lot should not have an Oak Brook Hills Road address since it is not connected to Oak Brook Hills Road.

John Ciciora, 2911 Oak Brook Hills Road opposed the rezoning of the property. He stated that Oak Brook Hills Road is a private, gated road. He believed the owners of 3001 Oak Brook Hills Road will file a lawsuit to prevent the use of their driveway for access to 3005. The character of Oak Brook Hills Road will be diminished if the lot is subdivided. He is also the President of the Oak Brook Hills Homeowner Association.

Jayal Amin, 1900 E. Golf Road, Suite 1120, Schaumburg, IL attorney for the Veluchamy family, owners of 3001 Oak Brook Hills Road objected to the approval of the proposed map amendment and the 2-lot subdivision. He believed that the language in the 1971 Deed granting the easement pertained directly to Ryan family, their heirs and no others. If it were an easement that belonged to the land, it would have included the language "successors". He had no knowledge of any assignment of an express easement of record, and therefore believed it didn't exist. The earlier presentation showed implied easements or easements of necessity which are creations of common law and that those types of easements are predicated on the fact that the property has no other access to the property. In this case, 3005 Oak Brook Hills Road has implied access through Oak Brook Road (31st Street). Due to the disputed property access rights, he believed it would be best to delay any approval of the map amendment and subdivision requested.

Member Wilczak asked if there were loans needed to buy the 3005 Oak Brook Hills Road property. Mr. Amin replied that it was a foreclosure, but would say yes.

Member Doyle questioned if the access drive had ever been blocked. Mr. Amin did not know the answer, but was willing to find out.

Village Attorney Asprooth clarified that the Plan Commission and the Village do not have authority in determining access rights. Access to 3005 across 3001 is a private agreement that the parties must determine its validity between themselves. The role of the members is to determine whether or not the applicant has met the standards for both the map amendment and the 2-lot subdivision.

Member Lal questioned Director Budzikowski if he had done the historical research that he said he would conduct during the February 11th meeting and what historical information he had.

Director Budzikowski noted that lot size comparison information was provided as well an updated staff report and questioned if he needed something more specific.

Member Lal described his history of Oak Brook Hills Road and the use of a transponder that was made available to Ginger Creek residents and added that it was a private road. He was very familiar with the area and believed the surrounding property owners would like to maintain the character of the neighborhood. He said that the commission needs to be consistent when approving subdivisions.

Tony Costello, 3000 Oak Brook Hills Road was opposed to the rezoning of the property stating that it would diminish the neighborhood and thought that access for the south lot to Oak Brook Road (31st Street) would be too close to Oak Brook Hills Road and cause safety issues.

Giljut Singh, 2917 Oak Brook Hills Road was opposed to the rezoning of the property because it would diminish the character of the neighborhood.

Member DiBernardo asked Director Budzikowski to review the zoning in the immediate area and asked if Mr. Paice's property was zoned R-2.

Director Budzikowski referred to page 7.d of the case file that has a site map of the area showing lot sizes and zoning districts that are adjacent to and around the perimeter of the property. He confirmed that Mr. Paice's property is zoned R-2.

Member DiBernardo noted that there were only eight lots zoned R-1 in the entire area, rezoning the property to R-2 would be consistent with other properties east of Oak Brook Hills Road, and north of the property. However, the residents think the property is not consistent for the area, although it seems to be. Some of the houses may be on larger lot, but zoned R-2.

Director Budzikowski noted that there were a variety of lot sizes on the east side of Oak Brook Hills Road ranging in acres just north of the property from 1.07, 1.13, 2.2, 3.7, 1.35, and 1.1. The properties on the west side of Oak Brook Hills Road are zoned R-1 and larger ranging for 2.4 to 3.4. Just west of those eight lots is additional R-2 properties ranging from .98 to 1.57 acres.

Member Wilczak stated that there were not a lot of homes on busy streets in Oak Brook other than York Road. The properties zoned R-3 are within a subdivision and the individual lot does not have a driveway on Oak Brook Road. He believed properties that abut busy streets should be larger lots with more restrictive zoning to keep with the consistency of the community

Mr. Daniel responded to the comments from the residents. He addressed the legal term "appurtenant" which grants them all rights, easements, access and similar interests belonging to or for the benefit of such land, not a person, but the land. He referred to the question regarding a mortgage to purchase the property since a review of access would be conducted during the underwriting process.

He addressed the comment about having a larger setback on a busy road. The south lot has large berms along Oak Brook Road that effect stormwater management, maintenance and visibility. With a 106-foot deep buildable lot there is plenty of room to shift the home further north towards the back of the lot. He was not concerned about the south lot's driveway distance to Oak Brook Hill Road being too close and stated the distance would be nearly the same length as a professional soccer field and did not see any safety issues.

Mr. Daniel discussed the concerns that were raised in the Zoning Protest Petition and that that several of the objection letters received were from individuals who own property in the R-2 zoning district. No public comments were made regarding a reduction in property values. Although comments were made about increased traffic and safety, he noted that there was not enough much traffic on Oak Brook Hills Road. There were no concerns raised regarding stormwater management nor did anyone provide detailed inconsistencies with the Village's Comprehensive Plan or surrounding uses. There were not any safety concerns when the Veluchamy family's (3001 Oak Brook Hills Road) were driving along the shared access driveway. He did not believe there would not be any change in the character of the neighborhood and it would be consistent to zone this property R-2.

A comment was made suggesting 3005 should use Oak Brook Road (31st Street) as their street address and not Oak Brook Hills Road. However, fees have been paid to the homeowner association and for the private road transponder in order to use the street. At this meeting it was learned that homeowners in the Ginger Creek subdivision was provided a transponder to access to the private Oak Brook Hills Road, yet there did not seem to be any concerns that there was a safety or traffic issue.

A comment was made regarding the threat of litigation in regards to the access. However, that was no reason to delay the petition. The standards have been met and the surrounding zoning is consistent with the area. He was hopeful that the members would consider the evidence presented and find that the request is consistent with the current zoning/planning as well as the Comprehensive Plan.

Chairwoman Tropinski stated that the request for the map amendment had met the standards as required for a map amendment, was in compliance with the Comprehensive Plan, and was consistent with the surrounding properties.

Motion by Chairwoman Tropinski, seconded by Member Doyle to recommend approval of the request for a map amendment to rezone the property from R-1 to R-2 subject to the condition that any future subdivision would be required to have a separate access point for each parcel without a shared access. ROLL CALL VOTE:

Ayes: 3 – Members DiBernardo, Doyle and Chairwoman Tropinski

Nays: 2 – Members Lal and Wilczak

Absent 2 - Members Hasan and Iyer. Motion Carried.

June 14, 2019

*Via Fed-Ex Overnight Mail and
Email (tbudzikowski@oak-brook.org)*

Hon. Gopal Lalmalani, President and Trustee
Hon. Marcia Tropinski, Chair, and Members of the Plan Commission
Hon. Wayne Ziemer, Chair, and Members of the Zoning Board of Appeals
c/o
Mr. Tony Budzikowski, AICP, Director of Development Services Department
Village of Oak Brook, Illinois
Butler Government Center
1200 Oak Brook Road
Oak Brook, Illinois 60523

**RE: Map Amendment and Plat of Subdivision
3005 Oak Brook Hills Road, Oak Brook, IL 60523 (“3005 Property”)
3001 Oak Brook Hills Road, Oak Brook, IL 60523 (“3001 Property”)**

Dear President Lalmalani, Chair Tropinski, Chair Ziemer and Trustees/Members:

I represent Arun K. Veluchamy and Sonia A. Veluchamy, the record owners of the 3001 Property referenced above. I recently sent a correspondence dated June 7, 2019 to Mr. Budzikowski raising concern over the application for a request of map amendment and a proposed plat for a two-lot subdivision being submitted by ALBURJ LLC, the 3005 Property owner (“Alburj”). A copy of my June 7 correspondence follows this letter for reference, the gravamen of which was to convey my client’s position that no easement right exists granting access to the driveway located on the 3001 Property to benefit the 3005 Property. Inasmuch as this lack of an easement right is germane to any map amendment and proposed plat of subdivision submitted by Alburj in connection with development of the 3005 Property, we seek to put the village on notice of my client’s property rights and interests.

In response to my letter, the attorney for Alburj recently sent a correspondence dated June 13, 2019 (a copy of which follows this letter), vehemently opposing my clients’ claims of no easement right over the 3001 Property, and attempting to establish a right to easement on various bases - ranging from a purported reservation of an express easement right under a prior deed, to the timeliness of 3001 Property owners’ challenge, to the historical use of the two properties at issue. I will address all of the claims by Alburj in turn, but the analysis by Alburj in its counsel’s letter does nothing to change my client’s position – there is no easement right (either expressly or by implication) granting the 3005 Property owner to use the driveway on the 3001 Property.



Hon. Gopal Lalmalani, President and Trustee
Hon. Marcia Tropinski, Chair, and Members of the Plan Commission
Hon. Wayne Ziemer, Chair, and Members of the Zoning Board of Appeals
c/o Mr. Tony Budzikowski, AICP, Director of Development Services Department
Village of Oak Brook, Illinois
June 14, 2019
Page 2 of 5

I respectfully ask that the village consider my opposing arguments in its review of the request for map amendment and request for approval of a two-lot subdivision. This raises the potential for infringement upon the private property rights of my client. It would be imprudent to proceed with recommendation and approval of the current map amendment and two-lot subdivision in light of the disputed property rights. The attorney for Alburj has already made insinuations of illegal conduct and implied threats of litigation in his letter. My client will defend vigorously any such litigation and stands ready to initiate litigation to protect its rights and interests in this matter.

I should also point out that the advocacy by Alburj's attorney to urge the village to take a stand on this matter, and put the onus on the village to apparently make legal determinations to resolve this dispute is wrongheaded. A village map amendment and subdivision application and hearing process is not the forum to establish private property rights or resolve disputes over those rights. Notwithstanding this, the village should be made aware of the faulty legal and equitable basis upon which Alburj claims an easement, which I will devote the balance of this letter to.

The 1971 Deed Grants No Easement in Favor of the Current 3005 Property Owner

Alburj claims an *express* easement through a 1971 deed (R1971-066127) ("1971 Deed") and a reservation in the 1971 Deed granting an easement over the North fifteen (15) feet of the 3001 Property. The nature of this easement right is obvious from the express wording of this easement, which provides in part, as follows:

The Grantors reserve to thems[e]lves, their heirs and assigns an easement appurtenant for driveway purposes over and across the North fifteen (15) feet of the premises hereby conveyed.

The aforesaid reservation of an easement was, by its plain words and meaning, reserved only for the grantors themselves (*i.e.*, the Grantors, Vincent E. Ryan and Marie E. Ryan), their heirs and their assigns. This easement did not create an easement right that 'runs with the land' that is intended to benefit any future record owner. It was expressly a reservation only to the Ryans, the Ryans' heirs and Ryans' assigns. Express easements by definition are strictly construed and do not purport to give any rights beyond the easement right granted.

Since the express easement right granted to the Ryans, there is no evidence of an assignment by them of their easement rights. Further, the legal description in the conveyance documents since the 1971 Deed contain no assignment or conveyance of any easement right. If the easement in the 1971 Deed was to be an easement to be enjoyed by future owners or that would 'run with the land', it would have stated as much as is the common practice when creating an easement intended as such.



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Hon. Marcia Tropinski, Chair, and Members of the Plan Commission
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Village of Oak Brook, Illinois
June 14, 2019
Page 3 of 5

The 1980 Easement Document is an Easement for Utilities, not Access

Alburj cites an easement created under a Grant of Easement dated November 14, 1980. This is by its plain language a utility easement. There is no language in the document that grants any easement for access whatsoever, which Alburj’s counsel has acknowledged (“...there was no reason to create an access easement.”). Alburj’s basis for claiming an easement under this document is a drawing that is attached to Exhibit to the easement purportedly depicting an access easement, and reference to cost sharing of the driveway that ran along the 3005 Property.

Alburj is inferring an easement by implication through a drawing and through cost-sharing provisions, when the actual grant of easement gives no such easement. If the intention was to grant an access easement by this document, this grant would be contained in the actual rights granted – which it does not. The drawing attached at Exhibit A is a Sanitary Sewer Plan that details the existing sewer system. Contrary to Alburj’s claim, there is nothing express or implied in this Sanitary Sewer Plan that purports to either depict or grant any access easement; it simply shows the driveway then existing on the 3001 Property. Any cost sharing language regarding the driveway similarly addresses only cost-sharing, and grants to access right to said driveway.

The 3001 Property Owners are not Untimely in Asserting its Rights

Counsel for Alburj makes the claim that the 3001 Property owners did not timely challenge the right of access over their Property, and asks the village to continue with approval of its map amendment and two-lot subdivision based on this ‘untimeliness’ argument. As stated above, the equitable argument over the 3001 Property owners’ objection is not for the village to legally determine, and is no reason to proceed with an approval of a map amendment and subdivision plan that is predicated on violation of a party’s property rights.

To nonetheless address this claim, assertion by the 3001 Property owners of their rights is neither late nor untimely. Alburj only commenced with its application for map amendment in December, 2018 with evidence in support of it not being available until February, 2019. To my understanding the plans for a subdivision have morphed over time to account for several homes on the 3005 Property, as have the access rights related thereto. The present plans for two homes and multiple lots on the 3005 Property only recently were made available and are by no means final or approved. The map amendment and two-lot subdivision have been submitted to the village for review, and the 3001 Property owners are asserting their rights in opposition to this plans that rely upon an easement over their property that does not exist.



Hon. Gopal Lalmalani, President and Trustee
Hon. Marcia Tropinski, Chair, and Members of the Plan Commission
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Village of Oak Brook, Illinois
June 14, 2019
Page 4 of 5

Alburj Has Other Access to Their Property to Negate any Implied Easements

Much of the claims made by Alburj's counsel through his historical analysis are based on *implied* easements. These occur under common law under various rubrics, almost all of which depend on numerous factors being factors being satisfied or demonstrated, and also the requirement of a necessity for the easement. In the context of the 3005 Property, Alburj have already established through their recent submissions that they have access to their property through a proposed access at Oak Brook Road/31st Street. This access would not require the use or access of the 3001 Property, and the existence of this alternate proposed access would eviscerate nearly every claim for an easement by implication or an easement by necessity under common law. Once again, the adjudication of such easement rights, or lack thereof, is not in the forum of a village planning and zoning commission hearing.

Other Concerns of 3001 Property Owners

In addition to objecting to a map amendment and two-lot subdivision based upon the lack of an easement right, 3001 Property owners have other concerns in relation to these applications. The proposed access and use of the driveway on the 3001 Property by other owners raises safety concerns. The 3001 Property owners have children and the use of the driveway to accommodate access for potentially multiple properties is a safety concern. Also, there is indication that the development of the 3005 Property may require modification to the existing driveway, damage to said driveway or use of the 3005 Property as a staging area and access for the purpose of construction and development. All of this would impact my clients' property and their rights to use and enjoyment of their property, and would require their consent and further easements that are not presently granted. All these considerations need to be addressed in any development of the 3005 Property and construction activities related thereto.

Conclusion

In summary, there is no express grant of an easement for the benefit of the present owner of the 3005 Property to use the driveway or any portion of the 3001 Property for access either under the 1971 Deed or the utility easement cited by 3005 Owner. Much of the historical analysis by Alburj's counsel rely on claims of an implied easement or an easement by necessity. The village approval process for a map amendment and creation of a subdivision is hardly the forum to determine rights, especially when disputed and potentially violative of other parties' property rights. The 3001 Property owners are timely asserting their rights and opposing any map amendment or subdivision that would entail the violation of their property rights and interests, and are willing to defend and enforce these rights.



Hon. Gopal Lalmalani, President and Trustee
Hon. Marcia Tropinski, Chair, and Members of the Plan Commission
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c/o Mr. Tony Budzikowski, AICP, Director of Development Services Department
Village of Oak Brook, Illinois
June 14, 2019
Page 5 of 5

I urge the village to consider all points contained in this letter in their review of the recent of the map amendment and two-lot subdivision application, and to please take consideration of my client's rights, interests and concerns. I available to meet or speak with you and answer any questions you may have, and will be present at the next hearing scheduled for June 17, 2019 at the village.

Very Truly Yours,

AMIN LAW OFFICES, LTD.

Jayal Amin

cc: Mark Daniel, Esq. (via email at mark@thedaniellawoffice.com)

VILLAGE OF OAK BROOK
Plan Commission/Zoning Board of Appeals

STAFF REPORT

DATE: June 17, 2019

CASE NO: 2018-21-ZO-MA

DESCRIPTION: Rezoning from R-1 Single Family to R-2 Single Family

PARCEL SIZE: 162,479 square feet or approximately 3.73-acres

PETITIONER: Alburj LLC c/o Nada Al-Dallal
3011 White Oak Lane
Oak Brook, IL 60523

PROPERTY ADDRESS: 3005 Oak Brook Hills Road

EXISTING ZONING: R-1 Single Family Detached Residence District

ZONING/USE OF SURROUNDING PROPERTY:

North: R-2 Single Family, improved with single family homes.

South: R-3 Single Family, improved with single family homes in the Midwest Club Subdivision.

East: R-3 Single Family in unincorporated DuPage County, improved with the Butterfield Country Club golf course

West: R-1 Single Family, improved with single family homes.

BACKGROUND:

The petitioner and owner of the property has submitted an application requesting approval of a map amendment to rezone from R-1 Single Family to R-2 Single Family for a 3.73-acre property located on the north side of Oak Brook Road, immediately west of the Butterfield Country Club. The petitioner acquired the property after it fell into disrepair. In 2018, they demolished the then-existing single family home. The petitioner is in the process of designing a new home that will be located on the northern portion of the property and had previously intended to preserve the remainder of the site for two (2) additional residential lots to the south. Based upon the discussion and commentary at the original public meeting on February 11, 2019, the petitioner has reevaluated their request and has submitted an amended application which includes both a rezoning request to R-2 and a final subdivision plat for a two (2) lot residential subdivision. At the meeting, the Plan Commission opined that pursuing a subdivision application identified a specific commitment from the property owner on the future redevelopment of the property and eliminated the uncertainty involved with only the stand-alone rezoning request.

**STAFF REPORT – 3005 OAK BROOK HILLS ROAD
 REZONING FROM R-1 TO R-2
 CASE NO. 2018-21-ZO-MA**

STAFF ANALYSIS:

Comprehensive Plan. The subject property is identified as Single Family Residential in the Village’s 1990 Comprehensive Plan. Properties located to the north, south and west are also identified as Single Family Residential. The Butterfield Country Club located immediately east of the subject property is identified as a Private Recreation land use in the Plan. The Village’s 1990 Plan does not differentiate between different types of single family land uses in terms of lot sizes and only specifies single family and multi-family in the Plan. A color copy of the 1990 Plan has been provided as part of the staff report for review and reference purposes (case file page 7.c.).

Zoning District Standards. The following table summarizes the dimensional standards in the existing R-1 district, proposed R-2 district and the R-3 district.

	<i>Existing Zoning: R-1 Single Family</i>	<i>Proposed Zoning: R-2 Single Family</i>	<i>R-3 Single Family</i>
Minimum Lot Size	2 acre	1 acre	25,000 sq ft
Minimum Lot Width	220 feet	150 feet	100 feet
Front Setback	50 ft	40 ft	40 ft
Side Setback	30 ft	18 ft	12 ft
Rear Setback	100 ft	60 ft	40 ft
Building Height	50 ft	45 ft	40 ft

The R-3 district has been included since single family homes to the south (across Oak Brook Road) are zoned R-3 in the Midwest Club Subdivision.

Lot Size/ Density. A separate lot size / density exhibit was included with the February staff report to provide a comparison of lot sizes for properties located on Oak Brook Hills Road, Oak Brook Drive and on Oak Brook Road. The lot sizes in acres are depicted on the accompanying map in red text (case file page 7.d). 26 lots are identified on the map and are zoned either R-1 or R-2. The minimum lot size of these lots is 1.05-acres, maximum lot size is 4.60-acres and average lot size for these lots is 2.3 acres.

The proposed subdivision consists of two (2) lots that are 1.35-acres and 2.36-acres respectively. Both of these lots comply with the R-2 Single-Family District lot size requirements.

Vehicle Access. The existing lot at 3005 Oak Brook Hills Road previously contained a single family home that received vehicular access to Oak Brook Hills Road by way of a private cross access easement granted by and through the property at 3001 Oak Brook Hills Road. There are currently no curb cuts on Oak Brook Road for either 3001 or 3005 Oak Brook Hills Road although

**STAFF REPORT – 3005 OAK BROOK HILLS ROAD
REZONING FROM R-1 TO R-2
CASE NO. 2018-21-ZO-MA**

both lots have frontage onto Oak Brook Road. Any future curb cuts for vehicle access are subject to DuPage County Department of Transportation (DuDOT) review and approval because Oak Brook Road is under the county's jurisdiction. It is anticipated that lot 2 in this subdivision will receive a curb cut and access onto Oak Brook Road from DuDOT for future vehicle access.

Final Subdivision Plan. A concept plan was previously provided in the case file as page D to identify a potential future subdivision proposal. As referenced earlier in the staff report, the petitioner has since modified their request and submitted a final subdivision plat that includes two (2) single-family lots. This amendment to the application addresses the Plan Commission discussion and commentary related to the potential uncertainty in rezoning the property without a specific development plan in place. This proposal now includes a R-2 zoning request and the two (2) lot subdivision request consisting of lots that contain 1.35-acres and 2.36-acres.

RESPONSIBILITIES OF HEARING BODIES:

The Plan Commission has the responsibility to make a recommendation on this request for a proposed amendment and determine if it is in compliance with the Village's official plan, zoning ordinance and other applicable ordinances.

In accordance with Chapter 14, Section 13-14-8 of the zoning regulations, no vote shall be taken upon the adoption of a proposed amendment by the Village Board of Trustees until after a public hearing before the Zoning Board of Appeals and a report of its findings and recommendations has been submitted to the Board of Trustees along with the recommendation of the Plan Commission.

Please include in your consideration, the findings identified in Attorney Mark Daniel's letter included in your packet.

CONCLUSION:

Staff would like the Plan Commission's feedback on the proposed rezoning request and its compliance with the comprehensive plan, zoning ordinance and other applicable ordinances. If the Plan Commission believes that it has sufficient information to make a recommendation to the Zoning Board of Appeals, it may do so. Alternately, the Plan Commission may continue this matter to a future Plan Commission meeting in order to request additional information from the applicant or to provide additional time for review, comment and further deliberation. The Plan Commission's next regular meeting is July 15, 2019 if you would like to continue the public meeting.

Please contact me if you have any questions.

Respectfully Submitted,



Tony Budzikowski, AICP
Director of Development Services

Daniel Law Office, P.C.

REVISED MAP AMENDMENT NARRATIVE
Zoning Map Amendment
3005 Oak Brook Hills Road, Oak Brook, DuPage County, Illinois
P.I.N. 06-28-403-013

CONTENTS

Introduction	1
The Subject Property	1
Assessment of Standards for Map Amendment	3
Ordained Map Amendment Considerations	3
Conclusion	8

INTRODUCTION

ALBURJ, LLC, an Illinois limited company owned by Mutazz H. Darweesh and Nada Al-Dallal, is the owner of 3005 Oak Brook Hills Road, Oak Brook (the "Subject Property"). The individuals who made application assigned their interest to ALBURJ, LLC, which is hereinafter referred to as "Applicant." Applicant seeks Village approval of a map amendment rezoning the Subject Property from R-1 Single Family to R-2 Single Family. The Subject Property extends west from the west edge of Butterfield Country Club to the adjacent property known as 3001 Oak Brook Hills Road (06-28-403-012). The property extends north from Oak Brook Road, also known as 31st Street, to 2921 Oak Brook Hills Road (06-28-403-016, 017). This effort provides for zoning that is consistent with the surrounding neighborhood to the north, east and south and is in accord with the trend of development to the west. The request to rezone from R-1 Single Family to R-2 Single Family is addressed below.

Please note that a proposed final plat of subdivision was submitted May 15, 2019. Applicant acquired the Subject Property after it fell into severe disrepair. In 2018, Applicant demolished the then-existing residence. Applicant is in the process of designing a new home that will be located on a portion of the Subject Property while preserving space for one southerly residential lot. Access restrictions will apply to limit the subject property to two homes.

THE SUBJECT PROPERTY AND ITS SURROUNDINGS

The Subject Property comprises 3.71 acres (161,551.90 square feet) along the north side of 31st Street in an R-1 Single Family zoning district that extends west from the west line of the Subject Property a distance of approximately 1,000 feet. The lot lies between an adjacent R-2 district to the north (allowing one acre lots) and an R-3 district across 31st Street to the south (allowing 25,000 square foot lots). To the near west and northwest, there are eight (8) R-

Page 2

1 Single Family zoning lots, and two of these have direct access to 31st Street. Further west, there are single family homes located in an R-2 Single Family district. To the east and northeast lies Butterfield Country Club, which is a 194-acre (+/-) tract assigned County R-3 zoning (allowing for homes on 15,000 square foot lots). To the north and northwest there are single family homes that are also located in the R-2 Single Family zoning district. To the south, southeast and southwest, the territory known as The Midwest Club is zoned R-3 Single Family.

As a partial result of the fact that the Subject Property and much of the land along 31st Street/Oak Brook Road was under Hinsdale planning jurisdiction prior to the formation of the Village and Hinsdale planned for heavy commercial use of this corridor, larger tracts and assemblages dominated the area. Since the 1940's, single family home development has frequently relied on the creation of easements for vehicular access and private drives. Single family homes located such private access drives are a staple of this area, but the Subject Property lies in an area where direct lot access for residential use is more frequent.

The Subject Property has one frontage on 31st Street (Oak Brook Road). 31st Street is an arterial street under DuPage County jurisdiction that provides access east and west of the Subject Property. Oak Brook Hills Road runs north from to 31st Street and provides access for eight (8) subdivisions, including Ginger Creek, all of which occurred after 1950. Oak Brook Hills Road continues on to provide access to the more densely populated Ginger Creek subdivision to the north.

The home that was on the Subject Property faced north-northwest. An easement for access (R1971-066127; R1980-018195) connects the Subject Property to Oak Brook Hills Road. Under an R-2 Single Family zoning designation, the Subject Property would retain this access for proposed north Lot 1 while providing for access to 31st Street/ Oak Brook Road from proposed south Lot 2.

31st Street runs east to North Riverside and west to Downers Grove. The nearest DuDOT measurement of average daily traffic occurred at Regent Drive. Based on the data provided, average daily traffic for eastbound and westbound 31st Street at the Subject Property is roughly 14,600 vehicles and 14,200 vehicles, respectively. 31st Street is tree-lined and offers primary access to a collection of zoning lots and to subdivisions via intersecting roads. The speed limit on 31st Street is 45 miles per hour and the addition of one driveway east of Oak Brook Hills Road is not likely to cause a change in warrant analysis that would alter the speed limit. There are no walkways along 31st Street in this area. Both lots between Oak Brook Hills Road and Oak Brook Drive (2700 and 2712 31st Street) have direct access to 31st Street. West of Oak Brook Drive, 2803, 2810, 2820, 2901, and 1200 (SE corner of Meyers and 31st Street/Oak Brook Road) all have direct access to 31st Street/Oak Brook Road). East of the

Subject Property, 2215 Oak Brook Road has direct access to 31st Street Oak Brook Road. DuPage County has preliminarily approved access to the proposed south Lot 2.

To the extent that any storm water leaves the Subject Property, it primarily flows from the northern portion to the south and east. Storm water will benefit from best management practices required under the Countywide Floodplain and Stormwater Ordinance during and after construction. Development efforts will meet the standards for management of storm water and it will respect the riparian rights in the vicinity. No development is presently proposed, but the existing condition is the result of demolition of a home that languished and fell into horrible disrepair. Applicant's civil engineer and staff believe that no independent lot for storm water management is needed.

Demolition concluded in 2018 and the owners are planning to construct their residence. Following rezoning in 2019, Applicant anticipates planning for a new principal residence in 2019 and construction on the north lot in 2020.

ASSESSMENT OF STANDARDS FOR MAP AMENDMENT

Applicant seeks an amendment to the Village's zoning map that will reclassify the Subject Property from R-1 Single Family to R-2 Single Family. There are several smaller parcels in the immediate area (north, west and south). The eventual approval of a two-lot subdivision would have a *de minimis* effect on average lot area and no effect on lot value. The Village will benefit from the additional residence and other governmental agencies will see additional tax revenue generated from additional lot which will be supportive of the style of housing that has already dominated this section of Oak Brook.

