



Village of Westmont

VILLAGE BOARD

31 West Quincy Street, Westmont, Illinois 60559

villageboard@westmont.il.gov
westmont.illinois.gov | 630-981-6200

Village Board Meeting

May 29, 2025

6:00 PM

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **OPEN FORUM**

Public Comment is subject to the public comment rules and procedures adopted by the Village.

5. **REPORTS**

a. Board Reports

- i. Mayor
- ii. Clerk
- iii. Trustees

6. **PUBLIC HEARING**

7. **ITEMS TO BE REMOVED FROM CONSENT AGENDA**

8. **CONSENT AGENDA (OMNIBUS VOTE)**

a. Village Board Minutes

i. Board Meeting Minutes

Board to consider approving the minutes of the Village Board meeting held May 15, 2025.

Background of Subject Matter

Required Parliamentary Procedure

Type Motion

b. Finance Ordinance(s)

c. Purchase Order(s)

- i. **Zoll Medical \$63,834.42**

Lease for six (6) cardiac monitors

Type Consent Item

Budgeted Yes

d. Total of Purchase Order(s) and Finance Ordinance(s)

e. Proclamation - National Gun Violence Awareness Day

- i. **Board to consider a proclamation declaring June 7, 2025 as National Gun Violence Awareness Day in the Village of Westmont.**

Type Proclamation

Budgeted

f. April 2025 Monthly Board Treasurer's Report

9. UNFINISHED BUSINESS

10. NEW BUSINESS

a. Special Use Permit and Variance Requests - Salt Creek Ballet at 98 East Naperville Road

Board to consider an ordinance approving requests from Salt Creek Ballet Company (Petitioner), and P & C Holdings, LLC (Owner), at 98 East Naperville Road, Westmont, Illinois, 60559 for the following:

1. Special Use Permit to operate a performing arts studio in the B-2 General Business District.
2. Zoning Ordinance Variance to the special condition that requires 100 foot distance separation between a performing arts studio and a residence district.

Background of Subject Matter

Salt Creek Ballet is proposing relocating within the same building, moving from the first floor to the second. Salt Creek Ballet is considered a non-conforming use due to not having an approved Special Use Permit on file with the Village as the not-for-profit was likely operating prior to this requirement being enacted. The performing arts studio must obtain a special use permit and variance to achieve legal conforming use status.

Additional Background

Salt Creek Ballet, a not-for-profit performing arts studio, has provided instructional classes for over 25 years at its current location. It operates with a staff of nine, including two full-time and seven part-time employees with flexible schedules. The ballet school serves 243 students, with a maximum of 60 present at any given time. Following a change in property ownership and the planned opening of a daycare center (Primrose) on the first floor, Salt Creek Ballet proposes relocating to the second floor of the same building,

creating a functional studio space tailored to their needs. The studio operates on a structured schedule: the front office is open Monday through Thursday from 9:00 am to 9:00 pm, and Saturday from 8:00 am to 6:00 pm, remaining closed on Fridays, Sundays, holidays, and for two months in the summer. Dance classes run Monday through Thursday from 4:00 pm to 8:30 pm, and Saturday from 8:30 am to 1:30 pm, following the same closure schedule as the office. Classes generally take place off time from daycare use. Additionally, parking needs are being met per the minimum Zoning Ordinance requirements for off-street parking.

Recommendation

At its meeting on May 14, 2025, the Planning and Zoning Commission recommended approval for the Special Use Permit and Variance request (7-0).

Type Ordinance

Budgeted

b. **Variance and Site Plan Request - Primrose Schools at 98 East Naperville Road**

Board to consider an ordinance approving requests from KidVest, LLC, d/b/a Primrose School of Westmont (Petitioner), and P &C Holdings, LLC (Owner), at 98 East Naperville Road, Westmont, Illinois, 60559 for the following:

1. Zoning Ordinance Variance to allow for playground and equipment to encroach into the required supplemental setback line to Naperville Road and within a required front yard setback in the B-2 General Business District.
2. Site and Landscape Plan approval.
3. Parking Stall Waiver Request

Background of Subject Matter

The petitioner has requested a variance to allow for playground and equipment to encroach into the required supplemental setback line to Naperville Road and within a required front yard setback in the B-2 General Business District. They have also requested approval of a site and landscaping plan to operate a daycare center and provide a secondary space for Salt Creek Ballet. The site and landscape plan substantially comply with the Village's requirements, other than the requested variance and parking stall waiver request. The parking stall waiver request would reduce the required stall length and depth from 10 feet by 20 feet to 9 feet by 18 feet to allow for additional parking spaces on site.

Additional Background

A site and landscape plan have been provided, which indicates substantial improvements to the parking lot, fencing, play areas, dumpster enclosure, signage, and perimeter landscaping. Additional improvements are also being proposed for the interior of the building to update and comply with current

regulations. The applicant is also expected to request additional funding from the DIP (Downtown Incentive Program) for the various site improvements as proposed at the Tier 3 level.

Recommendation

At its meeting on May 14, 2025, the Planning and Zoning Commission recommended approval of the Variance and Site Plan request (7-0). This recommendation includes a condition mandating the installation of wheel stops at the easternmost parking spaces adjacent to the building. If approved, the ordinance shall state this condition.

Type Ordinance

Budgeted

c. **Downtown Incentive Program Grant (DIP) Request - 98 East Naperville Road**

Board to consider an ordinance awarding a Downtown Incentive Program (DIP) Tier 3 grant to Kidvest LLC, and NVS Properties 44 LLC, for interior and exterior rehabilitation of 98 East Naperville Road.

Background of Subject Matter

The applicant proposes the operation of a new Primrose School of Westmont, and will significantly rehabilitate the space to accommodate a daycare use. In addition, the existing tenant, Salt Creek Ballet, will be accommodated on the second floor of the space.

Additional Background

Application and award request are for a Tier 3 DIP grant, with a total award of \$105,000.00, including five bonus incentives. The project includes all the interior and exterior improvements associated with PZC 005-2025.

Type Ordinance

Budgeted Yes

d. **Award of Bid Proposal- 2025 MFT Resurfacing Project**

Award of Bid Proposal- 2025 MFT Resurfacing Project

Board to consider an ordinance awarding the bid proposal from Schroeder Asphalt Services, Inc. for the Village's 2025 MFT Resurfacing Project (MFT# 25-00115-00-RS) and authorizing a contract consistent with the bid documents.

Background of Subject Matter

The Village accepted bid proposals from nine contractors for the 2025 MFT Resurfacing Project. The bids ranged from \$1,223,281.62- \$1,524,990.77. The low bid was 20.2% lower than the Engineer's cost estimate of \$1,533,438.17.

Additional Background

The approved construction budget for the 2025 MFT Resurfacing Project is \$1,700,000. The low bid is within the budgeted amount. The low bidder has performed work for the Village in the past and the work was satisfactory.

Recommendation

Staff recommends awarding the bid of \$1,223,281.62 to Schroder Asphalt Services, Inc.

Type Ordinance

Budgeted Yes

e. **Engineering Agreement - 2025 MFT Resurfacing Project**

Engineering Agreement - 2025 MFT Resurfacing Project

Board to consider an ordinance authorizing an engineering agreement with Primera Engineers, Ltd for Phase 3 construction engineering services for the 2025 MFT Resurfacing Project.

Background of Subject Matter

Request to approve the sum of \$130,700.00 for Phase 3 construction engineering services for the Village's 2025 MFT Resurfacing Project.

Recommendation

Approve

Type Ordinance

Budgeted Yes

f. **Administrative Code Hearing System**

Board to consider an ordinance approving amendments to Chapter 1, Article II of the Westmont Code of Ordinances regarding Administrative Code Hearing System.

Background of Subject Matter

The Village's Administrative Code Hearing System was established in 2018 to provide for local adjudication hearings of ordinance violations. 65 ILCS 5/1-2.2-1, *et seq.*, provided authority for non-home rule communities to establish such a System. Another statute, 65 ILCS 5/1-2.1-1, *et seq.*, allowed home rule communities to establish a similar, but more flexible System. This statute was amended in 2024 to allow both home rule and non-home rule communities to utilize the more flexible adjudication procedures.

Additional Background

The proposed amendments re-establish the Village's System pursuant to 65 ILCS 5/1-2.1.1, *et seq.* The amendments will allow for easier administration

of the System by staff, with less technical requirements, while still preserving the due process rights of defendants to notice and a hearing.

Recommendation

Approve

Type Ordinance

Budgeted

g. **Amendments to Administrative Tow Hearing Procedures**

Board to consider an ordinance approving amendments to Chapter 78, Article XII, Division 1 of the Westmont Code of Ordinances regarding Administrative Hearings for Vehicle Seizure and Impoundment.

Background of Subject Matter

Chapter 78, Article XII, Division 1 of the Westmont Code creates a system for administrative adjudication hearings regarding vehicle seizure and impoundment. This administrative hearing system is authorized by 625 ILCS 5/11-208.7. The proposed amendments involve ministerial corrections and additions to the existing ordinances and will not alter current practices.

Recommendation

Approve

Type Ordinance

Budgeted

h. **Administrative Adjudication of Parking Violations**

Board to consider an ordinance amending Chapter 78, Article XII of the Westmont Code of Ordinances to create a new Division 3 for the administrative adjudication of parking, standing, and vehicle condition violations.

Background of Subject Matter

65 ILCS 5/11-208.3 authorizes the Village to enforce parking, standing, and vehicle condition violations through administrative adjudication hearings.

Currently, the Village processes non-moving vehicle tickets through the Circuit Court. The Police Department desires to amend the Village Code to create a system for in-house adjudication of parking and related tickets, which would allow the Village to retain all fines paid by violators.

Additional Background

The procedural requirements of State statute for the administrative adjudication of parking tickets are different than the procedural requirements for the administrative adjudication of vehicle impoundments, and are different than the procedural requirements for the administrative

adjudication of other ordinance violations. Thus, a third administration adjudication system must be established.

Recommendation

Aprove

Type

Ordinance

Budgeted

11. MISCELLANEOUS

12. EXECUTIVE SESSION

This Board may adjourn to closed session to discuss matters so permitted and may act upon such matters upon returning to open session.

13. ADJOURN

Note: Any person who has a disability requiring a reasonable accommodation to participate in the meeting should contact the ADA Compliance Officer, 9:00 A.M. to 4:00 P.M. Monday through Friday, Village of Westmont, Illinois, 60559; or telephone (630) 981-6210 voice, within a reasonable time before the meeting. Listen Everywhere, an assistive listening, mobile app, is now available to visitors attending Board and Commission Meetings held in the Village Hall Board Room.

<https://westmont.illinois.gov/581/ADA-Listen-Everywhere>



Clerk's Office
Village of Westmont

MINUTES OF THE BOARD MEETING HELD Thursday, May 15, 2025.

Mayor Nero called the meeting to order at **6:00 P.M.**

WESTMONT VILLAGE BOARD MEETING ROLL CALL:

PRESENT: Mayor Nero P Clerk A. Szymiski P

TRUSTEES: Barker P Parrilli A
Guzzo P Plowman P
Liddle P Scales P

STAFF:

May <u>P</u> (Village Manager)	Parker <u>P</u> (Assistant Manager)	Hennerfeind <u>P</u> (CDD Director)
Brainerd <u>P</u> (H.R. Director)	McIntyre <u>A</u> (Communications)	Liljeberg <u>A</u> (I.T.)
Gunther <u>P</u> (Administration)	D.C. Gruen <u>P</u> (Police Department)	Altic <u>P</u> (Finance Director)
Chief Riley <u>P</u> (Fire Dept.)	D.C. Fitzgerald <u>A</u> (Fire Department)	Mielcarski <u>P</u> (Gov't Services)
Richards <u>A</u> (Deputy Village Clerk)	D.C. Frank <u>P</u> (Deputy Fire Chief)	Ries <u>P</u> (Public Works Director)

ATTORNEY: Zemenak P Lampariello A

A QUORUM WAS PRESENT TO TRANSACT BUSINESS.

PRESS:

Bugle A

THOSE PRESENT RECITED THE PLEDGE OF ALLEGIANCE.

Mayor welcomed everyone to the meeting.

OPEN FORUM:

- No open forum requests

VOTING KEY: **A=ABSENT** **AB=ABSTAIN** **N=NO** **W=Withdrawn**
 P=PRESENT **Y=YES** **R=RECUSE**

Note: *The items listed in these minutes are summaries only and are not meant to be a direct transcript of the Mayor's, Manager's, Clerk's and Trustees' comments. For actual quotes of the referenced items please refer to the Archival video copy of this meeting.*

VOTING SUMMARY

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
TRUSTEE BARKER	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
TRUSTEE GUZZO	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
TRUSTEE LIDDLE	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
TRUSTEE PARRILLI	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
TRUSTEE PLOWMAN	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
TRUSTEE SCALES	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>

REPORTS

Mayor Nero

- Trustee Parrilli reached out and is tied up with work travel and could not make this meeting, and is expected to be at the next Village Board meeting.
- We are working on ADA improvements to the front and rear entrances of Village Hall. The project is expected to be completed this summer.
- The Memorial Day parade will be Monday, May 26th, which is being coordinated by the American Legion and Park District. The parade will begin on Cass Avenue at 10:30am, then there will be a Memorial Day Ceremony at Veterans Memorial Park at 75th East Richmond.
- Monday, May 19 - State of the Village presentation will be at the Oak Brook Hilton and it will begin at 7:30am.
- Mayor Nero will be doing a 15 minute update on Economic Development at each Village Board meeting.

Clerk Szymski

- The Village offices will be closed on May 26th in observance of Memorial Day.
- The Village offices will also be closed on June 19 in observance of Juneteenth.

Trustee Johanik-Guzzo

- The next Fire Public Safety Committee meeting will be August 7th and November 6th, 4:30pm, at Village Hall.
- Congratulations to Battalion Chief Joe Newton for 25 years of service.
- The next steps regarding the new Fire Facility were discussed at the Fire Public Safety Committee meeting.
- Text to 911 is now available and it is always best to call when you can. More information is available on the Village website.
- Recapped the New Fire Facility Tour and Presentation, which was held on Tuesday, May 13th. The goal of the event was to allow residents to observe the condition of the building and to discuss future needs. A recording has been posted on the Village of

Westmont's YouTube channel for public review. Thanked everyone who was involved in putting the presentation together and to all of the residents who came out for the tour.

Trustee Scales

- The Planning and Zoning Commission will have their public hearing at the normally scheduled PZC on June 11, 6pm, at Village Hall.

Trustee Plowman

- Commented on all of the work that goes into updating the zoning code. The staff is doing a great job.
- Attended the ground breaking for the park on Naperville Road and Grant. It is a great addition to that neighborhood.
- Lions Spring Fling is on Memorial Day weekend. It starts on Friday the 23rd and runs through the 25th. There will be concerts, food, beer, and a carnival.
- Race to the Flag will be at Ty Warner Park on May 25th and the event benefits People's Resource Center.
- The Village is hiring for Police Officers. Information can be found on the Village website.

Trustee Liddle

- July 10 - The next Administration / Finance Committee meeting will be at 4:30pm in Village Hall.
- Reminded everyone that Cruisin' Nights is 3 weeks away. It runs on Thursday nights, from June through August.
- Taste of Westmont will be July 10, 11, 12, and 13. Information has been posted on westmontevents.com.
- Businesses can sign up for the Summer Window Mural Program at westmontevents.com.

Trustee Barker

- May 16 - Cop on the Rooftop is happening at both Dunkin' Donuts locations between 5am - 12pm. This is a fundraiser for the Special Olympics.
- June 2 - The Environmental Improvement Committee meeting will be held and the guest speaker will give a lecture on solar power.
- Public Works is hosting a tree planting incentive program. This is a program that encourages residents to plant trees on their property.
- The Village is seriously looking into having an art event in town. More information will be coming out and we want to celebrate art in the community.

Mayor Nero reported for Trustee Parrilli

- Public Works Open House is this Saturday. There will be giveaways, games, and it is a nice event for kids.
- Congratulations to the business owner of Clean Your Dirty Face and Bowie Barker. He had a ribbon cutting and now has 3 businesses in the Village.

ITEMS TO BE REMOVED FROM CONSENT AGENDA:

- No items to be removed from the consent agenda.

(1) CONSENT AGENDA [Omnibus Vote]:

Village Manager May addressed the Board on this agenda item.

Motion by **Trustee Liddle** to approve the consent agenda.

(A) VILLAGE BOARD MINUTES

Board Meeting Minutes

- Board to consider approving the Village Board Meeting held on **May 1, 2025**.

(B) FINANCE ORDINANCE

Finance Ordinance # 10

\$ 2,617,124.41

(C) PURCHASE ORDERS:

Tyler Technologies, Inc.	\$ 32,202.00
MES I Acquisition Inc. / MES Service Company LLC	35,662.69
Westmont Park District	40,000.00
Monroe Truck Equipment Inc.	133,246.00
Total of Purchase Orders	\$ 241,110.69

(D) TOTAL OF PURCHASE ORDERS & FINANCE ORDINANCE # 10: \$ 2,858,235.10

(E) PROCLAMATION - EMS WEEK

Board to approve a proclamation declaring May 19 - 25, 2025 as Emergency Medical Services Week in the Village of Westmont.

(F) PROCLAMATION - PUBLIC WORKS WEEK

Board to consider a proclamation declaring the week of May 19th as Public Works Week in the Village of Westmont.

Seconded by **Trustee Guzzo** and the motion passed.

VOTE ON MOTION #1

Ayes: Barker, Guzzo, Liddle, Plowman, Scales

Nays: None

Absent: Parrilli

UNFINISHED BUSINESS

(2) LICENSE AGREEMENT WITH NORCOMM

Fire Chief Riley addressed the Village Board on this item.

Motion by Trustee Barker to consider an ordinance approving a License Agreement with Norcomm Public Safety Communications, Inc. for fire and police alarm monitoring services.

Seconded by **Trustee Liddle** and the motion passed.

VOTE ON MOTION #2

Ayes: Barker, Guzzo, Liddle, Plowman, Scales

Nays: None

Absent: Parrilli

NEW BUSINESS

(3) B-1 DEVELOPMENT PERMIT REQUEST - 8 WEST BURLINGTON AVENUE

Community Development Director Hennerfiend and Dalita L. Moondragon addressed the Village Board on this item.

Motion by **Trustee Scales** to consider an ordinance approving a B-1 Development Permit request from Dalita L. Moondragon d/b/a Escritorio Publico Inc. at 8 West Burlington Avenue for a Business Services Office.

Seconded by **Trustee Plowman** and the motion passed.

VOTE ON MOTION #3

Ayes: Barker, Guzzo, Liddle, Plowman, Scales

Nays: None

Absent: Parrilli

(4) PURCHASE OF REAL ESTATE

Village Manager May addressed the Village Board on this item.

Motion by **Trustee Scales** to consider an ordinance approving a real estate agreement for the purchase of 20 North Linden Avenue, Westmont, for use by the Village.

The purchase price of the property is \$485,000 and that was pursuant to an appraisal.

Seconded by **Trustee Liddle** and the motion passed.

VOTE ON MOTION #4

Ayes: Barker, Guzzo, Liddle, Plowman, Scales

Nays: None

Absent: Parrilli

(5) EXERCISE OF OPTION FOR YEAR 2 - DOWNTOWN ANNUAL FLOWER WATERING PROGRAM

Public Works Director Ries addressed the Village Board on this item.

Motion by **Trustee Guzzo** to consider an ordinance authorizing the Village to exercise the second option year of the contract with Ken's Landscaping & Supply, Inc. for the Downtown Annual Flower Watering Program.

Seconded by **Trustee Liddle** and the motion passed.

VOTE ON MOTION #5

Ayes: Barker, Guzzo, Liddle, Plowman, Scales

Nays: None

Absent: Parrilli

(6) ENGINEERING SERVICES AGREEMENT - 2026 MFT DES MOINES STREET RECONSTRUCTION PROJECT

Public Works Director Ries addressed the Village Board on this item.

Motion by **Trustee Liddle** to consider an ordinance approving an engineering agreement with Thomas Engineering Group for Phase 2 design engineering services for the 2026 MFT Des Moines Street Reconstruction Project.

Seconded by **Trustee Barker** and the motion passed.

VOTE ON MOTION #6

Ayes: Barker, Guzzo, Liddle, Plowman, Scales

Nays: None

Absent: Parrilli

(7) IPWMAN - MUTUAL AID AGREEMENT

Public Works Director Ries addressed the Village Board on this item.

Motion by **Trustee Liddle** to consider an ordinance approving a revised Mutual Aid Agreement for the Illinois Public Works Mutual Aid Network.

Seconded by **Trustee Scales** and the motion passed.

VOTE ON MOTION #7

Ayes: Barker, Guzzo, Liddle, Plowman, Scales

Nays: None

Absent: Parrilli

MISCELLANEOUS

- Mayor Nero went to TECO for an event with Trustee Liddle and it was very nice and a lot of fun.

(8) ADJOURNMENT

Motion by **Trustee Plowman** to adjourn the regular meeting.

Seconded by **Trustee Liddle** and the motion passed.

VOTE ON MOTION #8

Ayes: Barker, Guzzo, Liddle, Plowman, Scales

Nays: None

Absent: Parrilli

MEETING ADJOURNED AT 6:38 P.M.

ATTEST:

APPROVED:

Amanda Szymiski, Village Clerk

Steven T. Nero, Mayor

Dated this 29th day of May, 2025



Village of Westmont

Purchase Order

PO Date: 2025-05-14

Page: 1 of: 1

Bill To:

FIRE DEPARTMENT - HQ
6015 S CASS AVE
WESTMONT, IL 60559

THIS NUMBER MUST APPEAR ON ALL INVOICES, PACKAGES AND SHIPPING PAPERS.

Purchase
Order #

25203064

Vendor:

Zoll Medical Corporation
269 Mill Road
Chelmsford, MA 01824-4105
Fax: 978-421-0015

Ship To:

See Shipping Information Below

Vendor Number	Vendor Phone Number	Vendor Fax Number	Delivery Reference			
100578	800-348-9011	978-421-0015				
Item#	Description/PartNo	QTY	UOM	Unit Price	Extended Price	
1	Lease for 6 Cardiac Monitors Lease for 6 Cardiac Monitors; May 1, 2025 - April 30, 2026 GL Account: 0155251 - 55031 - 2I&I Ship To: FIRE DEPARTMENT - HQ 6015 S CASS AVE WESTMONT, IL 60559 Email: jsaldivar@westmont.il.gov	1.0	EACH	\$63,834.42	\$63,834.42	

By: Spencer Parker
Authorized Signature

PO Total **\$63,834.42**

*All vendors must comply with applicable regulations of the Illinois Department of Human Rights.

*This order is exempt from Federal Excise Tax under title 25 USCA, and from Illinois Sales Use and Service Taxes. E9997-4320-07.

*Acceptance of this Purchase Order constitutes agreement by vendor that any action arising out of this Agreement may be commenced only in the State or Federal courts located in DuPage County and/or the Northern District of Illinois. The prevailing party shall have their attorney's fees and court costs paid by the losing party.

*The Village of Westmont will process all bills in accordance with the Illinois Government Prompt Payment Act 50 ILCS 505.



**Village of Westmont
VILLAGE BOARD**

31 West Quincy Street, Westmont, Illinois 60559

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Proclamation No. 25- _____

NATIONAL GUN VIOLENCE AWARENESS DAY

WHEREAS, every day more than 125 Americans are killed by gun violence and more than 200 are shot and wounded, with an average of more than 17,000 gun homicides every year; and

WHEREAS, according to the CDC, Illinois has more than 1700 gun deaths every year with a rate of nearly 13 deaths per 100,000 people, a crisis that costs the state over \$18 Billion dollars each year, of which \$625 Million is paid by taxpayers; and

WHEREAS, Illinois has the 10th highest rate of gun deaths in the US in 2022, and

WHEREAS, cities across the nation, including the Village of Westmont, are working to end gun violence with evidence-based solutions; and

WHEREAS, support for the Second Amendment rights of law-abiding citizens can go hand-in-hand with keeping guns away from people with dangerous histories; and

WHEREAS, law enforcement officers, in partnership with local violence intervention groups and resources, know their communities best, are the most familiar with local criminal activity and how to address it, and are best positioned to understand how to keep their citizens safe; and

WHEREAS, gun violence prevention is more important than ever as we see an increase in firearm homicides, suicides, and nonfatal shootings across the country, increased calls to domestic violence hotlines, and an increase in city gun violence;

WHEREAS, in January 2013, Hadiya Pendleton was tragically shot and killed at age 15; and on June 7, 2024 to recognize the 27th birthday of Hadiya Pendleton, people across the United States will recognize National Gun Violence Awareness Day and wear orange in tribute to -

- (1) Hadiya Pendleton and other victims of gun violence; and
- (2) the loved ones of those victims; and

WHEREAS, the idea was inspired by a group of Hadiya's friends, who asked their classmates to commemorate her life by wearing orange; choosing this color because hunters wear orange to announce themselves to other hunters when out in the woods, and orange is a color that symbolizes the value of human life; and

WHEREAS, anyone can join this campaign by pledging to wear orange on the first Friday in June in 2025, to help raise awareness about gun violence; and

WHEREAS, we renew our commitment to reduce gun violence and encourage responsible gun ownership to help keep our families and communities safe.

NOW, THEREFORE BE IT RESOLVED, that I, Steven T. Nero, as Mayor, do hereby declare June 6, 2025, to be National Gun Violence Awareness Day in the Village of Westmont; and encourages all citizens to support their local communities' efforts to prevent the tragic effects of gun violence and to honor and value human lives.

PASSED AND APPROVED by the Mayor and Board of Trustees of the Village of Westmont, DuPage County, Illinois, this 29th day of May, 2025.

Ayes: _____ Nays: _____ Absent: _____

Approve: _____
Steven T. Nero - Mayor

Attest: _____

Amanda Szymiski, Village Clerk

Village of Westmont

Monthly Treasurer's Report

For the 4 Month Period Ending April 30, 2025

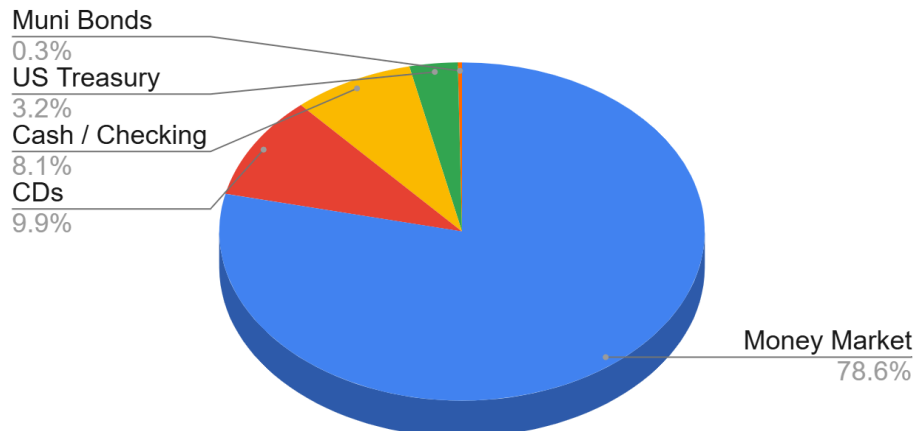
Introduction

The following analysis represents the Village's Treasurer's Report for the four (4) month period ending April 2025. Comparative data for the four (4) month period ending April 30, 2024 has been included on certain data tables. The Village's overall cash and financial position are strong as we wrap up the first 4 months of FY2025B.

Cash & Investment Balances

Fund	Fund Name	Cash and Investments 04/30/2025	Fund	Fund Name	Cash and Investments 04/30/2025
01	General Fund	\$22,568,696	62	IMRF / Social Security Fund	\$712,929
05	Convention & Tourism Fund	\$2,774,074	63	MFT Rebuild Fund	\$0
17	Employee Benefits Fund	\$0	64	Performance Bond Fund	\$551,258
25	Vehicle Replacement Fund	\$3,729,773	66	DEA Fund	\$1,054,755
30	Capital Projects Fund	\$4,085,054	68	Long Range Planning Fund	\$11,204,534
33	Stormwater Fund	\$8,431,045	82	TIF SWBD Fund	\$313,852
41	Water Fund	\$5,925,161	83	TIF CBD Fund	\$0.00
50	Debt Fund	\$975,431	91	Fire Pension Fund	\$1,064,546
61	Motor Fuel Tax (MFT) Fund	\$2,456,989	-	Grand Total	\$65,848,097

Cash and Investment Allocation By Type



Revenues

Major Revenue Item	FY2025B	FY2024	% Change
Property Taxes	\$520	\$0	0.00%
Sales Tax	\$4,020,885	\$3,936,771	2.14%
Water Revenue	\$2,785,367	\$2,412,773	15.44%
Income Tax	\$1,473,578	\$1,376,252	7.07%
Places for Eating Tax	\$682,748	\$674,621	1.20%
Non Home Rule Sales Tax	\$787,514	\$756,628	4.08%
State MFT	\$358,740	\$354,311	1.25%
Hotel / Motel Tax	\$254,830	\$300,090	-15.08%

Analysis:

Property tax receipts typically do not come in over the winter season, but will start back up in May when DuPage County issues new property tax bills. Income tax receipts continue to come in strong, led by healthy Individual and corporate income tax receipts in Illinois. Water revenue increased primarily because of a water rate increase that went into effect with the February 2025 issued utility bills.

Expenses

Department-General Fund	FY2025B	FY2024	% Change
Police	\$2,100,687	\$2,366,001	-11.21%
Fire & Ambulance	\$2,364,227	\$2,506,737	-5.69%
Public Works	\$1,897,334	\$2,341,005	-18.95%
Transfers	\$0	\$2,515,440	-100.00%
Community Development	\$395,306	\$486,532	-18.75%
Administration & Legislation	\$649,474	\$710,189	-8.55%
Information Technology	\$377,943	\$494,661	-23.60%
Finance	\$381,682	\$392,660	-2.80%
Human Resources	\$127,857	\$426,903	-70.05%
Communication	\$47,754	\$46,351	3.03%

Analysis:

Public Works Department has seen reduced expenses this year compared to the prior year due to both Staff turnover and reduced energy costs. The IT Department has seen reduced expenses compared to prior year because of a few one time projects paid in March & April 2024 related to public safety wireless network routers, CCTV cameras and Microsoft Enterprise licensing. Community Development has seen expenses also decrease this fiscal year compared to the same time last year. Costs associated with the zoning ordinance rewrite and additional plan reviews were incurred last year. Finally, the Human Resource Department saw significant attorney fees paid last year related to a legal matter.

Budget vs Actual by Fund

Fund	Fund Name	Budget Revenues	Actual Revenues	Variance	Budget Expenses	Actual Expenses	Variance
01	General Fund	\$ 26,414,151	\$ 5,678,018	\$ (20,736,133)	\$ 25,772,553	\$ 8,342,263	\$ 17,430,290
05	Convention & Tourism Fund	\$ 640,793	\$ 185,884	\$ (454,909)	\$ 993,202	\$ 183,855	\$ 809,347
17	Employee Benefits Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
25	Vehicle Replacement Fund	\$ 1,058,548	\$ 28,014	\$ (1,030,534)	\$ 433,600	\$ 453,045	\$ (19,445)
30	Capital Projects Fund	\$ 8,583,297	\$ 120,526	\$ (8,462,771)	\$ 5,351,887	\$ 222,270	\$ 5,129,617
33	Stormwater Fund	\$ 1,860,752	\$ 250,800	\$ (1,609,952)	\$ 1,204,350	\$ 30,958	\$ 1,173,392
41	Water Fund	\$ 15,520,536	\$ 2,208,707	\$ (13,311,829)	\$ 9,235,573	\$ 3,512,772	\$ 5,722,801
50	Debt Fund	\$ 651,277	\$ 7,200	\$ (644,077)	\$ 2,220,975	\$ 1,728,640	\$ 492,335
61	MFT Fund	\$ 465,902	\$ 282,181	\$ (183,721)	\$ 1,175,889	\$ -	\$ 1,175,889
62	IMRF / Social Security Fund	\$ 1,914,261	\$ 6,907	\$ (1,907,354)	\$ 1,486,524	\$ 651,579	\$ 834,945
63	MFT Rebuild Fund	\$ -	\$ -	\$ -	\$ 280,151	\$ -	\$ 280,151
64	Performance Bond Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
66	DEA Fund	\$ 122,303	\$ 90,901	\$ (31,402)	\$ 68,040	\$ 25,624	\$ 42,416
68	Long Range Planning Fund	\$ 359,760	\$ 96,947	\$ (262,813)	\$ 8,744,392	\$ -	\$ 8,744,392
82	TIF SWBD Fund	\$ 666,935	\$ 2,191	\$ (664,744)	\$ 271,640	\$ 991	\$ 270,649
83	TIF CBD Fund	\$ 2,013,000	\$ 8,037	\$ (2,004,963)	\$ 2,013,000	\$ 316,766	\$ 1,696,234
91	Fire Pension Fund	\$ 41,933	\$ 8,291	\$ (33,642)	\$ 3,567	\$ 869	\$ 2,698
-	Grand Total	\$ 60,313,449	\$ 8,974,604	\$ (51,338,845)	\$ 59,255,343	\$ 15,469,632	\$ 43,785,712



Village of Westmont Planning and Zoning Application and Instructions

Community Development Department
31 West Quincy Street
Westmont, Illinois 60559
630-981-6260

<u>Office Use Only</u>	
Date Received:	_____
By:	_____

PROJECTNAME: SALT CREEK BALLET COMPANY' STUDIO

Subject Property Street Address: 98 EAST NAPERVILLE RD, 2ND FLOOR, WESTMONT

PINNumber(s): 09-03-308-019

PETITIONERBILLINGCONTACT (Agent and Project Manager for the Petition):

Petitioner (and corporation if applicable): LAUREN KAVANAUGH (SALT CREEK BALLET)

Address: 98 EAST NAPERVILLE ROAD, 1ST FLOOR, WESTMONT

Phone: 630-769-1199 (OFFICE); [REDACTED]

Email: LKAVANAUGH@SALTCREEKBALLET.ORG

Relationship of Petitioner to Property Owner: TENANT

PROJECT DESCRIPTION: SALT CREEK BALLET WOULD LIKE TO BUILD-OUT IT'S NEW STUDIO LOCATION ON THE 2ND FLOOR OF ITS EXISTING LOCATION AT 98 EAST [REDACTED] IN WESTMONT. SALT CREEK BALLET ("SCB") HAS OCCUPIED THE FIRST FLOOR OF THE BUILDING SINCE THE LATE 1990S, SO FOR OVER 25 YEARS. SCB IS REQUESTING TO PARTIALLY TO MOSTLY DEMOLISH THE EXISTING IMPROVEMENTS ON THE 2ND FLOOR OF THE BUILDING AND CONSTRUCT ITS NEW STUDIOS, INCLUDING, BUT NOT LIMITED TO, FOUR (4) BALLET STUDIOS, A PARENT LOUNGE, DRESSING ROOMS, OFFICES, STORAGE, AND A KITCHENETTE. AT THIS TIME, WE DO NOT BELIEVE ANY PLUMBING, HVAC, FIRE, OR MAJOR ELECTRICAL WORK WILL NEED TO BE PERFORMED. SCB IS HOPING TO OPEN ITS NEW FACILITY TO ITS STUDENTS AND THEIR FAMILIES IN THE FALL OF 2025.

PROPERTY OWNER INFORMATION (IF DIFFERENT THAN PETITIONER):

Property owner(s): P&C HOLDINGS, LLC (ATTN: PETE ERICKSON)

Address: 98 E NAPERVILLE ROAD, 2ND FLOOR, WESTMONT

Phone: 630-929-7934

Email: PERICKSON@HEIEXPO.COM

BUSINESS OWNER INFORMATION (IF DIFFERENT THAN PETITIONER AND PROPERTY OWNER):

Property owner(s):

Address:

Phone:

Email:

By signing below, the applicant and/or property owner acknowledge that the **Application fees are non-refundable** and that filling out this form is not a guarantee that the item will appear before the Planning and Zoning Commission. The applicant and/or property owner further acknowledge that all items recommended by Village planning staff for consideration by the Planning and Zoning Commission must have received technical approvals from the Consulting Engineer, the Consulting Landscape Architect, the Consulting Architect, the Village Forester and/or other Village staff, as deemed appropriate by the Community Development Department, before being recommended for consideration by the Planning and Zoning Commission. For this reason, while this is not a requirement, it is highly recommended that the applicant/property owner hire licensed professional engineers or architects when preparing their application materials.

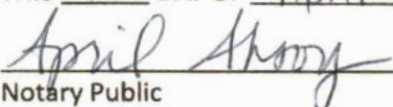
PETITIONER SIGNATURE:

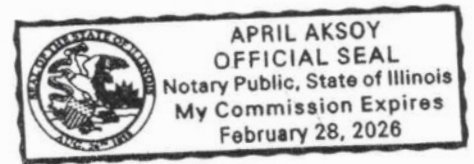
Type or print name: LAUREN KAVANAUGH

Signature: 

SUBSCRIBED AND SWORN TO BEFORE ME

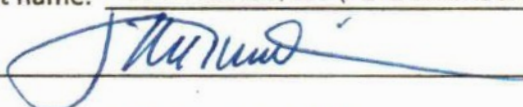
THIS 14 DAY OF April, 20 25


Notary Public



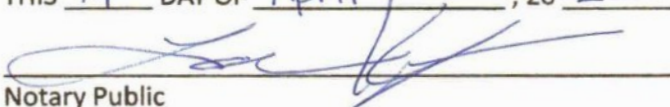
OWNER SIGNATURE:

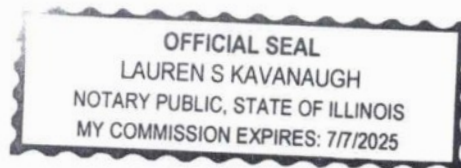
Type or print name: P&C HOLDINGS, LLC (PETE ERICKSON)

Signature: 

SUBSCRIBED AND SWORN TO BEFORE ME

THIS 14 DAY OF April, 20 25


Notary Public



SALT CREEK BALLET
RESPONSES TO SPECIAL USE AND VARIANCE STANDARDS

SPECIAL USE STANDARDS RESPONSES

- A. THE PROPERTY IN QUESTION CANNOT YIELD A REASONABLE RETURN IF PERMITTED TO BE USED ONLY UNDER THE CONDITIONS ALLOWED BY THE REGULATIONS IN THE DISTRICT IN WHICH IT IS LOCATED
- o The current and future owner of the 98 East Naperville Road building desire that Salt Creek Ballet continue to operate within the building, but be relocated to the 2nd Floor. When SCB began operating on the 1st Floor of the building over 25 years ago, it did not receive a special use permit, likely because the requirement was not yet put in place. Now that SCB desires to relocate to the 2nd Floor of the building, it must secure a Special Use Permit. Currently, there are no other commercial spaces within the Village of Westmont that are able to house SCB due to zoning restrictions or simple unavailability. Since SCB desires to stay within Westmont, it is requesting to remain within the building and continue its operations in its same or similar manner.
- B. THE PLIGHT OF THE OWNER IS DUE TO UNIQUE CIRCUMSTANCES
- o The 2nd Floor of the building is a large and unique space that would likely be difficult to lease to one or many commercial tenants. SCB is willing to and desires to improve and renovate that space and create its new ballet studios on the 2nd Floor of the building. Based on research conducted by SCB's real estate experts, it may be difficult and take several years for the future owners of the building to fill such space with tenants, so it is beneficial to both parties if SCB relocates to the 2nd Floor of the building and continue its operations there.
- C. THE VARIATION, IF GRANTED, WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE LOCALITY
- o SCB has been operating its ballet and performance school within the building since the late 1990s and has no desire to alter the character of its operations, the building, or its locality. SCB wishes to continue its tenancy under new building ownership and continue to spread its dance and arts outreach to the Westmont community.

VARIANCE STANDARDS RESPONSES

1. THAT THE ESTABLISHMENT, MAINTENANCE OR OPERATION OF THE SPECIAL USE WILL NOT BE DETRIMENTAL TO OR ENDANGER THE PUBLIC HEALTH, SAFETY, MORALS, CONFORT OR GENERAL WELFARE
- o SCB is a leading 501(c)3 not-for-profit Chicagoland ballet school and performance company dedicated to dance education, while providing high-level performance opportunities for its dancers, founded upon the discipline and artistry of classical ballet. SCB not only encourages appreciation and awareness of dance but believe dance education is of the highest priority. This philosophy drives our dedication to nurturing its dancers with the disciplines and life skills that dance teaches, which encourages them to reach their greatest potential in and out of the studio, no matter what life path they take. There is no part of the SCB mission that is detrimental or can endanger the community.
2. THAT THE SPECIAL USE WILL NOT BE INJURIOUS TO THE USE AND ENJOYMENT OF OTHER PROPERTY IN THE IMMEDIATE VICINITY FOR THE PURPOSES ALREADY

PERMITTED, NOR SUBSTANTIALLY DIMINISH OR IMPAIR PROPERTY VALUES WITHIN THE NEIGHBORHOOD.

- o SCB has been operating within the building for the past 25+ years. It intends to conduct the same or similar operations as has always been conducted, so SCB does not expect its future use in the same building to have any injurious effect on surrounding properties.
- 3. THAT THE ESTABLISHMENT OF THE SPECIAL USE WILL NOT IMPEDE THE NORMAL AND ORDERLY DEVELOPMENT AND IMPROVEMENT OF SURROUNDING PROPERTY FOR USES PERMITTED IN THE DISTRICT
 - o SCB's use of the 2nd Floor of the building will not have an effect on the development and improvement of the surrounding property, as it only intended to perform pretty minor, interior work to the 2nd Floor of the building.
- 4. THAT ADEQUATE UTILITIES, ACCESS WAYS, DRAINAGE AND/OR OTHER NECESSARY FACILITIES HAVE BEEN OR ARE BEING PROVIDED
 - o SCB is not performing any exterior work that would affect the aforementioned facilities.
- 5. THAT ADEQUATE MEASURES HAVE BEEN OR WILL BE TAKEN TO PROVIDE INGRESS AND EGRESS SO DESIGNED AS TO MINIMIZE TRAFFIC CONGESTION IN PUBLIC STREETS
 - o During normal business hours, SCB produces very little traffic and only requires a handful of cars to be parked in the parking lot. Once ballet classes begin for SCB students (around 4:00 p.m. on weekdays), some parents park their vehicle in the parking lot and walk their child into the studio, but most drop off their child at the front door and exit the parking lot. SCB and Primrose generally operate during opposite hours, with little overlap, so traffic congestion is not expected.
- 6. THAT THE SPECIAL USE SHALL IN ALL OTHER RESPECTS CONFIRM TO THE APPLICABLE REGULATIONS OF THE DISTRICT IN WHICH IT IS LOCATED, EXCEPT AS SUCH REGULATIONS MAY IN EACH INSTANCE BE MODIFIED BY THE VILLAGE BOARD PURSUANT TO THE RECOMMENDATION OF THE PLAN COMMISSION
 - o SCB intends and expects to conform to all regulations, including its Special Use and Variance requests.



March, 2025

Dear Village of Westmont,

As we celebrate both **Salt Creek Ballet's 40th Anniversary** and the ownership change of the 98 East Naperville Road building in 2025, we are appealing to you and requesting that you approve both a Special Use and Variance so that Salt Creek Ballet can continue its excellence in dance education and performance at its same location, but on the second floor.

Established in 1985, Salt Creek Ballet is a leading 501(c)3 not-for-profit Chicagoland ballet school and performance company dedicated to dance education, while providing high-level performance opportunities for our dancers, founded upon the discipline and artistry of classical ballet.

SCB not only encourages appreciation and awareness of dance but believe dance education is of the highest priority. This philosophy drives its dedication to nurturing its dancers with the disciplines and life skills that dance teaches, which encourages them to reach their greatest potential in and out of the studio, no matter what life path they take.

Salt Creek Ballet engages directly with its community, in its community, through a continuous and robust outreach program that exposes the world of dance to numerous audiences both young and old with professional-quality productions and a dance curriculum to excite and inspire. Many of our outreach programs are in and directly benefit the residents of Westmont.

Salt Creek Ballet ("SCB") moved to its current location in the late 1990s. SCB has been operating in its current space located on the 1st Floor of the 98 East Naperville Road Building for over 25 years. Now that the building is being sold, SCB desires to relocate to the 2nd Floor of the same building.

In order to do so, SCB requires a Special Use Permit, as a "performing arts school" is considered a non-confirming use at the 98 East Naperville Road location. Further, SCB also requires a Variance as a "performing arts school" is not allowed to operate within 100 feet of residential property.

As mentioned before, SCB has been operating in such location for over 25 years, and if it is able to relocate to the 2nd Floor, the operations will continue in the same or similar manner as has been done for years.

The 2nd Floor of the building would be renovated to build-out four (4) ballet studios, changing rooms, a parent lounge, and storage. The existing bathrooms, kitchenette, and HVAC would remain. The new studio space would be similar in layout as to its current studios on the 1st Floor.

SALT CREEK BALLET

Erica De La O
Artistic Director

Kristopher Wojtera
Artistic Director

BOARD OF DIRECTORS

Lauren Kavanaugh
President

Kathleen Sievertsen
Treasurer

Judy Sipek
Secretary

Julia Costello
Shirley Crutchfield
Susan Langenfeld
Melissa Barnes Mann
O.J. Mavon
Julie Mayer
Christine Schultz Neumann
Veronica Norman
Juhl Patterson
Susan Santefort

Carolyn Schanzer (Advisory)
Bob Boardman (Advisory)

HONORARY BOARD

The Honorable Judy Biggert
Marianne Calhoun
George L. Faulstich, Jr.
Lisa Gengler
William E. Parry
Kay Vee Rhoads
Carolyn Stillman
Joel Wilcoxon
Carson Yeager

IN MEMORIAM

FOUNDING ARTISTIC DIRECTOR

Patricia Sigurdson
Irene Antoniou
Michael Majewski
Alice Mansell
Gary Sigurdson
Bud Stillman

Salt Creek Ballet | 98 East Naperville Road, Westmont, IL 60559
(630) 769-1199 saltcreekballet.org saltcreek@saltcreekballet.org



SCB desires to remain within the Village of Westmont and shall continue to enrich Westmont's community with its Community Outreach Efforts and Educational Opportunities for another 25+ years.

With deepest appreciation,

Lauren Kavanaugh
President, Board of Directors
Salt Creek Ballet

Questions? Email lkavanaugh@saltcreekballet.org.

SALT CREEK BALLET EMPLOYEES, STUDENTS, HOURS OF OPERATION

NUMBER OF EMPLOYEES

- Total number of employees: 9
- Of the nine (9), two (2) are full-time and seven (7) are part-time working on one or multiple days at various times.

NUMBER OF STUDENTS

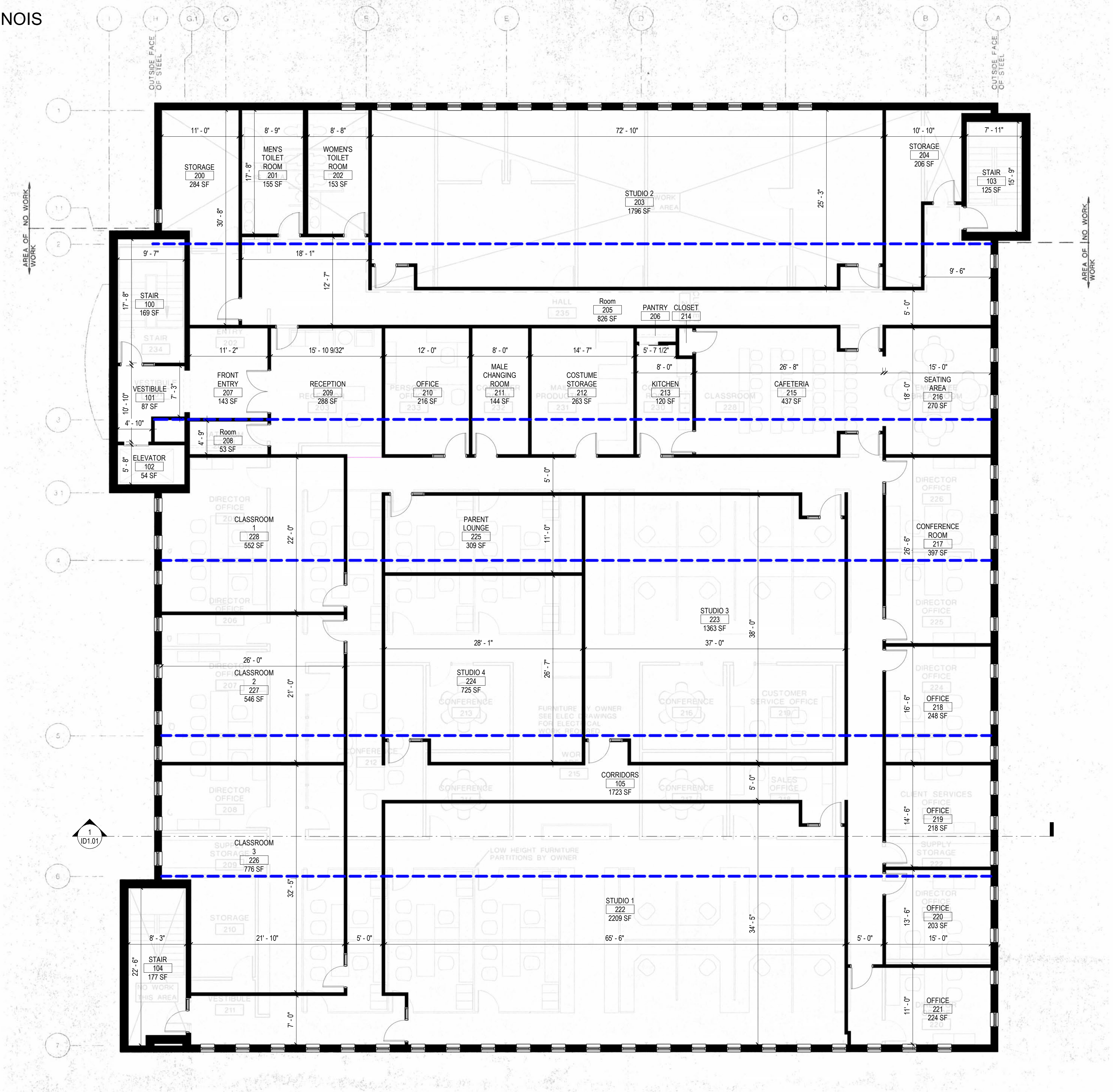
- Total number of students: 243
- These students attend class on one or multiple days during various hours.

HOURS OF OPERATION

- Front Office
 - o Monday through Thursday: 9:00am-9:00pm
 - o Friday: Closed
 - o Saturday: 8:00am-6:00pm
 - o Sunday: Closed
 - o Front office is closed during holiday breaks and two months over the summer.
- Dance School
 - o Monday through Thursday: 4:00pm-8:30pm
 - o Friday: Closed
 - o Saturday: 8:30am-1:30pm
 - o Sunday: Closed
 - o Dance classes do not take place during holiday breaks and two months over the summer. School year runs from mid-August to mid-July, annually.
 - o During *The Nutcracker* production season (October-November), Saturday hours may be slightly extended and Sunday hours may be added.