ORDAINED CONSIDERATIONS

The Zoning Ordinance provides standards pertaining to amendments that include the factors addressed in this portion of the narrative. In general, however, amendments must be in harmony with the general purpose and intent of the Zoning Ordinance and consistent with comprehensive planning. The Village also reviews the standards in bold and italics, below, for which Applicant provides summary responses:

ZONING AMENDMENT FACTORS

(a) The character of the neighborhood. RESPONSE: The neighborhood is zoned entirely residential, with the majority of the active residential uses assigned Village R-3 Single Family zoning designation (25,000 SF lots) and nearly 200 acres to the east that is in a County R-3 district (15,000 SF lots). Ginger Creek and lots to the north of the Subject Property are in a Village R-2 zoning district. A few lots west of the Subject Property are zoned R-1 Single

Family, but the zoning classification returns to R-2 Single Family further west along the north side of 31st Street. Butterfield County Club is the dominant adjacent land use, but all other nearby uses are single family residential in character. The Subject Property is sandwiched by higher density residential zoning (north and south) and by non-residential use (east). R-2 Single Family use is a reasonable transitional classification between the higher density residential uses and the non-residential use noted above. Lots zoned to one-acre densities are uniform to the north of the Subject Property and lots smaller than one acre are prevalent in the Midwest Club subdivision south of the Subject Property. While no one hopes to see a change in use of the Butterfield Country Club property, this territory is capable of higher density residential use than any of the surrounding lots. The proposed north Lot 1 and the proposed south Lot 2 will have areas of 2.36 acres and 1.35 acres, respectively.

(b) The extent to which property values are diminished by the particular zoning restrictions. RESPONSE: The Subject Property is a prime example of the impact of zoning restrictions on the owners' determination to maintain improved land, or not. The 2018 demolition of a single family residence on the Subject Property occurred because the residence fell into such disrepair that the owner could no longer justify expenditures on such a large tract. The R-1 Single Family zoning classification allows for the construction of only one residence on the Subject Property, and this style of residence has not been common in recent trends of development in the area. The ability to construct two homes on the Subject Property will avoid the diminution in value that led to the prior owner's decision not to appropriately maintain the residence.

(c) The extent to which the removal of the existing limitations would depreciate the value of other property in the area. RESPONSE: Under an R-2 Single Family zoning classification, the Subject Property offers a buffer and transition between Butterfield Country Club to the east and a handful of R-1 Single Family properties to the west. The R-2 Single Family zoning classification will not impact the land to the north which is uniformly zoned R-2 Single Family or the residences in the Midwest Club subdivision which sit on much smaller lots in the adjacent R-3 Single Family district. The allowance of one-acre lots on the Subject Property (rather than allowing only one residence on a 3.7 acre lot) will not depreciate the value (actual or perceived) of the lot west of the Subject Property inasmuch as this lot draws its character from the Oak Brook Hills Road frontage (the home faces southeast) that includes 2700 Oak Brook Road and 3000 Oak Brook Hills Road. Indeed, an abutting R-2 Single Family district has not provided any disincentive to development and maintenance of homes on R-1 Single Family lots west of 2712 31st Street and 3003 Oak Brook Drive. As a result, there should be no concern for an impact on values of properties in the area as a result of allowing one-acre lot development on the Subject Property.

(d) The suitability of the property for zoned purposes. RESPONSE: The Subject Property is generally flat at its north end, and its topography allows for reasonable development of two lots without altering drainage in the area. In addition to the circumstances noted above,

reasonable lot depths are available. In the event that the Village allows for one-acre lots, access is available for one lot to the north and the substantial 31st Street/Oakbrook Road frontage (285 feet) allows planning for access for the proposed south Lot 2. Appropriate rear or rear-to-side yard alignments are possible with R-2 Single Family zoning. Lastly, transitional zoning or buffering in planning at this particular location supports the reclassification of the Subject Property to R-2 Single Family use.

(e) The existing uses and zoning of nearby property. RESPONSE: The existing use of all of property for any relevant distance north and south is for single family detached residential use with a density greater than that allowed under the R-1 Single Family residential classification. The territory east and northeast of the Subject Property is the Butterfield Country Club, and this nearly 200-acre tract is planned under County R-3 zoning for lots smaller than those permitted in the Village's R-3 Single Family classification. There is a small, disconnected R-1 Single Family residential district situated west of the Subject Property, but the uses in this district face access and planning challenges (with the exception of lots along 31st Street/Oak Brook Road). Due to these challenges, the larger part of this roughly 26 acre district will not redevelop under standards other than R-1 Single Family unless there is a unified development. The boundary between the relevant R-1 Single Family district and the abutting R-2 Single Family zoning district runs along public access routes and along interior lot lines. In this instance, the boundary following rezoning would align with the west line of the Subject Property and along 31st Street/Oak Brook Road rather than the north line of the Subject Property.

(f) The length of time under the existing zoning that the property has remained unimproved, considered in the context of land development. RESPONSE: As noted above, the Subject Property was improved with a single family home which, for a long period of time, was under-maintained and underutilized. The home was in such disrepair that it had to be demolished in 2018.

(g) The relative gain to the public as compared to the hardship imposed on the individual property owner. RESPONSE: There is minimal purpose supporting the current R-1 Single Family zoning classification. In attempting to determine the gain to the public from the current classification, the only apparent motivation might arise from intent to reduce access points along 31st Street/Oak Brook Road. However, in the R-1 district at hand, two-thirds of the zoning lots have direct access to 31st Street/Oak Brook Road. Additionally, the County has preliminarily authorized access to 31st Street from proposed south Lot 2. Thus, there is no interest in access reduction over a span that extends 3,000 feet along the north side of 31st Street. The hardship imposed on the owner is substantial inasmuch as a zoning classification more consistent with the area at large would permit an additional two lots under circumstances that involve reasonable planning techniques such as the extension of a higher density zoning

district to buffer a lower density use from a higher intensity use. The Applicant proposes only one additional lot.

(h) The extent to which the proposal promotes the health, safety, morals or general welfare of the public. RESPONSE: The Village's R-2 Single Family regulations are quite strict and allow for the large-lot residential style seemingly intended for most of the territory north of 31st Street/Oak Brook Road. The sole exception to this trend of development lies in regard to a collection of zoning lots that cannot reasonably redevelop to R-2 Single Family standards without unified development, such as lot aggregation or a development that contemplates new access easements. R-2 Single Family residential permits a home on a new lot at the south end of the Subject Property and affords a planning transition and physical feathering of use between Butterfield Country Club (a non-residential use) and between the right of way and between 31st Street and the lot to the west of the Subject Property. The Village hosts several attractive residential lots, but many of them are not conducive to younger, single families. A combination of lot size and expense makes it very difficult to attract younger families to the area, particularly to large R-1 Single Family parcels. The reclassification to R-2 is a reasonable transition that permits the eventual addition of a home on the proposed south Lot 2 for development that is more reasonable in the area (as reflected to the north and west of the Subject Property where R-2 Single Family zoning is common).

(i) The relationship of the proposal use to the Comprehensive Plan. RESPONSE: The Village's Comprehensive Plan dated June 1969 was last updated in June 1990. The Village's planning for residential areas has been fairly consistent over several decades, calling for substantial areas that are set aside for large-lot single family residential development. The plan is not realistically aligned with the current state of the national housing market, the state housing market or the local housing market, but the proposal to reclassify the Subject Property to R-2 Single Family maintains the intended low-density housing plan. (Plan, at 16, 18) Additionally, the extension of the R-2 Single Family from the north to 31st Street/Oak Brook Road is not inconsistent with planning to the west of the Subject Property where precisely the same transition occurs. This is consistent with the principle of lot integration set forth as an over-arching objective. (Plan, at 16) To the north lies Ginger Creek—the first residential development authorized by the Village—and the proposed R-2 Single Family classification is consistent with Ginger Creek's R-2 Single Family status. The Subject Property is in Planning District 5 (Ginger Creek). (Plan, at 28) The proposal will not alter the division of land uses in the Ginger Creek planning area. The one additional lot allowed as a result of R-2 Single Family zoning and the subdivision with an access restriction may allow six or seven residents in addition to those planned for the Subject Property under R-1 Single Family zoning—or 6/100ths of a percent of the Village's planned population maximum in 1990 (Plan, at 29) and an even smaller portion of the Village's planned population under modern analyses. In 1990, the Ginger Creek planning area was intended to host 561 residents in 1990, and the additional residents allowed as a result of rezoning is one percent of the total population of the Ginger

Creek planning area under 1990 standards. (Plan, at 30) Districts 53 (grade school) and 86 (high school) have sufficient capacity to handle additional students that would reside on the two additional lots. The proposed rezoning is consistent with Plan objectives concerning general density objectives in I(A)(1)(a, b, c, d, and g—f is not implicated). (Plan, at 55) The two lots will allow for management of flood plains, storm water and other hazards tied to residential development while avoiding nuisance. (Plan, at 56) The map amendment also meets Objective I(E)(1-3, 4 is not implicated) by adhering to a large-lot plan, maintaining a balance by extending R-2 Single Family in a fashion that feathers and buffers between higher density residential and non-residential use and the R-1 uses to the west of the Subject Property. (Plan at 58) The connection to 31st Street/Oak Brook Road will not interfere with Village efforts to plan with the areas abutting this minor arterial road under County jurisdiction. (See Plan, at 59 even though County planning applies to the street.) The Subject Property does not lie in any of the territories described in Chapter Six of the Plan as requiring special attention. (Plan, at 63-64) Few elements of the plan are more clear than the recitation of the four goals in the conclusion, and the map amendment meets the objective of preserving Oak Brook Road as a residential street with a broad greenway. (Plan, at 77, Item 1)

(j) The community need for the use proposed by the property owner. RESPONSE: Oak Brook as a whole benefits from the preservation of its residential character in areas south of the tollway. One element of preserving character involves the preservation of improvements on residential property. Large-acreage lots prove to be extraordinary in areas where surrounding lots are smaller or capable of higher-density use. In this instance, the Subject Property fell into horrible condition and could not be reasonably restored. Demolition in 2018 followed a long period of visible disrepair and vacancy. Reclassification to allow two lots zoned in the R-2 Single Family zoning classification not only increases the number of residential lots that will be more reasonably available, but it converts a lot with an immediate and clear history of obsolescence under the currently-applicable R-1 Single Family regulations. The Village and its residents need to avoid conditions that force properties into a state of failed maintenance, particularly along major corridors. Slightly adjusting the density for the Subject Property will accomplish this inasmuch as no individual is likely to develop a single family home on 3.7 acres adjacent to an arterial road *and* a non-residential use when smaller acreage home sites and homes are readily available in the adjoining R-2 and R-3 zoning districts. As noted in the Plan, preservation of Oak Brook Road as residential is and has been the top primary planning objective (Plan, at 77). The adjustment of zoning classifications in this corridor to allow an increased residential density on lots that, long ago, were planned for high density commercial use by the Village of Hinsdale is a continuation of a trend that initiated with Ginger Creek in 1961 and has continued to this day. The proposal in this instance is responsive to the Village's need to maintain the residential character of the Subject Property.

CONCLUSION

Applicant respectfully requests that the Plan Commission and Zoning Board of Appeals, as necessary, recommend and the Village Board approve the rezoning for the Subject Property. Follow a few months preparing a final plat and communicating with the County, it is clear that access to 31st Street/Oak Brook Road is available and Applicant is willing to restrict intensity to two homes on the subject property. Applicant notes that this area is planned well and that the change in zoning classification from R-1 Single Family to R-2 Single Family will have no adverse impact on any other parcels or any other use of these parcels. If any Village body has a concern with any single aspect of the project, Applicant requests that the members isolate the particular relief sought and consider it distinctly so that the Village Board is clearly aware of the basis for the recommendation.

Thank you for your consideration of this petition.

Dated: May 16, 2019

Respectfully submitted,

Mark W. Daniel, Esq.
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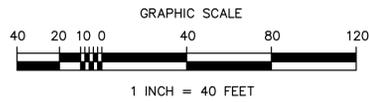
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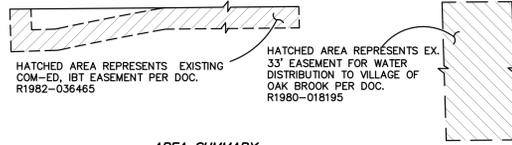
Attorney for Applicant

FINAL PLAT OF DARWEESH/AL DALLAL SUBDIVISION

BEING A SUBDIVISION OF THE EAST 285.0 FEET OF THE SOUTH 600.0 FEET OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.



LEGEND



N= NORTH
S= SOUTH
E= EAST
W= WEST
DOC.= DOCUMENT
EX.= EXISTING

EX.= EXISTING
RES.= RESIDENCE
FND.= FOUND
I.P.= IRON PIPE
P.U. & D.E.= PUBLIC UTILITIES & DRAINAGE EASEMENT

AREA SUMMARY

LOT 1: 102,759.82 SQ. FT. (2.36 AC. +/-)
LOT 2: 58,792.08 SQ. FT. (1.35 AC. +/-)
TOTAL: 161,551.90 SQ. FT. (3.71 AC. +/-)

GENERAL NOTES:

1. BASIS OF BEARINGS: ILLINOIS STATE PLANE COORDINATE SYSTEM-EAST ZONE (NAD83).
2. UPON COMPLETION OF CONSTRUCTION IRON PIPES TO BE SET AT ALL LOT CORNERS. ALL IRON PIPES SET ARE 1" DIAMETER BY 24" LONG, UNLESS OTHERWISE NOTED. CONCRETE MONUMENTS TO BE SET AT LOCATIONS INDICATED.
3. ALL AREAS LISTED ARE MORE OR LESS
4. ALL DISTANCES ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF
5. COMPARE LEGAL DESCRIPTION WITH ABSTRACT DEED OR TITLE POLICY AND REPORT ANY DISCREPANCY IMMEDIATELY. BUILDING LINES, EASEMENTS, IF ANY, SHOWN HEREON ARE AS SHOWN ON THE RECORDED SUBDIVISION OR AS INDICATED.
6. FRONT, REAR AND SIDE LINE SETBACKS SHOWN HEREON ARE PER CURRENT REGULATIONS AND ARE SUBJECT TO CHANGE BY THE VILLAGE OF OAKBROOK. NO SETBACK REFLECTED IN THE PLAT CREATES A PRIVATE RIGHT OF ENFORCEMENT UNLESS SPECIFICALLY STATED HEREIN.
7. UNLESS SPECIFICALLY NOTED, EASEMENTS REFLECTED IN THIS PLAT DO NOT CREATE PRIVATE RIGHTS AS BETWEEN THE OWNER(S) OF LOT 1 AND THE OWNER(S) OF LOT 2 AND THEY MAY BE MODIFIED OR RELOCATED BY EITHER OWNER AS TO THE OWNER'S RESPECTIVE LOT IN ACCORD WITH APPLICABLE FEDERAL, STATE AND LOCAL REGULATIONS.

SUBJECT PROPERTY IS ZONED R-1
ADJACENT PROPERTY TO NORTH IS ZONED R-2
ADJACENT PROPERTY TO WEST IS ZONED R-1
(PER VILLAGE OF OAK BROOK WEB SITE OFFICIAL ZONING MAP)

THERE SHALL BE ONE INDIRECT VEHICULAR ACCESS POINT ON LOT 1 THROUGH INGRESS/EGRESS EASEMENT PER DOC. R1971-066127 (AS SHOWN HEREON) TO OAK BROOK HILLS ROAD AND NO DIRECT VEHICULAR ACCESS TO 31ST ST. (OAK BROOK RD.)
THERE SHALL BE ONE DIRECT VEHICULAR ACCESS POINT (AS SHOWN HEREON) ON LOT 2 TO 31ST ST. (OAK BROOK RD.)
THERE SHALL BE NO OTHER VEHICULAR ACCESS POINTS ON EITHER LOT TO ANY OTHER PUBLIC OR PRIVATE RIGHTS OF WAY.

THE LOCATIONS OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES AND RECORD DRAWINGS PROVIDED THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES/STRUCTURES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES/STRUCTURES. BEFORE ANY EXCAVATION BEGINS ALL UTILITY COMPANIES SERVING THE PROPERTY SHOULD BE CONTACTED FOR VERIFICATION OF FIELD LOCATION.

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF MAKING OF THIS SURVEY; BUILDING SETBACK LINES, RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND-USE REGULATIONS, AND ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS } S.S.
COUNTY OF DuPAGE } S.S.

THIS IS TO CERTIFY THAT I, JOSEPH F. GENTILE, ILLINOIS PROFESSIONAL LAND SURVEYOR, NUMBER 2925 HAVE SURVEYED AND PLATTED FOR THE PURPOSE OF SUBDIVISION THE FOLLOWING DESCRIBED PROPERTY :

PARCEL 1: THE EAST 285.0 FEET OF THE SOUTH 600.0 FEET OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2: EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CREATED BY GRANT OF EASEMENT RECORDED DECEMBER3, 1980 AS DOCUMENT NUMBER R1980-075231.

AS SHOWN BY THE ANNEXED PLAT WHICH IS A CORRECT REPRESENTATION OF SAID SURVEY AND SUBDIVISION. ALL DISTANCES ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

I FURTHER CERTIFY THAT ALL REGULATIONS ENACTED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF OAK BROOK RELATIVE TO PLATS AND SUBDIVISIONS HAVE BEEN COMPLIED WITH IN PREPARATION OF THIS PLAT.

I FURTHER CERTIFY THAT THE LAND IS WITHIN THE VILLAGE OF OAK BROOK (OR WITHIN ONE AND A HALF MILES OF THE CORPORATE LIMITS OF THE VILLAGE OF OAK BROOK) WHICH HAS ADOPTED A VILLAGE COMPREHENSIVE PLAN AND MAP AND IS EXERCISING THE SPECIAL POWERS AUTHORIZED BY DIVISION 12 OF ARTICLE 11 OF THE ILLINOIS MUNICIPAL CODE AS AMENDED. I FURTHER CERTIFY THAT THE PARCEL(S) INCLUDED IN THIS RECORD OF DEED ARE NOT LOCATED IN THE SPECIAL HAZARD AREA IDENTIFIED FOR THE VILLAGE OF OAK BROOK, DUPAGE COUNTY, ILLINOIS, BUT ARE LOCATED IN ZONE "X". AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP NUMBER 17043C0608H DATED DECEMBER 16, 2004, PANEL 0608 OF 1006.

I HEREBY AUTHORIZE THE VILLAGE CLERK, OF THE VILLAGE OF OAK BROOK, ILLINOIS TO RECORD THE FINAL PLAT OF SUBDIVISION OF DARWEESH/AL DALLAL SUBDIVISION

GIVEN UNDER MY HAND AND SEAL AT LOMBARD, ILLINOIS THIS 8TH DAY OF MAY, A.D. 2020

FOR REVIEW ONLY

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2925
MY LICENSE EXPIRES NOVEMBER 30, 2020
ILLINOIS PROFESSIONAL DESIGN FIRM LICENSE NO. 184.002870



GENTILE & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
550 E. ST. CHARLES PLACE
LOMBARD, ILLINOIS 60148
PHONE (630) 916-6262

ILLINOIS PROFESSIONAL DESIGN FIRM LICENSE NO. 184.002870

PREPARED FOR:
DANIEL LAW OFFICE, P.C.
DRAWN BY:
VAF
CHECKED BY:
JFG
ORDER NO.: **19-21055**

DARWEESH/AL DALLAL SUBDIVISION

*FINAL PLAT OF SUBDIVISION
OAKBROOK, ILLINOIS*

PROJECT CONTACTS:
ATTY. MARK DANIEL
DANIEL LAW OFFICE, P.C.
17 W 733 BUTTERFIELD RD., UNIT F
OAKBROOK TERRACE, IL 60181
630-833-3511

JOSEPH GENTILE
GENTILE AND ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
550 E. ST. CHARLES PLACE
LOMBARD, IL 60148
630-916-6262

(CIVIL ENGINEER CONTACT INFORMATION)

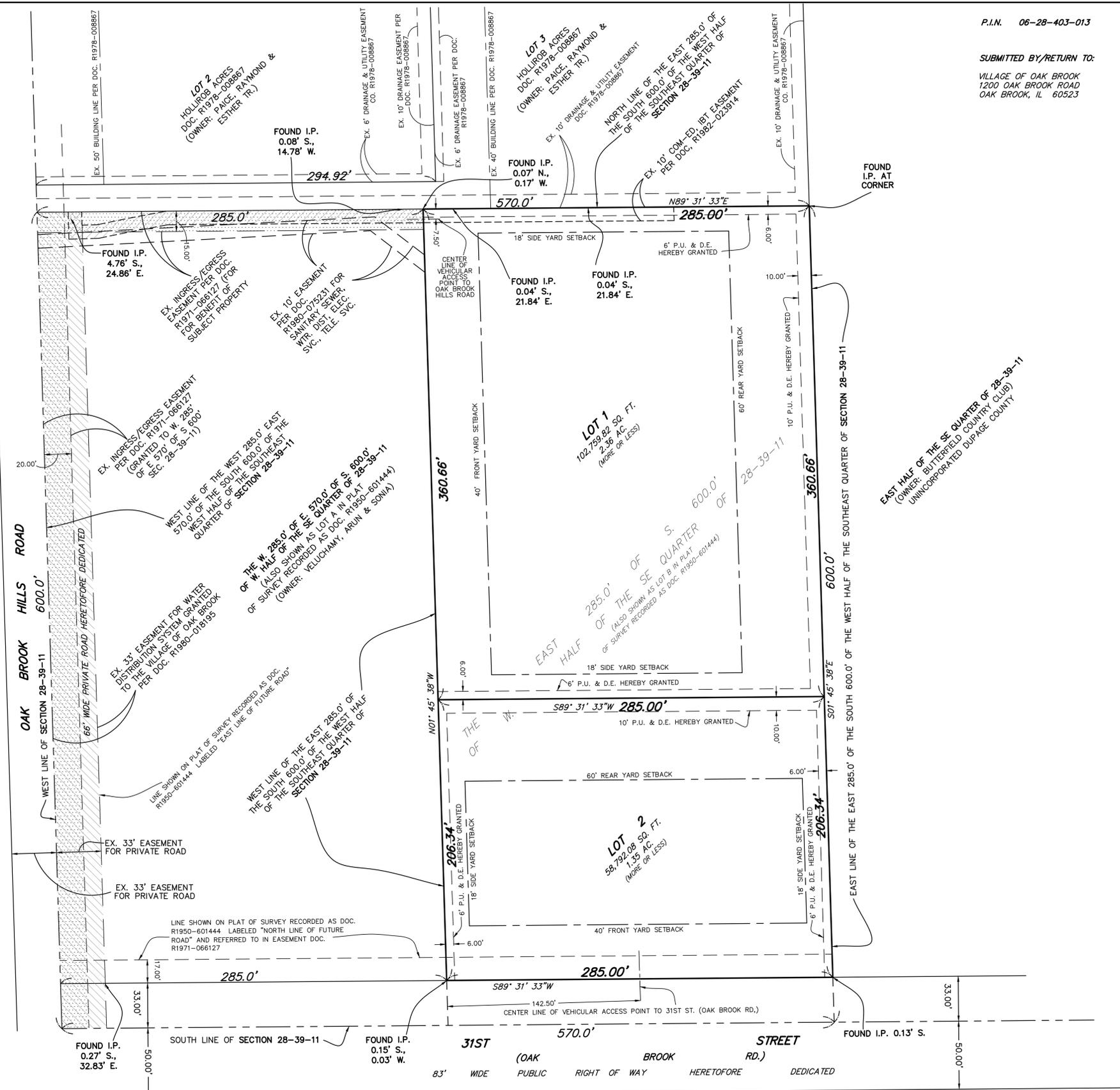
OWNER:
ALBURJ LLC

SCALE: 1" = 40'
DATE: MAY 8, 2019
JOB NO. 19-21055
SHEET 1 OF 2

P.I.N. 06-28-403-013

SUBMITTED BY/RETURN TO:

VILLAGE OF OAK BROOK
1200 OAK BROOK ROAD
OAK BROOK, IL 60523





1900 E. Golf Road, Suite 1120
Schaumburg, IL 60173
Phone 847.230.0076 | Fax 847.232.9303
www.aminesq.com

Jayal Amin
JL@aminesq.com

June 7, 2019

Via Fed-Ex Overnight Mail

Mr. Tony Budzikowski, AICP
Director, Development Services Department
Village of Oak Brook, Illinois
Butler Government Center
1200 Oak Brook Road
Oak Brook, Illinois 60523

**RE: Map Amendment and Plat of Subdivision
3005 Oak Brook Hills Road, Oak Brook, IL 60523 (“3005 Property”)
3001 Oak Brook Hills Road, Oak Brook, IL 60523 (“3001 Property”)**

Dear Mr. Budzikowski:

I represent Arun K. Veluchamy and Sonia A. Veluchamy, the record owners of the 3001 Property referenced above. I am in receipt of a notice dated May 31, 2019 from your office (a copy of which is enclosed with this letter) in which you notified my clients of an application for a request of map amendment and a proposed plat for a two-lot subdivision being submitted by ALBURJ LLC, the 3005 Property owner.

First, I ask that you kindly copy me on any future correspondence related to the foregoing application and any proposal for a two-lot subdivision that involves my clients or the 3001 Property. Second, I would appreciate it if you would send me any existing documents in connection with the foregoing, including, but not limited to:

- A. Copy of the pending application for a map amendment submitted by the 3005 Property owner, and any amendments or revisions to said application.
- B. Copy of any application for a plat for a two-lot subdivision involving the 3005 Property or the 3001 Property, including any proposed plat.
- C. A clear copy of the map that is included in your May 31 correspondence.
- D. Copies of any other correspondence, notices, plans, maps, proposals or other materials in connection with the 3005 Property owner’s applications references above.

I am happy to send you a Fed-Ex return label to deliver the foregoing information to my office, or you can email them to me at JL@aminesq.com. Alternatively, I can have someone from my office pick up these documents from the village.



In addition, I wanted to raise an issue which I think is relevant to any map amendments, plats or proposed plans for development of the 3005 Property. There is a driveway that runs along the North property line of the 3001 Property. I have reviewed my client's title as well as the various easements of record that affect the 3001 Property. I do not find any easement that grants access to this driveway to benefit the 3005 Property. If you have any information from any other plat or other document that grants any such access, then kindly forward to my office for review.

Please be advised that my client is not granting any easement over their driveway on the 3001 Property to access the 3005 Property, and accordingly, any map amendment, plat of subdivision, and plans for the building and construction of a home on the 3005 Property should reflect other means of access other than the driveway that runs along my client's property.

Finally, your May 31 letter references upcoming dates for meeting of your planning commission, zoning board of appeals and board of trustees. Can you kindly confirm if the matters in my letter is part of the agenda for any of these meetings?

If you have any questions or if you would like to discuss with me any of the foregoing matters, please do not hesitate to call me. Thank you.

Very Truly Yours,

AMIN LAW OFFICES, LTD.

Jayal Amin

**ZONING PROTEST PETITION TO THE VILLAGE COUNCIL
OF OAK BROOK, ILLINIOS**

Protest Petition against Rezoning Village of Oak Brook Plan Commission Case No. 2018-21-ZO-MA

The undersigned property owner protests the rezoning from:

Existing Zoning: District(s) R-1 Single Family to

Proposed Zoning: R-2 Single Family

The described property: 3005 Oak Brook Hills Road

Please take notice that the undersigned property owner acknowledges that he/she is the owner of either the land included in the proposed change or within boundaries of the district proposed to be changed. The undersigned owner protests and objects to the rezoning proposed by Village of Oak Brook Plan Commission Case No. 2018-21-ZO-MA. This Petition opposes the rezoning application. The current zoning for the neighborhood is R-1 Single Family Detached Residences. The undersigned and all members of the Oak Brook Hills Road Homeowners Association request that the current R-1 zoning not be modified. Oak Brook Hills Road residences are comprised of custom-built estate properties with average two (2) plus acre lot sizes with several homes situated on lots in excess of three (3) acres. The proposed rezoning would:

- reduce the value of the homes on Oak Brook Hills Road;
- increase the traffic and noise;
- increase the density of the neighborhood;
- increase stormwater management issues;
- be inconsistent with the Village's Comprehensive Plan;
- change the character of the neighborhood;
- increase concern for safety issues and
- promote inconsistency with surrounding uses.

OWNER NAME

**Oak Brook Hills Road Homeowners Association Inc.,
an Illinois not-for profit corporation**



By: John Ciciora, President

**ZONING PROTEST PETITION TO THE VILLAGE COUNCIL
OF OAK BROOK, ILLINIOS**

Protest Petition against Rezoning Village of Oak Brook Plan Commission Case No. 2018-21-ZO-MA

The undersigned property owner protests the rezoning from:

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- be inconsistent with the Village's Comprehensive Plan;
- change the character of the neighborhood;
- increase concern for safety issues and
- promote inconsistency with surrounding uses.

OWNER NAME



**West Suburban Bank,
as Trustee under Trust Number 11016**
By: Tony Costello

Property Address

3000 Oak Brook Hills, Oak Brook, IL 60523

**ZONING PROTEST PETITION TO THE VILLAGE COUNCIL
OF OAK BROOK, ILLINIOS**

Protest Petition against Rezoning Village of Oak Brook Plan Commission Case No. 2018-21-ZO-MA

The undersigned property owner protests the rezoning from:

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- change the character of the neighborhood;
- increase concern for safety issues and
- promote inconsistency with surrounding uses.

OWNER NAME

Property Address



Raymond Paice

2921 Oak Brook Hills, Oak Brook, IL 60523

**ZONING PROTEST PETITION TO THE VILLAGE COUNCIL
OF OAK BROOK, ILLINIOS**

Protest Petition against Rezoning Village of Oak Brook Plan Commission Case No. 2018-21-ZO-MA

The undersigned property owner protests the rezoning from:

Existing Zoning: District(s) R-1 Single Family to

Proposed Zoning: R-2 Single Family

The described property: 3005 Oak Brook Hills Road

Please take notice that the undersigned property owner acknowledges that he/she is the owner of either the land included in the proposed change or within boundaries of the district proposed to be changed. The undersigned owner protests and objects to the rezoning proposed by Village of Oak Brook Plan Commission Case No. 2018-21-ZO-MA. This Petition opposes the rezoning application. The current zoning for the neighborhood is R-1 Single Family Detached Residences. The undersigned and all members of the Oak Brook Hills Road Homeowners Association request that the current R-1 zoning not be modified. Oak Brook Hills Road residences are comprised of custom-built estate properties with average two (2) plus acre lot sizes with several homes situated on lots in excess of three (3) acres. The proposed rezoning would:

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- increase the density of the neighborhood;
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- be inconsistent with the Village's Comprehensive Plan;
- change the character of the neighborhood;
- increase concern for safety issues and
- promote inconsistency with surrounding uses.

OWNER NAME

Property Address



2917 Oak Brook Hills, Oak Brook, IL 60523



Simrata Singh

**ZONING PROTEST PETITION TO THE VILLAGE COUNCIL
OF OAK BROOK, ILLINIOS**

Protest Petition against Rezoning Village of Oak Brook Plan Commission Case No. 2018-21-ZO-MA

The undersigned property owner protests the rezoning from:

Existing Zoning: District(s) R-1 Single Family to

Proposed Zoning: R-2 Single Family

The described property: 3005 Oak Brook Hills Road

Please take notice that the undersigned property owner acknowledges that he/she is the owner of either the land included in the proposed change or within boundaries of the district proposed to be changed. The undersigned owner protests and objects to the rezoning proposed by Village of Oak Brook Plan Commission Case No. 2018-21-ZO-MA. This Petition opposes the rezoning application. The current zoning for the neighborhood is R-1 Single Family Detached Residences. The undersigned and all members of the Oak Brook Hills Road Homeowners Association request that the current R-1 zoning not be modified. Oak Brook Hills Road residences are comprised of custom-built estate properties with average two (2) plus acre lot sizes with several homes situated on lots in excess of three (3) acres. The proposed rezoning would:

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- increase the density of the neighborhood;
- increase stormwater management issues;
- be inconsistent with the Village's Comprehensive Plan;
- change the character of the neighborhood;
- increase concern for safety issues and
- promote inconsistency with surrounding uses.

OWNER NAME

Property Address

**Wolverine 13 LLC,
an Illinois limited liability company**

2916 Oak Brook Hills, Oak Brook, IL 60523



Dr. Samir Sharma

**ZONING PROTEST PETITION TO THE VILLAGE COUNCIL
OF OAK BROOK, ILLINIOS**

Protest Petition against Rezoning Village of Oak Brook Plan Commission Case No. 2018-21-ZO-MA

The undersigned property owner protests the rezoning from:

Existing Zoning: District(s) R-1 Single Family to

Proposed Zoning: R-2 Single Family

The described property: 3005 Oak Brook Hills Road

Please take notice that the undersigned property owner acknowledges that he/she is the owner of either the land included in the proposed change or within boundaries of the district proposed to be changed. The undersigned owner protests and objects to the rezoning proposed by Village of Oak Brook Plan Commission Case No. 2018-21-ZO-MA. This Petition opposes the rezoning application. The current zoning for the neighborhood is R-1 Single Family Detached Residences. The undersigned and all members of the Oak Brook Hills Road Homeowners Association request that the current R-1 zoning not be modified. Oak Brook Hills Road residences are comprised of custom-built estate properties with average two (2) plus acre lot sizes with several homes situated on lots in excess of three (3) acres. The proposed rezoning would:

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- be inconsistent with the Village's Comprehensive Plan;
- change the character of the neighborhood;
- increase concern for safety issues and
- promote inconsistency with surrounding uses.

OWNER NAME

Choson Holdings LLC

**Choson Holdings, LLC,
a Colorado limited liability company**

By: John Ciciora

Its: Vice President

Name: John Ciciora

Property Address

2911 Oak Brook Hills, Oak Brook, IL 60523

NOTICE IS HEREBY GIVEN that a public hearing before the Zoning Board of Appeals of the Village of Oak Brook, DuPage and Cook Counties, Illinois, will be held on Tuesday, July 2, 2019 at 7:00 p.m. in the Samuel E. Dean Board Room of the Butler Government Center, Village of Oak Brook, 1200 Oak Brook Road, (31st Street and Spring Road), Oak Brook, Illinois 60523 for the purpose of considering the application from the petitioner, ALBURJ LLC c/o Nada Al-Dallal, 3011 White Oak Lane, Oak Brook, Illinois 60523. The applicant is seeking a map amendment as provided for under Title 13 of the Zoning Ordinance of the Village of Oak Brook, Illinois, Ordinance G-60 as amended. The petitioner is seeking the approval of a map amendment to rezone the 3.73-acre subject property from the R-1 Single-Family Detached Residence District to the R-2 Single-Family Detached Residence District. The application will also be reviewed by the Plan Commission at its meeting on June 17, 2019 at 7 p.m. in the same location noted above.

The property may be generally described as 3005 Oak Brook Hills Road, Oak Brook, IL with the legal description as follows:

THE EAST 285.0 FEET OF THE SOUTH 600.0 FEET OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

PIN: 06-28-403-013

The petitioner's application including all supporting documents is on file with the Director of the Development Services Department. Persons wishing to examine the petition documents may arrange to do so with the Development Services Department, Village of Oak Brook, 1200 Oak Brook Road, Oak Brook, IL 60523, telephone 630-368-5106.

In accord with the provisions of the American with Disabilities Act, any individual who is in need of a reasonable accommodation in order to participate in or benefit from attendance at this public meeting should contact the Butler Government Center (Village Hall), at 630-368-5010 as soon as possible before the meeting date or for TDD response (630) 990-2131 as soon as possible before the meeting date.

Charlotte Pruss, Village Clerk
Published at the direction of the Corporate Authorities and the Zoning Board of Appeals of the Village of Oak Brook, DuPage and Cook Counties, Illinois.

Published in Daily Herald June 3, 2019 (4526031)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

DuPage County Daily Herald

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the **DuPage County DAILY HERALD**. That said **DuPage County DAILY HERALD** is a secular newspaper, published in Naperville and has been circulated daily in the Village(s) of:

Addison, Aurora, Bartlett, Bensenville, Bloomingdale, Carol Stream,
Darien, Downers Grove, Elmhurst, Glen Ellyn, Glendale Heights,
Hanover Park, Hinsdale, Itasca, Keeneyville, Lisle, Lombard, Medinah,
Naperville, Oakbrook, Oakbrook Terrace, Plainfield, Roselle, Villa Park,
Warrenville, West Chicago, Westmont, Wheaton, Willowbrook,
Winfield, Wood Dale, Woodridge

County(ies) of DuPage

and State of Illinois, continuously for more than one year prior to the date of the first publication of the notice hereinafter referred to and is of general circulation throughout said Village(s), County(ies) and State.

I further certify that the DuPage County DAILY HERALD is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published 03-JUN-19 in said DuPage County DAILY HERALD.

IN WITNESS WHEREOF, the undersigned, the said PADDOCK PUBLICATIONS, Inc., has caused this certificate to be signed by, this authorized agent, at Arlington Heights, Illinois.

PADDOCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY



Designee of the Publisher and Officer of the Daily Herald

Control # 4526031

21



VILLAGE OF
OAK BROOK
Illinois

**BUTLER GOVERNMENT CENTER
1200 OAK BROOK ROAD
OAK BROOK, ILLINOIS 60523**

May 31, 2019

Dear Resident:

A notice of this applicants' request for a map amendment was previously sent to you in January and following a meeting before the Plan Commission the matter was continued to allow the applicant time to prepare and submit an application request for approval of a final plat for a two-lot subdivision. The applicant has submitted the application and the Plan Commission will resume its review of the request for a map amendment to rezone the property and will commence its review for a two lot subdivision of the property at the meeting scheduled on the reverse side of this notice. Following the completion of the Plan Commission review of the map amendment, the Zoning Board of Appeals will hold the required public hearing for the map amendment at its meeting on the reverse side of this notice.

Following the conclusion of the public hearing, the Village Board will be considering the recommendations from the Plan Commission and Zoning Board of Appeals at its meeting, tentative dates are also on the reverse side of this notice.

The application has been filed by:	ALBURJ LLC c/o Nada Al-Dallal 3011 White Oak Lane Oak Brook, IL 60523
The property in question is located at:	3005 Oak Brook Hills Road
Relationship of applicant to property:	Owner

Also shown on the reverse side of this notice is a map* of the area to assist you in determining your relationship to the property in question.

The petitioner is requesting a map amendment to rezone the 3.73-acre subject property located at 3005 Oak Brook Hills Road from the R-1 Single-Family Detached Residence District designation to the R-2 Single-Family Detached Residence District designation. In a separate request the petitioner is also requesting approval of a subdivision of the property into two lots.

If you desire more detailed information, please contact the Development Services Department at 630-368-5106 or 630-368-5103 to make arrangements to review the application, typically 8:00 a.m. - 4:00 p.m., Monday through Friday, with the exception of holidays.

Sincerely,

Tony Budzikowski, AICP
Director, Development Services Department

TB/gp

In accord with the provisions of the Americans with Disabilities Act, any individual who is in need of a reasonable accommodation in order to participate in or benefit from attendance at a public meeting of the Village of Oak Brook should contact the Butler Government Center (Village Hall), at 630-368-5010 as soon as possible before the meeting date or for TDD response (630) 990-2131 as soon as possible before the meeting date.

All meetings are held in the Butler Government Center of the Village of Oak Brook, located at 1200 Oak Brook Road (31st Street and Spring Road), Oak Brook, Illinois.

Plan Commission Meeting (PC). 7:00 p.m., Monday, June 17, 2019

Zoning Board of Appeals Meeting (ZBA). 7:00 p.m., Tuesday, July 2, 2019**

Board of Trustees Meeting (BOT). 7:00 p.m., Tuesday, August 13, 2019***

**ZBA Official Public Hearing - Date is Tentative - Follows the completion of the PC review

***Note: BOT Date is Tentative - Follows the completion of the ZBA public hearing.



*Note: The map provided is only an approximation of the area in question and is intended to be used only as a visual aid to determine your relationship to the property



VILLAGE OF
OAK BROOK
Illinois

SAMUEL E. DEAN BOARD ROOM
BUTLER GOVERNMENT CENTER
1200 OAK BROOK ROAD
OAK BROOK, ILLINOIS
630-368-5000

NOTICE OF CANCELED MEETING
OF THE
PLAN COMMISSION

THE REGULAR PLAN COMMISSION MEETING

Date of Meeting: May 20, 2019 Time of Meeting: 7:00 p.m.

Samuel E. Dean Board Room
of the Butler Government Center
1200 Oak Brook Road

NOTICE IS HEREBY GIVEN that the Regularly Scheduled Meeting of May 20, 2019 has been CANCELED due to lack of agenda.

VILLAGE OF OAK BROOK



PLAN COMMISSION MEETING
SAMUEL E. DEAN BOARD ROOM
BUTLER GOVERNMENT CENTER
1200 OAK BROOK ROAD
OAK BROOK, ILLINOIS
630-368-5000

NOTICE OF CANCELED MEETING
OF THE
PLAN COMMISSION

THE REGULAR PLAN COMMISSION MEETING

Date of Meeting: April 15, 2019 Time of Meeting: 7:00 p.m.

Samuel E. Dean Board Room
of the Butler Government Center
1200 Oak Brook Road

NOTICE IS HEREBY GIVEN that the Regularly Scheduled Meeting of April 15, 2019 has been CANCELED due to lack of agenda.

The previously scheduled public meeting for 3005 Oak Brook Hills Road – Darweesh and Al-Dallal – Map Amendment – To Rezone the property from R-1 Single-Family Detached to R-2 Single-Family Detached Zoning District. **This matter has been continued to the May 20, 2019 pursuant to the applicant's request.**

The next Regular Plan Commission meeting is scheduled for May 20, 2019.

VILLAGE OF OAK BROOK

Gail Polanek

From: Mark Daniel <mark@thedaniellawoffice.com>
Sent: Wednesday, April 24, 2019 9:52 AM
To: Gail Polanek
Cc: Anas Alkhatib; Nada Al-Dallal; Mutazzdarweesh
Subject: 3005 Oak Brook Hills Road

Hi Gail,

With respect to the rezoning and future request for subdivision, please note that we will apply prior to May 15. In order that we insure proper notice, please allow this email to confirm our understanding that the hearing signs will remain posted but that we will be republishing and re-noticing (confirmed or updated list of recipients to come when the time is closer) for the continuation of the hearing that has opened and for the subdivision as needed.

Also, you can certainly share this email internally and with the neighbors as you see needed. The applicant will be in a position to meet with neighbors in May due to the present course.

Thank you

Mark W. Daniel
DANIEL LAW OFFICE, P.C.
17W733 Butterfield Road
Unit F
Oakbrook Terrace, Illinois 60181
(630) 833-3311
Fax: (630) 833-3511
mark@thedaniellawoffice.com

Gail Polanek

Subject: 3005 Oak Brook Hills - Continuance

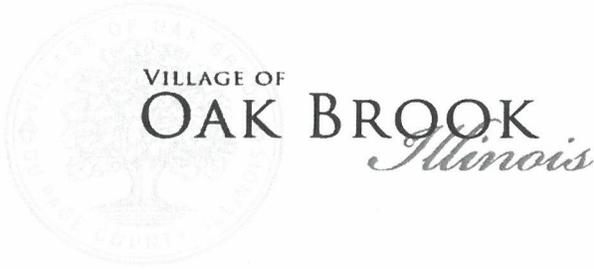
Hi Gail and Tony,

The Applicants ask that the matter of rezoning for 3005 Oak Brook Hills Road be continued from the April 15 date. Applicants are preparing a preliminary plat of subdivision and a final plat of subdivision for a two-lot subdivision. At present, it appears DuDOT will allow the new lot to access 31st Street. Hopefully, we will be prepared for the May 20 meeting, but I will keep you posted.

Tony, if you can give me a call sometime at your convenience, I would appreciate it. Once the preliminary plat is ready, I am sure Anas and I would like to meet with you and staff to review things. My cell is usually best at

Thank you.

Mark W. Daniel
DANIEL LAW OFFICE, P.C.
17W733 Butterfield Road
Unit F
Oakbrook Terrace, Illinois 60181
(630) 833-3311
Fax: (630) 833-3511
mark@thedaniellawoffice.com



MINUTES OF THE MARCH 18, 2019
REGULAR MEETING OF THE
PLAN COMMISSION OF THE
VILLAGE OF OAK BROOK
APPROVED AS WRITTEN ON , 2019

1. CALL TO ORDER:

CALL TO ORDER

The Meeting of the Plan Commission was called to order by Chairwoman Tropinski in the Samuel E. Dean Board Room of the Butler Government Center at 7:02 p.m.

2. ROLL CALL:

ROLL CALL

Gail Polanek called the roll with the following persons
PRESENT: Chairwoman Marcia Tropinski, Members Thomas Doyle, Rahma Hasan, Raju Iyer, Raj Lal (arrived 7:15) and Kenneth Wilczak
ABSENT: Member Richard DiBernardo
IN ATTENDANCE: Development Services Director Tony Budzikowski, Public Works Director Doug Patchin, Public Works Superintendent Rick Valent, Planner Rebecca Von Drasek and Planning Technician Gail Polanek

3. APPROVAL OF MINUTES:

MINUTES

SPECIAL PLAN COMMISSION MEETING OF FEBRUARY 11, 2019

FEBRUARY 11, 2019

Motion by Member Doyle, seconded by Member Hasan to waive the reading of the minutes and to approve the minutes of the February 11, 2019 Special Plan Commission meeting as written. VOICE VOTE: Motion Carried.

4. UNFINISHED BUSINESS

UNFINISHED BUSINESS

A. 3005 OAK BROOK HILLS ROAD – DARWEESH AND AL-DALLAL – MAP AMENDMENT – TO REZONE THE PROPERTY FROM R-1 TO R-2 SINGLE-FAMILY DETACHED ZONING DISTRICT

3005 OAK BROOK HILLS ROAD – DARWEESH AND AL-DALLAL – MAP AMEND – FROM R-1 to R-2

Chairwoman Tropinski noted that this matter would not be heard this evening as the applicant had requested it be continued to the next regular meeting of the Plan Commission on April 15, 2019.

Motioned by Member Iyer, seconded by Member Hasan to continue the public hearing to the Regular Plan Commission meeting on April 15, 2019.

ROLL CALL VOTE:

Ayes: 5 – Members Doyle, Hasan, Iyer, Wilczak and Chairwoman Tropinski
Nays: 0 –
Absent 2 - Members DiBernardo and Lal. Motion Carried.



5. NEW BUSINESS

NEW BUSINESS

A. VILLAGE OF OAK BROOK – SPECIAL USE – TO CONSTRUCT A SALT AND STORAGE FACILITY ON A PORTION OF THE SPORTS CORE PROPERTY – APPROXIMATE LOCATION – 700-810 OAK BROOK ROAD

VOB – S.U.– TO
CONSTRUCT A
SALT STORAGE
FACILITY ON THE
SPORTS CORE
PROPERTY

Chairwoman Tropinski announced the petition.

Public Works Director, Doug Patchin gave a PowerPoint presentation that provided the location of the proposed Salt Storage facility on the Sports Core property, existing conditions and clean up as well as illustrations of the proposed structure. The barn-type building will fit in well in the area since there are polo barns on the opposite side of the property.

The numerous improvements on the Sport Core property over the years have not taken into consideration how the projects affect the entire property. Stormwater discharge runs into the woods and eventually finds its way to Salt Creek or into the county drainage system along Oak Brook Road/31st Street. For years, trees have been dying along those paths. As part of the Village’s Stormwater Management Permit MS4, the Village must limit the material that can contaminate stormwater runoff.

Along with the indoor storage facility, outdoor storage would allow clean up and removal of the multiple sites located around the Sports Core property. The storage facility and drainage improvements are part of multi-year projects. The proposed salt storage facility would allow the Village to purchase salt off-season at much lower prices and store it for future use. The Village uses approximately 1,500-2,000 tons of salt per year. The current salt dome located in the Public Works yard can accommodate 750 tons of salt. Over the past five years, 400 tons has been stored under a tarp in the yard. An indoor facility would store more than a two-year supply in addition to other materials. The Public Works garage currently stores dirt, stone and sand due to the potential of wash-away in the event of rain or snow.

The salt storage facility will consolidate numerous outdoor storage sites spread throughout the Sport Core property and limit the amount of runoff. The outdoor area would have a lockable yard with Sports Core and Public Works equipment, maintenance supplies, excavated spoil, leaves and wood chips. The designed stormwater drainage system will contain any potential runoff before it enters in to DuPage County Storm sewers or the Salt Creek Floodplain.

Gail Polanek

Subject: FW: 3005 Oak Brook Hills

From: Mark Daniel [mailto:mark@thedaniellawoffice.com]
Sent: Friday, March 15, 2019 2:27 PM
To: Tony Budzikowski <tbudzikowski@oak-brook.org>
Cc: Gail Polanek <gpolanek@oak-brook.org>
Subject: Re: 3005 Oak Brook Hills

Hi Tony and Gail,

This confirms my oral request when Tony met with us and the Village attorney on another matter that we continue the Oak Brook Hills Road matter to the next regular plan commission meeting.

Thank you

Mark W. Daniel
DANIEL LAW OFFICE, P.C.
17W733 Butterfield Road
Unit F
Oakbrook Terrace, Illinois 60181
(630) 833-3311
Fax: (630) 833-3511
mark@thedaniellawoffice.com

On Fri, Mar 15, 2019 at 8:21 AM Tony Budzikowski <tbudzikowski@oak-brook.org> wrote:

Mark,

Can you provide me with a quick email requesting a continuance of the 3005 Oak Brook Hills Road petition to the next regularly scheduled Plan Commission meeting (or April 15th).

Thanks,

Tony



VILLAGE OF
OAK BROOK
Illinois

MINUTES OF THE FEBRUARY 5, 2019
REGULAR MEETING OF THE
ZONING BOARD OF APPEALS OF THE
VILLAGE OF OAK BROOK
APPROVED AS WRITTEN OR AMENDED ON , 2019

1. CALL TO ORDER:

CALL TO ORDER

The Meeting of the Zoning Board of Appeals was called to order by Chairman Wayne Ziemer in the Samuel E. Dean Board Room of the Butler Government Center at 7:00 p.m.

2. ROLL CALL:

ROLL CALL

Gail Polanek called the roll with the following persons:

PRESENT: Chairman Wayne Ziemer, Members Jeffrey Bulin, Natalie Cappetta, Baker Nimry, Jim Pontrelli, Alfred Savino and Steven Young

IN ATTENDANCE: Trustee John Baar, Planner Rebecca Von Drasek and Planning Technician Gail Polanek

3. APPROVAL OF MINUTES

MINUTES

SPECIAL ZONING BOARD OF APPEALS MEETING OF JANUARY 15, 2019

JANUARY 15, 2019

Motion by Member Young, seconded by Member Nimry to approve the minutes of the January 15, 2019 Special Zoning Board of Appeals meeting as written. VOICE VOTE: Motion carried.

4. UNFINISHED BUSINESS

UNFINISHED
BUSINESS

There was no unfinished business.

5. NEW BUSINESS

NEW BUSINESS

A. 3005 OAK BROOK HILLS ROAD – DARWEESH AND AL-DALLAL – MAP AMENDMENT – TO REZONE THE PROPERTY FROM R-1 SINGLE-FAMILY DETACHED TO R-2 SINGLE-FAMILY DETACHED ZONING DISTRICT

3005 OAK BROOK
HILLS ROAD –
DARWEESH & AL-
DALLAL – MAP
AMEND – REZONE
FROM R-1 TO R-2

Chairman Ziemer noted that this matter would not be heard this evening and had

been requested to be continued to the next Regular Zoning Board of Appeals meeting on March 5, 2019 pending the conclusion by the Plan Commission. VOICE VOTE: Motion Carried.

B. 42 WOODSIDE DRIVE – BOGOJEVICH - VARIATION – FRONT YARD SETBACK AND SIDE YARD ABUTTING A STREET SETBACK – TO ALLOW CONSTRUCTION OF AN ADDITION TO THE EXISTING SINGLE-FAMILY RESIDENCE

42 WOOSIDE DRIVE
– VARIATIONS –
FRONT AND SIDE
YARD ABUTTING A
STREET SETBACKS

Chairman Ziemer announced the public hearing for the requested variation. All witnesses were sworn in.

Mr. Bogojevich stated that he was seeking variations to the front and side yard setbacks in order to build an additional bedroom as well as a third car garage addition. A power point presentation highlighted the proposed variations. He explained that the additions were needed in order to accommodate his mother-in-law and her caregiver due the death of his father-in-law last June.

The bedroom addition would be approximately 12x16 feet and would not be noticeable due to the extensive shrubbery that exists along the property lines. A garage addition is also needed to accommodate the caregiver’s car and is within the required setback on the west side of the property. A variation of approximately 28-feet is needed on the south side of the property. As part of the renovations a new concrete driveway would be installed to replace the deteriorating existing driveway.

The house is in an area that is almost island-like and shared by only two other homes. The two neighbors, as well as the Homeowners Association have written letters of support for the proposed changes and both are in agreement that the variations would be beneficial to the community.

The home was built in 1948 and has had very little updating. In addition to the proposed variations, many other interior features and mechanical components will be upgraded. As a retired Army Officer, he spent many years without a constant place to call home. He and his wife spent three years researching where they wanted to settle into their “forever home” and decided this house in Oak Brook was the perfect place.

Mr. Bogojevich responded to the Standards required for Variations as follows:

- 1.a. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located.

14.9



OWNER'S POLICY OF TITLE INSURANCE

ISSUED BY

First American Title Insurance Company

Any notice of claim and any other notice or statement in writing required to be given to the Company under this policy must be given to the Company at the address shown in Section 18 of the Conditions.

COVERED RISKS

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS, FIRST AMERICAN TITLE INSURANCE COMPANY, a Nebraska corporation (the "Company") insures, as of Date of Policy and, to the extent stated in Covered Risks 9 and 10, after Date of Policy, against loss or damage, not exceeding the Amount of Insurance, sustained or incurred by the Insured by reason of:

1. Title being vested other than as stated in Schedule A.
2. Any defect in or lien or encumbrance on the Title. This Covered Risk includes but is not limited to insurance against loss from
 - (a) A defect in the Title caused by
 - (i) forgery, fraud, undue influence, duress, incompetency, incapacity, or impersonation;
 - (ii) failure of any person or Entity to have authorized a transfer or conveyance;
 - (iii) a document affecting Title not properly created, executed, witnessed, sealed, acknowledged, notarized, or delivered;
 - (iv) failure to perform those acts necessary to create a document by electronic means authorized by law;
 - (v) a document executed under a falsified, expired, or otherwise invalid power of attorney;
 - (vi) a document not properly filed, recorded, or indexed in the Public Records including failure to perform those acts by electronic means authorized by law; or
 - (vii) a defective judicial or administrative proceeding.
 - (b) The lien of real estate taxes or assessments imposed on the Title by a governmental authority due or payable, but unpaid.
 - (c) Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
3. Unmarketable Title.
4. No right of access to and from the Land.
5. The violation or enforcement of any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (a) the occupancy, use, or enjoyment of the Land;
 - (b) the character, dimensions, or location of any improvement erected on the Land;
 - (c) the subdivision of land; or
 - (d) environmental protectionif a notice, describing any part of the Land, is recorded in the Public Records setting forth the violation or intention to enforce, but only to the extent of the violation or enforcement referred to in that notice.
6. An enforcement action based on the exercise of a governmental

police power not covered by Covered Risk 5 if a notice of the enforcement action, describing any part of the Land, is recorded in the Public Records, but only to the extent of the enforcement referred to in that notice.

7. The exercise of the rights of eminent domain if a notice of the exercise, describing any part of the Land, is recorded in the Public Records.
8. Any taking by a governmental body that has occurred and is binding on the rights of a purchaser for value without Knowledge.
9. Title being vested other than as stated in Schedule A or being defective
 - (a) as a result of the avoidance in whole or in part, or from a court order providing an alternative remedy, of a transfer of all or any part of the title to or any interest in the Land occurring prior to the transaction vesting Title as shown in Schedule A because that prior transfer constituted a fraudulent or preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws; or
 - (b) because the instrument of transfer vesting Title as shown in Schedule A constitutes a preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws by reason of the failure of its recording in the Public Records
 - (i) to be timely, or
 - (ii) to impart notice of its existence to a purchaser for value or to a judgment or lien creditor.
10. Any defect in or lien or encumbrance on the Title or other matter included in Covered Risks 1 through 9 that has been created or attached or has been filed or recorded in the Public Records subsequent to Date of Policy and prior to the recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The Company will also pay the costs, attorneys' fees, and expenses incurred in defense of any matter insured against by this policy, but only to the extent provided in the Conditions.

First American Title Insurance Company

Dennis J. Gilmore
President

Jeffrey S. Robinson
Secretary

Section 7 of these Conditions, at its own cost, to institute and prosecute any action or proceeding or to do any other act that in its opinion may be necessary or desirable to establish the Title, as insured, or to prevent or reduce loss or damage to the Insured. The Company may take any appropriate action under the terms of this policy, whether or not it shall be liable to the Insured. The exercise of these rights shall not be an admission of liability or waiver of any provision of this policy. If the Company exercises its rights under this subsection, it must do so diligently.

- (c) Whenever the Company brings an action or asserts a defense as required or permitted by this policy, the Company may pursue the litigation to a final determination by a court of competent jurisdiction, and it expressly reserves the right, in its sole discretion, to appeal any adverse judgment or order.

6. DUTY OF INSURED CLAIMANT TO COOPERATE

- (a) In all cases where this policy permits or requires the Company to prosecute or provide for the defense of any action or proceeding and any appeals, the Insured shall secure to the Company the right to so prosecute or provide defense in the action or proceeding, including the right to use, at its option, the name of the Insured for this purpose. Whenever requested by the Company, the Insured, at the Company's expense, shall give the Company all reasonable aid (i) in securing evidence, obtaining witnesses, prosecuting or defending the action or proceeding, or effecting settlement, and (ii) in any other lawful act that in the opinion of the Company may be necessary or desirable to establish the Title or any other matter as insured. If the Company is prejudiced by the failure of the Insured to furnish the required cooperation, the Company's obligations to the Insured under the policy shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, with regard to the matter or matters requiring such cooperation.
- (b) The Company may reasonably require the Insured Claimant to submit to examination under oath by any authorized representative of the Company and to produce for examination, inspection, and copying, at such reasonable times and places as may be designated by the authorized representative of the Company, all records, in whatever medium maintained, including books, ledgers, checks, memoranda, correspondence, reports, e-mails, disks, tapes, and videos whether bearing a date before or after Date of Policy, that reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Insured Claimant shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect, and copy all of these records in the custody or control of a third party that reasonably pertain to the loss or damage. All information designated as confidential by the Insured Claimant provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the Insured Claimant to submit for examination under oath, produce any reasonably requested information, or grant permission to secure reasonably necessary information from third parties as required in this subsection, unless prohibited by law or governmental regulation, shall terminate any liability of the Company under this policy as to that claim.

7. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS; TERMINATION OF LIABILITY

In case of a claim under this policy, the Company shall have the following additional options:

- (a) To Pay or Tender Payment of the Amount of Insurance.
To pay or tender payment of the Amount of Insurance under this policy together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment or tender of payment and that the Company is obligated to pay. Upon the exercise by the Company of this option, all liability and obligations of the Company to the Insured under this policy, other than to make the payment required in this subsection, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.
- (b) To Pay or Otherwise Settle With Parties Other Than the Insured or With the Insured Claimant.
- (i) To pay or otherwise settle with other parties for or in the name of an Insured Claimant any claim insured against under this policy. In addition, the Company will pay any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay; or
- (ii) To pay or otherwise settle with the Insured Claimant the loss or damage provided for under this policy, together with any costs,

attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay.

Upon the exercise by the Company of either of the options provided for in subsections (b)(i) or (ii), the Company's obligations to the Insured under this policy for the claimed loss or damage, other than the payments required to be made, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.

8. DETERMINATION AND EXTENT OF LIABILITY

This policy is a contract of indemnity against actual monetary loss or damage sustained or incurred by the Insured Claimant who has suffered loss or damage by reason of matters insured against by this policy.

- (a) The extent of liability of the Company for loss or damage under this policy shall not exceed the lesser of
- (i) the Amount of Insurance; or
- (ii) the difference between the value of the Title as insured and the value of the Title subject to the risk insured against by this policy.
- (b) If the Company pursues its rights under Section 5 of these Conditions and is unsuccessful in establishing the Title, as insured,
- (i) the Amount of Insurance shall be increased by 10%, and
- (ii) the Insured Claimant shall have the right to have the loss or damage determined either as of the date the claim was made by the Insured Claimant or as of the date it is settled and paid.
- (c) In addition to the extent of liability under (a) and (b), the Company will also pay those costs, attorneys' fees, and expenses incurred in accordance with Sections 5 and 7 of these Conditions.

9. LIMITATION OF LIABILITY

- (a) If the Company establishes the Title, or removes the alleged defect, lien, or encumbrance, or cures the lack of a right of access to or from the Land, or cures the claim of Unmarketable Title, all as insured, in a reasonably diligent manner by any method, including litigation and the completion of any appeals, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused to the Insured.
- (b) In the event of any litigation, including litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals, adverse to the Title, as insured.
- (c) The Company shall not be liable for loss or damage to the Insured for liability voluntarily assumed by the Insured in settling any claim or suit without the prior written consent of the Company.

10. REDUCTION OF INSURANCE; REDUCTION OR TERMINATION OF LIABILITY

All payments under this policy, except payments made for costs, attorneys' fees, and expenses, shall reduce the Amount of Insurance by the amount of the payment.

11. LIABILITY NONCUMULATIVE

The Amount of Insurance shall be reduced by any amount the Company pays under any policy insuring a Mortgage to which exception is taken in Schedule B or to which the Insured has agreed, assumed, or taken subject, or which is executed by an Insured after Date of Policy and which is a charge or lien on the Title, and the amount so paid shall be deemed a payment to the Insured under this policy.

12. PAYMENT OF LOSS

When liability and the extent of loss or damage have been definitely fixed in accordance with these Conditions, the payment shall be made within 30 days.

13. RIGHTS OF RECOVERY UPON PAYMENT OR SETTLEMENT

- (a) Whenever the Company shall have settled and paid a claim under this policy, it shall be subrogated and entitled to the rights of the Insured Claimant in the Title and all other rights and remedies in respect to the claim that the Insured Claimant has against any person or property, to the extent of the amount of any loss, costs, attorneys' fees, and expenses paid by the Company. If requested by the Company, the Insured Claimant shall execute documents to evidence the transfer to the Company of these rights and remedies. The Insured Claimant shall permit the Company to sue, compromise, or settle in the name of the Insured Claimant and to use the name of the Insured Claimant in any transaction or litigation involving these rights and remedies.
- If a payment on account of a claim does not fully cover the loss of the Insured Claimant, the Company shall defer the exercise of its right to recover until after the Insured Claimant shall have recovered its loss.

**First American Title Insurance Company
ALTA Owner's Policy
Schedule A**

File No. 2918210

Amount of Insurance

\$1,650,000.00

Date of Policy

May 31, 2018
or the date of recording of the
Vesting Deed, whichever is later

Name of Insured:

Mutazz H. Darweesh and Nada Al Dallal

1. The estate or interest in the land described herein and which is covered by this policy is:

Fee Simple

2. Title to the estate or interest in the land is vested in:

Mutazz H. Darweesh and Nada Al Dallal, husband and wife as tenants by the entirety

3. The land referred to in this policy is described as follows:

THE EAST 285.0 FEET OF THE SOUTH 600.0 FEET OF THE WEST HALF OF THE SOUTHEAST
QUARTER OF SECTION 28, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL
MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

Issuing Agent:

Anne C. Grow
830 West Main Street, Suite 236
Lake Zurich, IL 60047
(847)277-1972

13.6

8. Terms, conditions and provisions of Ordinance No. 405 entitled Ordinance Establishing an Industrial Cost Recovery System and a Federal user Charge in Lieu of Ad Valorem Taxes to Pay for the Operation, Maintenance and Replacement of the Works of the System; Establishing a Lien therefor and Establishing Classes of Users, Procedures, Budget, Budget Year, Rates, Manner of Collection thereof, penalties for Refusal to Pay, Procedure for Disconnection in the event of Non-Payment; Establishing of Allowable Chemical Connections and Penalties for Excess Concentrations recorded as document R75-19171.
9. Mortgage dated May 31, 2018, made by Mutazz H. Darweesh and Nada Al Dallal, husband and wife to First Midwest Bank to secure a note in the originally stated principal amount of \$1,000,000.00, and the terms and conditions thereof.
10. Rights of parties in possession in and to the land falling between the fence(s) location(s) and the property line(s) due to the failure of the fence(s) to follow the property line(s) as disclosed by survey presented at the closing.

NOTE: If any document referenced herein contains a covenant, condition or restriction violative of 42 USC 3604(c), such covenant, condition or restriction to the extent of such violation is hereby deleted.

End of Schedule B

Issuing Agent:

Anne C. Grow
830 West Main Street, Suite 236
Lake Zurich, IL 60047
(847)277-1972



Privacy Information

We Are Committed to Safeguarding Customer Information

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information - particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, together with our subsidiaries we have adopted this Privacy Policy to govern the use and handling of your personal information.

Applicability

This Privacy Policy governs our use of the information that you provide to us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person or entity. First American has also adopted broader guidelines that govern our use of personal information regardless of its source. First American calls these guidelines its Fair Information Values.

Types of Information

Depending upon which of our services you are utilizing, the types of nonpublic personal information that we may collect include:

- Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
- Information about your transactions with us, our affiliated companies, or others; and
- Information we receive from a consumer reporting agency.

Use of Information

We request information from you for our own legitimate business purposes and not for the benefit of any nonaffiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for us to provide the product or service you have requested of us; or (2) as permitted by law. We may, however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purpose, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies and escrow companies. Furthermore, we may also provide all the information we collect, as described above, to companies that perform marketing services on our behalf, on behalf of our affiliated companies or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

Former Customers

Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

Confidentiality and Security

We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and in accordance with this Privacy Policy and First American's Fair Information Values. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

Information Obtained Through Our Web Site

First American Financial Corporation is sensitive to privacy issues on the Internet. We believe it is important you know how we treat the information about you we receive on the Internet.

In general, you can visit First American or its affiliates' Web sites on the World Wide Web without telling us who you are or revealing any information about yourself. Our Web servers collect the domain names, not the e-mail addresses, of visitors. This information is aggregated to measure the number of visits, average time spent on the site, pages viewed and similar information. First American uses this information to measure the use of our site and to develop ideas to improve the content of our site.

There are times, however, when we may need information from you, such as your name and email address. When information is needed, we will use our best efforts to let you know at the time of collection how we will use the personal information. Usually, the personal information we collect is used only by us to respond to your inquiry, process an order or allow you to access specific account/profile information. If you choose to share any personal information with us, we will only use it in accordance with the policies outlined above.

Business Relationships

First American Financial Corporation's site and its affiliates' sites may contain links to other Web sites. While we try to link only to sites that share our high standards and respect for privacy, we are not responsible for the content or the privacy practices employed by other sites.

Cookies

Some of First American's Web sites may make use of "cookie" technology to measure site activity and to customize information to your personal tastes. A cookie is an element of data that a Web site can send to your browser, which may then store the cookie on your hard drive.

FirstAm.com uses stored cookies. The goal of this technology is to better serve you when visiting our site, save you time when you are here and to provide you with a more meaningful and productive Web site experience.

Fair Information Values

Fairness We consider consumer expectations about their privacy in all our businesses. We only offer products and services that assure a favorable balance between consumer benefits and consumer privacy.

Public Record We believe that an open public record creates significant value for society, enhances consumer choice and creates consumer opportunity. We actively support an open public record and emphasize its importance and contribution to our economy.

Use We believe we should behave responsibly when we use information about a consumer in our business. We will obey the laws governing the collection, use and dissemination of data.

Accuracy We will take reasonable steps to help assure the accuracy of the data we collect, use and disseminate. Where possible, we will take reasonable steps to correct inaccurate information. When, as with the public record, we cannot correct inaccurate information, we will take all reasonable steps to assist consumers in identifying the source of the erroneous data so that the consumer can secure the required corrections.

Education We endeavor to educate the users of our products and services, our employees and others in our industry about the importance of consumer privacy. We will instruct our employees on our fair information values and on the responsible collection and use of data. We will encourage others in our industry to collect and use information in a responsible manner.

Security We will maintain appropriate facilities and systems to protect against unauthorized access to and corruption of the data we maintain.

RECORDED
DU PAGE COUNTY

R80 - 75231

1980 DEC -3 AM 10:30

GRANT OF EASEMENT

George P. Quisling

THIS GRANT OF EASEMENT, made this 14th day of November, 1980, by and between GERALD SHARKO and MARY SHARKO, husband and wife, (hereinafter called "Grantor") and ~~CITIZENS NATIONAL BANK OF DOWNERS, AS TRUSTEE, HUSBAND AND WIFE~~ ^{CROV'S TRUST # 2221}, (hereinafter called "Grantee").

FOR AND IN CONSIDERATION of TEN (\$10.00) DOLLARS and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by Grantor, it is agreed as follows:

1. Grantor does hereby grant, give, convey, and quit claim unto the Grantee, its successors, assigns, transferees and lessees a perpetual, transferable, and assignable easement, privilege, right, power, and authority to construct, reconstruct, repair, inspect, maintain, and operate a water distribution system, sewer system, electrical service, telephone service system under and through that portion of land owned by Grantor and described in the attached Exhibit "A" incorporated herein by reference.

The easements, rights, privileges, and authority conveyed by the Grants set forth above shall at all times be deemed to be and shall be covenants running with the land.

The Grantor shall have and retain all rights to the use and occupation of the real estate described in Exhibit "A", except as herein expressly granted and provided, and such use and occupation by the Grantors shall not unnecessarily be impeded or interfered with during the period of any construction work performed under this grant. Additionally, Grantee agrees that there shall be no interruption or interference with the utilities, water or sewer facilities now serving Grantor's property by reason of the construction, maintenance, or repair of the water distribution system, sewer system, electric service, or telephone service system.

A delineation of the property described in this instrument appears in
PLAT BOOK NO. 100 PAGE 12

*THIS DOCUMENT WAS PREPARED BY
BRIN T. MORROW, 101 LENOX ST
DOWNERS GROVE, IL 60117*

*CR-41-11
24 MONTHS SECTION
EXEMPT FROM
NOTIFICATION
BY STATE*

270

STATE OF ILLINOIS)
) SS.
)
COUNTY OF DUPAGE)

I, the undersigned, a Notary Public, in and for said County in the State aforesaid, do hereby certify that GERALD SHARKO and MARY SHARKO personally known to me to be the same persons whose names were subscribed to the foregoing instrument appeared before me this day in person and acknowledged that they signed, sealed, and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and notorial seal this 14th day of November, 1980.

Brian T. Morrow
Notary Public



R80-75231

ACCEPTANCE

Citizens National Bank of Downers Grove as Trustee under Trust No. 2221 do hereby accept the foregoing grant and easement and the terms and conditions thereof.

Michael J. DeBartolo
Michael J. DeBartolo Trust Officer

Cristy L. Bowman
Cristy L. Bowman Ass't. Sec.

This instrument is executed by CITIZENS NATIONAL BANK OF DOWNERS GROVE, Illinois, not personally but solely as Trustee, as aforesaid. All the covenants and conditions to be performed hereunder by CITIZENS NATIONAL BANK OF DOWNERS GROVE are hereby accepted by it solely as Trustee, as aforesaid, and the bank and its personal liability shall not be extended or enlarged against CITIZENS NATIONAL BANK OF DOWNERS GROVE by reason of any of the covenants, statements or representations contained in this instrument.

Heads Brian T. Morrow
1 Heritage Bank Plaza
95th St + Lemont Rd
Downers Grove, IL 60515

GRANT OF EASEMENT

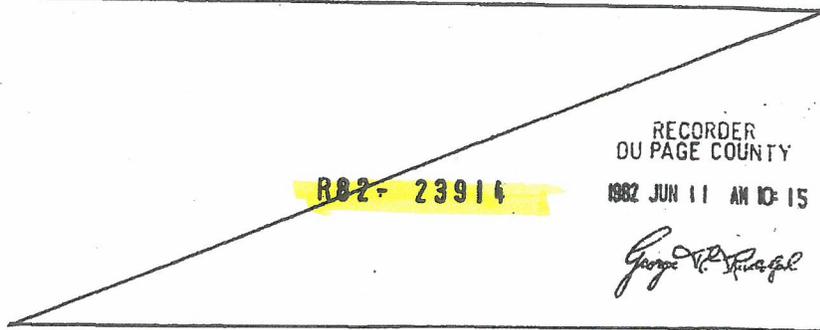
The Grantor(s) CITIZENS NATIONAL BANK OF DOWNERS GROVE, Not
Personally but as Trustee under Trust Agreement No. 2221 dated
September 26, 1978

in consideration of the sum of One Dollar and other valuable consideration, receipt of which is hereby acknowledged, hereby give(s) and grant(s) to COMMONWEALTH EDISON COMPANY, an Illinois Corporation and Illinois Bell Telephone Company, An Illinois Corporation, their respective licensees, successors and assigns; jointly and severally, an easement to construct, operate, maintain, renew, relocate and remove, from time to time, ~~poles~~ wires, cables, conduits, ~~substations~~ transformers, pedestals and other facilities used in connection with ~~overhead~~ underground transmission and distribution of electricity, sounds and signals, together with right of access to the same and the right, from time to time, to trim ~~excessive~~ trees, bushes and saplings and to clear obstructions ~~from the surface~~ and subsurface as may be reasonably required incident to the grant herein given, in, over, under, across, along and upon the surface of property situated in Section 28, Township 39 North, Range 11, East of the 3rd Principal Meridian in DuPage County, Illinois described as follows:

except the East 100 ft. thereof.
The North Ten (10) feet of the property described as follows:

The East 285.0 feet of the South 600.0 feet of the West half of the Southeast Quarter of Section 28, Township 39 North, Range 11, East of the Third Principal Meridian, in DuPage County, Illinois.

This instrument prepared by D. J. Beach
1505 So. 1st Avenue, Maywood, Illinois 60153
on behalf of Commonwealth Edison Company



~~For Individual Signatures~~

~~IN WITNESS WHEREOF, the Grantor(s), set(s) hand(s) and seal(s) hereto this _____ day of _____, 19____.~~

~~Seal
Seal~~

~~Seal
Seal~~

For Corporate or Trust Signature

IN WITNESS WHEREOF, the Grantor Citizens National Bank of Downers Grove,
Not Personally but as Trustee under Trust Agreement No. 2221 dated
September 26, 1978

has caused this instrument to be executed on its behalf and its corporate seal to be affixed hereto this 18th day of May, 1982.

ATTEST: Walter A. Berman By William A. Hoyle
Assistant Secretary (Trust Officer)

* Complete the Appropriate Acknowledgment on Reverse Side Hereof

plans and policies for land use...” so that it is not meant to be an actual document, it is a vision and the Commission intended to keep it that way to encourage development while retaining a level of control going forward.

Chairwoman Tropinski agreed.

Member Doyle believed mixed-use was discussed rather thoroughly and his impression was that as a board felt that the whole concept of mixed use being extended to the Windsor corridor that it was certainly appropriate for the shopping center. He noted he did not have a problem moving the Plan forward.

Motioned by Chairwoman Tropinski, seconded by Member Hasan to recommend approval of the Commercial Areas Revitalization Plan Update draft dated February 7, 2019 along with any needed wordsmithing. ROLL CALL VOTE

Ayes: 4 – Members DiBernardo, Doyle, Hasan and Chairwoman Tropinski

Nays: 0 –

Absent 3 – Members Iyer, Lal and Wilczak. Motion Carried.

The public hearing was concluded.

5

NEW BUSINESS

NEW BUSINESS

A. 3005 OAK BROOK HILLS ROAD – DARWEESH AND AL-DALLAL – MAP AMENDMENT – TO REZONE THE PROPERTY FROM R-1 TO R-2 SINGLE-FAMILY DETACHED ZONING DISTRICT

3005 OAK BROOK
HILLS ROAD –
DARWEESH AND
AL-DALLAL – MAP
AMEND – FROM
R-1 to R-2

Chairwoman Tropinski announced the petition.

Mark Daniel, Daniel Law Office, P.C. 17W733 Butterfield Road, Unit F, Oakbrook Terrace, attorney for the applicants gave an overview of the petition. The applicants have been residents of Oak Brook for ten years. They purchased the property at 3005 Oak Brook Hills Road in 2018 at which time they demolished the existing home due to severe disrepair. They were seeking a map amendment to rezone the property from R-1 to R-2. He clarified to any audience members that nothing they were seeking would alter any access over an existing easement over the property adjacent to and to the west of the site. Currently, there is a right of access for only one residential home and there was no plan to expand that. The property at 3005 was developed and then subdivided and sold preserving an easement for one home only with access to Oak Brook Hills Road and under Illinois law that cannot be changed.

The property was annexed into the village in 1975 and its history was a part of a commercial corridor plan from 1920-1940. The area featured large lots due to that prior planning. There was a long history in trying to sell the property. The applicants purchased the 3.73-acre property at auction in 2018. The proposed plan is to build their residence on the north lot and preserve space for two southerly

residential lots. However, the applicants may also consider a 2-lot subdivision if deemed necessary.

The lot lies between an adjacent R-2 district to the north and an R-3 district to the south. Butterfield Country Club is to the east which is unincorporated DuPage County and is zoned R-3. To the west of the property are eight (8) R-1 single family zoning lots. All of those properties share road access or are on the same block. The subject property does not share any road frontage with properties in the R-1 district.

The north lot would have access from Oak Brook Hills Road over the existing easement that has been in place since the 1970s. The two southerly lots would require DuPage County Department of Transportation's (DOT) approval to gain access to Oak Brook Road.

He distributed copies and presented a PowerPoint which detailed information and photos of the property.

- The property is 3.73-acres which is 187% of the minimum size required for an R-1 lot. The R-2 district allows for one-acre lots and three lots would be possible for this parcel under the local codes.
- The division of the property would meet all stormwater regulations.
- Since the county has jurisdiction over Oak Brook Road, access to each lot is still undetermined.
- Reclassification from R-1 to R-2 allows for feathering/buffering uses.

He pointed out that there is no other parcel in Oak Brook that is situated in a similar fashion. The lot is adjacent to Butterfield Country Club which is an active recreational, non-residential use. The principal issue in this case is the lot area. The division of the lots can be done with access via a 20-foot strip for the lots that do not have Oak Brook Road/31st Street frontage.

Butterfield Country Club has approximately 5-6 holes on its golf course that impact the subject property. DuPage County regulates the golf course and is zoned R-3 which consists of a minimum lot area of 15,000 square feet. The minimum lot width for R-3 is 100 feet and this parcel is 570 feet deep.

The Midwest Club Subdivision (south of the property) was a golf course in 1978 and is currently an R-3 residential district. The general Ginger Creek area to the north of and abutting the property is zoned R-2, but many of the lots in that area are smaller than the R-2, one-acre minimum. The R-1 district on the west side of Oak Brook Hills Road consists of several homes that are approximately 199 feet wide. The existing homes on the east side of Oak Brook Hills Road (and just north of the property) are approximately 183 feet wide. Most homes along Oak Brook Hills Road in the R-1 district are approximately 565 feet deep. Dividing the parcel into three lots would be consistent with the homes in the area.

He believed they would be able to meet the county engineering standards for an

access point from Oak Brook Road in order to avoid burdening the private easement. The subject property's division would likely generate a traffic increase of approximately 28 trips, 14 per home per day for the two additional homes.

A handout titled "The R-1 Market in Oak Brook" was distributed to all commissioners and is included in the case file. It outlined the existing R-1 areas and properties and identified his "excluded" R-1 properties and new construction activity in the R-1 districts. It was discussed line by line in great detail. He did not believe adjacent or opposing R-2 one-acre lots have an impact on R-1 development. The subject property is an outlier and does not share any frontage with any part of its particular R-1 district.

The market performance slide was summarized as follows:

- Buyers generally are not seeking the two-acre, R-1 living environment.
- R-2 classification, one-acre is more in keeping with the market expectancies in the area.
- Transactions and property conditions over the past ten years reflect that R-1 single family zoning is excessively burdensome on the property owner.
- Quality large homes are feasible on each of the three possible lots without disrupting expectations in the area.
- The lots will be larger than 99% of the lots in Midwest Club and Ginger Creek.
- Smaller lots at this location will avoid the peril that this property has seen since 2004.

Mr. Daniel summarized the variation standards as follows and the complete standards are within the case file:

(a) *Neighborhood character. RESPONSE:*

- Effective widths along Oak Brook Road will be the as they are today and similar to the land to the north.
- Densities to the north, east and south are all greater than one home per 3.73-acres.
- The subject property is the largest parcel in the district. Although the lot to the west looks larger, it is technically two parcels with each parcel being smaller than the subject property.

(b) *Limitation on land values. RESPONSE:* The subject property is an outlier and a prime example of the impact of zoning restrictions on the owners' determination to maintain improved land, or not. Large lot developments are not desirable for this type of parcel. The 2018 demolition of a single family residence on the subject property occurred because the residence fell into such disrepair that the owner could no longer justify expenditures on such a large tract. The R-1 single family zoning classification allows for the construction of only one residence on the subject property, and this style of residence has not

been common in recent trends of development in the area. The ability to construct two (or three) homes on the subject property will avoid the diminution in value that led to the prior owner's decision not to appropriately maintain the residence.

(c) Impact of zoning change. RESPONSE: Under an R-2 single family zoning classification, the Subject Property offers a buffer and transition between Butterfield Country Club to the east and a handful of R-1 single family properties to the west. The R-2 single family zoning classification will not impact the land to the north which is uniformly zoned R-2 single family or the residences in the Midwest Club subdivision which sit on smaller lots in an R-3 single family district. The allowance of one-acre lots on the subject property (rather than allowing only one residence on a 3.7-acre lot) will not depreciate the value (actual or perceived) of the lot west of the subject property inasmuch as this lot draws its character from the Oak Brook Hills Road frontage (the home faces southeast) that includes 2700 Oak Brook Road and 3000 Oak Brook Hills Road. Indeed, an abutting R-2 single family district has not provided any disincentive to development and maintenance of homes on R-1 single family lots west of 2712 31st Street and 3003 Oak Brook Drive. As a result, there should be no concern for an impact on values of properties in the area as a result of allowing one-acre lot development on the subject property. This parcel is isolated from the R-1 district inasmuch as access for the one or two new lots is concerned. The real change that would occur with a subdivision is an added driveway off of 31st Street.

(d) Suitability for R-2. RESPONSE: The subject property is generally flat at its north end, and the topography of the land allows for reasonable development of one acre lots without altering drainage in the area. In addition to the circumstances noted above, reasonable lot depths are available for three lots. In the event that the Village allows for one-acre lots, access is available for one lot to the north and the substantial 31st Street/Oakbrook Road frontage (285 feet) allows planning for access from the south. Appropriate rear or rear-to-side yard alignments are possible with R-2 single family zoning. Lastly, transitional zoning or buffering in planning at this particular location supports the reclassification of the Subject Property to R-2 single family use.

(e) Existing zoning. RESPONSE: The existing use of all of property for any relevant distance north and south is for single family detached residential use with a density greater than that allowed under the R-1 single family residential classification. The territory east and northeast of the subject property is the Butterfield Country Club, and this nearly 200-acre tract is planned under County R-3 zoning for lots smaller than those permitted in the Village's R-3 single family classification. There is a small, disconnected R-1 single family residential district situated west of the subject property, but the uses in this district face access challenges with the exception of lots along 31st Street/Oak Brook Road. Due to these challenges, the larger part of this roughly 26-acre

district will not redevelop under standards other than R-1 single family unless there is a unified development. The predominant land classifications in the area allow for denser development rather than one residence for each 3.73-acres.

(f) Length of underutilization. RESPONSE: As noted above, the subject property was improved with a single family home which, for a long period of time, was under-maintained and underutilized. The home was in such disrepair that it had to be demolished.

(g) Relative gains and hardships. RESPONSE:

- The subject property is the only one that suffers the impact of five holes at Butterfield Country Club.
- The only property along the perimeter of Butterfield that is zoned R-1.
- The subject property has frontage only on Oak Brook Road and is isolated from the Oak Brook Hills Road community.
- The legal descriptions are still the historic descriptions.
- Strict R-1 regulations have caused severe disincentives to maintenance of the property.
- Due to the existing easement agreement, only ONE lot would be able to access Oak Brook Hills Road via the easement. Only the north lot would use that access drive. Options are available to provide access.
- The village does not benefit from this property as an R-1 single lot.

(h) Heath, safety and welfare. RESPONSE: The home was placed to the north of the lot which created a large open space. The R-2 lots north of the property and the R-1 lots south of Ginger Creek that have frontage, have an apparent density of one home for every 1.6-acres due to the location of the home on the lot. Looking north from Oak Brook Road and then west of Oak Brook Hills Road the apparent visible density is about one home for every 1.25-acres. The subject property would be 1.24-acres if subdivided into three lots.

(i) The Comprehensive Plan. RESPONSE: R-2 zoning of the subject property is consistent with the planning objectives in the Village's Comprehensive Plan. The piece-meal annexation of the area and the historic creation of the lots is not cohesive with the Ginger Creek quadrant of town. The Ginger Creek area is generally planned for higher density residential of at least R-2.

(j) Community need. RESPONSE: The subject property fell into a horrible condition and could not be reasonably restored. Demolition in 2018 followed a long period of visible disrepair and vacancy. Reclassification to allow a reasonable collection of three lots zoned in the R-2 single family zoning classification not only increases the number of residential lots that will be more reasonably available, but it converts a lot with an immediate and clear history of obsolescence under the currently-applicable R-1 single family regulations. The Village and its residents need to avoid conditions that force properties into a state of failed maintenance, particularly along major corridors. Slightly

adjusting the density for the subject property will accomplish this inasmuch as no individual is likely to develop a single family home on 3.7 acres adjacent to an arterial road *and* a non-residential use when smaller acreage home sites are readily available in the adjoining R-2 and R-3 zoning districts.

Preliminary engineering and stormwater has been reviewed to provide concept plans and identify water flows. All lots within an R-1 district were analyzed in great detail. He believed the subject property was isolated and not in the same position as the rest of the R-1 district. Past subdivisions with similar circumstances were mentioned.

Ray Paice, 2921 Oak Brook Hills Road said the property was part of 80-acres of farmland that was originally owned by one person. The parcels were sold as large lots in order to be classified as recreational and there was a covenant of one house per lot. He opposed dividing the parcel into three lots and believed it would “ruin the community”.

Guljit Singh, 2917 Oak Brook Hills Road opposed dividing the parcel and believed it would change the character of the area. The current lot size is appropriate for the area.

Member Doyle asked Director Budzikowski to comment on the accuracy of Mr. Daniel’s presentation. He found it difficult that property along a golf course would be a negative for property values.

Mr. Daniel commented that during golf season, the all-day activity from the golf course has a negative effect on outdoor activities for the homeowners given the lack of privacy. There is a benefit of privacy during the winter months.