SALT CREEK BALLET COMPANY DANCE STUDIO

98 EAST CHICAGO AVENUE, WESTMONT, ILLINOIS



STUDIO PLAN



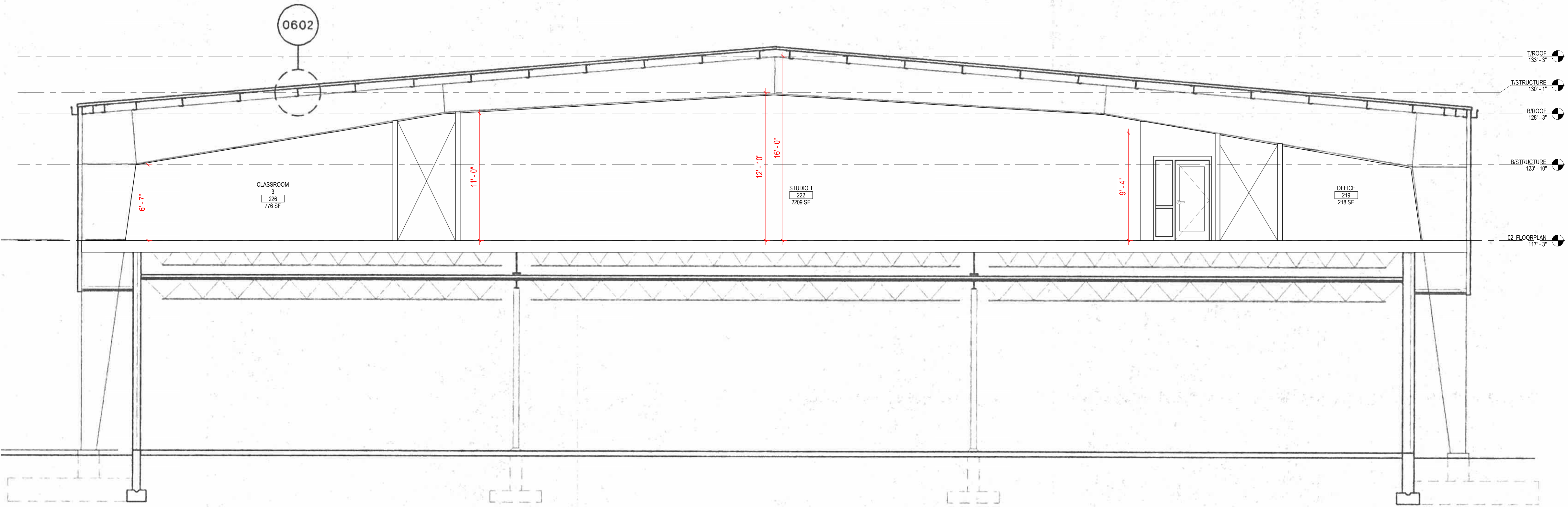
SALT CREEK BALLET COMPANY
Job No. 25-4287.01

Published 03/14/25
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SALT CREEK BALLET COMPANY DANCE STUDIO

98 EAST CHICAGO AVENUE, WESTMONT, ILLINOIS



STUDIO SECTION



SALT CREEK BALLET COMPANY
Job No. 25-4287.01

Published 03/14/25
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**FOURTH AMENDMENT TO
COMMERCIAL BUILDING LEASE**

THIS FOURTH AMENDMENT TO COMMERCIAL BUILDING LEASE ("Amendment") is made and entered into as of the 15th day of April, 2025 ("Effective Date") by and between 98 E. NAPERVILLE ROAD MANAGERS LLC, an Illinois limited liability company ("Lessor") and SALT CREEK BALLET COMPANY, an Illinois not-for-profit corporation ("Lessee").

WHEREAS, the parties entered into that certain Commercial Building Lease dated as of May 8, 2018 ("Original Lease"), that certain First Amendment to Commercial Building Lease effective as of September 1, 2020 ("First Amendment"), and that certain Second Amendment to Commercial Building Lease effective as of July 22, 2022 ("Second Amendment"), and that certain Third Amendment to Commercial Building Lease effective as of October 31, 2024 ("Third Amendment"; the Original Lease together with the First Amendment, the Second Amendment, the Third Amendment and this Amendment, are collectively referred to herein as the "Lease") for certain premises located at 98 East ~~Chicago Avenue~~, Suite 101, Westmont, Illinois 60559 ("Premises"); and Naperville Road

WHEREAS, the parties desire to amend the Original Lease in accordance with this Amendment;

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. Term. The Term shall be extended for five (5) months, commencing on April 1, 2025 and ending on August 31, 2025.
2. Except for the provisions of this Amendment, all of the terms, covenants, conditions and provisions of the Lease, as same may have previously been amended in writing, and all rights and obligations of the Lessor and Lessee thereunder, remain in full force and effect and are not otherwise revised, amended, altered or changed.
3. Any capitalized term not otherwise defined herein shall have the meaning ascribed to it in the Lease unless the context otherwise dictates.
4. This Amendment may be executed in any number of counterparts, each and all of which, when taken together, shall be deemed to constitute one and the same document.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the Effective Date first above written.

LESSEE:

Salt Creek Ballet Company,
an Illinois not-for-profit corporation

By: 

Printed Name: Lauren Kavanaugh

By: President, Board of Directors
(Title)

LESSOR:

98 E. Naperville Road Managers LLC,
an Illinois limited liability company

By: Peter H Erickson
Peter H Erickson (Apr 15, 2025 15:59 CDT)

Printed Name: Peter H. Erickson

By: Manager
(Title)

SHEET 1 OF 1



PARKING DETAILS

VICINITY MAP

SITE LOCATION

AREA SUMMARY

SURVEY RELATED SCHEDULE B EXCEPTIONS

ALTA/NSPS ALTA TABLE "A" ITEMS

- ## LEGAL DESCRIPTION

PARCEL 2: EASEMENT FOR INGRESS AND EGRESS TO AND FROM THE LAND FOR THE USE AND BENEFIT OF PARCEL 1 AS CREATED BY DEED OF EASEMENT FROM HAWTHORNE BANK OF WHEATON, TRUSTEE, UNDER TRUST NUMBER 1-021, TO CAROL HANNAH DATED MARCH 21, 1968 AND RECORDED MARCH 27, 1968 AS DOCUMENT NUMBER R88-11558, OVER, ACROSS AND UPON THE FOLLOWING DESCRIBED PROPERTY, TO WIT: THE EAST 136.15 FEET OF THE SOUTH 20.0 FEET OF THE NORTH 1/4 OF THE WEST 1/4 OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 4, 1920 AS DOCUMENT 145100, IN DUPAGE COUNTY, ILLINOIS.

SURVEYOR'S CERTIFICATE

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 7(A), 7(B)(1), 7(C), 8, 9, 13, 14, 16, 17 AND 19 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON 12/09/2024.

ERIC ZINGRE JR
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3721
MY REGISTRATION EXPIRES ON NOVEMBER 30, 2026
PROFESSIONAL DESIGN FIRM LICENSE NUMBER 184-005886
EXPIRES APRIL 30, 2025

BLOCK 16

LOT 9

- MULTIPLE FIP'S ALONG
LINE & TRAVELING NORTH

BLOCK 16

20' EASEMENT FOR INGRESS &-
EGRESS PER DOC. R68-11558

OWNER: SANDLOT RESTORATIONS LLC

OWNER: PYRAMID
CONSTRUCTION

FIP 1/2" AT CORNER
UTILITY POLE IS ±1.7' S.—
& 0.1' W. (CENTER)

CHAIN-LINK FENCE—

FIP 3/4" ON-LINE:

OWNER: CHICAGO TITLE
TRUST CO.

UTILITY POLE IS
±0.2' W. (CENTER)

LOT 8
BLOCK 16

CHAIN-LINK FENCE
CORNER IS ON-LINE

WOOD FENCE IS 1.3

ARTHUR T. MCINTOSH &
COMPANY'S WESTMONT
ACRES SUBDIVISION
PER DOC. 145100

OWNER: CHICAGO TITLE
TRUST CO.

NAPERVILLE
ROAD
(66' R.O.W. PER
DOC. 145100)

LINE LEGEND

- _____ - PROPERTY LINE
 _____ - ADJACENT PROPERTY LINE OR
 _____ - RIGHT-OF-WAY LINE
 _____ G _____ - UNDERGROUND GAS
 ----- - EASEMENT
 _____ - BUILDING SETBACK
 _____ O/U _____ - OVERHEAD UTILITY LINE
 _____ P/L _____ - PARCEL LINE
 _____ T _____ - UNDERGROUND AT&T
 _____ W _____ - UNDERGROUND WATER
 _____ STM _____ - UNDERGROUND STORM

SYMBOL LEGEND

-  - DEPRESSED CURB
-  - ELECTRIC SWITCH
-  - CONCRETE SURFACE
-  - MANHOLE
-  - LIGHT POLE
-  - SIGN
-  - STORM INLET
-  - UTILITY POLE
-  - WATER CONNECTION
-  - ELECTRIC METER
-  - STAND PIPE
-  - GAS METER
-  - STORM GUTTER
-  - FOUND IRON PIPE/ROD
-  - FOUND/SET CROSS
-  - FOUND IRON PIPE
-  - NUMBER OF PARKING STALLS

SURVEYOR'S NOTES

3. FIELD WORK WAS COMPLETED ON 12/09/2024.
2. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION, AND DRAWINGS IN THE SURVEYOR'S POSSESSION. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES STATE THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
3. COMPARE THE DESCRIPTION ON THIS PLAT WITH YOUR DEED, ABSTRACT, OR CERTIFICATE OF TITLE; ALSO COMPARE ALL POINTS BETWEEN BUILDING BY SAME, AND REPORT ANY DIFFERENCE IMMEDIATELY.
4. BUILDING LINES ARE SHOWN ONLY WHERE THEY ARE SO RECORDED ON THE MAPS. REFER TO YOUR DEED OR ABSTRACT FOR ADDITIONAL ZONING RESTRICTIONS.
5. THIS SURVEY IS NOT VALID WITHOUT THE SURVEYOR'S ORIGINAL SIGNATURE AND SEAL.
6. EASEMENTS AND SERVITUDES SHOWN HEREON ARE BASED UPON A TITLE COMMITMENT ISSUED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY IDENTIFIED AS NUMBER 24169059 WITH AN EFFECTIVE DATE OF 10/8/24.
7. THE BEARINGS ARE ASSUMED SHOWN HEREON; AND ARE BASED UPON THE WEST LINE OF WARWICK AVENUE BEING SOUTH 02 DEGREES 02 MINUTES 00 SECONDS EAST (ASSUMED).
8. DIMENSIONS ALONG CURVES ARE ARC DISTANCES.
9. MEASUREMENTS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.
10. DIMENSIONS ENCLOSED IN () INDICATE RECORD OR DEED DATA. ALL OTHER DIMENSIONS ARE MEASURED.
11. PLEASE NOTE, NAPERVILLE ROAD AND CHICAGO AVENUE ARE BOTH PUBLIC ROADWAYS. THE CURRENT ACCESS TO THE PROPERTY AND PARKING LOT IS THROUGH AN ASPHALT AND CONCRETE APRON (DRIVE) THROUGH CHICAGO AVENUE (CHICAGO AVENUE BEING A ROADWAY CURRENTLY UNIMPROVED (NO PAVEMENT) AT THE LOCATION DUE SOUTH OF THE PROPERTY) AND ONTO NAPERVILLE ROAD.

PREPARED FOR:

CJ BAK
KIDVEST LLC
111 N. LINCOLN ST.
HINSDALE, IL 60521

SURVEY

DRAWN BY EEZ		EZ SURVEYING, INC. P.O. BOX 595 ROCKTON, IL 61072 (815) 519-7319
PROJECT NO. 2024196		
SCALE 1" = 30'	SHEET 1 OF 1	EMAIL: ERICZ@EESURVEYING.COM WWW.EESURVEYING.COM ALL RIGHTS RESERVED ©COPYRIGHT 2024

LEGAL DESCRIPTION

PARCEL 1: LOT 6 (EXCEPT THE NORTH 57.0 FEET THEREOF) IN BLOCK 16 IN ARTHUR T. MCINTOSH & COMPANY'S WESTMONT ACRES, BEING A SUBDIVISION OF THE SOUTHWEST ¼ (EXCEPT THAT PART OF THE EAST ½ OF SAID SOUTHWEST ¼ LYING SOUTH OF THE CENTER LINE OF NAPERVILLE ROAD), ALSO THE WEST ½ OF THE SOUTHEAST ¼, ALL IN SECTION 3, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 4, 1920 AS DOCUMENT 145100 IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2: EASEMENT FOR INGRESS AND EGRESS TO AND FROM THE LAND FOR THE USE AND BENEFIT OF PARCEL 1 AS CREATED BY DEED OF EASEMENT FROM HAWTHORNE BANK OF WHEATON, TRUSTEE, UNDER TRUST NUMBER 1-201, TO CAROL HANNAH DATED MARCH 21, 1968 AND RECORDED MARCH 27, 1968 AS DOCUMENT NUMBER R68-11558, OVER, ACROSS AND UPON THE FOLLOWING DESCRIBED PROPERTY, TO WHIT: THE EAST 136.15 FEET OF THE SOUTH 20.0 FEET OF THE NORTH 57.0 FEET OF LOT 6 IN BLOCK 16 IN ARTHUR T. MCINTOSH AND COMPANY'S WESTMONT ACRES, BEING A SUBDIVISION OF THE SOUTHWEST ½ (EXCEPT THAT PART OF THE EAST ½ OF SAID SOUTHWEST ¼ LYING SOUTH OF THE CENTER LINE OF NAPERVILLE ROAD) ALSO THE WEST ½ OF THE SOUTHEAST ¼, ALL IN SECTION 3, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 4, 1920 AS DOCUMENT 145100, IN DUPAGE COUNTY, ILLINOIS.

ADDRESS: 98 EAST NAPERVILLE ROAD, WESTMONT, ILLINOIS 60559

PIN: 09-03-308-019



VILLAGE OF WESTMONT
Board of Trustees Memorandum
May 29, 2025

Item for Board of Trustees Consideration:

Board to consider an ordinance approving requests from Salt Creek Ballet Company (Petitioner), and P & C Holdings, LLC (Owner), at 98 East Naperville Road, Westmont, Illinois, 60559 for the following:

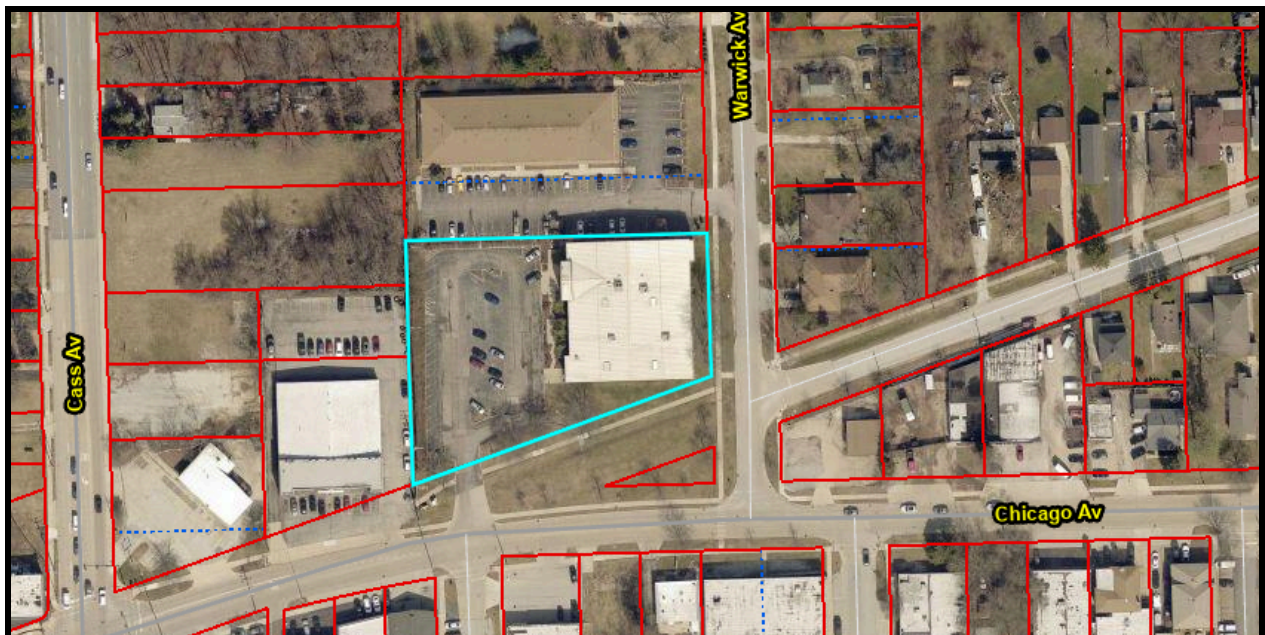
1. Special Use Permit to operate a performing arts studio in the B-2 General Business District.
2. Zoning Ordinance Variance to the special condition that requires 100 foot distance separation between a performing arts studio and a residence district.

Planning and Zoning Commission Recommendation:

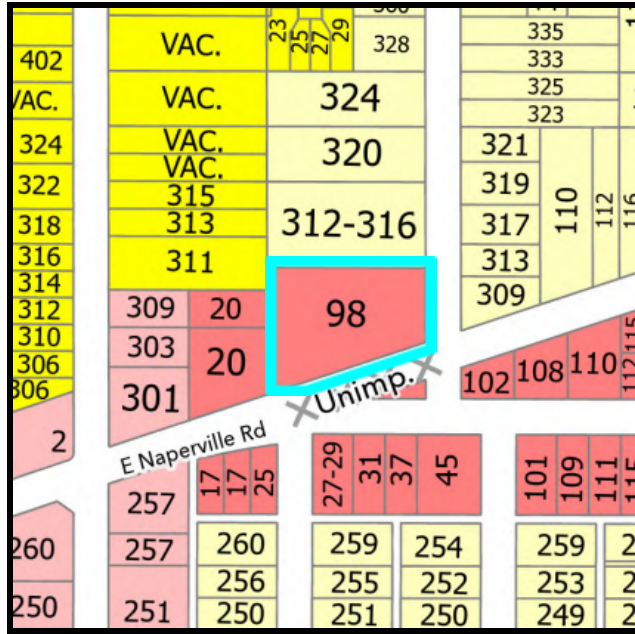
At its meeting on May 14, 2025, the Planning and Zoning Commission recommended approval for the Special Use Permit and Variance request (7-0).

I. BACKGROUND OF ITEM

- A. Location: 98 East Naperville Road is located between Cass and Warwick Avenues. The driveway to the property is located at the former intersection of Chicago Avenue and Naperville Road. Naperville Road was removed in the early 2000s, but the public right-of-way still remains. The site is improved with a two-story building hosting the petitioner on the ground floor and office users on the second floor. The lot is 297' at its widest and 140' at its deepest, for an area of approximately 56,192 sq ft or 1.29 acres.



Aerial Map - 98 East Naperville Road (source: DuPage County Parcel Viewer)



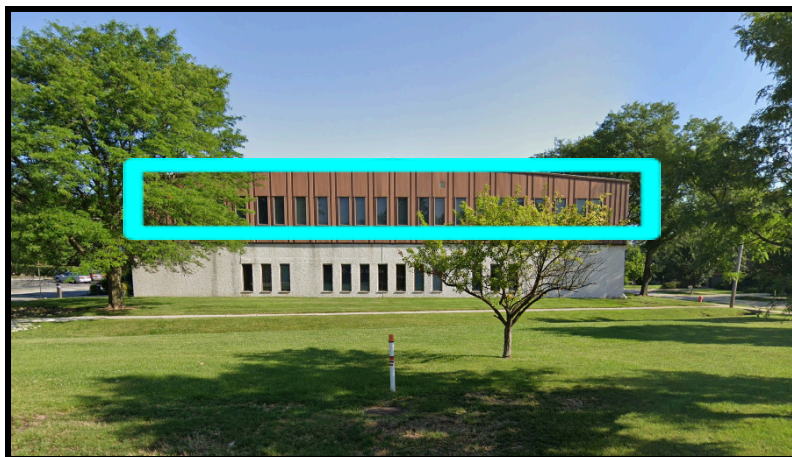
Zoning Map - 98 East Naperville Road

B. Zoning Designations:

SUBJECT PROPERTY	B-2 General Business District
NORTH	R-3 Single-Family Detached Residence District
SOUTH	B-2 General Business District
EAST	R-3 Single-Family Detached Residence District
WEST	B-2 General Business District & R-4 General Residence District

C. Neighborhood Characteristics

The lot is located in the A.T. McIntosh & Co.'s Westmont Acres subdivision, which was recorded in 1920. The property is northeast of the Village's Downtown, at the intersection of the Downtown and the Naperville Road/Chicago Avenue commercial corridor. Due to being in a transitional area between residential and commercial areas, the surrounding area hosts a wide variety of uses like single-family homes, apartment buildings, restaurants, retail shops, and service uses. The subject unit is located on the second floor of the building, as shown in the image below.



Street View - 98 East Naperville Road (source: Google)

II. PETITIONER REQUEST:

The petitioner has requested a special use permit for a performing arts studio to operate in the B-2 General Business District and a variance to the special condition that requires 100 foot distance separation between a performing arts studio and a residence district.

III. ZONING ANALYSIS

A. Zoning and Comprehensive Plan Designations

The current zoning district of the property is B-2 General Business District, which allows for a wide variety of retail, restaurant, and service uses.

The Comprehensive Plan designates the future land use in this area as General Commercial, which describes the designation as an area “*..intended to accommodate less intense commercial uses to primarily cater to the day-to-day needs of Westmont residents.*” The uses in this category should be “*generally compatible with nearby residential areas.*”

More specifically, the Comprehensive Plan identifies the subject property as a part of the Naperville and Cass subarea’s neighborhood business. The Plan explains that this block contains light industrial uses that should be relocated naturally over time. Compatible commercial uses with minimal impacts on adjacent residential properties should replace the industrial uses.

B. Entitlement Request

The petitioner has provided a project narrative and supporting documentation for the following request, including the necessary responses to the variance standards. Any corresponding standards for entitlement approval consideration can be referenced in item V(B).

- **Special Use Permit to operate a performing arts studio in the B-2 General Business District.**
- **Zoning Ordinance Variance to the special condition that requires 100 foot distance separation between a performing arts studio and a residence district.**

Appendix A, Section 7.03(A)(131) requires that all performing arts studios located must obtain a Special Use Permit when located in the B-2 General Business District to assess impacts like traffic, activities, number of employees, and the like. In addition to the Special Use Standards (Sec. 13.09), a performing arts studio has the following Special Conditions, as listed in Sec. 7.04(1&2):

1. “*Such special use may be permitted provided that no buildings or outdoor portions of the lot containing such use are located within 100 feet of a residence district.*”
2. “*Such special use may be permitted where the owner satisfactorily establishes that there will be no appreciable traffic congestion or hazard to pedestrian safety.*”

The petitioner has provided the necessary responses to the special use standards in their narrative and is requesting a variance to special condition 1, due to the building being located approximately three (3) feet from the north property line which is zoned R-3 Single-Family Residential District.-

Salt Creek Ballet is a not-for-profit performing arts studio that provides instructional classes and performances. As noted in the petitioner’s narrative Salt Creek Ballet has been located on the first floor within the building on the subject property for over 25 years. With the change in ownership of the property and the proposed daycare center (Primrose) that would occupy the first floor, the

petitioner (Salt Creek Ballet) is proposing to relocate to the second floor of the existing building and to build a functional studio space.

To do so, a special use permit is required before operating due to the performing arts studio not having received one prior to operating over 25 years, when the use was likely permitted. This means the use is considered non-conforming, and is required to operate in compliance with the non-conforming use regulations. Specifically, Sec 12.03(D) states the following:

“...No nonconforming use of land shall be relocated in whole or in part to any other location on the same or any other lot, unless such use shall thereafter conform to all the regulations of the zoning district in which such use of land is located after being so relocate”

Due to the proposed relocation of the non-conforming performing arts studio to the second floor of the building, it is now required that the user request a special use permit and approval prior to operating. If both the special use permit and variance requests are approved, the use would be deemed conforming to the zoning regulations within the district.

Salt Creek Ballet operates with a staff of nine employees, including two full-time members and seven part-time staff who work flexible hours across multiple days. The ballet school serves a total of 243 students, who attend classes at various times. An anticipated maximum of 60 students would be present at any given time.

The hours of operation are divided between the front office and the dance school itself. The front office is open Monday through Thursday from 9:00 am to 9:00 pm, and on Saturday from 8:00 am to 6:00 pm. It is closed on Fridays and Sundays, as well as during holiday breaks and for two months in the summer. The dance school offers classes Monday through Thursday from 4:00 pm to 8:30 pm, and on Saturday from 8:30 am to 1:30 pm. Like the front office, the dance school is closed on Fridays and Sundays and does not hold classes during holiday breaks or two months in the summer.

The school year for Salt Creek Ballet runs annually from mid-August to mid-July. Notably, during *The Nutcracker* production season, which occurs in October and November, Saturday hours may be slightly extended, and Sunday hours might be added to accommodate rehearsals and performances. However, no performances take place on site and are normally at larger theater venues.

Since the proposed user will share the building with second daycare center use the overall parking calculation as detailed in PZC 005-2025 is reiterated below:

Appendix A, Section 10.06(K) states that for Daycare Centers and Dance Schools respectfully the total number of required parking spaces is determined by the following:

Daycare Centers:

“one off-street parking space for [each] two employees, based upon the maximum number of employees on the premises at any time”

Dance Schools:

“one parking space for each two employees, plus one space for each seven students...”

The proposed site plan includes 43 parking spaces, surpassing the minimum requirement of 28 spaces outlined in the zoning ordinance. This excess parking will accommodate parent drop-off for

the daycare center, which anticipates a maximum of 30 employees requiring 15 parking spaces, and Salt Creek Ballet. Salt Creek Ballet, operating on the second floor during off-hours (as detailed in PZC 007-2025), is anticipated to require 13 parking spaces. A separate waiver request will be submitted to the Village Board seeking approval for a reduction in the required parking stall size, a common practice for service-oriented businesses.

The use must be considered to both the Special Use Standards and the Variance Standards, which are noted below:

Standards for Special Uses Sec. 13.09(D):

A proposed special use shall substantially meet the following standards in order to obtain the recommendation of the planning and zoning commission and approval of the board of trustees:

- 1) That the establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.*
- 2) That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.*
- 3) That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.*
- 4) That adequate utilities, access ways, drainage and/or other necessary facilities have been or are being provided.*
- 5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.*
- 6) That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the village board pursuant to the recommendation of the plan commission.*

Standards for Variances, Sec. 13.07(D)(1):

The planning and zoning commission shall not recommend a variation to the regulations of this comprehensive amendment as authorized herein unless it shall have made findings of fact based upon the evidence presented to it in each specific case that:

- (a) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located;*
- (b) The plight of the owner is due to unique circumstances; and*
- (c) The variation, if granted, will not alter the essential character of the locality.*

IV. SUMMARY

The petitioner, Salt Creek Ballet, which has operated on the ground floor for over 25 years as nonconforming use, is seeking to relocate to the second floor due to changes in property ownership. To do so, the petitioner has requested a special use permit for a performing arts studio to operate in the B-2 General Business District and a variance to the special condition that requires 100 foot distance separation between a performing arts studio and a residence district.

V. LEGAL

- A. Notification: A legal notice was published in Westmont Suburban Life on April 24, 2025.
- B. Code References: Appendix A: Sections 7.03(A)(131); 7.04; 13.07; 13.09

VI. DOCUMENTS ATTACHED:

1. Publication notice appearing in the April 24, 2025 Westmont Suburban Life.
2. Planning and Zoning Commission Findings of Fact
3. Petitioner Attachments received April 24, 2025 (Edited for VB):
 - a. Planning and Zoning Development Application, including responses to the Special Use and Variance Standards
 - b. Project Narrative
 - c. Floor Plan
 - d. Signed Lease Agreement
 - e. Plat of Survey

Certificate of the Publisher

Westmont Suburban Life

Description: PZC 007-2025-E.NAPERVILLE
2240740

VILLAGE OF WESTMONT
31 W QUINCY ST
WESTMONT IL 60559

Shaw Media certifies that it is the publisher of the Westmont Suburban Life. The Westmont Suburban Life is a secular newspaper, has been continuously published weekly for more than fifty (50) weeks prior to the first publication of the attached notice, is published in the Village of Westmont, County of DuPage, State of Illinois, is of general circulation throughout that county and surrounding area, and is a newspaper as defined by 715 ILCS 5/5.