Director Budzikowski responded he was not sure about the historical information that was presented, but would be happy to do research. He agreed that this particular subdivision is piece-meal compared to Ginger Creek or Midwest Club which were planned communities. The lots in this area are much deeper with access to Oak Brook Road which is a county road. Subdivisions with cul-de-sacs, sidewalks, open space areas, common detention and a common subdivision entrances are preferred. This area consists of a combination of R-1 and R-2 lots. R-2 zoning would allow for three 1.24-acre lots. Another alternative would be R-2 zoning with two 1.86-acre lots. They are not bound by the preliminary site plan provided as it was given to staff as tool to ensure it meets minimum lot size and setbacks and to review the flag lot configuration and to determine the location of stormwater detention, which was appreciated by staff. There could also be two houses using the flag onto Oak Brook Road rather than three. He noted that a plat of subdivision could also be provided along with the map amendment which would seek approval of the lots to ensure future development. He noted that Oak Brook is unique in its development patterns with a significant number of flag lots. An additional lot would not be unreasonable. An exhibit was provided by Staff showing the various lot sizes in the area.

Member Hasan lived in the area at one time and noted that she lived in Ginger Creek and was familiar with access onto Oak Brook Road. She also noted the following concerns:

- Splitting the parcel into two lots would result in two families having privacy problems with the golf course.
- The Midwest Club and Ginger Creek were not good comparisons for this lot and feels this lot is on its own more like others on Oak Brook Road.
- A three-lot subdivision, and asked to see what a two-lot subdivision would look like before considering it.

Member DiBernardo was concerned with the access to the property if it were subdivided and questioned if DuPage County would have to approve access. He thought they would have to prove a hardship for the approval and didn't see it as such since the owner created the hardship.

Director Budzikowski believed DuPage County would be required to grant access to Oak Brook Road since the property has frontage. Prior to subdividing the property, the applicant and staff would have a discussion with DuPage DOT to confirm access.

Member Hasan stated the owner knew what they bought and should have asked these questions prior to the purchase. She understood that it was a huge property.

Mr. Daniel stated that whether or not you knew what you bought does not relate to the legislative decision they are asking the commission to recommend. From a policy perspective they are seeking R-2 zoning. The neighbors who spoke in opposition are both in the R-2 zoning district. The subject property is the only R-1 lot adjacent to active recreation.

He was concerned about contract zoning. If the lot had to be subdivided into two they would likely make the north lot the larger of the two. They prefer not to have equal acreage. He mentioned that if they had a 2-acre lot and a 1.7-acre lot someone could later subdivide the 2-acre lot if it were in an R-2 district.

Member DiBernardo pointed out the R-2 properties north of the subject property and along the golf course are used much less densely than the way the petitioner plans to use his property. He believed a two-lot subdivision would be more appropriate than a three-lot. Perhaps they could make it a condition of approval to have the lots subdivide equally in order to prevent further subdivision of a 2-acre lot.

Mr. Daniel was not opposed to a two-lot subdivision, but mentioned that if the R-2 zoning is approved, they may be entitled to a three-lot subdivision.

Member Hasan questioned any limitations or problems relating to the covenant mentioned by Mr. Paice that would limit one home to be built per lot in that area.

Mr. Daniel stated that he had not seen any covenant that exists that states there could only be one home allowed per lot.

Member Doyle noted that a letter was included in the file from the resident at 3001 Oak Brook Hills Road who grants access to 3005 via an easement. The neighbor was opposed to additional homes which would increase traffic and threatened to revoke the access. He questioned if the easement can be taken away once it was given.

Director Budzikowski responded that he had a conversation with the neighbor, Mr. Veluchamy and noted his concerns. The presentation indicated that only one lot would be utilizing the easement. He did not have the specific language for the granting of the easement and whether or not it could be revoked. However, if the easement was for one home and it changed to two or three homes, the neighbor would likely have the ability to prevent that.

Mr. Daniel emphasized there was no intention to burden the existing easement more than it is today, nor do they have any right to according to Illinois law. Mr. Veluchamy cannot terminate the easement, but he can go to court to restrict access.

Chairwoman Tropinski noted that this particular area was not a planned R-1 district since there are different sized lots that are out of place. She would support dividing the property into two lots since it would not destroy the character of the area since there would be enough surrounding land.

Member Doyle questioned if the discussion of the number of lots was irrelevant since the petition was only for a zoning change.

Director Budzikowski felt it was appropriate to discuss the subdivision when deciding on the zoning change. They are not able condition the re-zoning, and recommending R-2 zoning would allow the applicant to subdivide into three-lots.

Member Doyle agreed that the conditions cannot be placed on a request for rezoning and noted conditions could be placed on a subdivision, until a subdivision is before the Plan Commission.

Director Budzikowski agreed that a condition cannot be placed on the rezoning of the property. The Commission could deny the rezoning or continue it to allow for a subdivision to be presented at the same time with the rezoning request. He suggested that perhaps the applicant would be willing to return with the re-zoning and a two-lot subdivision plat request.

Mr. Daniel responded that the applicant's live on White Oak Lane and they have acquired this lot and started with the re-zoning due to subdivision regulations and their timeline for construction of the home and the expense of the preparation of documents for the subdivision. He offered to supply a two-lot subdivision application along with the re-zoning petition.

Member Hasan responded that she would support the matter be continued.

Director Budzikowski noted the date of the next Plan Commission meeting and suggested staff have discussions regarding access with the county, historical information, the subdivision plat and any variations that may be necessary.

Member Doyle stated that if the applicant would be comfortable with presenting a 2-lot subdivision he would be comfortable with it moving along as quickly as possible.

Chairwoman Tropinski noted that she did not need to see anything historic, but would like to see the two-lot subdivision.

All members agreed that they would like to see two-lots as opposed to three.

Mr. Daniel agreed to supply a two-lot subdivision plat with the larger lot being approximately 2.4-acre on the north end of the property.

Motioned by Member Doyle, seconded by Member Hasan to continue the request to the next Plan Commission meeting on March 18, 2019. ROLL CALL VOTE

Ayes: 4 – Members DiBernardo, Doyle, Hasan and Chairwoman Tropinski

Nays: 0 –

Absent 3 - Members Iyer, Lal and Wilczak. Motion Carried.



6. OTHER BUSINESS

OTHER BUSINESS

A. ADOPTION OF THE 2019 VILLAGE OF OAK BROOK OFFICIAL ZONING MAP

ADOPTION OF THE 2019 OFFICIAL ZONING MAP

Motioned by Member Doyle, seconded by Member Hasan to approve the adoption of the Oak Brook Official 2019 Zoning Map and authorize the Corporate Authorities to sign the map and publish in accordance with the Illinois Municipal Code.

ROLL CALL VOTE

Ayes: 4 – Members DiBernardo, Doyle, Hasan and Chairwoman Tropinski

Nays: 0 –

Absent 3 - Members Iyer, Lal and Wilczak. Motion Carried.

There was no other business to be discussed. Director Budzikowski mentioned future business.

7. PUBLIC COMMENTS

PUBLIC COMMENTS

There were no public comments.

Gail Polanek

Subject: FW: Property at 3001 Oakbrook hills road

Subject: Property at 3001 Oakbrook hills road

I am concerned that this property is allowed to subdivide into three parcels, there are three more parcels to the west of this one that is about twelve
Acers and would allow developers to change the zoning code based on your decision for this parcel.

When this section was divided from the eighty acers, the owner wanted large lots and open spaces, it was told to me they would only be one house per lot
Per zone, we have one of the few places in Oak Brook that are like this. I talk to some of the home owners they are against any subdivision of the property
At 3001 Oak Brook Hills Rd. or any other parcels in our section.

The park district had a bond issue to buy twenty acers to stop development, 60% voted in favor for more open space, less housing.
Ray Paice

THE R-1 MARKET IN OAK BROOK

1. Identifying the Defined R-1 Areas
 - 1.1. Breakenridge Farm (1984)
 - 1.2. 35th and Adams (historic, 1968)
 - 1.3. Canterbury (mostly historic, pre-Village)
 - 1.4. Hunt Club (1952, 1996, some R-2)
 - 1.4.1. Substandard R-2 lots adjacent to R-1 on west side of Hunt Club Drive at entry (2003, 2010)
 - 1.5. Deerpath Woods (2008)
 - 1.6. Templeton Woods (2014)
 - 1.7. Oak Brook Hills (historic, some R-2)
2. Identifying Outliers
 - 2.1. Subject Property (disconnected from Oak Brook Hills Road, adjacent active recreational)
 - 2.2. 2222 35th Street (built 1959, ann. 1963, will be divided)
 - 2.3. NW Corner of 35th and Adams (2 homes on less than 2 acres—2002 and 2017)
 - 2.3.1. Two homes on substandard lots, 1 acre and 0.88 acres
 - 2.4. SW Corner of 35th and Adams (purchased substantially undermarket, built 2017)
 - 2.4.1. One new home on undermarket lot
 - 2.5. 3312 Midwest Road (isolated from other residential R-1)
3. Excluded R-1
 - 3.1. Forest Preserve Property (Graue Mill)
 - 3.2. McDonald's (Oak Brook Road)
 - 3.3. Butler (Golf)
 - 3.4. Oak Brook Christian Center (north of 3312 Midwest Road)
4. New Construction Activity
 - 4.1. Breakenridge Farm (one new home in 2015, completed 2018)
 - 4.1.1. Not adjacent to R-2
 - 4.2. Canterbury (2 new homes, 2014, 2015)
 - 4.2.1. One adjacent to R-2, 321 Canterbury (2015)
 - 4.3. Hunt Club (no new homes)
 - 4.4. Deerpath Woods (2 of five still vacant, but 1 of these 2 is under construction)
 - 4.5. Templeton Woods (currently one spec home and one build for owner)
 - 4.6. Oak Brook Hills (currently one home under construction post demolition)
 - 4.6.1. The home is directly across from R-2 on east side of Oak Brook Hills Road
 - 4.6.2. Visual or street-apparent density is 8 homes on 12.5 acres (1 per 1.5 ac.)
 - 4.6.3. Proposed is 3 homes on 3.73 acres (1 per 1.24 ac.)
 - 4.6.4. Central Block R-1 has a visual density of 6 homes on 7.5 acres (1 per 1.25 ac.)
 - 4.6.5. North of Subject Property 7 homes on 11.5 acres (1 per 1.64 ac.)
 - 4.7. 3324 North Adams (demolition in 2009, no activity since)
5. Conclusions
 - 5.1. Adjacent or opposing R-2 one acre lots have no impact on R-1 development and maintenance
 - 5.1.1. Planning sequence grounds (3312 Midwest Road, 2222 35th Street, Hunt Club Entry)

- 5.1.2. Nearby new construction grounds (2900, 2916, 3000 Oak Brook Hills, 2712 Oakbrook Rd.)
- 5.1.3. Other new construction grounds (321 Canterbury)
- 5.2. R-1 real estate market is non-existent for the isolated Subject Property
 - 5.2.1. Core R-1 district properties are not yet built out
 - 5.2.2. Only connected R-1 properties see new construction

N →

1

570

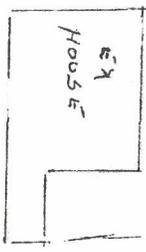
HALF OAK BROOK HILLS RD

285

570

142.5

142.5



3001

TAX #
6-28-403-012

3005

TAX #
6-28-403-013

OAK BROOK RD 31' WIDE

BUTTERFIELD CC PROP.

FENCE BUTTERFIELD CC

APPROX
W/0

Gail Polanek

From: Arun <aruner@yahoo.com>
Sent: Saturday, February 9, 2019 9:18 AM
To: Tony Budzikowski
Subject: 3005 Oak Brook Hills Rd Zoning

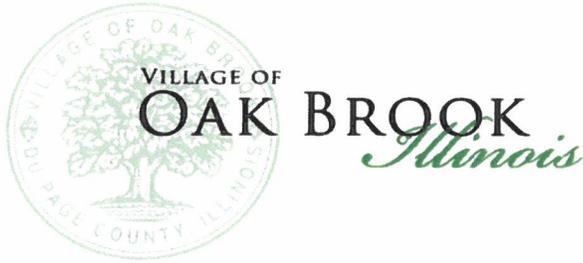
Tony,

As we talked about on Friday, I am concerned about the zoning change on 3005 Oak Brook Hills Road. I am the owner of 3001 Oak Brook Hills Road and also owned 3005 Oak Brook Hills Road from 2004 until 2016. I grant access to 3005 Oak Brook Hills Road via an easement thru my property. I don't want it to be a heavy traffic area with more cars if there are additional houses built on 3005 Oak Brook Hills Road. I have little kids that play outside on that driveway. My easement is for 3005 Oak Brook Hills Rd only and cannot be used for multiple houses or access. I will revoke this easement or close access if this occurs as a safety to my family and kids.

If you have any questions, please let me know.

Thanks,

Arun K. Veluchamy
3001 Oak Brook Hills Road



ITEM 5.A
3005 Oak Brook Hills Road
Darweesh and Al-Dallal
MAP AMENDMENT R-1 TO R-2

INDEX

PAGE	CONTENTS
7-7.d	Staff Report dated February 6, 2019
6	Aerial View of Site
5-5.a	Updated Resident Letter dated January 25, 2019 and Initial Resident Letter dated January 7, 2019
4	Certificate of Publication dated January 9, 2019
3-3.b	Board of Trustees Meeting Minutes dated January 8, 2019
2	Referral Memo – Board of Trustees Agenda dated January 8, 2019
1	R-1 and R-2 Lot Area Requirements Comparison

Petition Application Documents

A	Petition Application – Map Amendment
B-B.2	Letter of Explanation and
B.2-B-7	Zoning Amendment Factors and Conclusion
C	Fee Receipt
D	Conceptual Subdivision Plan dated December 26, 2018 (Included – Not Attached)
E-E.2	Certification of Surrounding Property Owners and List
F	Subject Property Verification and Legal Description
G	Letter of Authorization
H	Zoning Map Excerpt of Subject Property (SP)
I-I.3	Copy of Deed
J-J.7	Grant of Easement
K	Plat of Survey dated May 23, 2018 (Included – Not Attached)

VILLAGE OF OAK BROOK
Plan Commission

STAFF REPORT

DATE: February 6, 2019

CASE NO: 2018-21-ZO-MA

DESCRIPTION: Rezoning from R-1 Single Family to R-2 Single Family

PARCEL SIZE: 162,479 square feet or approximately 3.73-acres

PETITIONER: Mutazz H. Darweesh and Nada Al-Dallal
3011 White Oak Lane
Oak Brook, IL 60523

PROPERTY ADDRESS: 3005 Oak Brook Hills Road

EXISTING ZONING: R-1 Single Family Detached Residence District

ZONING/USE OF SURROUNDING PROPERTY:

North: R-2 Single Family, improved with single family homes.

South: R-3 Single Family, improved with single family homes in the Midwest Club Subdivision.

East: R-3 Single Family in unincorporated DuPage County, improved with the Butterfield Country Club golf course

West: R-1 Single Family, improved with single family homes.

BACKGROUND:

The petitioner and owner of the property has submitted an application requesting approval of a rezoning from R-1 Single Family to R-2 Single Family for a 3.73-acre property located on the north side of Oak Brook Road, immediately west of the Butterfield Country Club. The petitioner acquired the property after it fell into disrepair. In 2018, they demolished the then-existing single family home. The petitioner is in the process of designing a new home that will be located on a portion of the property with the intent of preserving land for two (2) additional residential lots to the south. There is no current plan for a subdivision of the property at this time.

STAFF ANALYSIS:

Comprehensive Plan. The subject property is identified as Single Family Residential in the Village's 1990 Comprehensive Plan. Properties located to the north, south and west are also identified as Single Family Residential. The Butterfield Country Club located immediately east of the subject property is identified as a Private Recreation land use in the Plan. The Village's 1990 Plan does not differentiate between different types of single family land uses in terms of lot

**STAFF REPORT – 3005 OAK BROOK HILLS ROAD
 REZONING FROM R-1 TO R-2
 CASE NO. 2018-21-ZO-MA**

sizes and only specifies single family and multi-family in the Plan. A color copy of the 1990 Plan has been provided as part of the staff report for review and reference purposes (case file page 7.c.).

Zoning District Standards. The following table summarizes the dimensional standards in the existing R-1 district, proposed R-2 district and the R-3 district.

	<i>Existing Zoning: R-1 Single Family</i>	<i>Proposed Zoning: R-2 Single Family</i>	<i>R-3 Single Family</i>
Minimum Lot Size	2 acre	1 acre	25,000 sq ft
Minimum Lot Width	220 feet	150 feet	100 feet
Front Setback	50 ft	40 ft	40 ft
Side Setback	30 ft	18 ft	12 ft
Rear Setback	100 ft	60 ft	40 ft
Building Height	50 ft	45 ft	40 ft

The R-3 district has been included since single family homes to the south (across Oak Brook Road) are zoned R-3 in the Midwest Club Subdivision.

Lot Size/ Density. A separate lot size / density exhibit has been included with the staff report to provide a comparison of lot sizes for properties located on Oak Brook Hills Road, Oak Brook Drive and on Oak Brook Road. The lot sizes in acres are depicted on the accompanying map in red text (case file page 7.d). 26 lots are identified on the map and are zoned either R-1 or R-2. The average lot size for these lots is 2.3 acres.

Vehicle Access. The existing lot at 3005 Oak Brook Hills Road previously contained a single family home that received vehicular access to Oak Brook Hills Road by way of a private cross access easement granted by and through the property at 3001 Oak Brook Hills Road. There are currently no curb cuts on Oak Brook Road for either 3001 or 3005 Oak Brook Hills Road although both lots have frontage onto Oak Brook Road. Any future curb cuts for vehicle access are subject to DuPage County Department of Transportation (DuDOT) review and approval because Oak Brook Road is under the county’s jurisdiction. It is anticipated that the addition of one or two (2) more lots at 3005 Oak Brook Hills Road will necessitate the use of a curb cut and access onto Oak Brook Road for future vehicle access.

Stormwater Management/ Floodway/ Floodplain. The 3.73-acre property is not in the regulatory floodway or floodplain. Redevelopment of the one lot property requires that future construction or subdivision comply with the Village of Oak Brook and DuPage County Stormwater and Floodplain regulations.

**STAFF REPORT – 3005 OAK BROOK HILLS ROAD
REZONING FROM R-1 TO R-2
CASE NO. 2018-21-ZO-MA**

Concept Subdivision Plan. A concept plan labeled “concept subdivision plan” (included as page D in the case file) has been submitted by the petitioner at the request of staff for discussion purposes. The intent of the concept plan is to provide the Village with a better understanding of possible redevelopment scenarios to depict lot lines and lot layout, lot sizes, building setbacks, easements and vehicle access. The petitioner has not submitted a formal subdivision plat request at this time.

RESPONSIBILITIES OF HEARING BODIES:

The Plan Commission has the responsibility to make a recommendation on this request for a proposed amendment and determine if it is in compliance with the Village’s official plan, zoning ordinance and other applicable ordinances.

In accordance with Chapter 14, Section 13-14-8 of the zoning regulations, no vote shall be taken upon the adoption of a proposed amendment by the Village Board of Trustees until after a public hearing before the Zoning Board of Appeals and a report of its findings and recommendations has been submitted to the Board of Trustees along with the recommendation of the Plan Commission.

Please include in your consideration, the findings identified in Attorney Mark Daniel’s letter included in your packet.

CONCLUSION:

Staff would like the Plan Commission’s feedback on the proposed rezoning request and its compliance with the comprehensive plan, zoning ordinance and other applicable ordinances. If the Plan Commission believes that it has sufficient information to make a recommendation to the Zoning Board of Appeals, it may do so. Alternately, the Plan Commission may continue this matter to a future Plan Commission meeting in order to request additional information from the applicant or to provide additional time for review, comment and further deliberation. The Plan Commission’s next regular meeting is March 18, 2019 if you would like to continue the public meeting.

Please contact me if you have any questions.

Respectfully Submitted,



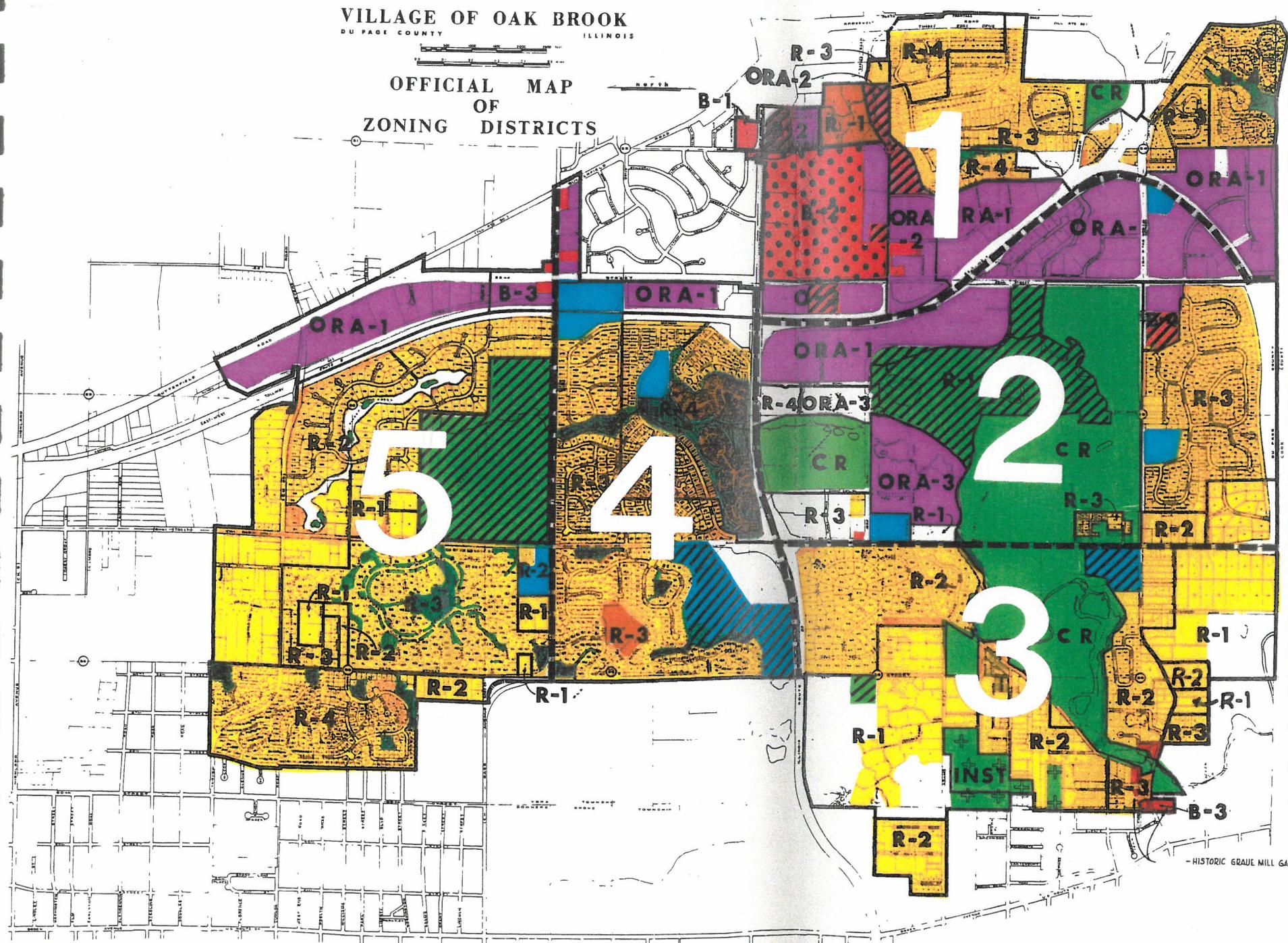
Tony Budzikowski, AICP
Director of Development Services

VILLAGE OF OAK BROOK
DU PAGE COUNTY ILLINOIS

OFFICIAL MAP
OF
ZONING DISTRICTS

OAK BROOK
ILLINOIS

EXISTING LAND USE
COMPREHENSIVE PLAN



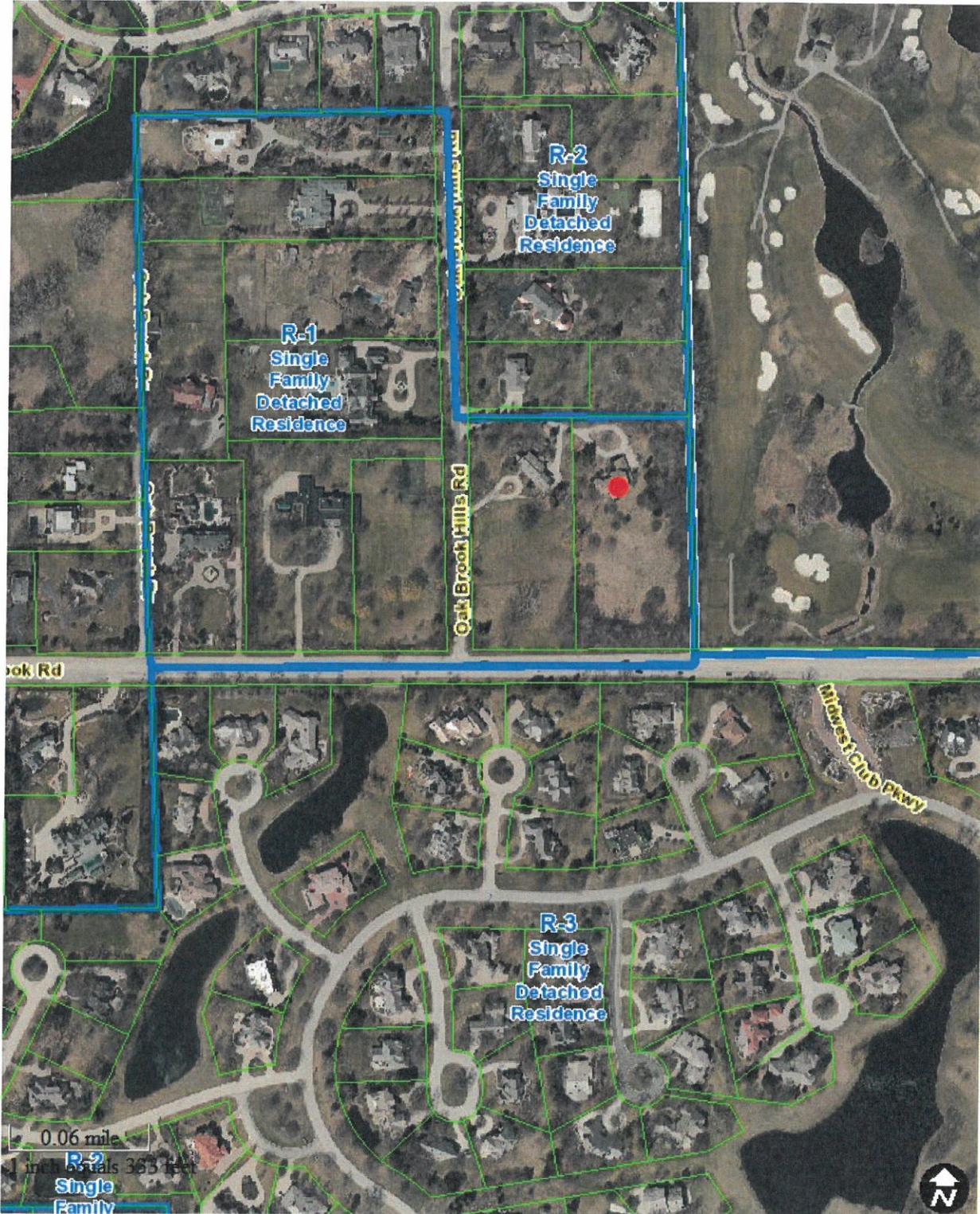
-  VACANT
-  SINGLE FAMILY RESIDENTIAL
-  MULTI FAMILY RESIDENTIAL
-  ORA
-  OAK BROOK SHOPPING CENTER
-  LOCAL COMMERCIAL
-  HOTEL
-  PUBLIC PARK/FOREST PRESERV
-  PRIVATE RECREATION
-  CEMETERY
-  CHURCH
-  PUBLIC/MUNICIPAL
-  PLANNING DISTRICT BOUNDARIES

- HISTORIC GRADE MILL GATEWAY AREA



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 This information is provided for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise

Average Lot Size = 2.3 acres



Map created on January 15, 2019.
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Disclaimer: This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.



**BUTLER GOVERNMENT CENTER
1200 OAK BROOK ROAD
OAK BROOK, ILLINOIS 60523**

January 25, 2019

Dear Resident:

A notice of this applicants' request was previously sent to you on January 7, 2019. This matter was later continued by the Oak Brook Plan Commission to their next scheduled date. The Plan Commission will commence its review of a request for a map amendment at the meetings scheduled on the reverse side of this notice. Following the completion of the Plan Commission review, the Oak Brook Zoning Board of Appeals will be holding the required public hearing at its meetings on the reverse side of this notice.

Following the conclusion of the public hearing, the Village Board will be considering the recommendations from the Plan Commission and Zoning Board of Appeals at its meeting.

The application has been filed by: Mutazz H. Darweesh and Nada Al-Dallal
3011 White Oak Lane
Oak Brook, IL 60523

The property in question is located at: 3005 Oak Brook Hills Road

Relationship of applicant to property: Owner

Also shown on the reverse side of this notice is a map* of the area to assist you in determining your relationship to the property in question.