A notice, a true copy of which is attached, was published 1 time(s) in the Westmont Suburban Life, namely one time per week for one successive week(s). Publication of the notice was made in the newspaper, dated and published on 04/24/2025

This notice was also placed on a statewide public notice website as required by 715 ILCS 5/2.1.

In witness, Shaw Media has signed this certificate by Laura Shaw, its Publisher, at Westmont, Illinois, on 24th day of April, A.D. 2025

Shaw Media By:



Laura Shaw, Publisher

Account Number 10074602

Amount \$110.70

PUBLIC NOTICE
LEGAL NOTICE / PUBLIC
NOTICE VILLAGE OF
WESTMONT PLANNING
AND ZONING COMMISSION
NOTICE OF PUBLICATION
NOTICE IS HEREBY GIVEN that a public hearing has been scheduled before the Westmont Planning and Zoning Commission to be held on Wednesday, May 14, 2025 at 6:00 P.M. in the Westmont Village Hall, 31 W. Quincy St., Westmont, Illinois 60559.
The purpose of the hearing is to consider requests from Salt Creek Ballet Company (Petitioner), and P & C Holdings, LLC (Owner), for the property at 98 East Naperville Road, Westmont, Illinois, 60559, for the following:
1. Special Use Permit to operate a performing arts studio in the B-2 General Business District.
2. Zoning Ordinance Variance to the special condition that requires 100 foot distance separation between a performing arts studio and a residence district.
PIN: 09-03-308-019
More Common Location: 98 East Naperville Road, Westmont, Illinois, 60559
Village Code(s) Applicable: Appendix A, Sections 7.03 (A)(131); 7.04; 13.07; 13.09
Note: Any person who has a disability requiring a reasonable accommodation to participate in the meeting should contact the ADA Compliance Officer, 8:00 A.M. to 4:00 P.M. Monday through Friday, Village of Westmont, Illinois, 60559; or telephone (630) 981-6210 voice, within a reasonable time before the meeting. All interested persons in attendance will be allowed to express their views.
WESTMONT PLANNING AND ZONING COMMISSION
Doug Carmichael, Chairperson
(Published in Westmont Suburban Life April 24, 2025) 2240740

VILLAGE OF WESTMONT PLANNING AND ZONING COMMISSION
FINDINGS OF FACT

PUBLIC HEARING OF MAY 14, 2025

PZC 007-2025: Salt Creek Ballet Company, regarding 98 E. Naperville Road, Westmont

Request for a special use to allow a performing arts studio in the B-2 General Business District.

CRITERIA NO. 1: That the establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

FINDINGS OF FACT: The proposed performing arts studio will contribute to and foster the local community by encouraging and mentoring youths who wish to participate in the performing arts. The instructional ballet classes will support the public welfare and will not involve any dangerous or immoral activities. All classes will be conducted indoors. This use has operated from the first floor of the property for over 25 years without endangering the public health, safety, morals, comfort or general welfare, and its operations will not change with its proposed relocation to the second floor of the same building.

CRITERIA NO. 2: That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.

FINDINGS OF FACT: The Petitioner has operated from this building on the property for over 25 years without causing adverse impacts on surrounding properties. Now, the Petitioner is simply relocated its operations from the first floor to the second floor within the same building. All classes and related activities will be conducted indoors. No performances will take place on site. Adequate parking is available on-site. Classes will be staggered throughout the day, and the Petitioner has limited staff on-site at any one time. This use is closed on Fridays, Sundays, holidays, and for 2 months in the summer. This proposed use will not result in adverse noise, lights, odors, traffic, or other impacts on surrounding properties. This proposed use will enrich the neighborhood and may support property values of surrounding homes and businesses as this use will fill a long vacant building with a productive use.

CRITERIA NO. 3: That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

FINDINGS OF FACT: Surrounding properties are fully-developed, and allowing this use in an existing building will not impede the redevelopment of surrounding properties.

CRITERIA NO. 4: That adequate utilities, access ways, drainage and/or other necessary facilities have been or are being provided.

FINDINGS OF FACT: The property is fully improved with a building that is served by adequate utilities, access ways, stormwater management facilities, and other facilities.

CRITERIA NO. 5: That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

FINDINGS OF FACT: The property has sufficient means of ingress and egress and has sufficient off-street parking. Its operating history of over 25 years has demonstrated that this use will have no adverse traffic impacts on the neighborhood.

CRITERIA NO. 6: That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the village board pursuant to the recommendation of the plan commission.

FINDINGS OF FACT: The proposed use meets all other zoning requirements of the B-2 General Business District, and no variances are required, except for a variance from Special Condition 1 to allow this use within 100 feet of a residential district.

CRITERIA NO. 7: The proposed use meets the special conditions of Special Condition 2.

FINDINGS OF FACT: The Petitioner seeks a variance from the requirements of Special Condition 1. The proposed use complies with Special Condition No. 2 in that the use is not expected to cause appreciable traffic congestion or hazard to pedestrian safety. In this regard, see the Findings of Fact to Criteria 2 and 5 above.

VILLAGE OF WESTMONT PLANNING AND ZONING COMMISSION
FINDINGS OF FACT

PUBLIC HEARING OF MAY 14, 2025

PZC 007-2025: Salt Creek Ballet Company, regarding 98 E. Naperville Road, Westmont

Request for a variance from the requirement of Special Condition 1 of the Zoning Ordinance (Section 7.04) that requires a performance arts studio to be located at least 100 feet from a residence district.

***CRITERIA NO. 1:** The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located.*

FINDINGS OF FACT: The Petitioner has operated from the existing building on the property for over 25 years, and the Petitioner is simply relocating its operations from the first floor of the building to the second floor. This existing building is located within 100 feet of a residence district. Without this variance, and given this operational history on the property, the property could not yield a reasonable return.

***CRITERIA NO. 2:** The plight of the owner is due to unique circumstances.*

FINDINGS OF FACT: The Petitioner's 25 plus years of operation on the property pre-dates the current special use requirement for performing arts studios in the B-2 General Business District. The Petitioner's relocation from the first floor to the second floor within the same building on the property has triggered the need for a special use permit and has triggered the need for this variance since the existing building is located within 100 feet of a residence district. There is nothing in Petitioner's long history of operation from the property that would justify the denial of this variance.

***CRITERIA NO. 3:** The variations, if granted, will not alter the essential character of the locality.*

FINDINGS OF FACT: The Petitioner has operated from the existing building on the property for over 25 years without altering the character of the locality and without adversely impacting surrounding properties. Other than its proposed relocation from the first floor to the second floor within the same building, nothing about Petitioner's operations are changing.



Village of Westmont Planning and Zoning Application and Instructions

Community Development Department
31 West Quincy Street
Westmont, Illinois 60559
630-981-6260

<i>Office Use Only</i>	
Date Received:	_____
By:	_____

PROJECT NAME: Primrose School of Westmont

Subject Property Street Address: 98 E Naperville Rd, Westmont, IL

PIN Number(s): 09-03-308-019

PETITIONER / BILLING CONTACT (Agent and Project Manager for the Petition):

Petitioner (and corporation if applicable): NVS Properties 44 LLC

Address: 227 W Monroe St, Ste 5200, Chicago, IL 60606

Phone: 248-721-7927

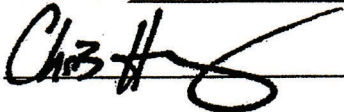
Email: chorney@murphyres.com

Relationship of Petitioner to Property Owner: Contract Purchaser Partnership

By signing below, the applicant and/or property owner acknowledge that the **Application fees are non-refundable** and that filling out this form is not a guarantee that the item will appear before the Planning and Zoning Commission. The applicant and/or property owner further acknowledge that all items recommended by Village planning staff for consideration by the Planning and Zoning Commission must have received technical approvals from the Consulting Engineer, the Consulting Landscape Architect, the Consulting Architect, the Village Forester and/or other Village staff, as deemed appropriate by the Community Development Department, before being recommended for consideration by the Planning and Zoning Commission. For this reason, while this is not a requirement, it is highly recommended that the applicant/property owner hire licensed professional engineers or architects when preparing their application materials.

PETITIONER SIGNATURE:

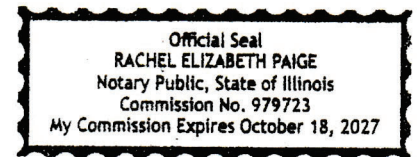
Type or print name: Chris Horney

Signature: 

SUBSCRIBED AND SWORN TO BEFORE ME

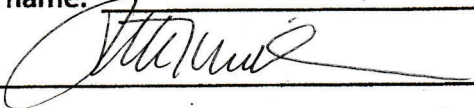
THIS 30th DAY OF March, 20 25


Notary Public



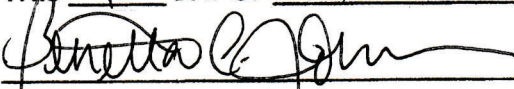
OWNER SIGNATURE:

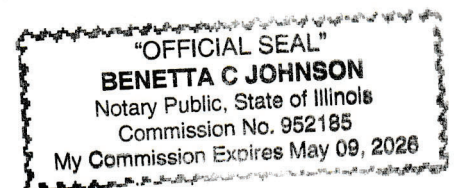
Type or print name: PETER H ERICKSON

Signature: 

SUBSCRIBED AND SWORN TO BEFORE ME

THIS 31st DAY OF March, 20 25


Notary Public



By signing below, the applicant and/or property owner acknowledge that the **Application fees are non-refundable** and that filling out this form is not a guarantee that the item will appear before the Planning and Zoning Commission. The applicant and/or property owner further acknowledge that all items recommended by Village planning staff for consideration by the Planning and Zoning Commission must have received technical approvals from the Consulting Engineer, the Consulting Landscape Architect, the Consulting Architect, the Village Forester and/or other Village staff, as deemed appropriate by the Community Development Department, before being recommended for consideration by the Planning and Zoning Commission. For this reason, while this is not a requirement, it is highly recommended that the applicant/property owner hire licensed professional engineers or architects when preparing their application materials.

PETITIONER SIGNATURE:

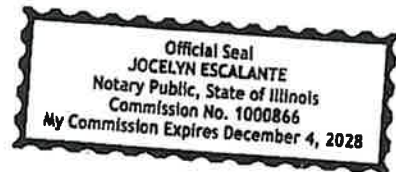
Type or print name: CHRISTOPHER BARK FOR KIDVEST LLC

Signature: [Signature]

SUBSCRIBED AND SWORN TO BEFORE ME

THIS 7th DAY OF April, 20 25

[Signature]
Notary Public



OWNER SIGNATURE:

Type or print name: _____

Signature: _____

SUBSCRIBED AND SWORN TO BEFORE ME

THIS _____ DAY OF _____, 20 _____

Notary Public

13. Findings of Fact for Variance



3/31/25

Village of Westmont
Planning and Zoning Commission
31 W Quincy Street
Westmont, IL 60559

RE: 98 E Naperville Road - Variance Findings of Fact

Dear Planning and Zoning Commission,

Please find below our written analysis supporting the Findings of Fact that the Village of Westmont may permit the construction of a playground in the front yard of the parcel situated at 98 E Naperville Road to vary Section 4.05(E)(23):

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

Preschool and daycare services are a permitted use for this parcel, located in the B-2 (General Business) district. The use of this property as a preschool depends on compliance with DCFS standards, which require dedicated outdoor playgrounds for children of different ages at different levels of development. Best practices around safety procedures necessitate that certain age groups access playgrounds directly from their classroom. Without the variance to locate the playground in the front yard, the school cannot open, and the property cannot generate a return based on its highest and best use, as a licensed preschool in the general business district.

(B) The plight of the owner is due to unique circumstances.

The site plan of the property with the existing building and parking lot predates the establishment of modern codes by the Village. The orientation of the parcel relative to its neighbors was dramatically impacted by the closure of Naperville Road adjacent to the property more than 20 years ago. Today the property most closely abuts Warwick Avenue, and one could argue that the front yard of the property is along the east boundary. Following this logic, our intention to build playgrounds in the south and west yards complies with current Village ordinances and no variance is required. Out of an abundance of caution and in the spirit of neighborliness, we are seeking approval from the Planning and Zoning Commission for our playground placement, which eliminates the need for curb cuts or access to the property from its natural front yard on Warwick Avenue.

Today, the "front yard" of the property has an incredibly deep setback from Chicago Avenue and is ideally situated for a playground. The Village recently invested in an Oak-Hickory reforestation project in the triangle-shaped road reserve to the south of the parcel that will

serve a screening function far beyond that which is typically found in side or rear yards. The alternative option to place playgrounds along Warwick on the east side of the property would conflict with other Village ordinances and land use guidelines related to landscaping, tree preservation and the transitions between commercial and residential properties, and would more directly impact neighboring parcels because of the need for curb cuts and access changes.

(C) The variation, if granted, will not alter the essential character of the locality.

Preschools and daycares are permitted by-right uses in the General Business zoning district. In the Village's Comprehensive Plan, this property is identified in the Naperville & Cass Subarea as preferred for neighborhood, commercial uses. Preschools are typically and ideally located in transitional areas such as this, between commercial and residential districts. We have chosen to locate our playgrounds in yard areas that abut other B-2, General Business, zoning uses and which has the least amount of impact on residential neighbors.

The proposed playground will be professionally constructed with safety fencing, landscaping, and buffers to ensure visual harmony with the commercial corridor. The landscape plan was designed to align with the environmental intentionality demonstrated by the Village-installed oak-hickory micro-forest. The design will be respectful of the site's frontage and enhance the appearance of the property as a community-serving use. A well-maintained preschool playground will not detract from neighboring businesses or properties — instead, it will contribute positively to the local character by offering a valuable educational and childcare service to families in the area.



3/31/25

Village of Westmont
Board of Trustees
31 W Quincy Street
Westmont, IL 60559

RE: 98 E Naperville Road – Waiver Request

Dear Village Board,

We request a waiver to reduce all regular parking spaces from a 10' width to a 9' width, which aligns with International Building Code Standards. We have constructed preschools in a wide range of states and municipalities around the country and always use 9' parking widths, without issue. We can provide many examples of newly built preschools across a range of brands in many different parts of the country with 9' wide parking stalls that work perfectly fine for users. The 9' width aligns with the Village's designation of long-term duration parking associated with employment-based uses, and allows us to preserve 4 additional spaces on the premises.



March 31, 2025

Village of Westmont

Planning and Zoning Commission
31 W Quincy Street
Westmont, IL 60559

**RE: Application for Site Plan Approval and Zoning Variance
98 E Naperville Road, Westmont, IL**

Dear Members of the Planning and Zoning Commission,

On behalf of our project team, I am pleased to submit this application for site plan approval and a zoning variance related to the proposed development of the **Primrose School of Westmont** at 98 E Naperville Road. This project will bring a nationally recognized, accredited early childhood education program to the Westmont community, offering high-quality care and learning experiences to local families.

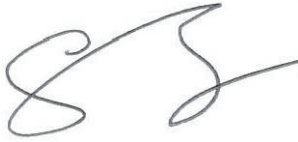
The variance we are requesting pertains to the placement of required playground areas in the front yard of the property. As outlined in the attached Findings of Fact, the unique characteristics of the site—including the existing building, parking configuration, and the deep setback from Chicago Avenue—make the front yard the only feasible and appropriate location for these outdoor learning environments. Compliance with DCFS licensing regulations and best practices for safety requires direct access from classrooms to age-specific play areas, which our current layout provides.

Primrose Schools operate over 500 schools nationwide and are known for their Balanced Learning® approach, combining purposeful play with teacher-guided instruction in safe, thoughtfully designed environments. Our schools are consistently located in highly sought-after suburban communities, and we are proud to bring the same level of quality and care to Westmont. This site, located on the edge of the central business district and near major residential neighborhoods, is ideally suited for a preschool of this caliber.

The playgrounds will be professionally constructed, safely enclosed, and visually enhanced with fencing and landscape buffering designed to align with both the naturalized plantings already in place and the Village's own recent environmental efforts in the adjacent road reserve. This intentional integration ensures that the project not only meets zoning and licensing requirements, but also enhances the visual and community character of the area.

We appreciate your time and consideration of this request, and we look forward to working in partnership with the Village of Westmont to bring this valuable community asset to life.

Sincerely,

A handwritten signature in black ink, consisting of a stylized 'C' followed by a 'J' and a 'Bak'.

CJ Bak
Primrose School of Westmont

Trip Generation

Traffic forecasts were prepared to estimate the amount of vehicular traffic that the proposed development would generate during the peak hours of travel on the adjacent roadways. These forecasts utilized guidance provided in the ITE Trip Generation Manual 11th Edition, published by the Institute of Transportation Engineers (ITE). This manual, which is a standard resource for transportation engineers, is based on a compilation of nationwide studies documenting the characteristics of various land uses.

Current use is Land Use 710: General Office, and a GFA of 15,000 sf (we are assuming that the Salt Creek Ballet impact is zero in moving from the 1st floor to 2nd floor). There is no pass by reduction for office, generating 1.44 trips per 1,000 SF, or 21.6 PM Peak Hour Trips.

Based upon this industry-standard procedure, projections were made for the AM and PM Peak Hours of Adjacent Street Traffic utilizing Land Use 565: Day Care Center, and a GFA of 15,000 sf. There is 44% pass by reduction for Day Care Center, generating 6.23 trips per 1,000 SF, or 93.4 PM Peak Hour Trips. The resulting forecasts for the proposed development are shown below in Table 1.

ITE Land Use	Size	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
565 Daycare	15,000 GFA	93	83	176	83	93	176

In the Village's Comprehensive Plan, it is stated that "Traffic Congestion at Naperville Road and Cass Avenue is not, in and of itself, a major issue." In response to our FOIA request, the Village stated that it does not have records of any traffic studies pertaining to Chicago Avenue or Naperville Road, or in the Central Business District generally. DuPage County Division of Transportation does not publish average daily traffic figures for Cass between Ogden and 55th St, but north of Ogden it is 20,000 vehicles/day and south of 55th it is 18,000/day. The site's daycare use theoretical impact is <1% using ITE estimates. Parcels within 500 feet include gas stations, supermarkets and restaurants who would benefit from any additional traffic that we bring to the area, aligning with the TIF redevelopment goals.

PURCHASE AND SALE AGREEMENT

THIS PURCHASE AND SALE AGREEMENT ("**Agreement**") is made as of the 16th day of October, 2024 (the "**Effective Date**") by and between **P & C HOLDINGS, L.L.C.**, an Illinois limited liability company ("**Seller**"), and **KIDVEST LLC**, an Illinois limited liability company, or its assignees ("**Buyer**"), together known for purposes of this Agreement as the "**Parties**", and each, a "**Party**".

RECITALS:

A. Seller owns that certain real property and related improvements located at 98 E Naperville Road, Westmont, Illinois 60559.

B. Subject to the terms and conditions of this Agreement, Seller desires to sell, and Buyer desires to purchase said real property and related improvements.

NOW, THEREFORE, in consideration of the mutual covenants contained in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of all of which the Parties hereby acknowledge, Seller and Buyer agree as follows:

1. PURCHASE AND SALE. Subject to the terms and conditions of this Agreement, Seller hereby agrees to sell and convey to Buyer, and Buyer hereby agrees to purchase and accept from Seller on the Closing Date (as defined herein), Seller's interest in the following (collectively, the "**Property**"):

1.1 the real property legally described on the attached Exhibit A, together with any and all rights, privileges, and easements appurtenant thereto, all of which collectively shall be referred to as the "**Real Property**";

1.2 all buildings and other improvements and fixtures located on the Real Property, and owned by Seller, including, without limitation, all systems and utilities associated with, and utilized by Seller in connection with the operation and occupancy thereof, all of which included items shall collectively be referred to as the "**Improvements**";

1.3 all fixtures, furniture, equipment, appliances, including rooftop antennae, machinery and furnishings and all other tangible items of personal property owned by Seller and presently affixed, attached to, placed or situated upon the Real Property and used in connection with the ownership, operation and occupancy of the Real Property, all of which included items shall collectively be referred to as the "**Tangible Personal Property**", except for any items of personal property described on the attached Exhibit B; and

1.4 Seller's interest in and to, to the extent same are transferable, and to the extent not terminated by Seller pursuant to Section 5.2(f), all (i) entitlements, approvals, development rights, consents, easements, rights of way and approvals required to make use of utilities and to ensure vehicular, pedestrian ingress and egress to and from the Real Property and any other agreements benefitting the Real Property, Improvements, Tangible Personal Property and/or Intangible Personal Property, (ii) governmental permits, approvals and licenses, to the extent same are related to the Real Property and/or Improvements, (iii) non-governmental permits, approvals, licenses, consents, easements, rights of way and approvals obtained to make use of utilities and to provide vehicular and pedestrian ingress and egress for the Real Property, (iv) warranties and guaranties made by or received from any person with respect to any building, building component, structure, appliance or fixture, machinery, equipment or material constituting any part of the Real Property,

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date first set forth above.

Buyer:

KIDVEST LLC,
an Illinois limited liability company

By: 
Name: Christopher Bak
Its: Manager

Seller:

P & C HOLDINGS, L.L.C.,
an Illinois limited liability company

By: _____
Name: Peter Erickson
Its: Manager

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date first set forth above.

Buyer:

KIDVEST LLC,
an Illinois limited liability company

By: _____
Name: Christopher Bak
Its: Manager

Seller:

P & C HOLDINGS, L.L.C.,
an Illinois limited liability company

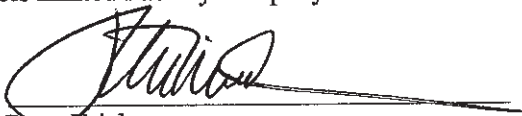
By: 
Name: Peter Erickson
Its: Manager

EXHIBIT A

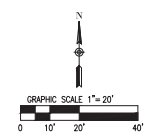
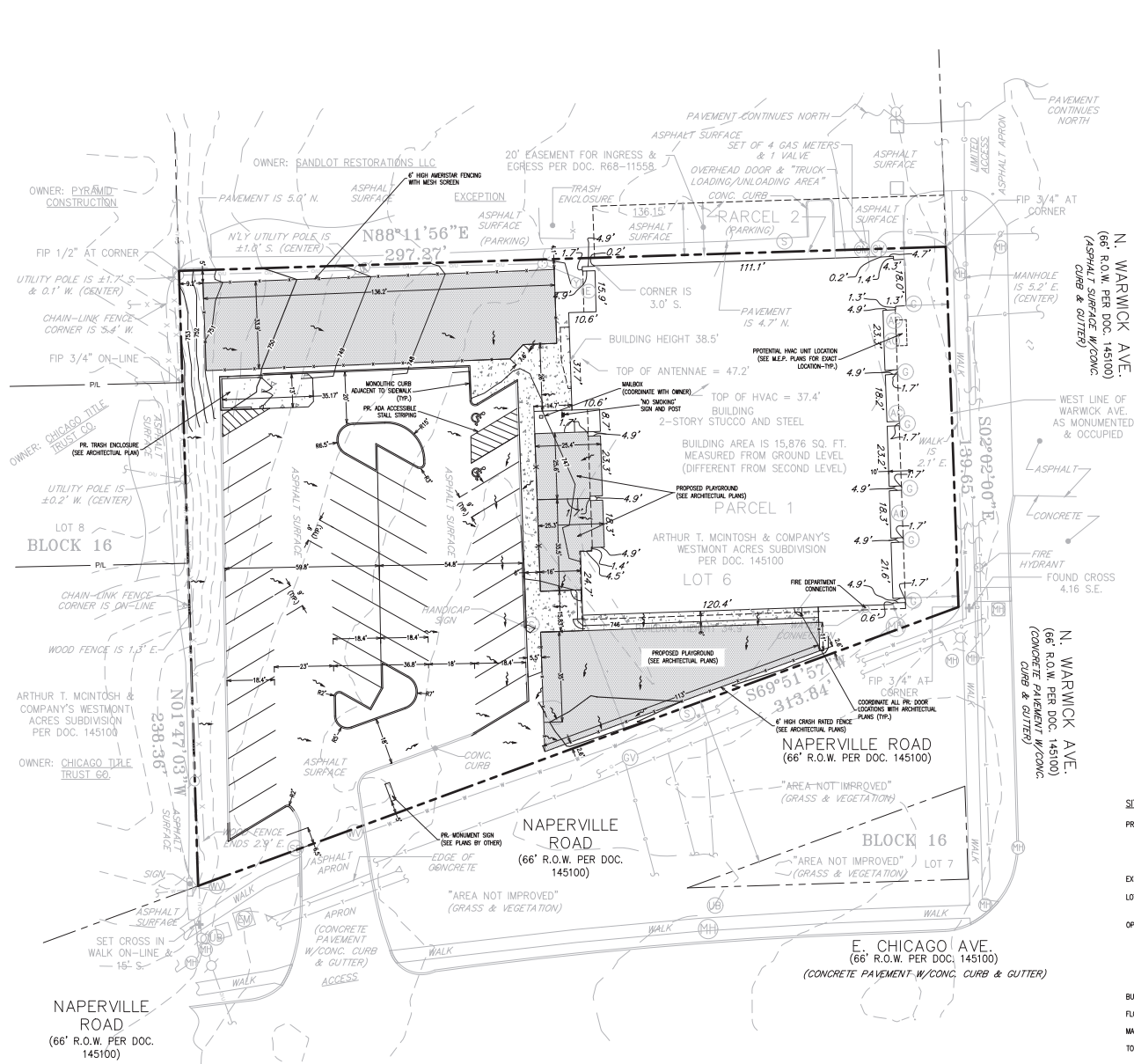
LEGAL DESCRIPTION OF THE PROPERTY

PARCEL 1: LOT 6 (EXCEPT THE NORTH 57.0 FEET THEREOF) IN BLOCK 16 IN ARTHUR T. MCINTOSH & COMPANY'S WESTMONT ACRES, BEING A SUBDIVISION OF THE SOUTHWEST 1/4 (EXCEPT THAT PART OF THE EAST 1/2 OF SAID SOUTHWEST 1/4 LYING SOUTH OF THE CENTER LINE OF NAPERVILLE ROAD), ALSO THE WEST 1/2 OF THE SOUTHEAST 1/4, ALL IN SECTION 3, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 4, 1920 AS DOCUMENT 145100 IN DU PAGE COUNTY, ILLINOIS.