The petitioner is requesting a map amendment to rezone the 3.73-acre subject property located at 3005 Oak Brook Hills Road from the R-1 Single-Family Detached Residence District designation to the R-2 Single-Family Detached Residence District designation.

If you desire more detailed information, please contact the Development Services Department at 630-368-5106 or 630-368-5103 to make arrangements to review the application, typically 8:00 a.m. - 4:00 p.m., Monday through Friday, with the exception of holidays.

Sincerely,

Tony Budzikowski, AICP
Director, Development Services Department

TB/gp

In accord with the provisions of the Americans with Disabilities Act, any individual who is in need of a reasonable accommodation in order to participate in or benefit from attendance at a public meeting of the Village of Oak Brook should contact the Butler Government Center (Village Hall), at 630-368-5010 as soon as possible before the meeting date or for TDD response (630) 990-2131 as soon as possible before the meeting date.

All meetings are held in the Butler Government Center of the Village of Oak Brook, located at 1200 Oak Brook Road (31st Street and Spring Road), Oak Brook, Illinois.

Plan Commission Meeting (PC) 7:00 p.m., Monday, February 11, 2019

Zoning Board of Appeals Meeting (ZBA) 7:00 p.m., Tuesday, March 5, 2019**

Board of Trustees Meeting 7:00 p.m., Tuesday, March 26, 2019***

**Official Public Hearing - Date is Tentative - Follows the completion of the PC review

***Note: Date is Tentative - Follows the completion of the ZBA public hearing.



*Note: The map provided is only an approximation of the area in question and is intended to be used only as a visual aid to determine your relationship to the property



**BUTLER GOVERNMENT CENTER
1200 OAK BROOK ROAD
OAK BROOK, ILLINOIS 60523**

January 7, 2019

Dear Resident:

The Oak Brook Plan Commission, Zoning Board of Appeals and the Village Board will be considering a map amendment to the Zoning Regulations as requested below at its meetings scheduled on the reverse side of this notice.

The application has been filed by: Mutazz H. Darweesh and Nada Al-Dallal
3011 White Oak Lane
Oak Brook, IL 60523

The property in question is located at: 3005 Oak Brook Hills Road

Relationship of applicant to property: Owner

Also shown on the reverse side of this notice is a map* of the area to assist you in determining your relationship to the property in question.

The petitioner is requesting a map amendment to rezone the 3.73-acre subject property located at 3005 Oak Brook Hills Road from the R-1 Single-Family Detached Residence District designation to the R-2 Single-Family Detached Residence District designation.

If you desire more detailed information, please contact the Development Services Department at 630-368-5106 or 630-368-5103 to make arrangements to review the application, typically 8:00 a.m. - 4:00 p.m., Monday through Friday, with the exception of holidays.

Sincerely,

A handwritten signature in black ink that reads "Tony Budzikowski".

Tony Budzikowski, AICP
Director, Development Services Department

TB/gp

In accord with the provisions of the Americans with Disabilities Act, any individual who is in need of a reasonable accommodation in order to participate in or benefit from attendance at a public meeting of the Village of Oak Brook should contact the Butler Government Center (Village Hall), at 630-368-5010 as soon as possible before the meeting date or for TDD response (630) 990-2131 as soon as possible before the meeting date.

All meetings are held in the Butler Government Center of the Village of Oak Brook, located at 1200 Oak Brook Road (31st Street and Spring Road), Oak Brook, Illinois.

Plan Commission Meeting 7:00 p.m., Monday, January 21, 2019

Zoning Board of Appeals Meeting**. 7:00 p.m., Tuesday, February 5, 2019

Board of Trustees Meeting 7:00 p.m., Tuesday, February 26, 2019***

**Official Public Hearing

***Tentative Follows the completion of the Zoning Board of Appeals meeting.



*Note: The map provided is only an approximation of the area in question and is intended to be used only as a visual aid to determine your relationship to the property

3005 OAK Brook Hills

NOTICE IS HEREBY GIVEN that a public hearing before the Zoning Board of Appeals of the Village of Oak Brook, DuPage and Cook Counties, Illinois, will be held on Tuesday, February 5, 2019 at 7:00 p.m. in the Samuel E. Dean Board Room of the Butler Government Center, Village of Oak Brook, 1200 Oak Brook Road, (31st Street and Spring Road), Oak Brook, Illinois 60523 for the purpose of considering the application from the petitioners, Mutazz H. Darweesh and Nada Al-Dallal, 3011 White Oak Lane, Oak Brook, Illinois 60523. The applicants are seeking a map amendment as provided for under Title 13 of the Zoning Ordinance of the Village of Oak Brook, Illinois, Ordinance G-60 as amended.

The petitioner is seeking the approval of a map amendment to rezone the 3.73-acre subject property from the R-1 Single-Family Detached Residence District to the R-2 Single-Family Detached Residence District.

The property may be generally described as 3005 Oak Brook Hills Road, Oak Brook, IL with the legal description as follows:

THE EAST 285.0 FEET OF THE SOUTH 600.0 FEET OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

PIN: 06-28-403-013
The petitioner's application including all supporting documents is on file with the Director of the Development Services Department. Persons wishing to examine the petition documents may arrange to do so with the Development Services Department, Village of Oak Brook, 1200 Oak Brook Road, Oak Brook, IL 60523, telephone 630-368-5106. In accord with the provisions of the American with Disabilities Act, any individual who is in need of a reasonable accommodation in order to participate in or benefit from attendance at this public meeting should contact the Butler Government Center (Village Hall), at 630-368-5010 as soon as possible before the meeting date or for TDD response (630) 990-2131 as soon as possible before the meeting date.

Charlotte Pruss, Village Clerk
Published at the direction of the Corporate Authorities and the Zoning Board of Appeals of the Village of Oak Brook, DuPage and Cook Counties, Illinois.

Published in Daily Herald January 9, 2019 (4516066)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

DuPage County Daily Herald

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the **DuPage County DAILY HERALD**. That said **DuPage County DAILY HERALD** is a secular newspaper, published in Naperville and has been circulated daily in the Village(s) of:

Addison, Aurora, Bartlett, Bensenville, Bloomingdale, Carol Stream, Darien, Downers Grove, Elmhurst, Glen Ellyn, Glendale Heights, Hanover Park, Hinsdale, Itasca, Keeneyville, Lisle, Lombard, Medinah, Naperville, Oakbrook, Oakbrook Terrace, Plainfield, Roselle, Villa Park, Warrenville, West Chicago, Westmont, Wheaton, Willowbrook, Winfield, Wood Dale, Woodridge

County(ies) of DuPage

and State of Illinois, continuously for more than one year prior to the date of the first publication of the notice hereinafter referred to and is of general circulation throughout said Village(s), County(ies) and State.

I further certify that the DuPage County DAILY HERALD is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published 09-JAN-19 in said DuPage County DAILY HERALD.

IN WITNESS WHEREOF, the undersigned, the said PADDOCK PUBLICATIONS, Inc., has caused this certificate to be signed by, this authorized agent, at Arlington Heights, Illinois.

PADDOCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY Daula Baltz
Designee of the Publisher and Officer of the Daily Herald

Control # 4516066

5. APPROVAL OF MINUTES

A. Regular Board of Trustees Meeting Minutes of December 11, 2018

Motion by Trustee Cuevas, seconded by Trustee Manzo, to approve the Minutes of the Regular Board of Trustees Meeting Minutes of December 11, 2018. VOICE VOTE: Motion carried.

CONSENT AGENDA:

6. All items on the Consent Agenda are considered to be routine in nature and will be enacted in one motion. There will be no separate discussion of these items unless a Board member so requests, in which event, the item will be removed from the Consent Agenda and considered as the first item after approval of the Consent Agenda.

A. Accounts Payable for Period Ending:

Period Ending December 20, 2018 - \$1,988,430.38

Period Ending January 3, 2019 - \$250,037.70

Significant Items included in Above:

- 1) DuPage County ETSB - November 30, 2018 - \$35,405.07
- 2) Health Care Services - BCBS HMO - January 2019 - \$29,957.25
- 3) J & R 1st in Asphalt, Inc. - OB Golf Course Cart Path - November 6, 2018 - \$30,237.02
- 4) Burns & McDonnell Engineering Co., Inc. - Engineering Services - November 2018 - \$20,013.00
- 5) Burns & McDonnell Engineering Co., Inc. - Engineering Services - August 2018 - \$21,002.00
- 6) CDS Office Technologies - PD/Information Technology - \$61,940.00
- 7) Core & Main Water Meter Install Project:
 - a) Invoice - J829733 \$33,500.00
 - b) Invoice - J870826 \$47,494.00
- 8) DuPage Water Commission - November 2018 - \$279,900.40
- 9) Fitzgerald's Electrical Contr., Inc. - B & T Electrical - \$155,822.00
- 10) Health Care Services - BCBS PPO - November 2018 - \$192,077.54
- 11) Rush Oak Brook Orthopaedic Ctr. - Bond Check - Permit 17-3-075 - \$102,000.00
- 12) Oak Brook Fire Additional Pension Contribution - FY18 - \$155,302.67
- 13) Oak Brook Police Additional Pension Contribution - FY18 - \$263,539.59
- 14) Orbis Construction Co., Inc. - OB Golf Club Project - \$74,322.00
- 15) Orbis Construction Co., Inc. - OB Golf Club Project - \$131,897.70

B. Approval of Payroll for Pay Period Ending:

1. December 15, 2018 - \$846,250.65

2. December 29, 2018 - \$755,266.08

C. Development Services Referrals

1. 900 Commerce Drive – Zoning Variation to Permit and Allow Parking in the Front Yard Setback

2. 3005 Oak Brook Hills Road – Rezoning from R-1 Single-Family District to R-2 Single-Family District

3. 42 Woodside Drive – Zoning Variations to the Front Yard and Side Yard Abutting a Street Setbacks for the Construction of an Addition to the Existing Residence

D. Authorization to Seek Bids or Proposals or Negotiate Contracts:

1. Golf Course Cart Path Paving

2. Golf Course Commodities

E. Ordinances & Resolutions

1. RESOLUTION 2019-SC-GOLF-AG-R-1769, A Resolution Approving the Waiver of Competitive Bidding and Authorizing the Village to Enter into a Contract with Procraft Heritage Creations to Undertake Golf Pro Shop Renovations

2. RESOLUTION 2019-SC-GOLF-PG-R-1770, A Resolution Approving the Waiver of Competitive Bidding and Authorizing the Purchase of Golf Merchandise for Resale

3. RESOLUTION 2019-PW-SC-TREE-R-1771, A Resolution Waiving Competitive Bidding and Authorizing the Execution of a Professional Service Agreement Between the Village of Oak Brook and Homer Tree Care, Inc. in Relation to Removal of Buckthorn, Ash Trees, and Dead Trees at the Sports Core Property

4. RESOLUTION 2019-IT-GIS-AG-R-1772, A Resolution Approving the Waiver of Competitive Bidding and Authorizing the Extension of an Agreement By and Between the Village of Oak Brook and Municipal GIS Partners, Inc. to Provide GIS Support Services.

5. RESOLUTION 2019-SC-B&T-ENG-AG-R-1773, A Resolution Approving and Authorizing a Professional Services Agreement By and Between the Village of Oak Brook and Burke, LLC for Sports Core Drainage Improvements and Bath & Tennis Circle Drive Reconstruction

6. RESOLUTION 2019-SC-B&T/P-R-1774, A Resolution Waiving Competitive Bidding and Authorizing the Execution of a Professional Service Agreement Between the Village of Oak Brook and Mid-America Pool Renovation, Inc. to Provide Bath & Tennis Pool Repairs

7. RESOLUTION 2019-MRKTG-AG-R-1775, A Resolution Approving the Waiver of Competitive Bidding and Authorizing a Retainer Fee Services Agreement for Advertising and Marketing Services
By and Between the Village of Oak Brook and Point B Communications

8. RESOLUTION 2019-LY-PG-R-1776, A Resolution Approving the Waiver of Competitive Bidding and Authorizing the Purchase of Library Books From Authorized Distributors

9. ORDINANCE 2019-TA-COM-G-1143, An Ordinance Amending Title 2 of the Village of Oak Brook Municipal Code to Establish the Technology Advisory Committee

F. Sports Core Loan

G. Village of Oak Brook - Monthly Financial Reports - November 2018

Motion by Trustee Cuevas, seconded by Trustee Manzo, to approve the Consent Agenda, with the exception of Items 6.C.1., 6.D.1., 6.E.1., 6.E.2 and 6.E.3, and authorize expenditures as presented.

ROLL CALL VOTE:

Ayes: 6 – Trustees Baar, Cuevas, Manzo, Saiyed, Tiesenga, Yusuf

Nays: 0 – None

Abstain: 0 – None

Absent: 0 – None

Motion carried.

7. ITEMS REMOVED FROM CONSENT AGENDA

6.C.1. 900 Commerce Drive – Zoning Variation to Permit and Allow Parking in the Front Yard Setback

Motion by Trustee Tiesenga, seconded by Trustee Manzo, to discuss the item.

Trustee Tiesenga expressed his concerns regarding the information on the front yard setback. Discussion ensued regarding the referral process.

Motion by Trustee Cuevas, seconded by Trustee Yusuf, that the Village Board refer the request for a zoning variation to the Zoning Board of Appeals for public hearing and recommendation.

ROLL CALL VOTE:

Ayes: 5 – Trustees Baar, Cuevas, Manzo, Saiyed, Yusuf

Nays: 1 – Trustee Tiesenga

Abstain: 0 – None

Absent: 0 – None

Motion carried.

6.D.1. Golf Course Cart Path Paving

Motion by Trustee Baar, seconded by Trustee Cuevas, that the Village Board authorize staff to obtain bids for golf course cart path paving.

Trustee Baar commented that he would like Public Works to continue to be involved with the Sports Core in order to get the best pricing for Village projects.

ROLL CALL VOTE:

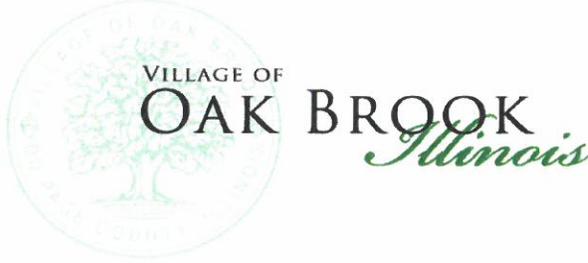
Ayes: 6 – Trustees Baar, Cuevas, Manzo, Saiyed, Tiesenga, Yusuf

Nays: 0 – None

Abstain: 0 – None

Absent: 0 – None

Motion carried.



ITEM 6.C.2

BOARD OF TRUSTEES MEETING
SAMUEL E. DEAN BOARD ROOM
BUTLER GOVERNMENT CENTER
1200 OAK BROOK ROAD
OAK BROOK, ILLINOIS
630-368-5000

AGENDA ITEM

Regular Board of Trustees Meeting
of
January 8, 2019

SUBJECT: Referral – 3005 Oak Brook Hills Road – Rezoning from R-1 Single-Family District to R-2 Single-Family District

FROM: Tony Budzikowski, AICP, Development Services Director TB

BUDGET SOURCE/BUDGET IMPACT: N/A

RECOMMENDED MOTION: I move to refer the request for rezoning from R-1 Single-Family District to R-2 Single-Family District to the Plan Commission and Zoning Board of Appeals for public hearing and recommendation.

Background/History:

Mutazz H. Darweesh and Nada Al-Dallal, the property owners, have submitted a petition requesting approval of a rezoning request from R-1 Single-Family District to R-2 Single-Family District for the property located at 3005 Oak Brook Hills Road. The property is 3.7-acres and is located on the north side of 22nd Street approximately 350 feet east of Oak Brook Hills Road. This property is also currently vacant at this time because the single-family home that was previously on the property was demolished last year.

The petitioner is requesting approval of a rezoning request for R-2 Single Family that would permit and allow a minimum lot size of one-acre in this zoning classification. The R-1 Single-Family district lots require a minimum of 2.0-acres in area.

Recommendation:

Please refer the request for rezoning from R-1 Single-Family District to R-2 Single-Family District to the Plan Commission and Zoning Board of Appeals for public hearing and recommendation.

**R-1 SINGLE-FAMILY DETACHED
RESIDENCE DISTRICT**

13-6A-3: LOT AREA REQUIREMENTS

A. Lot Area: Except as otherwise required in this title for a specific use, not less than two (2) acres.

B. Lot Width: Not less than two hundred twenty feet (220') within the buildable area.

C. Floor Area Ratio: Not to exceed 0.4 for nonresidential uses.

D. Structure Height:

1. Residential uses: Not more than fifty feet (50'), except for continuous flat roofs, which shall be not more than thirty five feet (35') to the top of any parapet wall. However, where residential building heights exceed thirty feet (30'), the highest space that can be occupied must have an emergency escape and rescue opening at a maximum elevation of thirty two feet (32') above grade.

2. Nonresidential uses: Not more than forty five feet (45') excluding village owned communication towers, which may not exceed a height of one hundred twenty feet (120').

F. Yards: Except as required in subsections 13-6A-1B and D of this article, under "accessory uses and structures", yards shall be provided as follows:

1. Front: Not less than fifty feet (50') in depth, except front yards abutting York and Cermak Roads shall have a depth of not less than one hundred feet (100').

2. Side: Not less than thirty feet (30') in depth, except: a) a side yard abutting a street shall be not less than fifty feet (50') in depth, and for nonresidential uses each interior side yard shall be increased by not less than two feet (2') for each one foot (1') of structure height over thirty feet (30').

3. Rear: Not less than one hundred feet (100') in depth. (Ord. G-60, 3-22-1966; Ord. G-616, 8-11-1998; Ord. G-730, 9-23-2003; Ord. G-938, 11-9-2010; Ord. G-977, 8-14-2012)

**R-2 SINGLE-FAMILY DETACHED
RESIDENCE DISTRICT:**

13-6B-3: LOT AREA REQUIREMENTS:

A. Lot Area: No less than one acre, except as otherwise required in this title for a specific use.

B. Lot Width: Not less than one hundred fifty feet (150') within the buildable area.

C. Floor Area Ratio: Not to exceed 0.4 for nonresidential use.

D. Structure Height:

1. Residential Uses: Not more than forty five feet (45') for lots one acre or larger and forty feet (40') for lots less than one acre, except for continuous flat roofs, which shall be not more than thirty five feet (35') to the top of any parapet wall. However, where residential building heights exceed thirty feet (30'), the highest space that can be occupied must have an emergency escape and rescue opening at a maximum elevation of thirty two feet (32') above grade.

2. Institutional And Other Nonresidential Uses: Not more than forty five feet (45').

F. Yards: Except as required in subsections B and D under "accessory uses and structures" in section 13-6A-1 of this chapter, yards shall be provided as follows:

1. Front: Not less than forty feet (40') in depth.

2. Side: Not less than eighteen feet (18') in depth except:

a. A side yard abutting a street shall not be less than forty feet (40') in depth;

b. To accommodate a side load garage, the minimum side yard setback (on 1 side yard) must be at least twenty three feet (23'); the width of the pavement opposite of the garage door must be a minimum of twenty three feet (23');

c. For nonresidential uses each side yard abutting a street shall be not less than fifty feet (50') in depth and each interior side yard shall be not less than thirty feet (30') in depth and increased by not less than two feet (2') for each one foot (1') of structure height over thirty feet (30').

3. Rear: Not less than sixty feet (60') in depth. (Ord. G-60, 3-22-1966; Ord. G-328, 8-24-1982; Ord. G-616, 8-11-1998; Ord. G-730, 9-23-2003)



VILLAGE OF OAK BROOK
1200 OAK BROOK ROAD
OAK BROOK, IL 60523
 630-368-5103

PETITION APPLICATION for PUBLIC HEARING

ZONING ORDINANCE:

APPEAL (\$300)

VARIATION (\$750)

AMENDMENT (\$750)

SPECIAL USE (\$750)

CERTIFICATE OF APPROPRIATENESS (\$500)

STORMWATER: VARIATION (\$750)

PUBLIC HEARING SIGNS (\$50- each lot frontage) - Enter Number of Street Frontages/Per Parcel

APPLICANT TO COMPLETE

NOTE: ALL APPLICATIONS ARE TO BE RECEIVED BY THE DIRECTOR OF COMMUNITY DEVELOPMENT AND AFTER AN INITIAL REVIEW WILL BE FILED WITH THE VILLAGE CLERK.

LOCATION OF SUBJECT PROPERTY 3005 Oak Brook Hills Road PERMANENT PARCEL NO* 06 28 403 013
 LOT NO. N/A SUBDIVISION N/A LEGAL ADDRESS* 3005 Oak Brook Hills Road
 ZONING DISTRICT R-1 ZONING ORDINANCE SECTION _____
 ACTION REQUESTED Rezoning/reclassification from R-1 to R-2.

PROPERTY INTEREST OF APPLICANT: OWNER CONTRACT PURCHASER AGENT
 OWNER(S) OF RECORD Mutazz H. Darweesh and Nada Al-Dallal PHONE _____
 ADDRESS 3011 White Oak Lane CITY Oak Brook STATE IL ZIP 60523
 BENEFICIARY(IES) OF TRUST N/A PHONE 773-744-4074
 ADDRESS _____ CITY _____ STATE _____ ZIP _____
 NAME OF APPLICANT (and Billing Information) Same as Owners (above) PHONE _____
 ADDRESS _____ CITY _____ STATE _____ ZIP _____
 Contact Name and E-mail Address(s) Mark Daniel, mark@thedaniellawoffice.com

I (we) certify that all of the above statements and the statements contained in any papers or plans submitted herewith are true to the best of my (our) knowledge and belief. I (we) give permission to the Village to install public hearing sign(s) on the lot frontages of the above subject property as described in the Village Code. In addition to the above fees, applicant agrees to reimburse the Village for publication costs within 30 days of billing.

[Signature] 12-16-18 [Signature] 12/16/18
 Signature of Owner Date Signature of Applicant Date

DO NOT WRITE IN THE SPACE BELOW - FOR OFFICE USE ONLY

Date Filed 12-17-18 Fee Paid \$ 800.00 Receipt No. 501643 Received By C. Orsulli
 Board of Trustees (Referral) 1-8-19 Notice Published 1-9-19 Newspaper Daily Herald Adj. Property Owners Notified 1-7-19+1-25-19
 PUBLIC HEARING DATES: Plan Commission 1-21-19 - 2-11-19 Zoning Board of Appeals 2-5-19* 3-5-19*
 Board of Trustees 3-26-19* Board of Trustees (Approval of Ordinance) 4-9-19*
 SIGNED - VILLAGE CLERK Charolette Pruss Date 12/19/18

*TENTATIVE

A

Daniel Law Office, P.C.

PROJECT NARRATIVE
Zoning Map Amendment
3005 Oak Brook Hills Road, Oak Brook, DuPage County, Illinois
P.I.N. 06-28-403-013

CONTENTS

Introduction	1
The Subject Property	1
Assessment of Standards for Map Amendment	3
Ordained Map Amendment Considerations	3
Conclusion	7

INTRODUCTION

Mutazz H. Darweesh and Nada Al-Dallal (“Applicant”), is the owner of 3005 Oak Brook Hills Road, Oak Brook (the “Subject Property”). Applicant seeks Village approval of map amendment rezoning the Subject Property from R-1 Single Family to R-2 Single Family. The Subject Property extends west from the west side edge of Butterfield Country Club to the adjacent property known as 3001 Oak Brook Hills Road (06-28-403-012). The property extends north from Oak Brook Road, also known as 31st Street to 2921 Oak Brook Hills Road (06-28-403-016, 017). This effort provides for zoning that is consistent with the surrounding neighborhood to the north, east and south and is in accord with the trend of development to the west. The request to rezone from R-1 Single Family to R-2 Single Family is addressed below.

Please note that there is no present plan for subdivision. Applicant acquired the Subject Property after it fell into severe disrepair. In 2018, Applicant demolished the then-existing residence. Applicant is in the process of designing a new home that will be located on a portion of the Subject Property while preserving space for two southerly residential lots.

THE SUBJECT PROPERTY AND ITS SURROUNDINGS

The Subject Property comprises 3.73 acres along the north side of 31st Street in an R-1 Single Family zoning district that extends west from the west line of the Subject Property a distance of approximately 1,000 feet. The lot lies between an adjacent R-2 district to the north (allowing one acre lots) and an R-3 district across 31st Street to the south (allowing 25,000 square foot lots). To the near west and northwest, there are eight (8) R-1 Single Family zoning lots, and two of these have direct access to 31st Street. Further west, there are single family homes located in an R-2 Single Family district. To the east and northeast lies Butterfield Country Club, which is comprised of 80 acres in unincorporated DuPage County. The 194-acre

PROJECT NARRATIVE

Darweesh & Al-Dallal—Zoning Map Amendment
3005 Oak Brook Hills Road, Oak Brook, DuPage County, Illinois
P.I.N. 06-28-403-013

Page 2

(+/-) tract carries a County R-3 zoning designation (allowing for homes on 15,000 square foot lots). To the north and northwest there are single family homes that are also located in the R-2 Single Family zoning district. To the south, southeast and southwest, the territory known as The Midwest Club is zoned R-3 Single Family.

As a partial result of the fact that the Subject Property and much of the land along 31st Street/Oak Brook Road was under Hinsdale planning jurisdiction prior to the formation of the Village and Hinsdale planned for heavy commercial use of this corridor, larger tracts and assemblages dominated the area. Since the 1940's, single family home development has frequently relied on the creation of easements for vehicular access and private drives. Single family homes located such private access drives are a staple of this area, but the Subject Property lies in an area where direct lot access for residential use is more frequent.

The Subject Property has one frontage on 31st Street (Oak Brook Road). 31st Street is an arterial street under DuPage County jurisdiction that provides access east and west of the Subject Property. Oak Brook Hills Road runs north from to 31st Street and provides access for eight (8) subdivisions, including Ginger Creek, all of which occurred after 1950. Oak Brook Hills Road continues on to provide access for the more densely populated Ginger Creek subdivision to the north.

The home that was on the Subject Property faced north-northwest. An easement for access connects the Subject Property to Oak Brook Hills Road. Under an R-2 Single Family zoning designation, the Subject Property would retain this access while providing for access to two southerly lots from 31st Street/ Oak Brook Road.

31st Street runs east to North Riverside and west to Downers Grove. The nearest DuDOT measurement of average daily traffic occurred at Regent Drive. Based on the data provided, average daily traffic for eastbound and westbound 31st Street at the Subject Property is roughly 14,600 vehicles and 14,200 vehicles, respectively. 31st Street is tree-lined and offers primary access to a collection of zoning lots and to subdivisions via intersecting roads. The speed limit on 31st Street is 45 miles per hour and the addition of two drives east of Oak Brook Hills Road is not likely to cause a change in warrant analysis that would alter the speed limit. There are no walkways along 31st Street in this area. Both lots between Oak Brook Hills Road and Oak Brook Drive (2700 and 2712 31st Street) have direct access to 31st Street. West of Oak Brook Drive, 2803, 2810, 2820, 2901, and 1200 (SE corner of Meyers and 31st Street/Oak Brook Road) all have direct access to 31st Street/Oak Brook Road). East of the Subject Property, 2215 Oak Brook Road has direct access to 31st Street Oak Brook Road.

To the extent that any storm water leaves the Subject Property, it flows from the northern portion to the south and east. Storm water will benefit from best management practices required under the Countywide Floodplain and Stormwater Ordinance during and

after construction. Development efforts will meet the standards for management of storm water and it will respect the riparian rights in the vicinity. No development is presently proposed, but the existing condition is the result of demolition of a home that languished and fell into horrible disrepair.

Demolition concluded earlier this year and the owners are planning to construct their residence. Following rezoning in early 2019, Applicant anticipates planning for a new principal residence later in 2019 and thereafter initiating subdivision in a fashion that would allow for construction on the north lot in 2020. Two additional lots can be planned for the southern two acres of the Subject Property and, in all likelihood, these homes would rely on a single access and face to the east in a fashion that is consistent with the decades-long trend of development in the vicinity.

ASSESSMENT OF STANDARDS FOR MAP AMENDMENT

Applicant seeks an amendment to the Village's zoning map that will reclassify the Subject Property from R-1 Single Family to R-2 Single Family. There are several smaller parcels in the immediate area (north, west and south). The eventual approval of a three-lot subdivision would have a *de minimis* effect on average lot area and no effect on lot value. The Village will benefit from additional two residences and other governmental agencies will see additional tax revenue generated from additional lots which will be supportive of the style of housing that has already dominated this section of Oak Brook.