PARCEL 2: EASEMENT FOR INGRESS AND EGRESS TO AND FROM THE LAND FOR THE USE AND BENEFIT OF PARCEL 1 AS CREATED BY DEED RECORDED MARCH 27, 1968 AS DOCUMENT R68-11558, OVER AND ACROSS THE FOLLOWING DESCRIBED PARCEL OF REAL ESTATE: THE EAST 136.15 FEET OF THE SOUTH 20.0 FEET OF THE NORTH 57.0 FEET OF LOT 6 IN BLOCK 16 IN ARTHUR T. MCINTOSH & COMPANY'S WESTMONT ACRES, AFORESAID.

Commonly Known As: 98 E Naperville Road, Westmont, Illinois 60559

PIN: 09-03-308-019



SITE DATA TABLE:

PROPERTY AREA:	1.29 ACRES (56,258 S.F.)
PERVIOUS COVERAGE:	34% - 0.44 ACRES (19,179 S.F.)
IMPERVIOUS COVERAGE:	66% - 0.85 ACRES (37,079 S.F.)
EXISTING IMPERVIOUS COVERAGE:	71% - 0.92 ACRES (40,000 S.F.)
LOT/SUBDIVISION:	LOT 6 IN ARTHUR T. MCINTOSH & COMPANY'S WESTMONT ACRES SUBDIVISION
OPEN SPACE REQUIREMENTS (YARDS) - REQUIRED/PROVIDED:	
FRONT YARD:	10'/10'
SIDE YARD:	35'/3'
REAR YARD:	N/A
BUILDING SQUARE FOOTAGE:	15,876 S.F.
FLOOR TO AREA RATIO:	0.28
MAXIMUM FLOOR TO AREA RATIO:	0.80
TOTAL CAR PARKING:	43 STALLS
REGULAR:	41 STALLS
ADA:	2 STALLS

9	REISED PER CLIENT	3/31/25
8	REISED PER CLIENT	3/27/25
7	REISED PER CLIENT	3/17/25
6	REISED PER VILLAGE	3/14/25
5	REISED PER CLIENT	3/9/25
4	REISED PER CLIENT	3/7/25
3	REISED PER CLIENT	2/13/25
2	REISED PER CLIENT	2/6/25
1	ORIGINAL EXHIBIT DATE	2/5/25
No	Description	

JACOB & HEFFNER
ASSOCIATES

1333 Butterfield Rd, Suite 300, Downers Grove, IL 60515
PHONE: (630) 652-4600, FAX: (630) 652-4601
www.jacobandheffner.com

SITE PLAN

PRIMROSE SCHOOL

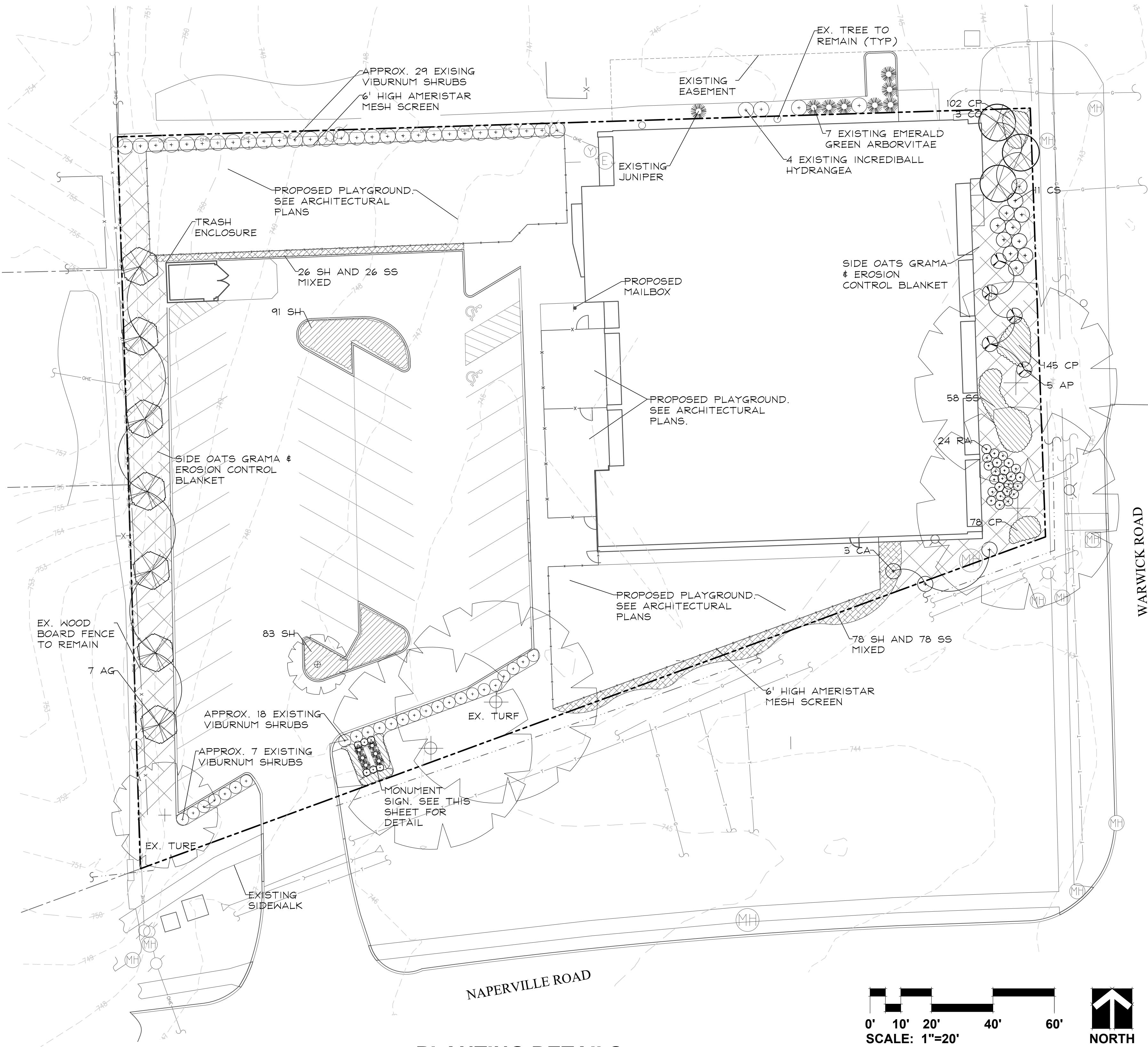
GLOBAL POWER & CONSTRUCTION

WESTMONT, IL

1" = 20'

H478

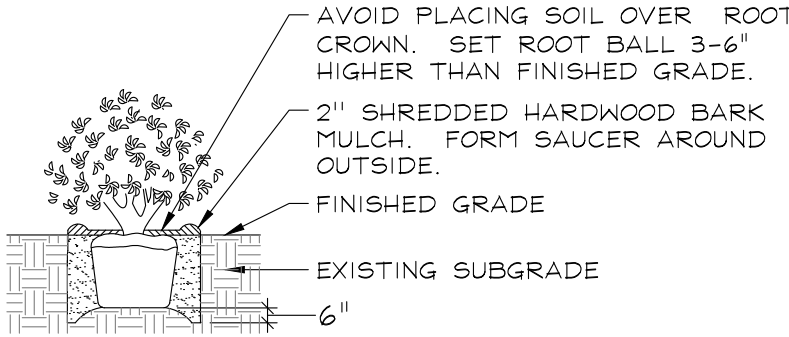
SP-1



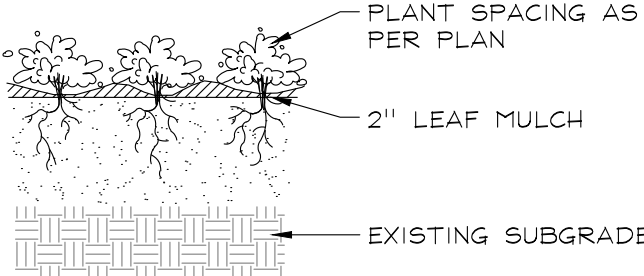
GENERAL LANDSCAPE NOTES

- Contractor shall verify underground utility lines and is responsible for any damage.
- Contractor shall verify all existing conditions in the field prior to construction and shall notify landscape architect of any variance.
- Material quantities shown are for contractors convenience only. The Contractor must verify all material and supply sufficient materials to complete the job per plan.
- The landscape architect reserves the right to inspect plant materials either at place of growth or at site before planting, for compliance with requirements of variety, size and quality.
- Work shall conform to American Standard for Nursery Stock, State of Illinois Horticultural Standards, and Local Municipal requirements.
- Contractor shall secure and pay for all permits, fees, and inspections necessary for the proper execution of this work and comply with all codes applicable to this work.
- Contractor shall monitor landscape throughout the installation process and ensure regular manual watering of all plants and turf areas is sufficient for normal establishment.
- See General Conditions and Specifications for landscape work for additional requirements.

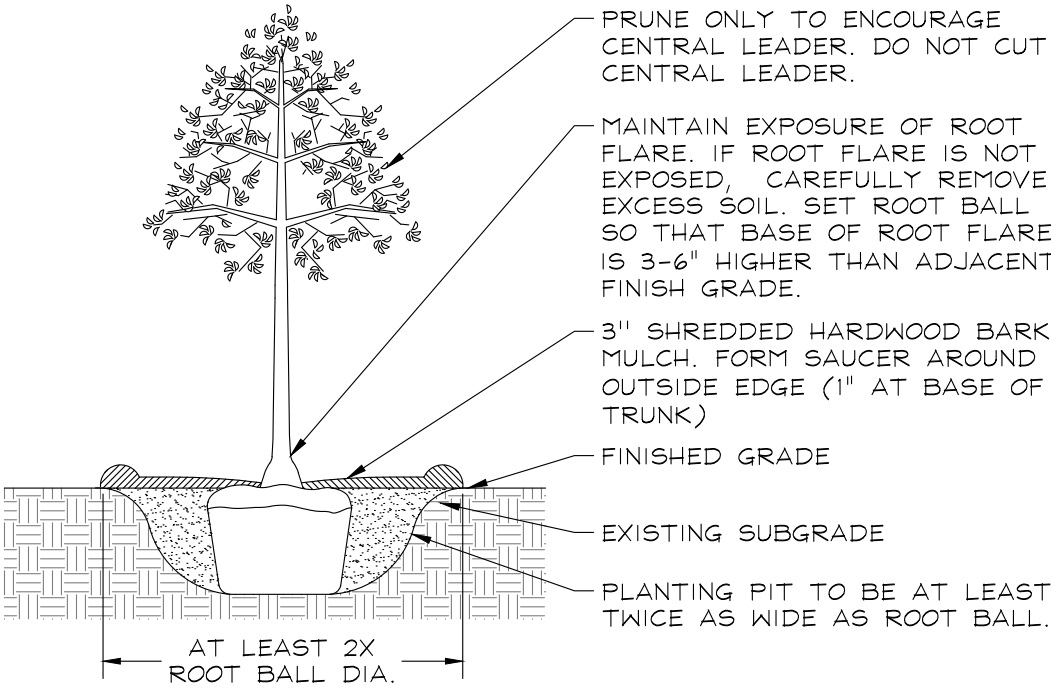
PLANTING DETAILS



DECIDUOUS AND EVERGREEN SHRUBS
NOT TO SCALE



PERENNIALS AND GROUNDCOVERS
NOT TO SCALE



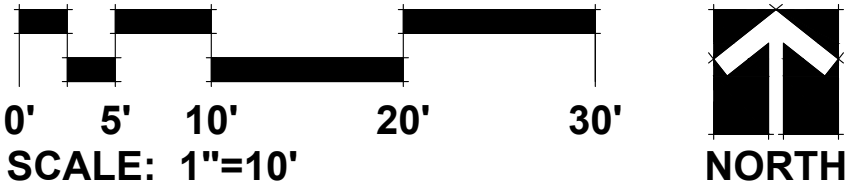
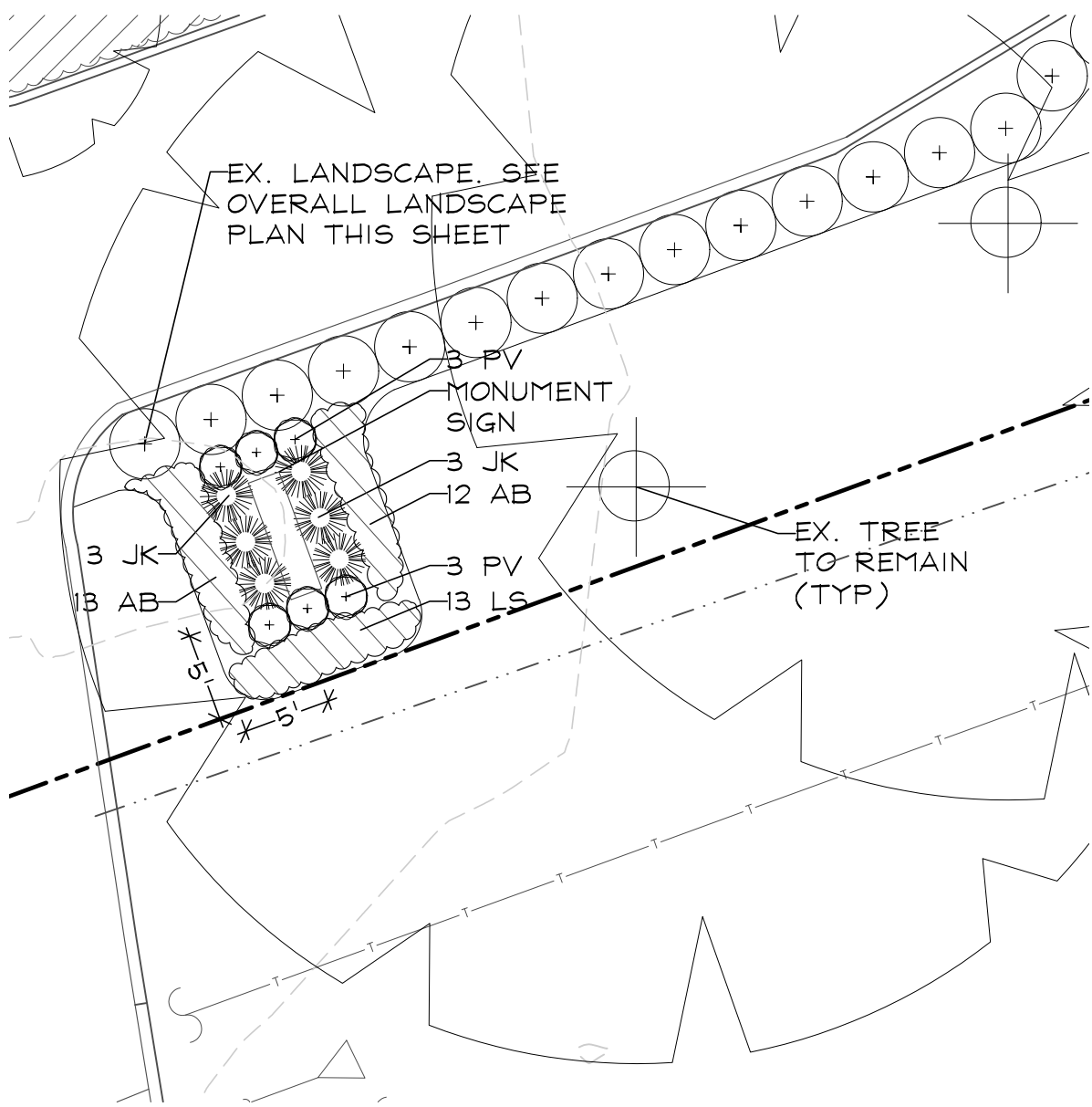
DECIDUOUS TREES
NOT TO SCALE

PLANT LIST

Key	Qty	Botanical/Common Name	Size	Remarks
SHADE TREES				
CO	3	Celtis occidentalis COMMON HACKBERRY	10' GALLON	
ORNAMENTAL TREES				
AG	7	Amelanchier x grandiflora APPLE SERVICEBERRY	6' Ht.	Clump Form
DECIDUOUS SHRUBS				
AP	5	Aesculus parviflora BOTTLEBRUSH BUCKEYE	36" Wide	5' O.C.
CA	3	Corylus americana AMERICAN HAZELNUT	36" Tall	5' O.C.
CS	11	Cornus sericea RED-OSIER DOGWOOD	36" Tall	5' O.C.
RA	24	Rhus aromatica FRAGRANT SUMAC	24" Wide	3' O.C.
EVERGREEN SHRUBS				
JK	6	Juniperus chinensis 'Kallays Compact' KALLAYS COMPACT PFITZER JUNIPER	24" Wide	4' O.C.
ORNAMENTAL GRASSES				
GP	325	Carex pensylvanica PENNSYLVANIA SEDGE	#1	12" O.C.
PV	8	Panicum virgatum 'Shenandoah' SHENANDOAH SWITCH GRASS	#1	18" O.C.
SS	193	Schizachyrium scoparium 'Twilight Zone' TWILIGHT LITTLE BLUESTEM	#1	24" O.C.
SH	247	Sporobolus heterolepis PRAIRIE DROPSEED	#1	24" O.C.
PERENNIALS				
AB	25	Allium 'Summer Beauty' SUMMER BEAUTY ONION	#1	18" O.C.
GROUNDCOVERS				
LS	13	Liloe spicata CREEPING LILYTURF	#SP4	18" O.C.
MISC. MATERIALS				
8		SHREDDED HARDWOOD MULCH	C.Y.	

NATIVE LEGEND

Key	Qty.	Description
	5493 SF	SIDE OATS GRAMA



GR
WA

GARY R. WEBER
ASSOCIATES, INC.
LAND PLANNING
ECOLOGICAL CONSULTING
LANDSCAPE ARCHITECTURE
402 WEST LIBERTY DRIVE
WHEATON, ILLINOIS 60187
PHONE: 630-668-7197

CIVIL ENGINEER
JACOB & HEFNER ASSOCIATES
1333 BUTTERFIELD ROAD
SUITE 300
DOWNERS GROVE, ILLINOIS 60515

PRIMROSE SCHOOL
WESTMONT, ILLINOIS
98 E NAPERVILLE ROAD
LANDSCAPE PLAN

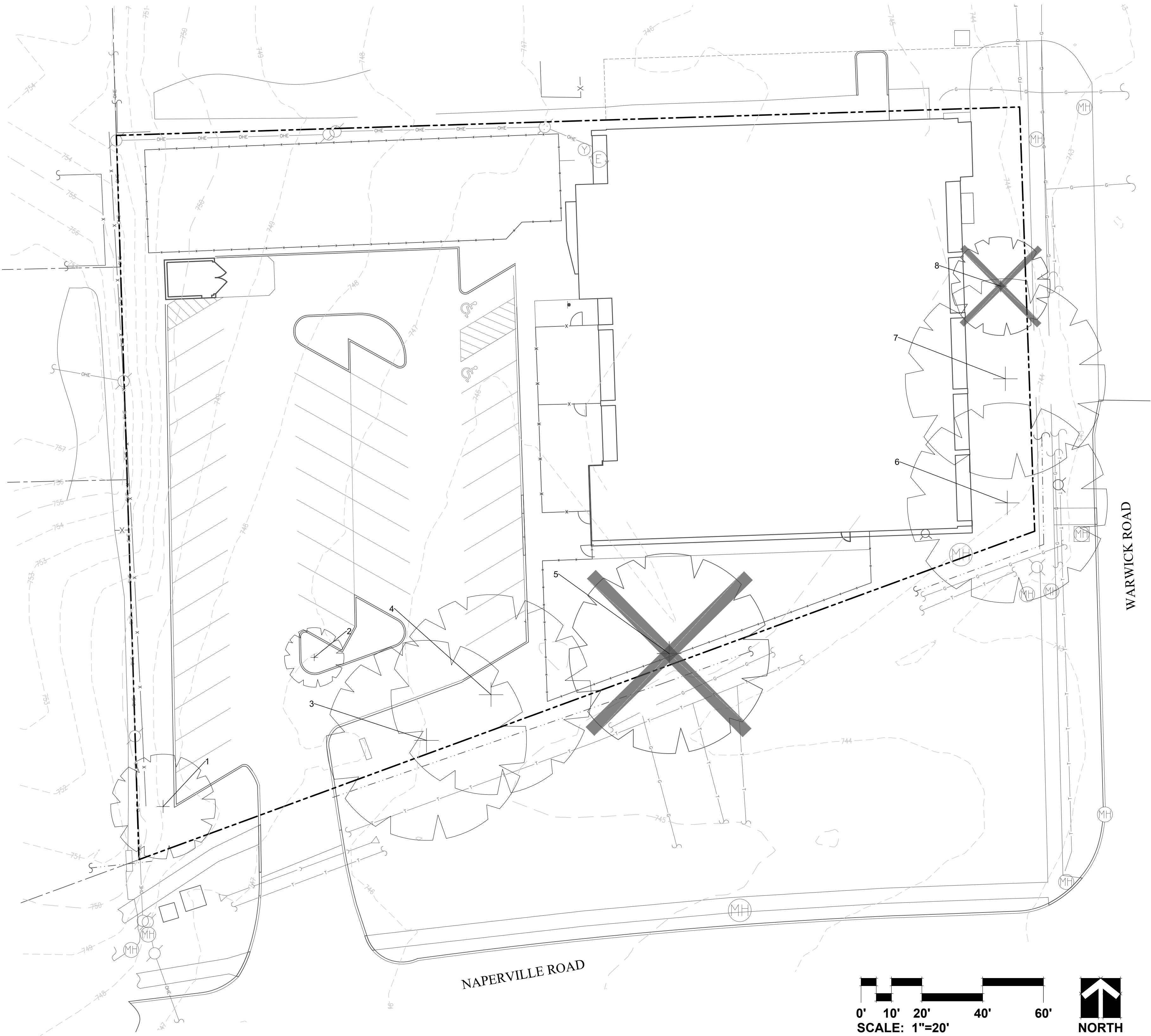
3	04.22.2025
2	04.01.2025
1	03.17.2025

REVISIONS

DATE	03.07.2025
PROJECT NO.	JH25223
DRAWN	EAN
CHECKED	TSB
SHEET NO.	

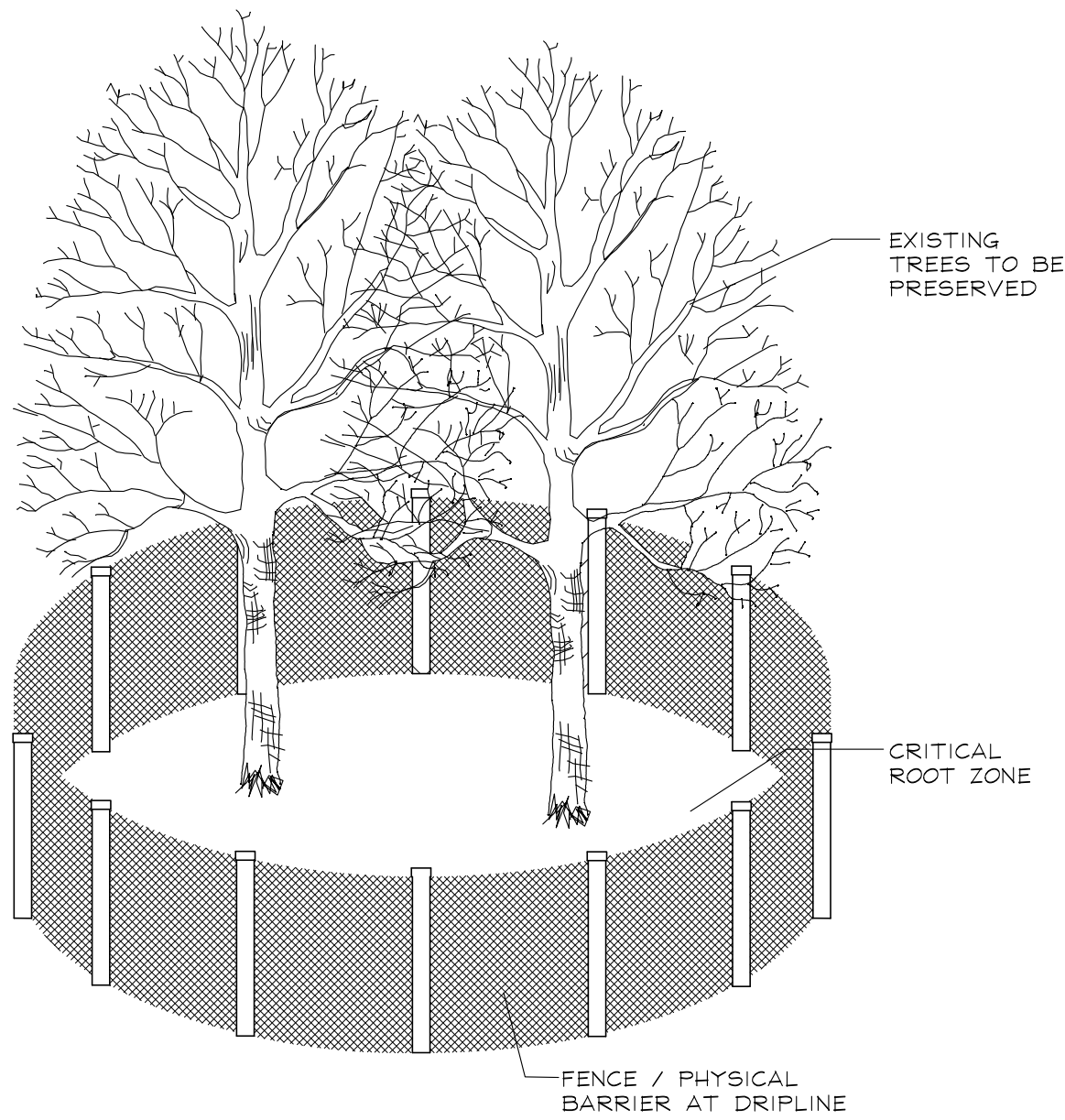
L1.1





TREE PRESERVATION NOTES

- 1. Property line shall be located and staked by a professional land surveyor prior to tree removal.
- 2. Tree inventory site visit and supporting documentation was completed by Kidvest on March 22, 2025. IF survey-grade location and elevation of tagged trees is desired, a professional surveyor should be engaged.
- 3. 48" high snow fence or wood barriers shall extend to the dripline of the tree or tree mass whenever possible, shall be installed before construction begins, and should not be removed until the completion of construction.
- 4. Contractor shall take extreme care to protect the root system of existing trees. Should root pruning be necessary it shall not exceed 25% of the tree's root system and shall be done in accordance with recognized horticulture practices under the supervision of a professional arborists, Landscape Architect or Horticulturist.
- 5. All accidental damage to existing trees that are to be preserved shall be promptly treated as required in accordance with recognized horticultural practices and the instructions of the professional Arborist, Landscape Architect or Horticulturist.
- 6. Broken or badly bruised branches shall be removed with a clean cut. If recommended by the professional Arborist, Landscape Architect or Horticulturist.
- 7. Care shall be exercised by the contractors to protect all overhead limbs and branches from damage by contact with material, machinery or equipment and by damage from engine exhaust.
- 8. Contractors shall protect trees and vegetation against spills or discharge of fuels, lubricating oils, hydraulic fluids, anti-freeze and coolants, calcium chloride, lime and all other similar hydrocarbons, organic chemicals, and other materials which can be harmful.
- 9. When underground utilities are proposed within 5' of a preserved tree trunk, they must be augered if possible.



TREE PRESERVATION DETAIL
(NOT TO SCALE)
SEE NOTES

LEGEND

- 1234 + EXISTING TREE TO BE PRESERVED
- 1234 X EXISTING TREE TO BE REMOVED

TREE INVENTORY

TREE NO.	SCIENTIFIC NAME	COMMON NAME	DBH (inches)	CONDITION	STRUCTURE	HEALTH	PROPOSED ACTION
1	<i>Acer saccharinum</i>	Silver Maple	15	Fair			PRESERVE
2	<i>Cercidiphyllum japonicum</i>	Katsura	5	Good			PRESERVE
3	<i>Gleditsia triacanthos</i>	Honey Locust	19	Excellent			PRESERVE
4	<i>Gleditsia triacanthos</i>	Honey Locust	16	Excellent			PRESERVE
5	<i>Gleditsia triacanthos</i>	Honey Locust	24	Good			REMOVE
6	<i>Gleditsia triacanthos</i>	Honey Locust	21	Excellent			PRESERVE
7	<i>Gleditsia triacanthos</i>	Honey Locust	25	Excellent			PRESERVE
8	<i>Acer rubrum</i>	Red Maple	6	Fair			REMOVE

NOTE: TREE INVENTORY WAS CONDUCTED ON MARCH 22, 2025 BY KIDVEST. SEE NOTE 2 THIS SHEET.

GRWA
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PRIMROSE SCHOOL
WESTMONT, ILLINOIS
98 E NAPERVILLE ROAD
TREE PRESERVATION PLAN

3	04.22.2025
2	04.01.2025
1	03.17.2025

REVISIONS

DATE 03.07.2025
PROJECT NO. JH25223
DRAWN EAN
CHECKED TSB
SHEET NO.



LANDSCAPE WORK PART 1 - GENERAL

1.1 DESCRIPTION OF WORK

The work shall consist of furnishing, transporting and installing all seeds, plants and other materials required for:

1. The establishment of trees, shrubs, perennial, annual and lawn areas as shown on Landscape Plan;
2. The provision of post-planting management as specified herein;
3. Any remedial operations necessary in conformance with the plans as specified in this document;
4. The design, furnishing and installation of a complete underground sprinkler system; and
5. Permits which may be required.

1.2 QUALITY ASSURANCE

- A. Work shall conform to State of Illinois Horticultural Standards and local municipal requirements.
- B. Quality Control Procedures:
1. Ship landscape materials with certificates of inspection as required by governmental authorities. Comply with governing regulations applicable to landscape materials.
 2. Do not make substitutions. If specified landscape material is not obtainable, submit to Landscape Architect proof of non-availability and proposal for use of equivalent material.
 3. Analysis and Standards: Package standard products with manufacturers certified analysis.
- C. Insect Control
1. For areas containing standing water less than 3-ft that persist for greater than 7 days, mosquito control may be necessary. Mosquito control should be limited to larvicides applications such as Natulor or Vectolex FG, per the EPA and CDC guidance. Larvicide application should be provided by a qualified professional. Contract the North Shore Mosquito Abatement District for service.

1.3 SUBMITTALS

- A. Planting Schedule
- Submit three (3) copies of the proposed planting schedule showing dates for each type of planting.
- B. Maintenance Instruction - Landscape Work
- Submit two (2) copies of typewritten instructions recommending procedures to be established by the Owner for the maintenance of landscape work for one full year. Submit prior to expiration of required maintenance periods.
- Instructions shall include: watering, fertilizing, spraying, mulching and pruning for plant material and trimming groundcover. Instructions for watering, fertilizing and mowing grass areas shall be provided ten (10) days prior to request for inspection for final acceptance. Landscape Architect shall receive copies of all instructions when issued.
- C. Submit two (2) copies of soil test of existing topsoil with recommendations for soil additive requirement to Landscape Architect for review and written approval.
- D. Submit two (2) samples of shredded hardwood bark mulch, erosion control blankets, and all other products and materials as specified on plans to Landscape Architect for review and written approval.
- E. Nursery packing lists indicating the species and quantities of material installed must be provided to the Owner and/or City upon request.

1.4 JOB CONDITIONS

- A. Examine and evaluate grades, soils and water levels. Observe the conditions under which work is to be performed and notify Landscape Architect of unsatisfactory conditions. Do not proceed with the work until unsatisfactory conditions have been corrected in an acceptable manner.
- B. Utilities: Review underground utility location maps and plans; notify local utility location service; demonstrate an awareness of utility locations; and certify acceptance of liability for the protection of utilities during course of work. Contractor shall be responsible for any damage to utilities or property.
- C. Excavation: When conditions detrimental to plant growth are encountered such as rubble fill, adverse drainage conditions or obstructions, notify Landscape Architect before planting.

1.5 GUARANTEES

- A. Guarantee seeded and sodded areas through the specified maintenance period and until final inspection.
- B. Guarantee trees, shrubs, groundcover and perennials for a period of one year after date of acceptance against defects including death and unsatisfactory growth, except for defects resulting from neglect by Owner, abuse or damage by others or unusual phenomena or incidents which are beyond Landscape Installer's control.
- C. Native Planting Area Performance Criteria

- 1st Full Growing Season: 90% of cover crop shall be established. There shall be no bare areas greater than two (2) square feet in seeded areas. At least 25% of vegetation coverage shall be native, non-invasive species. At least 50% of the emergent species, if planted as plugs shall be alive and apparent.
- 2nd Full Growing Season: All areas with the exception of emergent zones shall exhibit full vegetative cover. At least 50% of the vegetation coverage shall be native, non-invasive species.
- 3rd Full Growing Season: At least 75% of vegetation coverage shall be native, non-invasive species. Non-native species shall constitute no more than 25% relative aerial coverage of the planted area. Invasive species for this project shall include the following: *Ambrosia artemisiifolia* & *trifida* (Common & Giant Ragweed), *Cirsium arvense* (Canada Thistle), *Dipsacus laciniatus* (Cut-leaved Teasel), *Dipsacus sylvestris* (Common Teasel), *Lythrum salicaria* (Purple Loosestrife), *Melilotus* sp. (Sweet Clover), *Phalaris arundinacea* (Reed Canary Grass), *Phragmites australis* (Giant Reed), *Fallopia japonica* (Japanese Knotweed), *Rhamnus cathartica* & *frangula* (Common & Glossy Buckthorn), *Typha* sp. (Broadleaf, Narrowleaf, and Hybrid Cattail).

LANDSCAPE WORK PART 2 - PLANT MATERIALS

2.1 LAWN SEED MIXTURE

- Grass Seed: Provide fresh, clean, new crop seed complying with the tolerance for purity and germination established by the Official Seed Analysts of North America. Provide seed of the grass species, proportions and maximum percentage of weed seed, as specified.
- A. Lawn Seed Mixture - 5 lbs. / 1,000 sq. ft.
- 50% Kentucky Bluegrass (98/85)
 - 15% Cutter Perennial Ryegrass
 - 10% Spartan Hard Fescue
 - 10% Edge Perennial Ryegrass
 - 10% Express Perennial Ryegrass
 - 5% Pennlawn Creeping Red Fescue
- B. Temporary Lawn Seed Mixture - 5 lbs. / 1,000 sq. ft.
- 40% Kentucky Bluegrass (98/85)
 - 40% Perennial Ryegrass
 - 20% Annual Ryegrass

- C. Highlands Fescue Seed Mixture - Mixture-7 lbs. / 1,000 sq. ft.
- 25% Discovery Hard Fescue
 - 25% Tiffany Chewings Fescue
 - 25% Florentine Creeping Red Fescue
 - 25% Bighorn Sheeps Fescue

2.2 NATIVE PLANTING MIXTURES

Provide fresh, clean, new crop of the species and proportions as specified. Native seed and live plant material shall be obtained from a reputable supplier (approved by Landscape Architect) that has collected from sources east of the Mississippi River within the same EPA Level III Ecoregion as the project site (Central Corn Belt Plains). Any material sourced from outside this ecoregion must be approved by the Landscape Architect prior to installation.

For each species, the amount of seed indicated on the specifications shall mean the total amount of pure live seed (PLS) per acre. Seed tags and PLS testing information shall be provided to the Landscape Architect prior to seeding.

It is the sole responsibility of the Native Landscape Contractor to provide approved seed that meets industry-standard PLS requirements.

2.3 GROUNDCOVERS, PERENNIALS AND ANNUALS

Provide plants established and well-rooted in removable containers or integral peat pots and with not less than the minimum number and length of runners required by ANSI Z60.1 for the pot size shown or listed.

2.4 TREES AND SHRUBS

- A. Name and Variety: Provide nursery grown plant material true to name and variety.
- B. Quality: Provide trees, shrubs and other plants complying with the recommendations and requirements of ANSI Z60.1 "Standard for Nursery Stock" and as further specified.
- C. Deciduous Trees: Provide trees of height and caliper listed or shown and with branching configuration recommended by ANSI Z60.1 for type and species required. Provide single stem trees except where special forms are shown or listed. Provide balled and burlapped (B&B) deciduous trees.
- D. Deciduous Shrubs: Provide shrubs of the height shown or listed and with not less than the minimum number of canes required by ANSI Z60.1 for the type and height of shrub required. Provide balled and burlapped (B&B) deciduous shrubs.
- E. Coniferous Evergreen: Provide evergreens of the sizes shown or listed. Dimensions indicate minimum spread for spreading and semi-spreading type evergreens and height for other types. Provide quality evergreens with well-balanced form complying with requirements for other size relationships to the primary dimension shown. Provide balled and burlapped (B&B) evergreen trees and containerized shrubs.
- F. Inspection: All plants shall be subject to inspection and review at the place of growth or upon delivery and conformity to specification requirements as to quality, right of inspection and rejection upon delivery at the site or during the progress of the work for size and condition of balls or roots, diseases, insects and latent defects or injuries. Rejected plants shall be removed immediately from the site.

2.5 PLANTING SOIL MIXTURE

Provide planting soil mixture consisting of clean uncompacted topsoil (stockpiled at site) for all planting pits, perennial, annual and groundcover areas. Topsoil shall be conditioned based on any recommendations resulting from the soil test in I.3.C.

2.6 EROSION CONTROL

- A. Lawn Seed Areas Erosion Control Blanket: North American Green DS75, or equivalent approved equal.
- B. Native Areas Erosion Control Blanket: North American Green SI50, or equivalent approved equal.
- C. Shoreline and Sloped Berm Areas Erosion Control Blanket: North American Green SCI50, or equivalent approved equal. To be installed per manufacturer's recommendations.
- D. Refer to latest Engineering & Erosion Control Plans for any areas to receive permanent or long-term blanket installation.
- E. Hydroseed Mulch: Conweb 2000 wood fiber mulch with tackifier. Other mulches may be used subject to approval of Landscape Architect.

2.7 MULCH

Provide mulch consisting of premium shredded hardwood bark. Provide sample to Landscape Architect for approval prior to ordering materials.

LANDSCAPE WORK PART 3 - EXECUTION

3.1 PLANTING SCHEDULE

At least thirty (30) days prior to the beginning of work in each area, submit a planting schedule for approval by the Landscape Architect.

3.2 PLANTINGS

- B. Seeding New Lawns
1. Remove existing grass, vegetation and turf. Dispose of such material legally off-site. Do not turn over into soil being prepared for lawns.
 2. Till to a depth of not less than 6"; apply soil amendments; remove high areas and fill in depressions; till soil to a homogenous mixture of fine texture, remove lumps, clods, stones over 1" diameter, roots and other extraneous matter. Dispose of such material legally off-site.
 3. Seeded lawn areas shall receive an application of commercial fertilizer at the rate of 5 lbs. per 1,000 sq. ft. and shall be 6-24-24. Fertilizer shall be uniformly spread and mixed into the soil to a depth of 1" inches.
 4. Do not use wet seed or seed which is moldy or otherwise damaged in transit or storage.
 5. Sow seed using a spreader or seeding machine. Do not seed when wind velocity exceeds five (5) miles per hour. Distribute seed evenly over entire area by sowing equal quantity in two directions at right angles to each other.
 6. Sow not less than specified rate.
 7. Rake lawn seed lightly into top 1" of soil, roll lightly and water with a fine spray.
 8. After the seeding operation is completed, spray a wood fiber mulch (Conweb 2000 with tackifier or approved equal) over the entire grassed area at the rate of 2,000 lbs. per acre. Use a mechanical spray unit to insure uniform coverage. Exercise care to protect buildings, automobiles and people during the application of the mulch.
 9. DO NOT MOW HIGHLANDS FESCUE SEED MIXTURE.

C. Seeding Native Areas

1. The period for planting prairie seed shall be from April 1 to May 15 or November 1 to just before the first frost. Seeding outside of these timeframes must be approved by the landscape architect. Native seed planted outside of specified timeframes must have at least 60 days of growth prior to frost. Dormant seeding in winter is possible if soil conditions allow
2. The General Contractor and Native Landscape Contractor shall be responsible for performing all work necessary to achieve and maintain an acceptable

seeded prior to seeding. All areas must be properly prepared before seeding begins. Equipment having low unit pressure ground contact shall be utilized within the planting areas.

3. If present, compacted soils shall be disked or raked prior to seeding. Remedial measures for the access area may, at the direction of the Wetland Consultant, involve ripping from 12 to 18 inches of the soil horizon prior to disking.
4. Prior to seeding, planting areas shall have at least twelve inches of clean, uncompacted topsoil. Clumps, clods, stones over 2" diameter, roots and other extraneous matter shall be removed and disposed of legally off-site.
5. Granular mycorrhizal inoculants shall be installed with the seed mix at a rate of 40lbs/ acre. Inoculant can be banded under seed, worked into seed or added into spray tanks. Native areas shall not receive fertilizer.
6. Contractor shall be solely responsible for the proper handling and storage of the seed according to the best seed handling and storage practices, including fungicide treatments and stratification considerations. Owner shall make no compensation for damage to the seed because of improper storage, cleaning, threshing, or screening operations.
7. Except where site conditions preclude their use, seeding shall be performed using a Truax drill, Truax Trillion seeder, or comparable equipment designed specifically for installation of native seed. For areas where site conditions preclude the use of specialized equipment, seed may be installed through hand broadcasting and followed by light raking. Hand broadcast seed shall be spread at twice the specified rate. Other methods of seed installation may be used with prior approval from the Landscape Architect.
8. Prior to starting work, all seeding equipment shall be calibrated and adjusted to sow seeds at the proper seeding rate. In general, the optimum seeding depth is 0.25 inch below the soil surface. Areas where the seed has not been incorporated into the soil to the proper depths will not be accepted, and no compensation for materials or labor for the rejected work will be made by the Owner.
9. Seeding and soil tracking/firming shall not be done during periods of rain, severe drought, high winds, excessive moisture, frozen ground, or other conditions that preclude satisfactory results.
10. Wet mesic and emergent areas shall be planted, and seed allowed to germinate (if possible), prior to flooding with significant amounts of water. Any areas of significant permanent water located within the planting area will receive live plugs in lieu of seed.
11. After the seeding operation is completed, install erosion control blanket per manufacturer's specifications.
12. Emergent plugs shall be planted in natural groupings within designed areas containing saturated soils or shallow inundation. Plants within groupings shall be planted at 2 foot centers.
13. Emergent plugs shall not be planted less than the specified rate and shall be protected with goose enclosures surrounding all natural groupings of plugs.

E. Groundcover and Perennial Beds

Groundcover, perennials, and annuals shall be planted in continuous beds of planting soil mixture a minimum of 8" deep. Install per spacing indicated on plan.

F. Trees and Shrubs

1. Set balled and burlapped (B&B) stock plumb and in center of pit or trench with top of ball at an elevation that will keep the root flare exposed upon backfill and mulching. Remove burlap from top and sides of balls; retain on bottoms. When set, place additional topsoil backfill around base and sides of ball and work each layer to settle backfill and eliminate voids and air pockets. When excavation is approximately 2/3 Full, water thoroughly before placing remainder of backfill. Repeat watering until no more is absorbed. Water again after placing final layer of backfill.
2. Dish top of backfill to allow for mulching. Provide additional backfill berm around edge of excavations to form shallow saucer to collect water.
3. Mulch pits, trenches and planted areas. Provide not less than 3" thickness of mulch and work into top of backfill and finish level with adjacent finish grades. Maintain exposed root flare at all times.
4. Prune only injured or dead branches from flowering trees, if any. Protect central leader of tree during shipping and pruning operations. Prune shrubs to retain natural character in accordance with standard horticultural practices.
5. Remove and replace excessively pruned or ill-formed stock resulting from improper pruning.
6. The Contractor shall be wholly responsible for assuring that all trees are planted in a vertical and plumb position and remain so throughout the life of this contract and guarantee period. Trees may or may not be staked and guyed depending upon the individual preference of the Contractor; however, any bracing procedure(s) must be approved by the Owner prior to its installation.

3.3 INITIAL MAINTENANCE

- A. Begin maintenance immediately after planting, continuing until final acceptance. A minimum of thirty (30) days.
- B. Maintain planted and seeded areas by watering, rolling/regrading, replanting and implementing erosion control as required to establish vegetation free of eroded or bare areas.
- C. Highlands Fescue and Native Planting areas are to be mowed only once per spring during the initial three year establishment period.

3.4 NATIVE LANDSCAPED AREAS
CONTINUED MONITORING & MAINTENANCE

A. Monitoring

The Owner shall notify the County upon completion of plantings. The Owner's Environmental Specialist shall inspect the plantings and provide the County with a copy of the planting locations, species, and quantities for verification by the County.

The Owner's Environmental Specialist shall inspect the plantings at least twice per year during the three-year term of the Establishment and Maintenance Cash Bond or Letter of Credit, to determine compliance with the minimum annual performance criteria (See I.5C Guarantees). A monitoring report will be provided to the County by January 31st following each inspection.

B. Maintenance:

First Season

With the exception of the emergent area, native seeding areas should be mowed to a height of 6" to control annual nonnative and invasive species early in the growing season. Mowing, including weed whipping, should be conducted during prior to weed seed production. Mowing height and timing may need to be adjusted per target species. Small quantities of undesirable plant species, shall be controlled by hand pulling prior to the development and maturity of the plant. Hand removal shall include the removal of all above-ground and below-ground stems, roots and flower masses prior to development of seeds. Herbicide should be applied as necessary by a trained and licensed operator that is competent in the identification of native and nonnative herbaceous plants. Debris and litter shall be removed from the native areas and storm structures shall be inspected and maintained as necessary.

Second Season

Control of undesirable plant species during the second growing season shall consist primarily of precise herbicide application. Mowing and weed whipping shall be

conducted as needed during the early growing season and as needed to a height of 6 to 8 inches to prevent annual weeds from producing seed. Debris and litter shall be removed from the native areas and storm structures shall be inspected and maintained as necessary.

Third, Fourth, and Fifth Years:

Seasonal mowing and herbicide will continue as above but should be reduced over time. Debris and litter shall be removed from the native areas and storm structures shall be inspected and maintained as necessary. At the completion of the third growing season (dependent on fuel availability; dominance of graminoid species and favorable weather conditions), fire may be introduced to the planted areas as a management tool.

State and local permits shall be required prior to controlled burning. Burning shall be conducted by trained professionals experienced in managing smoke in urban environments. Prior to a controlled burn, surrounding property owners as well as local fire and police departments shall be notified. A burn plan detailing preferred wind direction and speed, location of fire breaks, and necessary personnel and equipment shall be prepared and utilized in planning and burn implementation.

The initial burn shall be dependent on fuel availability which is directly related to the quantity and quality of grasses contained within the plant matrix. Timing of the burn shall be determined based on results of the annual monitoring indicating species composition of the management area and other analysis of management goals. Generally, burns shall be scheduled from spring to fall on a rotational basis. Burn frequency shall also be dependent on the species composition within the management area. Generally, a new prairie restoration area shall be burned annually for two years after the second or third growing season after planting and then every 2-3 years thereafter, burning 50-75% of the area.

C. Long Term Wetland and Prairie Management/Maintenance

A final compliance report and Long-Term Operation and Maintenance Plan shall be submitted by the Developer/Owner's Environmental Specialist no less than 60 days prior to the expiration of any landscape Cash Bond or Letter of Credit posted for the native areas. Final acceptance and release shall be determined by the County/City/USACE upon inspection of the site to verify compliance.

The Long -Term Operation and Maintenance Plan shall be written to include guidelines and schedules for burning, mowing, application of herbicide, debris/litter removal and inspection schedule for storm structures and sediment removal.

3.5 CLEAN UP AND PROTECTION

- A. During landscape work, store materials and equipment where directed. Keep pavements clean and work areas and adjoining areas in an orderly condition.
- B. Protect landscape work and materials from damage due to landscape operations, operations by other trades and trespassers. Maintain protection during installation and maintenance periods. Treat, repair or replace damaged landscape work as directed by Landscape Architect.

3.6 INSPECTION AND ACCEPTANCE

- A. The Landscape Architect reserves the right to inspect seeds, plants, trees and shrubs either at place of growth or at site before planting for compliance with requirements for name, variety, size, quantity, quality and mix proportion.
- B. Supply written affidavit certifying composition of seed mixtures and integrity of plant materials with respect to species, variety and source.
- C. Notify the Landscape Architect within five (5) days after completing initial and/or supplemental plantings in each area.
- D. When the landscape work is completed, including maintenance, the Landscape Architect will, upon request, make a final inspection to determine acceptability. After final acceptance, the Owner will be responsible for maintenance.

NATIVE SEED MIXTURES

Cover crops shall be installed in all planting areas containing dry mesic, mesic, and wet mesic soils to, stabilize soils, and combat weed pressure during the germination and establishment of the native seeding area.

Temporary Cover Crop

Botanical Name	Common Name	lbs / AC
Cover Crop		
<i>Avena sativa</i>	Seed Oats	30.000
Side Oats Grama Mix		
Botanical Name	Common Name	lbs / AC
<i>Bouteloua curtipendula</i>	Sideoats Grama	60.000
<i>Elymus canadensis</i>	Canada Wild Rye	16.000
	Total Seed Mix	66.000



**GARY R. WEBER
ASSOCIATES, INC.**
LAND PLANNING
ECOLOGICAL CONSULTING
LANDSCAPE ARCHITECTURE
402 WEST LIBERTY DRIVE
WHEATON, ILLINOIS 60187
PHONE: 630-668-7197

CIVIL ENGINEER
JACOB & HEFNER ASSOCIATES
1333 BUTTERFIELD ROAD
SUITE 300
DOWNERS GROVE, ILLINOIS 60515

PRIMROSE SCHOOL

WESTMONT, ILLINOIS
98 E NAPERVILLE ROAD

LANDSCAPE SPECS

3	04.22.2025
2	04.01.2025
1	03.17.2025

REVISIONS	
DATE	03.07.2025
PROJECT NO.	JH25223
DRAWN	EAN
CHECKED	TSB
SHEET NO.	

L1.3

A.L.T.A./N.S.P.S. LAND TITLE SURVEY

ARTHUR T. MCINTOSH & COMPANY'S
WESTMONT ACRES SUBDIVISION
PER DOC. 145100

ARTHUR T. MCINTOSH & COMPANY'S
WESTMONT ACRES SUBDIVISION
PER DOC. 145100

BLOCK 16

MULTIPLE FIP'S ALONG LINE &
TRAVELING NORTH

PARCEL DETAILS

ADDRESS: 98 E. NAPERVILLE ROAD
WESTMONT, IL 60559
PIN: 09-03-308-019

PARKING DETAILS

55 STANDARD PARKING STALLS
2 HANDICAP PARKING STALLS

VICINITY MAP

SITE LOCATION

AREA SUMMARY

MEASURED AREA FOR PARCEL 1 IS 56,258 SQ. FT.
1.292 ACRES, MORE OR LESS
AREA FOR PARCEL 2 IS NOT SHOWN HEREON.
PARCEL 2 IS AN EASEMENT.