ORDAINED CONSIDERATIONS

The Zoning Ordinance provides standards pertaining to amendments that include the factors addressed in this portion of the narrative. In general, however, amendments must be in harmony with the general purpose and intent of the Zoning Ordinance and consistent with comprehensive planning. The Village also reviews the standards in bold, below, for which Applicant provides a summary response:

ZONING AMENDMENT FACTORS

(a) *The character of the neighborhood.* RESPONSE: The neighborhood is zoned entirely residential, with the majority of the active residential uses assigned Village R-3 Single Family zoning designation (25,000 SF lots) and nearly 200 acres to the east that is in a County R-3 district (15,000 SF lots). Ginger Creek and lots to the north of the Subject Property are in Village R-2 zoning district. A few lots west of the Subject Property are zoned R-1 Single Family, but the zoning classification returns to R-2 Single Family further west along the north side of 31st Street. Butterfield County Club is the dominant adjacent land use, but all other nearby uses are single family residential in character. The Subject Property is sandwiched by

PROJECT NARRATIVE

Darweesh & Al-Dallal—Zoning Map Amendment

3005 Oak Brook Hills Road, Oak Brook, DuPage County, Illinois

P.I.N. 06-28-403-013

Page 4

higher density residential zoning (north and south) and by non-residential use (east). R-2 Single Family use is a reasonable transitional classification between the higher density residential uses and the non-residential use noted above. Lots zoned to one-acre densities are uniform to the north of the Subject Property and lots smaller than one acre are prevalent in the Midwest Club subdivision south of the Subject Property. While no one hopes to see a change in use of the Butterfield Country Club property, this territory is capable of higher density residential use than any of the surrounding lots.

(b) The extent to which property values are diminished by the particular zoning restrictions.

RESPONSE: The Subject Property is a prime example of the impact of zoning restrictions on the owners' determination to maintain improved land, or not. The 2018 demolition of a single family residence on the Subject Property occurred because the residence fell into such disrepair that the owner could no longer justify expenditures on such a large tract. The R-1 Single Family zoning classification allows for the construction of only one residence on the Subject Property, and this style of residence has not been common in recent trends of development in the area. The ability to construct two (or three) homes on the Subject Property will avoid the diminution in value that led to the prior owner's decision not to appropriately maintain the residence.

(c) The extent to which the removal of the existing limitations would depreciate the value of other property in the area.

RESPONSE: Under an R-2 Single Family zoning classification, the Subject Property offers a buffer and transition between Butterfield Country Club to the east and a handful of R-1 Single Family properties to the west. The R-2 Single Family zoning classification will not impact the land to the north which is uniformly zoned R-2 Single Family or the residences in the Midwest Club subdivision which sit on smaller lots in an R-3 Single Family district. The allowance of one-acre lots on the Subject Property (rather than allowing only one residence on a 3.7 acre lot) will not depreciate the value (actual or perceived) of the lot west of the Subject Property inasmuch as this lot draws its character from the Oak Brook Hills Road frontage (the home faces southeast) that includes 2700 Oak Brook Road and 3000 Oak Brook Hills Road. Indeed, an abutting R-2 Single Family district has not provided any disincentive to development and maintenance of homes on R-1 Single Family lots west of 2712 31st Street and 3003 Oak Brook Drive. As a result, there should be no concern for an impact on values of properties in the area as a result of allowing one-acre lot development on the Subject Property.

(d) The suitability of the property for zoned purposes.

RESPONSE: The Subject Property is generally flat at its north end, and the topography of the land allows for reasonable development of one acre lots without altering drainage in the area. In addition to the circumstances noted above, reasonable lot depths are available for three lots. In the event that the Village allows for one-acre lots, access is available for one lot to the north and the substantial 31st Street/Oakbrook Road frontage (285 feet) allows planning for access from the

PROJECT NARRATIVE

Darweesh & Al-Dallal—Zoning Map Amendment

3005 Oak Brook Hills Road, Oak Brook, DuPage County, Illinois

P.I.N. 06-28-403-013

Page 5

south. Appropriate rear or rear-to-side yard alignments are possible with R-2 Single Family zoning. Lastly, transitional zoning or buffering in planning at this particular location supports the reclassification of the Subject Property to R-2 Single Family use.

(e) The existing uses and zoning of nearby property. RESPONSE: The existing use of all of property for any relevant distance north and south is for single family detached residential use with a density greater than that allowed under the R-1 Single Family residential classification. The territory east and northeast of the Subject Property is the Butterfield Country Club, and this nearly 200-acre tract is planned under County R-3 zoning for lots smaller than those permitted in the Village's R-3 Single Family classification. There is a small, disconnected R-1 Single Family residential district situated west of the Subject Property, but the uses in this district face access challenges with the exception of lots along 31st Street/Oak Brook Road. Due to these challenges, the larger part of this roughly 26 acre district will not redevelop under standards other than R-1 Single Family unless there is a unified development. The boundary between the relevant R-1 Single Family district and the abutting R-2 Single Family zoning district runs along public access routes and along interior lot lines. In this instance, the boundary following rezoning would align with the west line of the Subject Property rather than the north line.

(f) The length of time under the existing zoning that the property has remained unimproved, considered in the context of land development. RESPONSE: As noted above, the Subject Property was improved with a single family home which, for a long period of time, was undermaintained and underutilized. The home was in such disrepair that it had to be demolished.

(g) The relative gain to the public as compared to the hardship imposed on the individual property owner. RESPONSE: There is minimal purpose supporting the current R-1 Single Family zoning classification. In attempting to determine the gain to the public from the current classification, the only apparent motivation might arise from intent to reduce access points along 31st Street/Oak Brook Road. However, in the R-1 district at hand, two-thirds of the zoning lots have direct access to 31st Street/Oak Brook Road. Thus, the interest in access reduction over a span that extends 3,000 feet along the north side of the street is minimal. The hardship imposed on the owner is substantial inasmuch as a zoning classification more consistent with the area at large would permit an additional two lots under circumstances that involve reasonable planning techniques such as the extension of a higher density zoning district to buffer a lower density use from a higher intensity use.

(h) The extent to which the proposal promotes the health, safety, morals or general welfare of the public. RESPONSE: The Village's R-2 Single Family regulations are quite strict and allow for the large-lot residential style seemingly intended for most of the territory north of 31st Street/Oak Brook Road. The sole exception to this trend of development lies in regard to a

PROJECT NARRATIVE

Darweesh & Al-Dallal—Zoning Map Amendment

3005 Oak Brook Hills Road, Oak Brook, DuPage County, Illinois

P.I.N. 06-28-403-013

Page 6

collection of zoning lots that cannot reasonable redevelop to R-2 Single Family standards without unified development, such as lot aggregation or a development that contemplates new access easements. R-2 Single Family residential would actually permit two homes to the south end of the Subject Property and afford a planning transition and physical feathering of use between Butterfield Country Club (a non-residential use) and the right of way and the lot to the west of the Subject Property. The Village hosts several attractive residential lots, but many of them are not conducive to younger, single families. A combination of lot size and expense makes it very difficult to attract younger families to the area, particularly to large R-1 Single Family parcels. The reclassification to R-2 is a reasonable transition that permits the eventual addition of two lots for development that is more reasonable in the area (as reflected to the north and west of the Subject Property where R-2 Single Family zoning is common).

(i) The relationship of the proposal use to the Comprehensive Plan. RESPONSE: The Village's Comprehensive Plan dated June 1969 was last updated in June 1990. The Village's planning for residential areas has been fairly consistent over several decades, calling for substantial areas that are set aside for large-lot single family residential development. The plan is not realistically aligned with the current state of the national housing market, the state housing market or the local housing market, but the proposal to reclassify the Subject Property to R-2 Single Family maintains the intended low-density housing plan. (Plan, at 16, 18) Additionally, the extension of the R-2 Single Family from the north to 31st Street/Oak Brook Road is not inconsistent with planning to the west of the Subject Property where precisely the same transition occurs. This is consistent with the principle of lot integration set forth as an over-arching objective. (Plan, at 16) To the north lies Ginger Creek—the first residential development authorized by the Village—and the proposed R-2 Single Family classification is consistent with Ginger Creek's R-2 Single Family status. The Subject Property is in Planning District 5 (Ginger Creek). (Plan, at 28) The proposal will not alter the division of land uses in the Ginger Creek planning area. Two additional lots allowed as a result of R-2 Single Family zoning may allow six or seven residents in addition to those planned for the Subject Property under R-1 Single Family zoning—or 6/100ths of a percent of the Village's planned population maximum in 1990 (Plan, at 29) and an even smaller portion of the Village's planned population under modern analyses. In 1990, the Ginger Creek planning area was intended to host 561 residents in 1990, and the additional residents allowed as a result of rezoning is one percent of the total population of the Ginger Creek planning area under 1990 standards. (Plan, at 30) Districts 53 (grade school) and 86 (high school) have sufficient capacity to handle additional students that would reside on the two additional lots. The proposed rezoning is consistent with Plan objectives concerning general density objectives in I(A)(1)(a, b, c, d, and g—f is not implicated). (Plan, at 55) The three lots available under R-2 Single Family zoning will allow for management of flood plains, storm water and other hazards tied to residential development while avoiding nuisance. (Plan, at 56) The map amendment also meets Objective I(E)(1-3, 4 is not implicated) by adhering to a large-lot plan, maintaining a balance by extending R-2 Single Family in a fashion that feathers a buffering land intensity between

PROJECT NARRATIVE

Darweesh & Al-Dallal—Zoning Map Amendment
3005 Oak Brook Hills Road, Oak Brook, DuPage County, Illinois
P.I.N. 06-28-403-013

Page 7

higher density residential and non-residential use and the R-1 uses to the west of the Subject Property). (Plan at 58) The likely southern connection to 31st Street/Oak Brook Road will not interfere with Village efforts to plan with the areas abutting this minor arterial road under County jurisdiction. (See Plan, at 59 even though County planning applies to the street.) The Subject Property does not lie in any of the territories described in Chapter six of the Plan as requiring special attention. (Plan, at 63-64) Few elements of the plan are more clear than the recitation of the four goals in the conclusion, and the map amendment meets the objective of preserving Oak Brook Road as a residential street with a broad greenway. (Plan, at 77, Item 1)

(j) The community need for the use proposed by the property owner. RESPONSE: Oak Brook as a whole benefits from the preservation of its residential character in areas south of the tollway. One element of preserving character involves the preservation of improvements on residential property. Large-acreage lots prove to be extraordinary in areas where surrounding lots are smaller or capable of higher-density use. In this instance, the Subject Property fell into horrible condition and could not be reasonably restored. Demolition in 2018 followed a long period of visible disrepair and vacancy. Reclassification to allow a reasonable collection of three lots zoned in the R-2 Single Family zoning classification not only increases the number of residential lots that will be more reasonably available, but it converts a lot with an immediate and clear history of obsolescence under the currently-applicable R-1 Single Family regulations. The Village and its residents need to avoid conditions that force properties into a state of failed maintenance, particularly along major corridors. Slightly adjusting the density for the Subject Property will accomplish this inasmuch as no individual is likely to develop a single family home on 3.7 acres adjacent to an arterial road *and* a non-residential use when smaller acreage home sites are readily available in the adjoining R-2 and R-3 zoning districts. As noted in the Plan, preservation of Oak Brook Road as residential is and has been the top primary planning objective (Plan, at 77). The adjustment of zoning classifications in this corridor to allow an increased residential density on lots that, long ago, were planned for high density commercial use by the Village of Hinsdale is a continuation of a trend that initiated with Ginger Creek in 1961 and has continued to this day. The proposal in this instance is responsive to the Village's need to maintain the residential character of the Subject Property.

CONCLUSION

Applicant respectfully requests that the Plan Commission and Zoning Board of Appeals, as necessary, recommend and the Village Board approve the rezoning for the Subject Property. Applicant notes that this area is planned well and that the change in zoning classification from R-1 Single Family to R-2 Single Family will have no adverse impact on any other parcels or any other use of these parcels. If any Village body has a concern with any single aspect of the project, Applicant requests that the members isolate the particular relief sought and consider it distinctly so that the Village Board is clearly aware of the basis for the recommendation.

B.6

PROJECT NARRATIVE

Darweesh & Al-Dallal—Zoning Map Amendment
3005 Oak Brook Hills Road, Oak Brook, DuPage County, Illinois
P.I.N. 06-28-403-013

Page 8

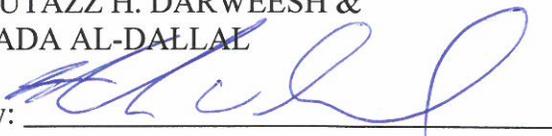
Thank you for your consideration of this petition.

Dated: December 17, 2018

Respectfully submitted,

Mark W. Daniel, Esq.
DANIEL LAW OFFICE, P.C.
17W733 Butterfield Road, Suite F
Oakbrook Terrace, Illinois 60181
(630) 833-3311
mark@thedaniellawoffice.com

MUTAZZ H. DARWEESH &
NADA AL-DALLAL

By: 
Attorney for Applicant

Please Deposit Check in: Zoning Account 10-4302

For:

3005 Oak Brook Hills Rd - Map Amendment

NOTE: 1 check(s) - Total \$ **800**

Please return receipt(s) to Gail

Thanks

MISCELLANEOUS PAYMENT RECPT#: 501643
VILLAGE OF OAK BROOK
1200 OAK BROOK ROAD
OAK BROOK IL 60523

DATE: 12/18/18 TIME: 13:49
CLERK: reception DEPT:
CUSTOMER#: 0

INFO: 3005 OAK BROOK HILLS

4302 ZONING/SUBDIVIS 800.00

AMOUNT PAID: 800.00

PAID BY: DANIEL LAW OFFICE P.
PAYMENT METH: CHECK
2182

REFERENCE:

AMT TENDERED: 800.00
AMT APPLIED: 800.00
CHANGE: .00

C

Certification Surrounding Property Owners

I (we) certify that the names and addresses of all the surrounding property owners including mailing labels submitted with this application are located within a minimum distance of 250 feet in all directions from the perimeter of the subject property and that the number of feet occupied by all public roads, streets, alleys, and public ways has been excluded in computing the 250-foot requirement.

Said names and addresses are as recorded in the office of the County Recorder of Deeds (or the Registrar of Titles of the County) and as appear from the authentic tax records of this County. The property owners as listed have been obtained from the Township Assessors office within 30 days of the filing of this application.

The surrounding property owners list as submitted herewith and supporting attachments are true to the best of my (our) knowledge and belief.

I (we) give permission to the Village to install public hearing sign(s) on the lot frontages of the subject property as described in the Village Code. In addition to the required application fees, applicant/owner agrees to reimburse the Village for publication costs, recording fees, and any other associated costs or fees within 30 days.

Mutazz H. Darweesh

Nada Al-Dallal

Printed Name of Owner

Printed Name of Applicant/owner



12/16/18



12/16/18

Signature of Owner

Date

Signature of Applicant/owner

Date

BILL TO INFORMATION:

Daniel Law Office, P.C.

Mark W. Daniel

(630)833-3311

Print Name/Company

Contact Person

Contact Phone

17W733 Butterfield Road, Suite F, Oakbrook Terrace, IL 60181

(312)927-0177

Address To be Billed

Alternate Phone

NOTE: If the applicant/owner has not complied with these requirements and notification has not been sent to a neighboring property owner within the 250-foot requirement less than 10 days prior to the scheduled hearing, the hearing on this matter will be postponed to the next regular meeting, or until such time as all neighbors within the 250-foot requirement have been sent proper notification.

PIN	Parcel Address	Deed Address	Tax Address
0633201018	204 Midwest Club Oak Brook, IL 60523	Syed N. Ahmed 204 Midwest Club Oak Brook, IL 60523	AHMED, SYED N 204 MIDWEST CLUB OAK BROOK IL 60523
0628403016	2921 Oak Brook Hills Rd Oak Brook, IL 60523	The Raymond Paice & Esther Paice Trust No. 1 2921 Oak Brook Hills Rd Oak Brook, IL 60523	PAICE, RAYMOND P & ESTHER 2921 OAK BROOK HILLS OAK BROOK IL 60523
0633201016	202 Midwest Club Rd Oak Brook, IL 60523	Vivek K. Singhal & Asha Singhal, Trustees 202 Midwest Club Oak Brook, IL 60523	SINGHAL, VIVEK & ASHA 202 MIDWEST CLUB OAK BROOK IL 60523
0628403014	31ST AT MIDWEST RD HINSDALE, 60521	no deed found	BUTTERFIELD CTRY CLUB c/o Scott Azinger 2800 MIDWEST RD OAK BROOK IL 60523
0628403015	2917 Oak Brook Hills Rd Oak Brook, IL 60523	Guljit Singh 2917 Oak Brook Hills Rd Oak Brook, IL 60523	SINGH, GULJIT & SIMRATA 2917 OAK BROOK HILLS OAK BROOK IL 60523
0628403012	3001 Oak Brook Hills Rd Oak Brook, IL 60523	Arun & Sonia Veluchamy 3001 OAK BROOK HILLS OAK BROOK IL 60523	VELUCHAMY, ARUN & SONIA 3001 OAK BROOK HILLS OAK BROOK IL 60523
0633201013	405 MIDWEST CLUB OAK BROOK IL 60523	Michael and Laura Bieselin 405 Midwest Club Parkway Oak Brook, IL 60523	BIESELIN, MICHAEL & LAURA 405 MIDWEST CLUB OAK BROOK IL 60523-2528
0633201012	404 Midwest Club Oak Brook, IL 60523	Midwest Bank and Trust Co., Trust #88-09-5592, Dated Sept. 7, 1988 404 Midwest Club Oak Brook, IL 60523	MORRONE, JAMES A 404 MIDWEST CLUB OAK BROOK IL 60523
0633201017	203 Midwest Club Oak Brook, IL 60523	The Midwest Club 1100 Midwest Club Oak Brook, IL 60523	RIOS, EDGAR & MARIA 203 MIDWEST CLUB OAK BROOK IL 60523
0633201011	403 Midwest Club Oak Brook, IL 60523	NADA KHADRA 403 MIDWEST CLUB OAK BROOK IL 60523	KHADRA, NADA 403 MIDWEST CLUB OAK BROOK IL 60523
0633201015	201 Midwest Club Oak Brook, IL 60523	Syed Rahman 201 Midwest Club Parkway Oak Brook, IL 60523	RAHMAN, SYED & SAHIRA 201 MIDWEST CLUB PKY OAK BROOK IL 60523
0633201014	406 Midwest Club Oak Brook, IL 60523	Hugh G. Kepner, Trustee Hugh G. Kepner Declaration of Trust dated 4/26/1989 406 Midwest Club Oak Brook, IL 60523	KEPNER, HUGH G TR 406 MIDWEST CLUB OAK BROOK IL 60523-2528

0633201010	402 Midwest Club Oak Brook, IL 60523	Samuel T. Tornatore, Jr. 402 Midwest Club Pkwy Oak Brook, IL 60523	TORNATORE JR, SAML T 402 MIDWEST CLUB PKW OAK BROOK IL 60523
0633201009	401 Midwest Club Oak Brook, IL 60523	SHIRSAT, MILIND & SANI 18 SHELBURNE DR OAK BROOK IL 60523-1747	SHIRSAT, MILIND & SANI 18 SHELBURNE DR OAK BROOK IL 60523-1747
0633201019	205 Midwest Club Oak Brook, IL 60523	MURAD FAZAL 205 MIDWEST CLUB OAK BROOK IL 60523	FAZAL, MURAD 205 MIDWEST CLUB OAK BROOK IL 60523
0633202016	301 Midwest Club Oak Brook, IL 60523	LAL, RONAK & SAROJ K 301 MIDWEST CLUB PRK OAK BROOK IL 60523	LAL, RONAK & SAROJ K 301 MIDWEST CLUB PRK OAK BROOK IL 60523
0633202017	107 Midwest Club Oak Brook, IL 60523	LOUIE, ERIC K & KAREN G 107 MIDWEST CLB PKWY OAK BROOK IL 60523	LOUIE, ERIC K & KAREN G 107 MIDWEST CLB PKWY OAK BROOK IL 60523
HOA		Oak Brook Hills Road Homeowner's Association c/o Kenneth W. Clingen 2300 Cabot Dr., Suite 500 Lisle, IL 60532	Midwest Club HOA c/o ROB DAY 1100 MIDWEST CLUB PARKWAY Oak Brook, IL 60523

LETTER OF AUTHORIZATION

Hon. Gopal G. Lalimalani & City Council
Hon. Marcia Tropinski & Planning & Zoning Commission
CITY OF OAK BROOK
1200 Oak Brook Road
Oak Brook, Illinois 60523

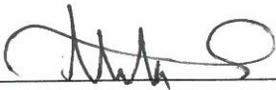
Re: 3005 Oak Brook Hills Road Authorization
MUTAZZ H. DARWEESH AND NADA AL-DALLAL

Dear Mayor Lalimalani and Chairman Tropinski:

MUTAZZ H. DARWEESH AND NADA AL-DALLAL execute this Letter of Authorization in order to indicate that MUTAZZ H. DARWEESH and NADA AL-DALLAL have fully authorized MARK W. DANIEL of DANIEL LAW OFFICE, P.C. to petition the Village of Oak Brook, DuPage County, Illinois for zoning relief in the form of an amendment to the zoning map and all other necessary zoning approvals for property commonly known as 3005 Oak Brook Hills Road (Permanent Index No. 06-28-403-013) as may be necessary from the Village of Oak Brook. The authorizing party represents that there are no preconditions to filing these applications other than those that may attend protection of collateral in mortgage and financing agreements. MUTAZZ H. DARWEESH and NADA AL-DALLAL have affixed their signatures to this Letter of Authorization voluntarily and with full knowledge of the purpose of this authorization. This authorization is not a power of attorney. This authorization expires December 30, 2019.

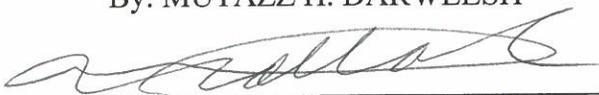
Sincerely,

MUTAZZ H. DARWEESH and NADA AL DALLAL



By: MUTAZZ H. DARWEESH

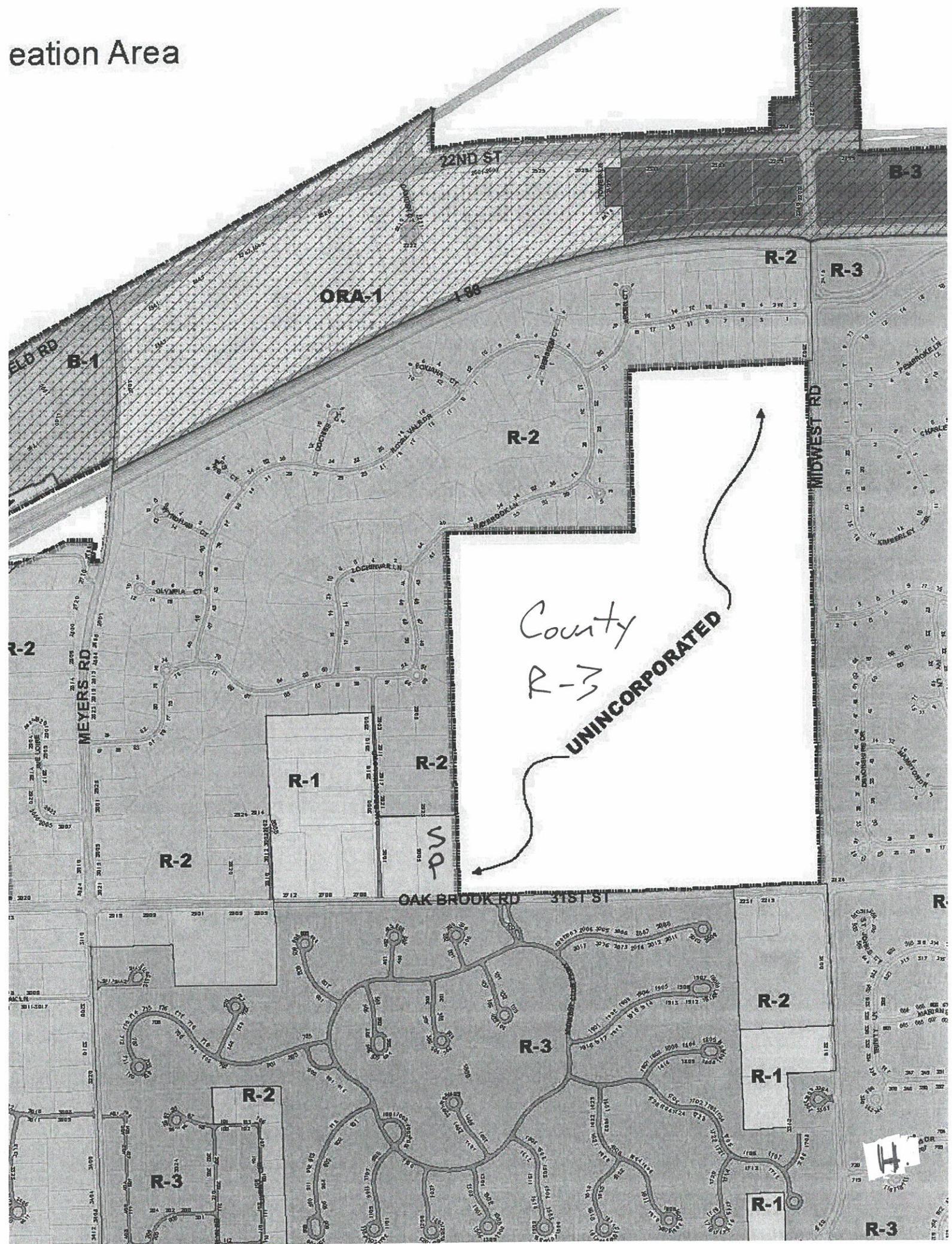
Dated: December 16, 2018



By: NADA AL DALLAL

Dated: December 16, 2018

ation Area



FIRST AMERICAN TITLE
FILE # 2918210

SPECIAL WARRANTY DEED
(CORPORATION TO INDIVIDUAL)

Mail to:

Mr. Mark Edelstein
Edelstein & Edelstein, P.C.
Attorneys at Law
3825 W. Montrose Avenue
Chicago, IL 60618

Name and Address of Taxpayer(s):

Mutazz H. Darweesh and Nada Al Dallal
3011 White Oak Ln.
Oak Brook, IL 60523

THIS INDENTURE, made this 29th day of May, 2018, between GRANTOR(S), **HANMI BANK** a California Banking Corporation organized and existing under the laws of the United States of America with its principal office and place of business located at 1140 Roosevelt Avenue, Irvine, Ca 92620, and duly authorized to transact business in the State of Illinois, party of the first part and **MUTAZZ H. DARWEESH AND NADA AL DALLAL**, husband and wife, of 3011 White Oak Ln., Oak Brook, Illinois, NOT AS TENANTS IN COMMON, NOT IN JOINT TENANCY BUT AS **TENANTS BY THE ENTIRETY**, party of the second part, WITNESSETH, that the party of the first part, for and in consideration, in hand paid, by the party of the second part, the receipt whereof is hereby acknowledged and pursuant to authority of the Board of Directors of said corporation, by these presents does REMISE, RELEASE, ALIEN AND CONVEY, unto the party of the second part, and to their heirs and assigns, FOREVER, all the following described real estate in the County of DuPage, and State of Illinois, known and described as follows, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN

Together with all and singular and hereditaments and appurtenances thereunto belonging or in anywise appertaining and the reversion and reversions, remainder and remainders, thereof, and all the estate, right, title, interest claim or demand whatsoever, of the party of the first part, either in law or equity, of, in and to the above described premises, with the hereditaments and appurtenances: TO HAVE AND TO HOLD the said premises as above described, with the appurtenances, unto the party of the second party, their heirs and assigns forever, that it has not done or suffered to be done, anything whereby the said premises hereby granted are, or may be, in any manner encumbered or charged, except as herein recited; and that the said premises, against all persons lawfully claiming or to claim the same by through or under it WILL WARRANTY AND DEFEND, subject to:

Any outstanding general real estate taxes, any special assessments; building, building line and use or occupancy restrictions, conditions and covenants of record; zoning laws and



FRED BUCHOLZ

DUPAGE COUNTY RECORDER

JUN. 28, 2018 RHSP 2:15 PM

DEED \$40.00 06-28-403-013

TRANSFER TAX IL/DUPAGE 2,475.00

004 PAGES R2018-059214

I

ordinances easements for public utilities; drainage ditches, feeders and drain tile pipe or other conduit.

Permanent Index No.: 06-28-403-013

Property Address: 3005 Oak Brook Hills Rd., Oak Brook, IL 60523

IN WITNESS WHEREOF, said party of the first party has caused its corporate seal to be hereto affixed and has caused its name to be signed to these presents by its Special Assets Manager, the day and year first above written.

HANMI BANK, A CALIFORNIA BANKING CORPORATION

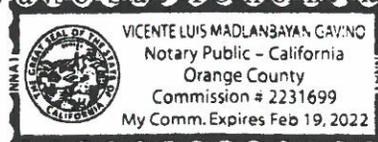

By: RENE GARCIA
Its: **Special Assets Manager**

STATE OF CALIFORNIA)
COUNTY OF ORANGE)

On 05/29/2018, before me, VICENTE LUIS MADLANBAYAN GAVINO, Notary Public, personally appeared **RENE GARCIA, Special Assets Manager** who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signatures on the instrument the persons, or the entity upon behalf on which the persons acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



[SEAL]

Signature: 
VICENTE LUIS MADLANBAYAN GAVINO

This instrument was prepared by:

Anne C. Grow, Attorney At Law, 830 W. Rt 22, #236, Lake Zurich, IL 60047 (630) 240-0065

I.1

EXHIBIT A

LEGAL DESCRIPTION

Legal Description: THE EAST 285.0 FEET OF THE SOUTH 600.0 FEET OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

Permanent Index #'s: 06-28-403-013

Property Address: 3005 Oak Brook Hills Rd, Oak Brook, Illinois 60523-1633

I.2

AFFIDAVIT — METES AND BOUNDS

STATE OF ILLINOIS)
COUNTY OF DU PAGE) SS.