SURVEY RELATED SCHEDULE B EXCEPTIONS

9. INGRESS/EGRESS EASEMENT PER DOC. NO. R68-11558. SHOWN HEREON.

ALTA/NSPS ALTA TABLE "A" ITEMS

- MONUMENTS PLACED (OR A REFERENCE MONUMENT OR WITNESS TO THE CORNER) AT ALL MAJOR CORNERS OF THE BOUNDARY OF THE SURVEYED PROPERTY, UNLESS ALREADY MARKED OR REFERENCED BY EXISTING MONUMENTS OR WITNESSES IN CLOSE PROXIMITY TO THE CORNER. SHOWN HEREON.
- ADDRESS(ES) OF THE SURVEYED PROPERTY IF DISCLOSED IN DOCUMENTS PROVIDED TO OR OBTAINED BY THE SURVEYOR, OR OBSERVED WHILE CONDUCTING THE FIELDWORK. SHOWN HEREON.
- FLOOD ZONE CLASSIFICATION (WITH PROPER ANNOTATION BASED ON FEDERAL FLOOD INSURANCE RATE MAPS OR THE STATE OR LOCAL EQUIVALENT) DEPICTED BY SCALED MAP LOCATION AND GRAPHIC PLOTTING ONLY. PROPERTY IS LOCATED IN FLOOD ZONE X PER FIRM PANEL 0186J, MAP NO. 17043C0186J, WITH AN EFFECTIVE DATE OF 8/01/2019.
- GROSS LAND AREA (AND OTHER AREAS IF SPECIFIED BY THE CLIENT). SHOWN HEREON. PLEASE SEE AREA SUMMARY.
- (A) EXTERIOR DIMENSIONS OF ALL BUILDINGS AT GROUND LEVEL. SHOWN HEREON.
- (B)(1) SQUARE FOOTAGE OF EXTERIOR FOOTPRINT OF ALL BUILDINGS AT GROUND LEVEL. SHOWN HEREON.
- (C) MEASURED HEIGHT OF ALL BUILDINGS ABOVE GRADE AT A LOCATION SPECIFIED BY THE CLIENT. IF NO LOCATION IS SPECIFIED, THE POINT OF MEASUREMENT SHALL BE IDENTIFIED. SHOWN HEREON.
- SUBSTANTIAL FEATURES OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK (IN ADDITION TO THE IMPROVEMENTS AND FEATURES REQUIRED PURSUANT TO SECTION 5 ABOVE) (E.G., PARKING LOTS, BILLBOARDS, SIGNS, SWIMMING POOLS, LANDSCAPED AREAS, SUBSTANTIAL AREAS OF REFUSE). SHOWN HEREON.
- NUMBER AND TYPE (E.G., DISABLED, MOTORCYCLE, REGULAR AND OTHER MARKED SPECIALIZED TYPES) OF CLEARLY IDENTIFIABLE PARKING SPACES ON SURFACE PARKING AREAS, LOTS AND IN PARKING STRUCTURES. SHOWN HEREON, ALSO PLEASE SEE PARKING DETAILS.
- NAMES OF ADJOINING OWNERS ACCORDING TO CURRENT TAX RECORDS. IF MORE THAN ONE OWNER, IDENTIFY THE FIRST OWNER'S NAME LISTED IN THE TAX RECORDS FOLLOWED BY "ET AL." SHOWN HEREON.
- AS SPECIFIED BY THE CLIENT, DISTANCE TO THE NEAREST INTERSECTING STREET. SHOWN HEREON.
- EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK. NO EVIDENCE OF EARTH WORK, CONSTRUCTION, OR BUILDING ADDITION WORK WAS BEING PERFORMED OR OBSERVED WHILE CONDUCTING THE FIELD WORK.
- PROPOSED CHANGES IN STREET RIGHT OF WAY LINES, IF SUCH INFORMATION IS MADE AVAILABLE TO THE SURVEYOR BY THE CONTROLLING JURISDICTION. EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK. NO RECENT CONSTRUCTION OR PROPOSED CHANGES IN STREET RIGHT OF WAY LINES WERE OBSERVED WHILE CONDUCTING THE FIELD WORK.
- PROFESSIONAL LIABILITY INSURANCE INFORMATION. THE DETAILS AND CERTIFICATE OF INSURANCE IS SUPPLIED TO THE CLIENT IN A SEPARATE DOCUMENT.

LEGAL DESCRIPTION

PARCEL 1: LOT 6 (EXCEPT THE NORTH 57.0 FEET THEREOF) IN BLOCK 16 IN ARTHUR T. MCINTOSH & COMPANY'S WESTMONT ACRES, BEING A SUBDIVISION OF THE SOUTHWEST 1/4 (EXCEPT THAT PART OF THE EAST 1/2 OF SAID SOUTHWEST 1/4 LYING SOUTH OF THE CENTER LINE OF NAPERVILLE ROAD), ALSO THE WEST 1/2 OF THE SOUTHWEST 1/4, ALL IN SECTION 3, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 4, 1920 AS DOCUMENT 145100 IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2: EASEMENT FOR INGRESS AND EGRESS TO AND FROM THE LAND FOR THE USE AND BENEFIT OF PARCEL 1 AS CREATED BY DEED OF EASEMENT FROM HAWTHORNE BANK OF WHEATON, TRUSTEE, UNDER TRUST NUMBER 1-021, TO CAROL HANNAH DATED MARCH 21, 1968 AND RECORDED MARCH 27, 1968 AS DOCUMENT NUMBER R68-11558, OVER, ACROSS AND UPON THE FOLLOWING DESCRIBED PROPERTY, TO WIT: THE EAST 136.15 FEET OF THE SOUTH 20.0 FEET OF THE NORTH 57.0 FEET OF LOT 6 IN BLOCK 16 IN ARTHUR T. MCINTOSH & COMPANY'S WESTMONT ACRES, BEING A SUBDIVISION OF THE SOUTHWEST 1/2 (EXCEPT THAT PART OF THE EAST 1/2 OF SAID SOUTHWEST 1/4 LYING SOUTH OF THE CENTER LINE OF NAPERVILLE ROAD) ALSO THE WEST 1/2 OF THE SOUTHWEST 1/4, ALL IN SECTION 3, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 4, 1920 AS DOCUMENT 145100, IN DUPAGE COUNTY, ILLINOIS.

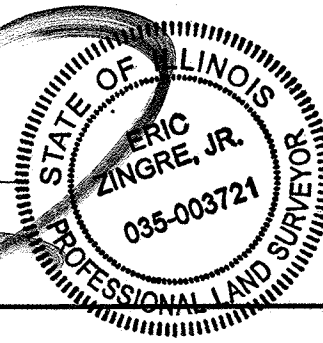
SURVEYOR'S CERTIFICATE

TO: OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
KIDVEST LLC, AN ILLINOIS LIMITED LIABILITY COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 7(A), 7(B)(1), 7(C), 8, 9, 13, 14, 16, 17 AND 19 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON 12/09/2024.

DATED THIS 9TH DAY OF DECEMBER, 2024.

ERIC ZINGRE, JR.
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3721
MY REGISTRATION EXPIRES ON NOVEMBER 30, 2026
PROFESSIONAL DESIGN FIRM LICENSE NUMBER 184-005886
EXPIRES APRIL 30, 2025



LOT 9

MULTIPLE FIP'S ALONG
LINE & TRAVELING NORTH

BLOCK 16

LOT 5

PAVEMENT CONTINUES NORTH

PAVEMENT
CONTINUES
NORTH

OWNER: PYRAMID
CONSTRUCTION

OWNER: SANDLOT RESTORATIONS LLC

20' EASEMENT FOR INGRESS &
EGRESS PER DOC. R68-11558

SET OF 4 GAS METERS
& 1 VALVE
OVERHEAD DOOR & "TRUCK
LOADING/UNLOADING AREA"

LIMITED
ACCESS

N. WARWICK AVE.
(66' R.O.W. PER DOC. 145100)
(ASPHALT SURFACE W/ CONC.
CURB & GUTTER)

WEST LINE OF
WARWICK AVE.
AS MONUMENTED
& OCCUPIED

N. WARWICK AVE.
(66' R.O.W. PER DOC. 145100)
(CONCRETE PAVEMENT W/ CONC.
CURB & GUTTER)

NAPERVILLE ROAD
(66' R.O.W. PER DOC. 145100)

"AREA NOT IMPROVED"
(GRASS & VEGETATION)

BLOCK 16

"AREA NOT IMPROVED"
(GRASS & VEGETATION)

E. CHICAGO AVE.
(66' R.O.W. PER DOC. 145100)

(CONCRETE PAVEMENT W/ CONC. CURB & GUTTER)

ARTHUR T. MCINTOSH &
COMPANY'S WESTMONT
ACRES SUBDIVISION
PER DOC. 145100

OWNER: CHICAGO TITLE
TRUST CO.

NAPERVILLE
ROAD
(66' R.O.W. PER
DOC. 145100)

SYMBOL LEGEND

- DEPRESSED CURB
- ELECTRIC SWITCH
- CONCRETE SURFACE
- MANHOLE
- LIGHT POLE
- SIGN
- STORM INLET
- UTILITY POLE
- WATER CONNECTION
- ELECTRIC METER
- STAND PIPE
- GAS METER
- STORM GUTTER
- FOUND IRON PIPE/ROD
- FOUND/SET CROSS
- FOUND IRON PIPE
- NUMBER OF PARKING STALLS

LINE LEGEND

- PROPERTY LINE
- ADJACENT PROPERTY LINE OR
RIGHT-OF-WAY LINE
- UNDERGROUND GAS
- EASEMENT
- BUILDING SETBACK
- OVERHEAD UTILITY LINE
- PARCEL LINE
- UNDERGROUND AT&T
- UNDERGROUND WATER
- UNDERGROUND STORM

SURVEYOR'S NOTES

- FIELD WORK WAS COMPLETED ON 12/09/2024.
- THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION, AND DRAWINGS IN THE SURVEYOR'S POSSESSION. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES STATE THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
- COMPARE THE DESCRIPTION ON THIS PLAT WITH YOUR DEED, ABSTRACT, OR CERTIFICATE OF TITLE; ALSO COMPARE ALL POINTS BEFORE BUILDING BY SAME, AND REPORT ANY DIFFERENCE IMMEDIATELY.
- BUILDING LINES ARE SHOWN ONLY WHERE THEY ARE SO RECORDED ON THE MAPS. REFER TO YOUR DEED OR ABSTRACT FOR ADDITIONAL ZONING RESTRICTIONS.
- THIS SURVEY IS NOT VALID WITHOUT THE SURVEYOR'S ORIGINAL SIGNATURE AND SEAL.
- EASEMENTS AND SERVITUDES SHOWN HEREON ARE BASED UPON A TITLE COMMITMENT ISSUED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY IDENTIFIED AS NUMBER 24169058 WITH AN EFFECTIVE DATE OF 10/8/24.
- THE BEARINGS ARE ASSUMED SHOWN HEREON; AND ARE BASED UPON THE WEST LINE OF WARWICK AVENUE BEING SOUTH 02 DEGREES 02 MINUTES 00 SECONDS EAST (ASSUMED).
- DIMENSIONS ALONG CURVES ARE ARC DISTANCES.
- MEASUREMENTS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.
- DIMENSIONS ENCLOSED IN () INDICATE RECORD OR DEED DATA. ALL OTHER DIMENSIONS ARE MEASURED.
- PLEASE NOTE, NAPERVILLE ROAD AND CHICAGO AVENUE ARE BOTH PUBLIC ROADWAYS. THE CURRENT ACCESS TO THE PROPERTY AND PARKING LOT IS THROUGH AN ASPHALT AND CONCRETE APRON (DRIVE) THROUGH CHICAGO AVENUE (CHICAGO AVENUE BEING A ROADWAY CURRENTLY UNIMPROVED (NO PAVEMENT) AT THE LOCATION DUE SOUTH OF THE PROPERTY) AND ONTO NAPERVILLE ROAD.

PREPARED FOR:

CJ BAK
KIDVEST LLC
111 N. LINCOLN ST.,
HINSDALE, IL 60521

SURVEY

DRAWN BY EEZ	EEZ SURVEYING, INC. P.O. BOX 595 ROCKTON, IL 61072 (815) 519-7319 EMAIL: ERIC@EESURVEYING.COM WWW.EESURVEYING.COM ALL RIGHTS RESERVED ©COPYRIGHT 2024
PROJECT NO. 2024196	
SCALE 1" = 30'	SHEET 1 OF 1



VILLAGE OF WESTMONT
Board of Trustees Memorandum
May 29, 2025

Item for Board of Trustees Consideration:

Board to consider an ordinance approving requests from KidVest, LLC, d/b/a Primrose School of Westmont (Petitioner), and P & C Holdings, LLC (Owner), at 98 East Naperville Road, Westmont, Illinois, 60559 for the following:

1. Zoning Ordinance Variance to allow for playground and equipment to encroach into the required supplemental setback line to Naperville Road and within a required front yard setback in the B-2 General Business District.
2. Site and Landscape Plan approval.
3. Parking Stall Waiver Request

Planning and Zoning Commission Recommendation:

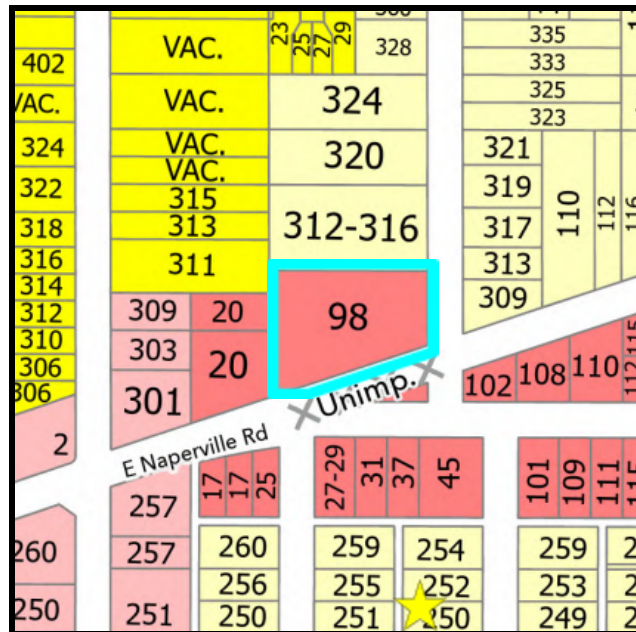
At its meeting on May 14, 2025, the Planning and Zoning Commission recommended approval for the Variance and Site Plan request (7-0). This recommendation includes a condition mandating the installation of wheel stops at the easternmost parking spaces adjacent to the building. If approved, the ordinance shall state this condition.

I. BACKGROUND OF ITEM

- A. Location: 98 East Naperville Road is located between Cass and Warwick Avenues. The driveway to the property is located at the former intersection of Chicago Avenue and Naperville Road. Naperville Road was removed in the early 2000s, but the public right-of-way still remains. The site is improved with a two-story building hosting Salt Creek Ballet on the ground floor and office users on the second floor. The lot is 297' at its widest and 140' at its deepest, for an area of approximately 56,192 sq ft or 1.29 acres.



Aerial Map - 98 East Naperville Road (source: DuPage County Parcel Viewer)



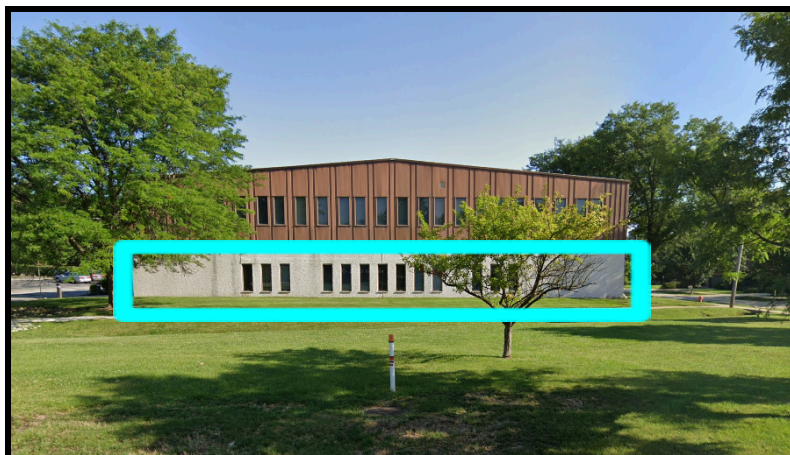
Zoning Map - 98 East Naperville Road

B. Zoning Designations:

SUBJECT PROPERTY	B-2 General Business District
NORTH	R-3 Single-Family Detached Residence District
SOUTH	B-2 General Business District
EAST	R-3 Single-Family Detached Residence District
WEST	B-2 General Business District & R-4 General Residence District

C. Neighborhood Characteristics

The lot is located in the A.T. McIntosh & Co.'s Westmont Acres subdivision, which was recorded in 1920. The property is northeast of the Village's Downtown, at the intersection of the Downtown and the Naperville Road/Chicago Avenue commercial corridor. Due to being in a transitional area between residential and commercial areas, the surrounding area hosts a wide variety of uses like single-family homes, apartment buildings, restaurants, retail shops, and service uses. The subject unit is located on the ground floor of the building, as shown in the image below.



Street View - 98 East Naperville Road (source: Google)

II. PETITIONER REQUEST:

The petitioner has requested a variance to allow for playground and equipment to encroach into the required supplemental setback line to Naperville Road and within the required front yard setback in the B-2 General Business District and approval of a site and landscaping plan. In conjunction with these requests, a request from Salt Creek Ballet to move to the second floor of this building (a separate Planning and Zoning Case) was received under PZC 007-2025. Further information regarding PZC 007-2025 can be found in a separate memo.

III. ZONING ANALYSIS

A. Zoning and Comprehensive Plan Designations

The current zoning district of the property is B-2 General Business District, which allows for a wide variety of retail, restaurant, and service uses.

The Comprehensive Plan designates the future land use in this area as General Commercial, which describes the designation as an area “*..intended to accommodate less intense commercial uses to primarily cater to the day-to-day needs of Westmont residents.*” The uses in this category should be “*generally compatible with nearby residential areas.*”

More specifically, the Comprehensive Plan identifies the subject property as a part of the Naperville and Cass subarea’s neighborhood business. The Plan explains that this block contains light industrial uses that should be relocated naturally over time. Compatible commercial uses with minimal impacts on adjacent residential properties should replace the industrial uses.

B. Entitlement Request

The petitioner has provided a project narrative and supporting documentation for the following request, including the necessary responses to the variance standards. Any corresponding standards for entitlement approval consideration can be referenced in item V(B).

- **Zoning Ordinance Variance to allow for playground and equipment to encroach into the required supplemental setback line to Naperville Road and within a required front yard setback in the B-2 General Business District.**

Primrose School is considered a Day Care Center per the Village's definitions, which is a permitted use in the B-2 General Business District. Furthermore, day care centers are required by state statutes to provide outdoor play areas such as playgrounds for the daycare to use in their day-to-day operations.

Per the provided Site and Landscape Plan, the applicant is proposing three new outdoor areas on the property. However, the proposed playground as shown on the proposed Site Plan indicates that the southernmost playground would be approximately two and half (2.5) feet from the front property line.

Per Section 4.05(E)(23), playgrounds and equipment are not expressly permitted to encroach into a front yard setback, meaning the playground area would be required to be built behind the required setback line. The required front yard setback in the B-2 District is ten (10) feet therefore the proposed playground encroaches approximately seven and half (7.5) feet into the required setback.

Additionally, Naperville Road has a supplemental setback of thirty (30) feet, measured from the front property line per Sec 4.16(C). Therefore, the proposed playground also encroaches into the

supplemental setback approximately twenty-seven and half (27.5) feet. However, it is unclear if the supplemental setback applies to the playground as it is not specifically considered an extension of the building. Staff had advised the applicant to include the supplemental setback in the variance request due to this uncertainty.

Due to a roadway reconfiguration in the early 2000s, Naperville Road was moved, and the original right-of-way in front of 98 E Naperville Road (Primrose) was retained. Consequently, the perceived front yard now extends to Chicago Avenue, while the actual property line is about 50 feet from the current roadway.

The variance request must be considered to the variance standards, which are noted below:

Standards for Variances. Sec. 13.07(D)(1):

The planning and zoning commission shall not recommend a variation to the regulations of this comprehensive amendment as authorized herein unless it shall have made findings of fact based upon the evidence presented to it in each specific case that:

- *The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located;*
- *The plight of the owner is due to unique circumstances; and*
- *The variation, if granted, will not alter the essential character of the locality.*

• **Site and Landscape Plan approval.**

Appendix A, Section 7.02(E) requires that a site and landscape plan must be approved prior to the issuance of a building permit in the B-2 General Business District. A site and landscape plan have been provided, which indicates substantial improvements to the parking lot, fencing, play areas, dumpster enclosure, signage, and perimeter landscaping. Additional improvements are also being proposed for the interior of the building to update and comply with current regulations. The applicant is also expected to request additional funding from the DIP (Downtown Incentive Program) for the various site improvements as proposed at the Tier 3 level.

The proposal includes three new outdoor fenced playgrounds at a minimum height of six (6) feet to facilitate the needs of the daycare center as required by state statutes. As proposed, the petitioner is not considering substantial updates to the elevations of the building, if substantial updates or improvements to the building elevations are proposed, they may need further approvals.

Appendix A, Section 10.06(K) states that for Daycare Centers the total number of required parking spaces is determined by the following:

“one off-street parking space for [each] two employees, based upon the maximum number of employees on the premises at any time”

Appendix A, Section 10.06(K) also states that for a dance school the total number of required parking spaces is determined by the following:

“one parking space for each two employees, plus one space for each seven students...”

The proposed site plan includes 43 parking spaces, surpassing the minimum requirement of 28 spaces outlined in the zoning ordinance. This excess parking will accommodate parent drop-off for the daycare center, which anticipates a maximum of 30 employees requiring 15 parking spaces, and

Salt Creek Ballet. Salt Creek Ballet, requesting to operate on the second floor during off-hours (as detailed in PZC 007-2025), is anticipated to require 13 parking spaces. A separate waiver request will be submitted to the Village Board seeking approval for a reduction in the required parking stall size from 10 feet by 20 feet to 9 feet by 18 feet, a common practice for service-oriented businesses.

IV. SUMMARY

The petitioner has requested a variance to allow for playground and equipment to encroach into the required supplemental setback line to Naperville Road and within a required front yard setback in the B-2 General Business District. They have also requested approval of a site and landscaping plan to operate a daycare center and provide a secondary space for Salt Creek Ballet. The site and landscape plan substantially complies with the Village's requirements, other than the requested variance and parking stall waiver request.

V. LEGAL

- A. Notification: A legal notice was published in Westmont Suburban Life on April 24, 2025.
- B. Code References: Appendix A: Sections 4.05(E)(23); 4.16(C)(3); 7.05(E)(1); 13.07

VI. DOCUMENTS ATTACHED:

1. Publication notice appearing in the April 24, 2025 Westmont Suburban Life.
2. Planning and Zoning Commission Findings of Fact
3. Petitioner Attachments received April 4, 2025 (Edited for VB):
 - a. Planning and Zoning Development Application, including responses to the Variance Standards
 - b. Project Narrative
 - c. Traffic Impact Statement
 - d. Proof of Site Control
 - e. Site Plan, prepared by Jacob & Hefner Associates, dated March 31, 2025 (for ordinance approval)
 - f. Landscaping Plan, prepared by Gary R. Weber Associates, Inc., dated April 22, 2025 (for ordinance approval)
 - g. Land Title Survey

Certificate of the Publisher

Westmont Suburban Life

Description: PZC 005-2025-E.NAPERVILLE
2240749

VILLAGE OF WESTMONT
31 W QUINCY ST
WESTMONT IL 60559

Shaw Media certifies that it is the publisher of the Westmont Suburban Life. The Westmont Suburban Life is a secular newspaper, has been continuously published weekly for more than fifty (50) weeks prior to the first publication of the attached notice, is published in the Village of Westmont, County of DuPage, State of Illinois, is of general circulation throughout that county and surrounding area, and is a newspaper as defined by 715 ILCS 5/5.

A notice, a true copy of which is attached, was published 1 time(s) in the Westmont Suburban Life, namely one time per week for one successive week(s). Publication of the notice was made in the newspaper, dated and published on 04/24/2025

This notice was also placed on a statewide public notice website as required by 715 ILCS 5/2.1.

In witness, Shaw Media has signed this certificate by Laura Shaw, its Publisher, at Westmont, Illinois, on 24th day of April, A.D. 2025

Shaw Media By:



Laura Shaw, Publisher

Account Number 10074602

Amount \$112.06

PUBLIC NOTICE
LEGAL NOTICE / PUBLIC
NOTICE VILLAGE OF
WESTMONT PLANNING
AND ZONING COMMISSION
NOTICE OF PUBLICATION
NOTICE IS HEREBY GIVEN that a public hearing has been scheduled before the Westmont Planning and Zoning Commission to be held on Wednesday, May 14, 2025 at 6:00 P.M. in the Westmont Village Hall, 31 W. Quincy St., Westmont, Illinois 60559.
The purpose of the hearing is to consider requests from Kidvest, LLC, d/b/a Primrose School of Westmont (Petitioner), and P & C Holdings, LLC (Owner), for the property at 98 East Naperville Road, Westmont, Illinois, 60559, for the following:
1. Zoning Ordinance Variance to allow for playground and equipment to encroach into the required supplemental setback line to Naperville Road and within a required front yard setback in the B-2 General Business District.
2. Site and Landscape Plan approval.
PIN: 09-03-308-019
More Common Location: 98 East Naperville Road, Westmont, Illinois, 60559
Village Code(s) Applicable: Appendix A, Sections 4.05 (E)(23); 4.16(C)(3); 7.05 (E)(1); 13.07
Note: Any person who has a disability requiring a reasonable accommodation to participate in the meeting should contact the ADA Compliance Officer, 8:00 A.M. to 4:00 P.M. Monday through Friday, Village of Westmont, Illinois, 60559; or telephone (630) 981-6210 voice, within a reasonable time before the meeting. All interested persons in attendance will be allowed to express their views.
WESTMONT PLANNING AND ZONING COMMISSION
Doug Carmichael,
Chairperson

(Published in Westmont
Suburban Life April 24,
2025) 2240749

VILLAGE OF WESTMONT PLANNING AND ZONING COMMISSION
FINDINGS OF FACT

PUBLIC HEARING OF MAY 14, 2025

PZC 005-2025: Kidvest, LLC d/b/a Primrose School of Westmont regarding property at 98 E. Naperville Road.

Request for a variance to allow a playground and equipment to encroach into the required supplemental setback line to Naperville Road and to encroach into the required front yard setback in the B-2 General Business District.

***CRITERIA NO. 1:** The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located.*

FINDINGS OF FACT: This proposed daycare center use is a permitted use in the B-2 District. State of Illinois requirements for daycare centers mandate an outdoor, fenced playground for children. The front yard of the property is the only feasible location for this playground area. Without this variance, this daycare center could not operate from the property and the property could not yield a reasonable return.

***CRITERIA NO. 2:** The plight of the owner is due to unique circumstances.*

FINDINGS OF FACT: There are several unique factors that justify this variance. First, Naperville Road is one of the few roadways in the Village that requires a supplemental front yard setback. Second, although the proposed playground will be located near the front property line, the playground will be located approximately 50 feet from the Naperville Road roadway itself. A large public right-of-way, improved with grass and trees, separates the roadway from the proposed playground and will provide additional screening of this outdoor use. Therefore, it will appear to the public that playground area has a 50 foot front yard setback.

***CRITERIA NO. 3:** The variation, if granted, will not alter the essential character of the locality.*

FINDINGS OF FACT: This proposed daycare center use is a permitted use in the B-2 District. Daycare centers are typically and ideally located in transitional areas between residential uses and commercial uses, and this property constitutes such a transitional area. The outdoor playground will be screened with a solid 6 foot fence, along with related landscaping. The outdoor playground will be located away from residential uses, and it will be located approximately 50 feet from the Naperville Road roadway. This playground will be used during regular daytime business hours, Monday through Friday. As a result of the foregoing, the granting of this variance for this proposed playground use will not alter the essential character of the area.