AFFIDAVIT — METES AND BOUNDS

Anne C. Grow, Atty, being duly sworn on oath,
states that he/she resides at 830 W. Rt. 22 #236, Lake Zurich, IL 60047
That the attached deed is not in violation of Section 205/1 of Chapter 765 of the Illinois Compiled Statutes for one of the following reasons:

1. The division or subdivision of land is into parcels or tracts of five acres or more in size which does not involve any new streets or easements of access.
2. The division is of lots or blocks of less than one acre in any recorded subdivision which does not involve any new streets or easements of access.
3. The sale or exchange of parcels of land is between owners of adjoining and contiguous land.
4. The conveyance is of parcels of land or interests therein for use as right of way for railroads or other public utility facilities, which does not involve any new streets or easements of access.
5. The conveyance is of land owned by a railroad or other public utility which does not involve any new streets or easements of access.
6. The conveyance is of land for highway or other public purposes or grants of conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.
7. The conveyance is made to correct descriptions in prior conveyances.
8. The sale or exchange is of parcels or tracts of land following the division into no more than two parts of a particular parcel or tract of land existing on July 17, 1959 and not involving ant new streets or easements of access.
9. The sale is of a single lot of less than five acres from a larger tract, the dimensions and configurations of said larger tract having been determined by the dimensions and configuration of said larger tract on October 1, 1973, and no sale, prior to this sale, or any lot or lots from said larger tract having taken place since October 1, 1973 and a survey of said single lot having been made by a registered land surveyor.

10. The conveyance is of land described in the same manner as title was taken by grantor(s).

THE APPLICABLE STATEMENT OR STATEMENTS ABOVE ARE CIRCLED.

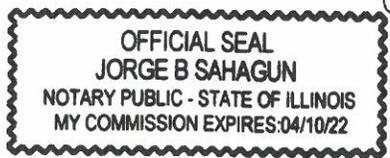
AFFIANT further states that he/she makes this affidavit for the purpose of inducing the Recorder of DuPage County, State of Illinois, to accept the attached deed for recording.

SUBSCRIBED AND SWORN TO before me

Anne C. Grow, Atty

this 31st day of May, 2018

[Signature]
Notary Public



FRED BUCHOLZ, DU PAGE COUNTY RECORDER
421 N. COUNTY FARM ROAD, BOX 936, WHEATON, ILLINOIS 60189

(Rev. 02/05)

I.3

GRANT OF EASEMENT

The Grantor(s), Gerald Sharko and Mary Sharko, his wife

in consideration of the sum of One Dollar and other valuable consideration, receipt of which is hereby acknowledged, hereby give(s) and grant(s) to COMMONWEALTH EDISON COMPANY, an Illinois Corporation and Illinois Bell Telephone Company, an Illinois Corporation, their respective licensees, successors and assigns, jointly and severally, an easement to construct, operate, maintain, renew, relocate and remove, from time to time, ~~poles, wires, cables, conduits,~~ ~~and other facilities~~ used in connection with ~~underground~~ underground transmission and distribution of electricity, sounds and signals, together with right of access to the same and the right, from time to time, to trim or remove trees, bushes and saplings and to clear obstructions from the surface and subsurface as may be reasonably required incident to the grant herein given, in, ~~over,~~ under, across, along and upon the surface of property situated in Section 28, Township 39 North, Range 11, East of the Third Principal Meridian in _____ County, Illinois described as follows:

Easement as shown on the attached sketch, marked Exhibit A, and amde a part hereof, of the property of the Grantors, described as follows.

The West 285.0 feet of the East 570.0 feet of the South 600.0 feet of the West Half of the Southeast Quarter of Section 28, Township 39 North, Range 11, East of the Third Principal Meridian, in DuPage County, Illinois.

The Grantees shall restore the easement strip to substantially the same condition that existed prior to the starting of any construction work; being only responsible however, for their actions in the performance of their work.

RECORDED
DU PAGE COUNTY

R82- 36465

1982 AUG 17 PM 1:00

George V. Raftl

This instrument prepared by D. J. Beach
1505 So. 1st Avenue, Maywood, Illinois 60163
on behalf of Commonwealth Edison Company

For Individual Signatures

IN WITNESS WHEREOF, the Grantor(s), set(s) ~~THEIR~~ hand(s) and seal(s) hereto this 23RD day of JUNE, 1982.

Seal

Seal

For Corporate or Trust Signature

IN WITNESS WHEREOF, the Grantor _____

has caused this instrument to be executed on its behalf and its corporate seal to be affixed hereto this _____ day of _____, 19____.

ATTEST: _____ By _____
Secretary President (Trust Officer)

Complete the Appropriate Acknowledgment on Reverse Side Hereof

J

R82-36465

If grantors are individuals, complete the following:

State Of ILLINOIS I, the undersigned, a Notary Public in and for the said County and
County Of DU PAGE State aforesaid, do hereby certify that GERALD SHARKO
MARY SHARKO

personally known to me to be the same person(s) whose name(s) is/are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he/she/they signed, sealed and delivered this instrument as his/her/their free and voluntary act for the uses and purposes therein set forth.

GIVEN under my hand and NOTARIAL SEAL this 23RD day of JUNE, 1982.

Donald H. Baird
Notary Public



If grantor is a corporation or trust, complete the following:

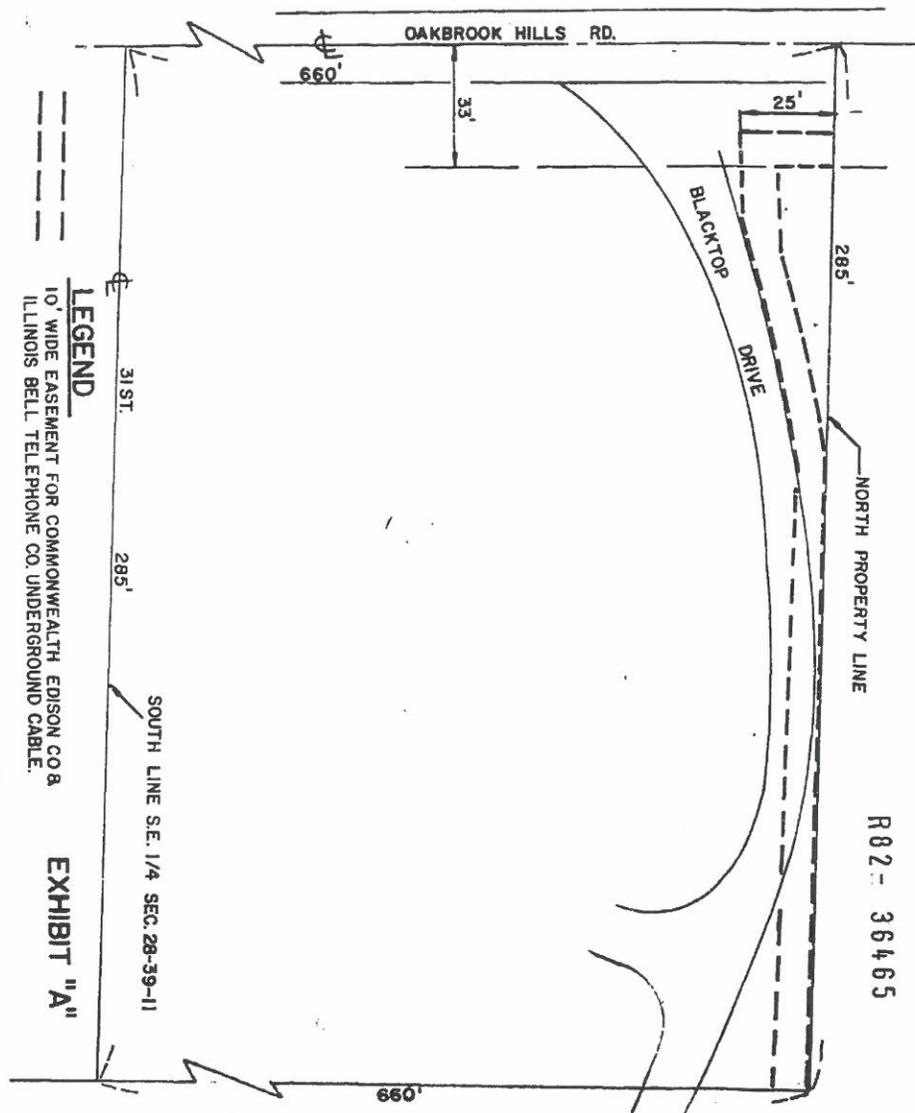
State Of _____ I, the undersigned, a Notary Public in and for the said County and
County Of _____ State aforesaid, do hereby certify that _____
(_____
President)(Trust Officer) of the _____,
and _____ Secretary of said corporation,

personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed and delivered said instrument as their own free and voluntary act and as the free and voluntary act of said corporation for the uses and purposes therein set forth; and the said _____ Secretary then and there acknowledged that he/she, as custodian of the seal of said corporation, did affix the seal to the foregoing instrument as his/her free and voluntary act and the free and voluntary act of said corporation, for the uses and purposes therein set forth.

GIVEN under my hand and NOTARIAL SEAL this _____ day of _____, 19____.

Notary Public

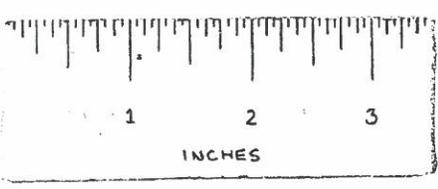
J.1



R02- 36465

LEGEND
 10' WIDE EASEMENT FOR COMMONWEALTH EDISON CO &
 ILLINOIS BELL TELEPHONE CO UNDERGROUND CABLE.

EXHIBIT "A"



PLAT

TEMPORARY RECEIPT
GEORGE R. RUDOLPH
Recorder of Deeds
Du Page County
Wheaton, Illinois

Date 12-3-80

Check 16- Cash

RECEIVED FROM Brian T. Harrow

TITLE Grant of Easement w/ plat exhibit Gerald Shanks et al - Grantor
Citizens Natl Bk of D.C. - Grantee

DESCRIPTION pt W 1/2 of S 8 1/4 Sec 28 Twp. 39 Rng. 11

DATE OF INSTRUMENT Nov. 1st, 1980

MAIL TO Brian T. Harrow
1 Heritage Bank Plaza 15th St + Lemont Rd Downers Grove, Ill. 60515

Copies Certified CHARGE

Accompanying Papers Grant of Easement

RECORDER
DU PAGE COUNTY

R80 - 75231

1980 DEC -3 AM 10:30

BOOK 100

PAGE 12

George R. Rudolph

Received-Map & Zoning Dept.

By _____ ✓

Date _____

RECORDED
DU PAGE COUNTY

R80- 75231

1980 DEC -3 AM 10:30

George C. Quafel

GRANT OF EASEMENT

THIS GRANT OF EASEMENT, made this 14th day of November, 1980, by and between GERALD SHARKO and MARY SHARKO, husband and wife, (hereinafter called "Grantor") and ~~CITIZENS NATIONAL BANK OF DOWNERS, ITS TRUSTEE, UNDER TRUST # 2221~~ ^{CADW} ~~husband and wife~~, (hereinafter called "Grantee").

FOR AND IN CONSIDERATION of TEN (\$10.00) DOLLARS and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by Grantor, it is agreed as follows:

1. Grantor does hereby grant, give, convey, and quit claim unto the Grantee, its successors, assigns, transferees and lessees a perpetual, transferable, and assignable easement, privilege, right, power, and authority to construct, reconstruct, repair, inspect, maintain, and operate a water distribution system, sewer system, electrical service, telephone service system under and through that portion of land owned by Grantor and described in the attached Exhibit "A" incorporated herein by reference.

The easements, rights, privileges, and authority conveyed by the Grants set forth above shall at all times be deemed to be and shall be covenants running with the land.

The Grantor shall have and retain all rights to the use and occupation of the real estate described in Exhibit "A", except as herein expressly granted and provided, and such use and occupation by the Grantors shall not unnecessarily be impeded or interfered with during the period of any construction work performed under this grant. Additionally, Grantee agrees that there shall be no interruption or interference with the utilities, water or sewer facilities now serving Grantor's property by reason of the construction, maintenance, or repair of the water distribution system, sewer system, electric service, or telephone service system.

A delineation of the property described in this instrument appears in PLAT BOOK NO. 100 PAGE 12

*THIS DOCUMENT WAS PREPARED BY
BRIN T. ALONSO, 101 LENOX ST
DOWNERS GROVE, IL 60117*

*CP-41-11
2X NOTICES TO OWNERS
EXEMPT FROM NOTICE
BY MAIL*

180

J.4

R80 - 75231

All soil and other materials excavated from the property described herein in Exhibit "A", except said portion thereof as Grantee shall use as backfilling, grading and covering any system to a sufficient depth to protect the same from injury and damage, shall be removed from the property by the Grantee. As soon as is practicably possible, following construction, Grantee shall at its cost restore any damage to the blacktop drive and landscaping to a condition which as reasonably possible resembles that which existed immediately before the commencement of the construction.

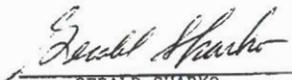
Grantor covenants and agrees not to disturb, damage, destroy, injure or obstruct any system nor to obstruct or interfere with Grantee, its contractors or subcontractors, agents or employees in the exercise of the rights, privileges or authority herein granted.

Grantor agrees and covenants that no buildings, structures, or other improvements, other than the current blacktop driveway will be constructed, erected or placed over any portion of the easement described in Exhibit "A".

Grantor and Grantee agree to maintain, repair, and construct, as may be necessary in the future, that blacktop driveway which runs along and upon the northern half of the real estate described in attached Exhibit "A". Both Grantor and Grantee shall share equally in the cost of maintaining, repairing, and constructing said blacktop driveway.

This grant, and the covenants and agreements herein contained shall be binding upon and inure to the benefit of the successors, assigns, heirs, devisees, transferees, grantees and lessees of the respective parties hereto.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed on the date and year first above written.


GERALD SHARKO


MARY SHARKO

J.5

STATE OF ILLINOIS)
) SS.
)
COUNTY OF DUPAGE)

I, the undersigned, a Notary Public, in and for said County in the State aforesaid, do hereby certify that GERALD SHARKO and MARY SHARKO personally known to me to be the same persons whose names were subscribed to the foregoing instrument appeared before me this day in person and acknowledged that they signed, sealed, and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and notorial seal this 14th day of November, 1980.

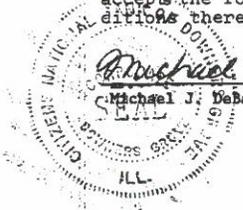
Brian T. Morrow
Notary Public



R80 - 75231

ACCEPTANCE

Citizens National Bank of Downers Grove as Trustee under Trust No. 2221 do hereby accept the foregoing grant and easement and the terms and conditions thereof.



Michael J. DeBartolo
Michael J. DeBartolo Trust Officer

Cristy L. Bowman
Cristy L. Bowman Ass't. Sec.

This instrument is executed by CITIZENS NATIONAL BANK OF DOWNERS GROVE, Illinois, not personally but solely as Trustee, as aforesaid. All the covenants and conditions to be performed hereunder by CITIZENS NATIONAL BANK OF DOWNERS GROVE are intended to be performed by it solely as Trustee, and shall not be construed to bind or create personal liability for any officer or employee of CITIZENS NATIONAL BANK OF DOWNERS GROVE by reason of any of the covenants, statements or representations contained in this instrument.

Atto Brian T. Morrow
1 Heritage Bank Plaza
95th St + Lemont Rd
Downers Grove, IL 60515

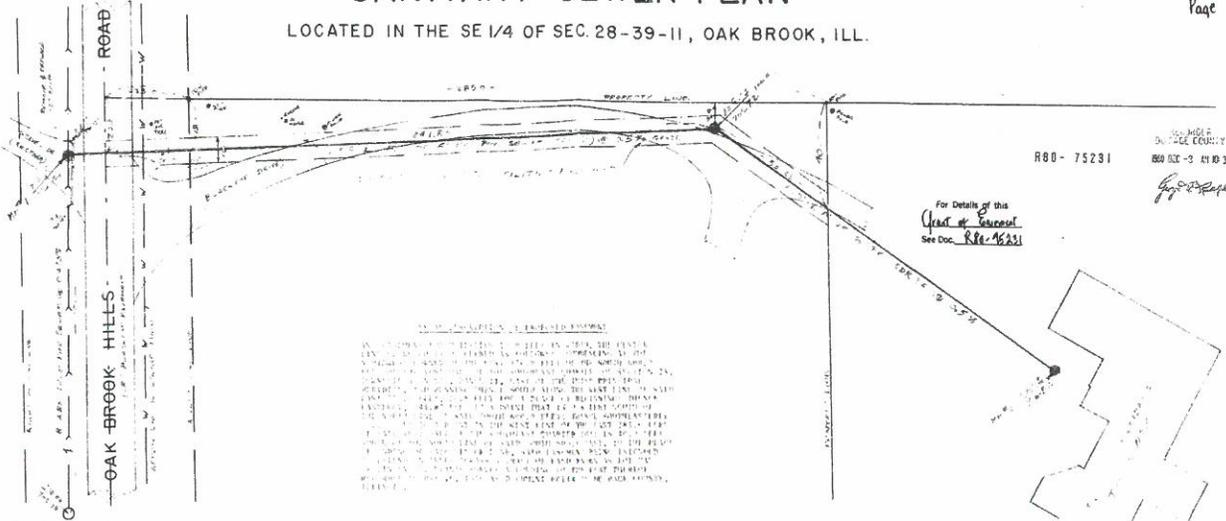
J.6

SANITARY SEWER PLAN

LOCATED IN THE SE 1/4 OF SEC. 28-39-11, OAK BROOK, ILL.

EXHIBIT "A"

Book 100
Page 12



CONSTRUCTION SPECIFICATIONS

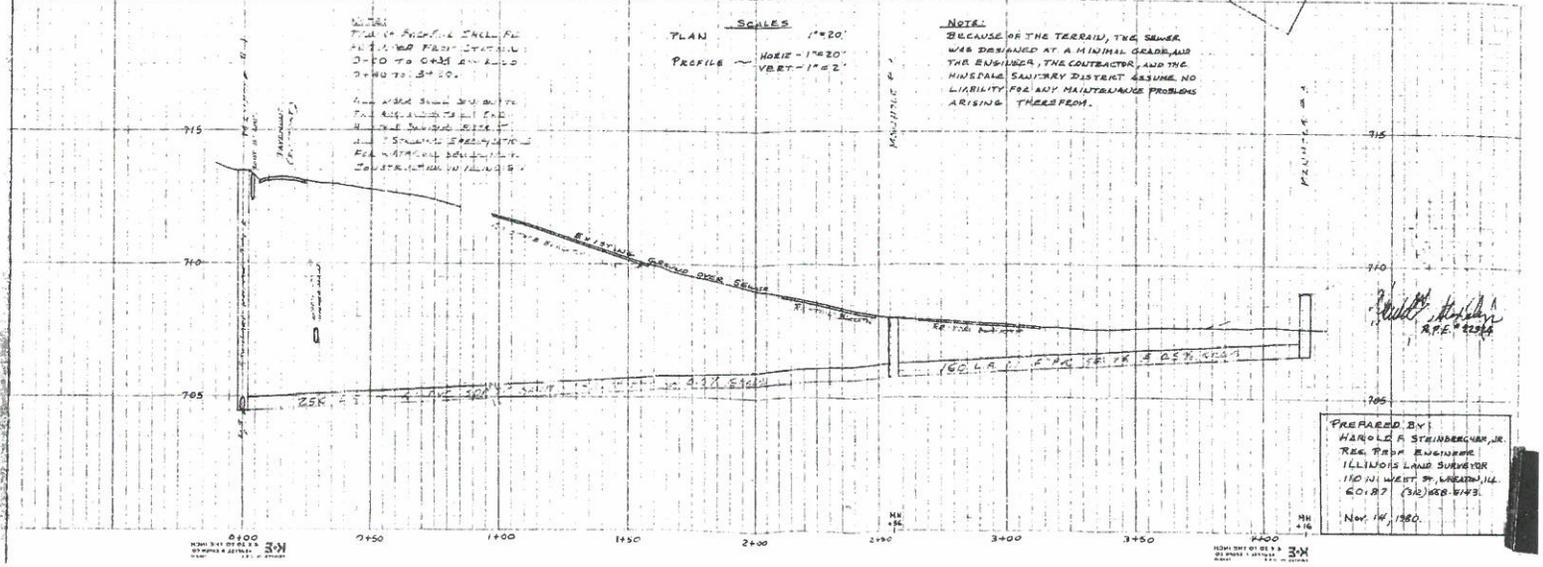
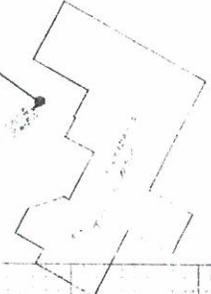
1. ALL SEWER PIPE SHALL BE 15" DIA. VITRIFIED CLAY PIPE WITH 1/4" THICK WALLS AND 1/4" RADIUS CORNERS. THE JOINTS SHALL BE WITH 1/4" THICK GASKETS. THE PIPE SHALL BE LAPPED AND JOINTS SHALL BE MADE WITH 1/4" THICK GASKETS. THE PIPE SHALL BE LAPPED AND JOINTS SHALL BE MADE WITH 1/4" THICK GASKETS. THE PIPE SHALL BE LAPPED AND JOINTS SHALL BE MADE WITH 1/4" THICK GASKETS.

R80-75231

DUKE COUNTY
800 DEC-2 11 10 30

[Signature]

For Details of this
Plant of Sewer
See Doc. R80-75231



PLAN SCALE 1"=20'
PROFILE SCALE HORIZ - 1"=20'
VERT - 1"=2'

NOTE:
BECAUSE OF THE TERRAIN, THE SEWER WAS DESIGNED AT A MINIMAL GRADE AND FOR BUILDING, THE CONTRACTOR AND THE HUSBAND SANITARY DISTRICT ASSUME NO LIABILITY FOR ANY MAINTENANCE PROBLEMS ARISING THEREFROM.

PREPARED BY:
HAROLD A. STREIBERGER, JR.
REG. PROF. ENGINEER
ILLINOIS LAND SURVEYOR
110 N. WEST ST., OAK BROOK, ILL.
CO. 87 (38) 008 1473
Nov. 14, 1980.

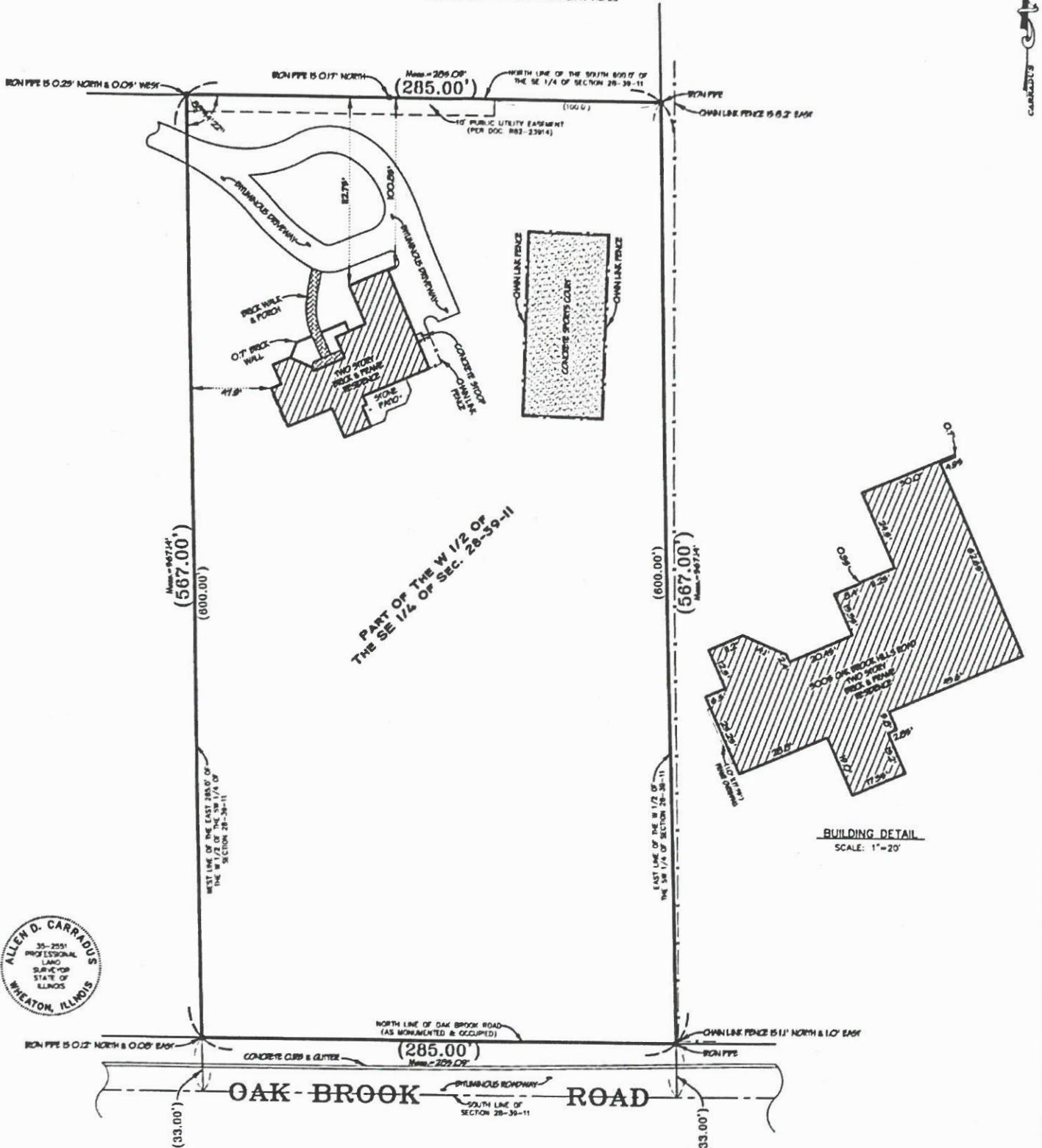
J.7

SURVEY LEGEND
 ● Monumentation Found
 ○ Monumentation Set (ILCS 30-255)
 (307) Record Dimension
 — Fence Line

PLAT OF SURVEY

THE EAST 285.0 FEET OF THE SOUTH 800.0 FEET OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

AREA OF SITE = 181,845 SQ.FT. 3.711 ACRES



ALLEN D. CARRADUS
 35-255
 PROFESSIONAL LAND SURVEYOR
 STATE OF ILLINOIS
 WHEATON, ILLINOIS

STATE OF ILLINOIS)
 COUNTY OF DU PAGE)

THIS IS TO CERTIFY THAT I, ALLEN D. CARRADUS, A PROFESSIONAL LAND SURVEYOR LICENSED BY THE STATE OF ILLINOIS, HAVE SURVEYED THE PROPERTY AS DESCRIBED HEREIN AND THAT THE ABOVE PLAT IS A CORRECT AND TRUE REPRESENTATION THEREOF, AND THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MEASUREMENT STANDARDS FOR A BOUNDARY SURVEY.

SIGNED AND SEALED AT WHEATON, ILLINOIS THIS 22nd DAY OF MAY, A.D. 2018
 BY Allen D. Carradus ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-255.
 MY LICENSE EXPIRES NOVEMBER 30, 2018.

- NOTES**
- All distances shown herein are in feet and decimal parts thereof converted to 60"
 - Distances shown along curved lines are arc measurements unless otherwise noted.
 - Comply with the Legal Description, Building Lines, and Easements as shown herein with your Deed, Title Insurance Policy or Title Commitment.
 - Consult local authorities for additional setbacks and restrictions not shown herein.
 - Complete all survey points and report any discrepancies immediately.
 - Consult utility companies and municipalities prior to the start of any construction.
 - Dimensions to and along buildings are exterior foundation measurements.
 - Do not assume distances from aerial measurements made herein.

CARRADUS LAND SURVEY, INC.
 Residential & Commercial Land Surveying Services
 100 BRIDGE STREET SUITE 1, WHEATON, ILLINOIS 60187
 (630) 588-0416 (FAX) 653-7682

PREPARED BY: **EDELSTEIN & EDELSTEIN**

DATE OF FIELD WORK	SCALE	CS NO. - PLAN	PLAT NO.
CMG 05/23/18	1"=20'	382-76	30815

THIS IS AN ELECTRONICALLY TRANSMITTED DIGITAL REPRODUCTION OF AN ORIGINAL SIGNED AND SEALED PRINTED PLAT.

K