VILLAGE OF WESTMONT



Downtown Incentive Program (DIP) FY25(B) TIER 3

(Minimum \$50,000 project cost; Maximum \$100,000 grant award)
(Initial Application Window: February 3 to March 28, 2025)

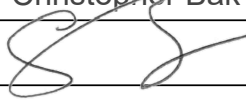
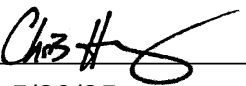
APPLICATION PACKET

1 APPLICANT AND PROPERTY INFORMATION	APPLICANT INFORMATION				
	FULL NAME	Last: Bak		First: Christopher	
	BUSINESS CORP / LLC / DBA	CORP / LLC / DBA: Kidvest LLC DBA Primrose School of Westmont			
	ADDRESS	Number, Street and Unit: 98 E Naperville Road			
		City: Westmont	State: IL	Zip Code: 60559	
	PHONE	Main:	Ext:	Cell: 312-612-0222	
	EMAIL	cj@kidvest.co			
	PROPERTY OWNER INFORMATION (when not Applicant)				
	FULL NAME	Last: Horney		First: Chris	
	BUSINESS CORP / LLC / DBA	CORP / LLC / DBA: NVS Properties 44 LLC			
	ADDRESS	Number, Street and Unit: 227 W Monroe Street, Ste 5200			
		City: Chicago	State: IL	Zip Code: 60606	
	PHONE	Main: 248-721-7927	Ext:	Cell:	
	EMAIL	chorney@murphyres.com			
	PROPERTY INFORMATION				
	PROPERTY ADDRESS	98 E Naperville Road			
	PIN(s)	09-03-308-019			
	ZONING DISTRICT*	B1	B2	M1	Other:
*The B1 District is a targeted priority for grant funding; however, existing commercial and mixed-use properties within the Central Business District TIF are eligible to apply.					

2	FUNDABLE ACTIVITIES		Eligible Match %	
	Facade Improvements	☐	20%	base percentage match
	Exterior Lighting	☐	+5%	add Bonus Incentive*
	Brick/Stone	☐	+10%	add Bonus Incentive*
	Architectural Detail	☐	+15%	add Bonus Incentive*
	TOTAL REQUESTED MATCH % (sum of all)			BOX1 total match with incentives (max 50%)
	Signage	☒	10%	base percentage match
	Backlit Wall	☒	+10%	add Bonus Incentive*
	Projecting	☒	+10%	add Bonus Incentive*
	TOTAL REQUESTED MATCH % (sum of all)		30	BOX2 total match with incentives (max 30%)
	ADA Accessibility (exterior)	☒	25%	base percentage match
	Fire Life Safety (Any)	☒	40%	base percentage match
	East Side of Cass	☐	+10%	add Bonus Incentive* (Properties located on east side of Cass Avenue)
	TOTAL REQUESTED MATCH % (sum of all)		40	BOX4 total match with incentives (max 50%)
	Water Line	☐	75%	base percentage match (Properties located on east side of Cass Avenue)
	ADA Accessibility (interior)	☒	20%	base percentage match
	Code Compliance Update	☒	10%	base percentage match
	Parking Lot	☒	20%	base percentage match
	Landscape Areas	☒	+10%	add Bonus Incentive*
	Lighting	☒	+10%	add Bonus Incentive*
	Screening	☒	+10%	add Bonus Incentive*
	TOTAL REQUESTED MATCH % (sum of all)		50	BOX8 total match with incentives (max 50%)
	Stormwater (Any)	☒	50%	base percentage match
	Rear Entry Facade	☐	20%	base percentage match
200' to Public Lot	☐	+10%	add Bonus Incentive*	
Architectural Detail	☐	+10%	add Bonus Incentive*	
TOTAL REQUESTED MATCH % (sum of all)			BOX10 total match with incentives (max 40%)	
Restaurant Equipment	☐	50%	base percentage match	
Other Business Equip.	☒	10%	base percentage match	
Remains w/Building	☒	+5%	add Bonus Incentive*	
TOTAL REQUESTED MATCH % (sum of all)		15	BOX12 total match with incentives (max 15%)	
*Incentive activities must be verified to meet minimum standards.				

3	\$ REQUEST	ELIGIBLE ACTIVITY	\$ Amount (from Cost Estimates)	multiply	% percentage match	TOTAL \$ Requested*
		Facade Improvements		X	BOX1 0.5	
		Signage	20,000	X	BOX2 0.3	6,000
		ADA (exterior)	40,000	X	0.25	10,000
		Fire Life Safety	65,000	X	BOX4 0.4	26,000
		Water Line		X	0.75	
		ADA (interior)	30,000	X	0.2	6,000
		Code Compliance Update	500,000	X	0.1	50,000
		Parking Lot	170,000	X	BOX8 0.5	85,000
		Stormwater	40,000	X	0.5	20,000
		Rear Entry Facade		X	BOX10 0.3	
		Restaurant Equipment		X	0.5	
		Other Equipment	350,000	X	BOX12 0.15	52,500
= Total MATCH Requested* (subject to maximum grant limits)					106,000	

4	SUBMITTAL REQUIREMENTS	Required submittals with the application:		
		☒	Current photos of any portion of the structure which will receive improvements	
		☒	A schematic drawing with enough detail to depict the proposed improvements, and can include:	
			☒	Site Plans when exterior site work is performed
			☒	Building Plans and Elevations for exterior building improvements
			☐	Schematic Plans for infrastructure when necessary
		☐	☒	Signage Plans and Elevations
			Signed vendor contract(s) with detailed costs for each proposed improvement:	
			☐	Exclude or discount any ineligible portions of improvements
			☐	All estimated costs must be formatted to the corresponding eligible activity and shall include an itemization of both labor and materials
			☐	Permits must be obtained when applicable; permit fees may not be included in project estimates
		☐	☐	All contractors must be registered with the Village's Community Development Department before a building permit is issued
			☐	All construction estimates will be evaluated for accuracy in accordance with Chapter 18, Sec. 18-487(1)(b)
			If a Tenant:	
		☐	☐	Consent from the building owner for proposed improvements
☐	Proof of an executed lease agreement with at least a 3 year duration remaining			
☒	Completed IRS Form W-9 Request for Taxpayer Identification Number and Certification			
☒	A narrative as outlined below:			
	☒	Description of proposed work including information about the proposed building materials and methodology for proposed changes		
	☒	Description of the business and the related industry		
	☒	Features and advantages of the project and how improvements sought will improve the business and/or the Downtown		
	☒	Credentials and experience of business owners and/or a business plan		
	☐	Any unusual or expected difficulties or hardships in making the proposed improvements		

5	SIGNATURES	PRINTED NAME OF APPLICANT	Christopher Bak	
		SIGNATURE OF APPLICANT*		
		DATE	4/25/2025	
		PRINTED NAME OF PROPERTY OWNER (when not Applicant)	NVS Properties 44 LLC	
		SIGNATURE OF PROPERTY OWNER*		
		DATE	5/20/25	

***Guarantee of Improvements Provision:** Tier 3 grant awards represent the most inclusive list of funded activities, and are likely to be attributed to business attraction, retention and/or major renovation. Grant awards exceeding \$50,000 represent a substantial investment in a project and property and require a greater exercise of fiscal responsibility. For this reason, both the commercial business owner and/or the building owner must attest that the improvements will remain for three (3) years. In the event the improvements are removed or substantially altered, the property will forfeit the ability to apply for any additional grant funding for an additional five (5) years from violation notification. This provision only applies to applications that are part of the Tier 3 program, and for total project costs that exceed \$50,000.



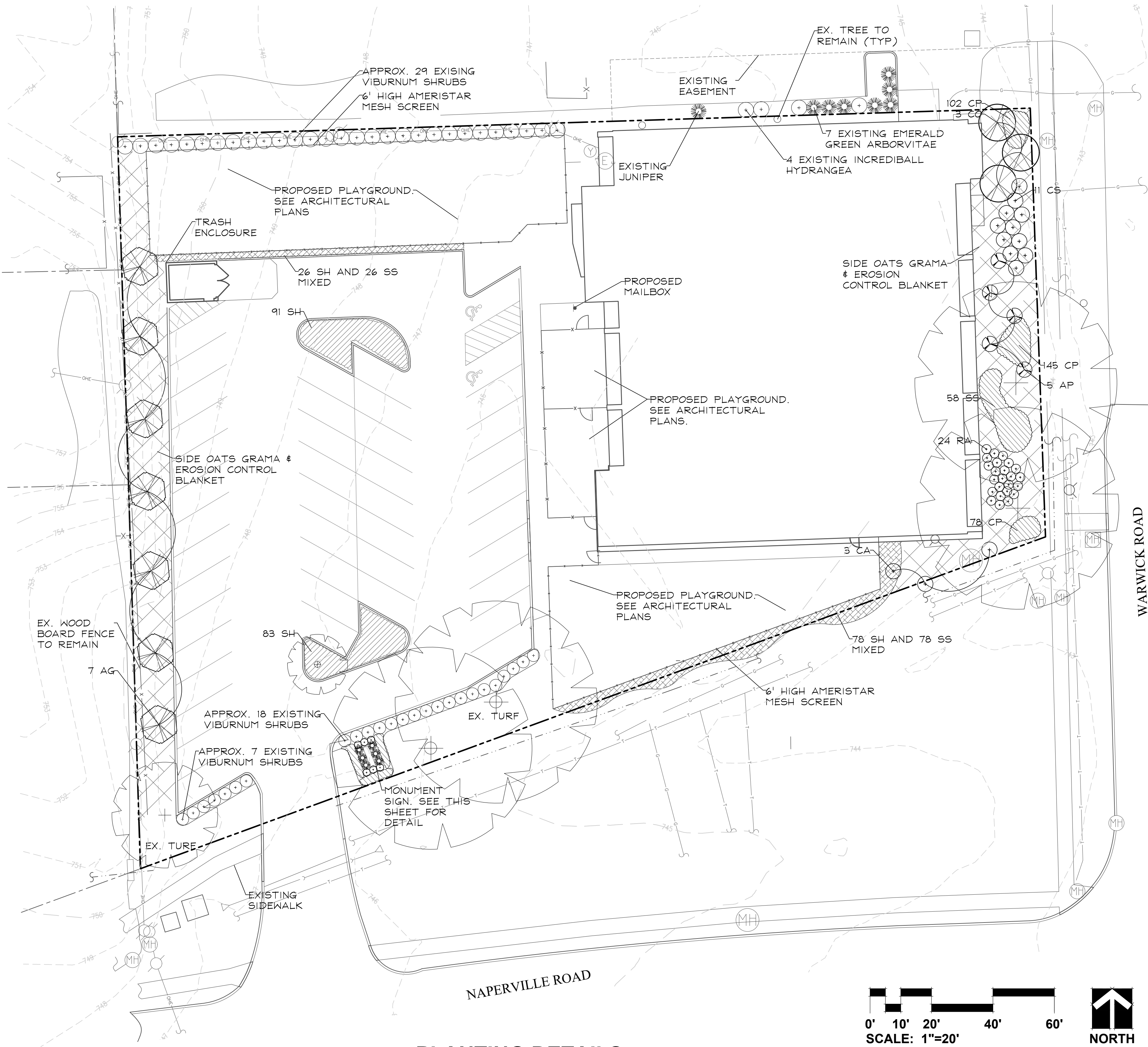








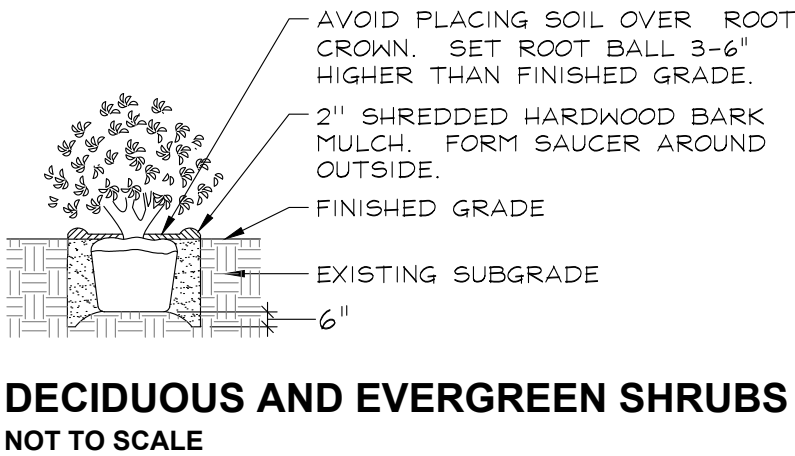




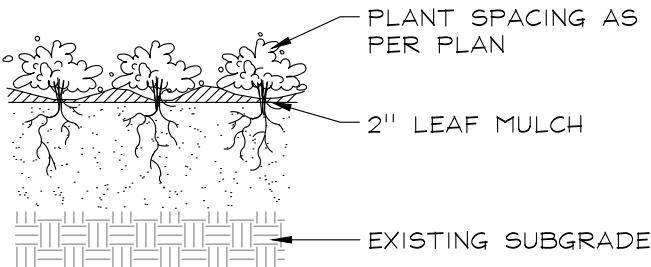
GENERAL LANDSCAPE NOTES

- Contractor shall verify underground utility lines and is responsible for any damage.
- Contractor shall verify all existing conditions in the field prior to construction and shall notify landscape architect of any variance.
- Material quantities shown are for contractors convenience only. The Contractor must verify all material and supply sufficient materials to complete the job per plan.
- The landscape architect reserves the right to inspect plant materials either at place of growth or at site before planting, for compliance with requirements of variety, size and quality.
- Work shall conform to American Standard for Nursery Stock, State of Illinois Horticultural Standards, and Local Municipal requirements.
- Contractor shall secure and pay for all permits, fees, and inspections necessary for the proper execution of this work and comply with all codes applicable to this work.
- Contractor shall monitor landscape throughout the installation process and ensure regular manual watering of all plants and turf areas is sufficient for normal establishment.
- See General Conditions and Specifications for landscape work for additional requirements.

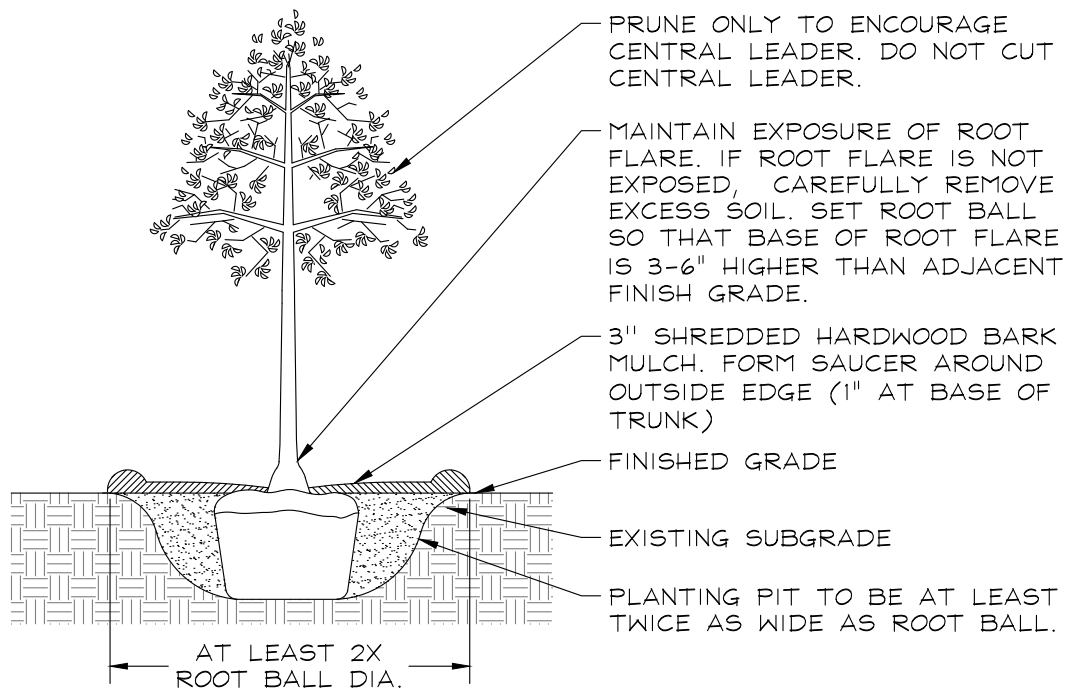
PLANTING DETAILS



DECIDUOUS AND EVERGREEN SHRUBS
NOT TO SCALE



PERENNIALS AND GROUNDCOVERS
NOT TO SCALE



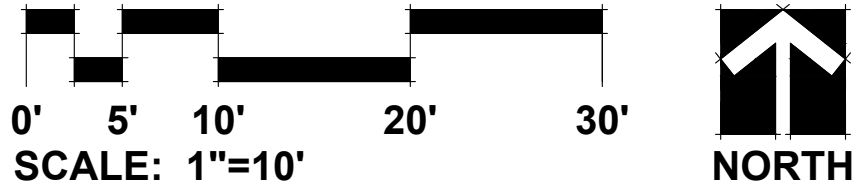
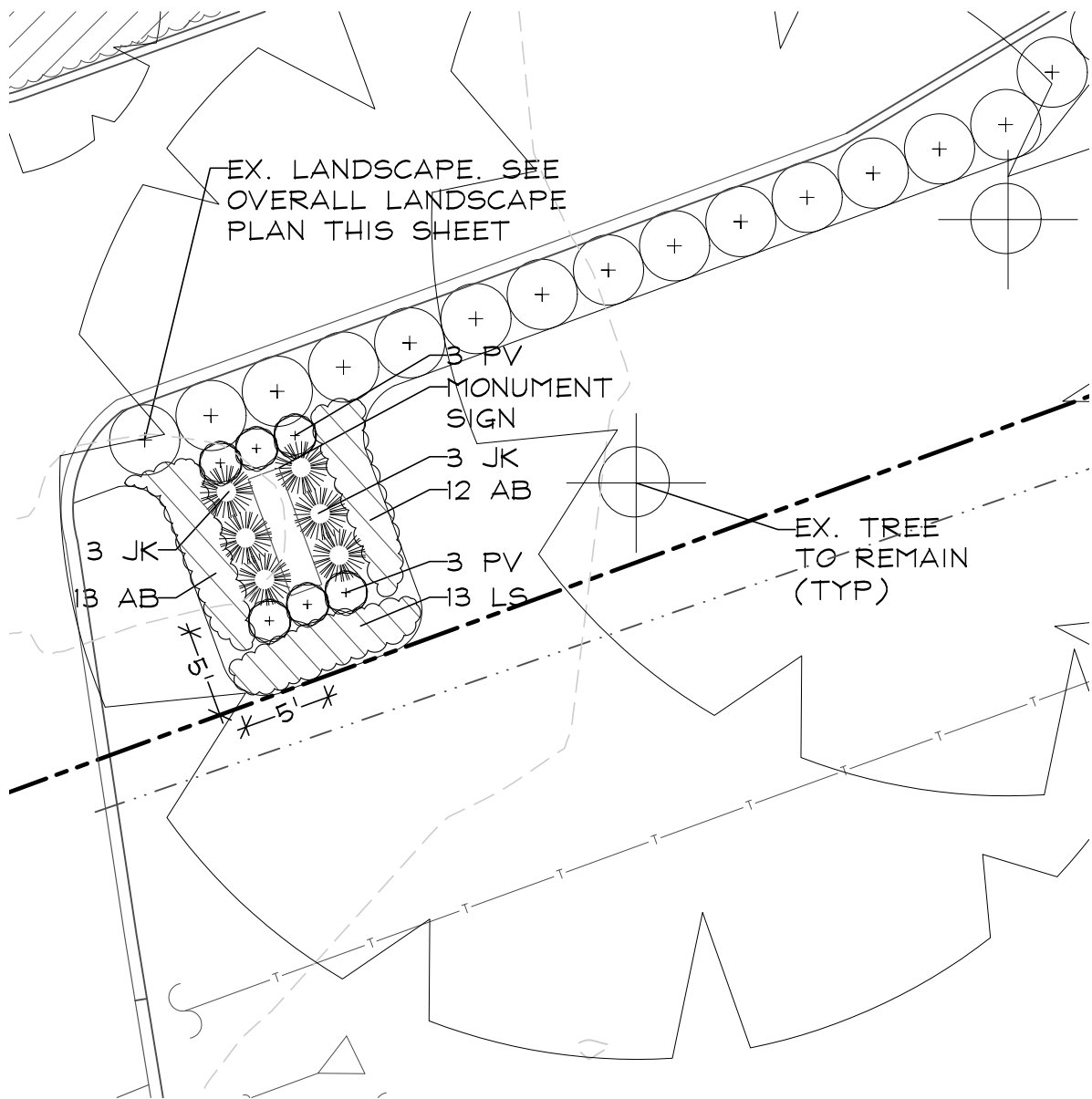
DECIDUOUS TREES
NOT TO SCALE

PLANT LIST

Key	Qty	Botanical/Common Name	Size	Remarks
SHADE TREES				
CO	3	Celtis occidentalis COMMON HACKBERRY	10' GALLON	
ORNAMENTAL TREES				
AG	7	Amelanchier x grandiflora APPLE SERVICEBERRY	6' Ht.	Clump Form
DECIDUOUS SHRUBS				
AP	5	Aesculus parviflora BOTTLEBRUSH BUCKEYE	36\"	5' O.C.
CA	3	Corylus americana AMERICAN HAZELNUT	36\"	5' O.C.
CS	11	Cornus sericea RED-OSIER DOGWOOD	36\"	5' O.C.
RA	24	Rhus aromatica FRAGRANT SUMAC	24\"	3' O.C.
EVERGREEN SHRUBS				
JK	6	Juniperus chinensis 'Kallays Compact' KALLAYS COMPACT PFITZER JUNIPER	24\"	4' O.C.
ORNAMENTAL GRASSES				
GP	325	Carex pensylvanica PENNSYLVANIA SEDGE	#1	12\"
PV	8	Panicum virgatum 'Shenandoah' SHENANDOAH SWITCH GRASS	#1	18\"
SS	193	Schizachyrium scoparium 'Twilight Zone' TWILIGHT LITTLE BLUESTEM	#1	24\"
SH	247	Sporobolus heterolepis PRAIRIE DROPSEED	#1	24\"
PERENNIALS				
AB	25	Allium 'Summer Beauty' SUMMER BEAUTY ONION	#1	18\"
GROUNDCOVERS				
LS	13	Lilae spicata CREEPING LILYTURF	#SP4	18\"
MISC. MATERIALS				
8		SHREDDED HARDWOOD MULCH	C.Y.	

NATIVE LEGEND

Key	Qty.	Description
	5493 SF	SIDE OATS GRAMA



GR
WA

GARY R. WEBER
ASSOCIATES, INC.
LAND PLANNING
ECOLOGICAL CONSULTING
LANDSCAPE ARCHITECTURE
402 WEST LIBERTY DRIVE
WHEATON, ILLINOIS 60187
PHONE: 630-668-7197

CIVIL ENGINEER
JACOB & HEFNER ASSOCIATES
1333 BUTTERFIELD ROAD
SUITE 300
DOWNERS GROVE, ILLINOIS 60515

PRIMROSE SCHOOL
WESTMONT, ILLINOIS
98 E NAPERVILLE ROAD
LANDSCAPE PLAN

3	04.22.2025
2	04.01.2025
1	03.17.2025

REVISIONS

DATE	03.07.2025
PROJECT NO.	JH25223
DRAWN	EAN
CHECKED	TSB
SHEET NO.	

L1.1





PRELIMINARY
NOT FOR CONSTRUCTION



17710 Detroit Avenue Lakewood, Ohio 44107
Phone (216) 521-5134 Fax (216) 521-4824
www.adaarchitects.com

PRIMROSE SCHOOLS:
WESTMONT, IL

WESTMONT, IL

98 E NAPERVILLE RD

THESE DOCUMENTS CONTAIN INFORMATION PROPRIETARY TO ADA ARCHITECTS, INC.
UNAUTHORIZED USE OF THESE DOCUMENTS IS EXPRESSLY PROHIBITED UNLESS AGREED UPON IN WRITING.

REVISIONS

#	DATE	TYPE
1	10/22/2024	FIT PLAN B
2	11/05/2024	FIT PLAN C
3		
4		
5		
6		
7		
8		
9		

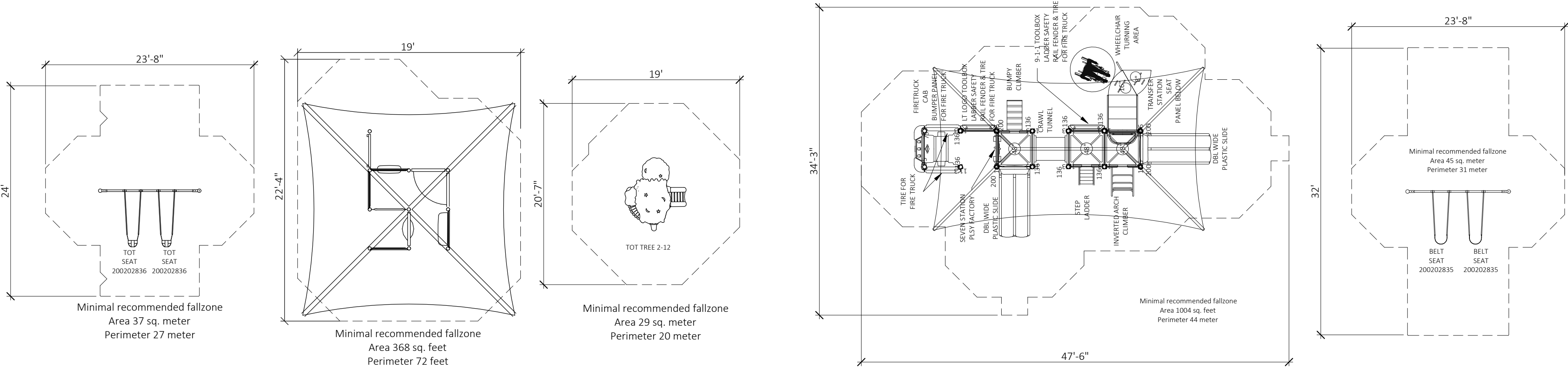
FIT PLAN

DATE	10/11/2024
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JOB NO.	24439
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FP-1.0

SHEET NO.



1
A7.2

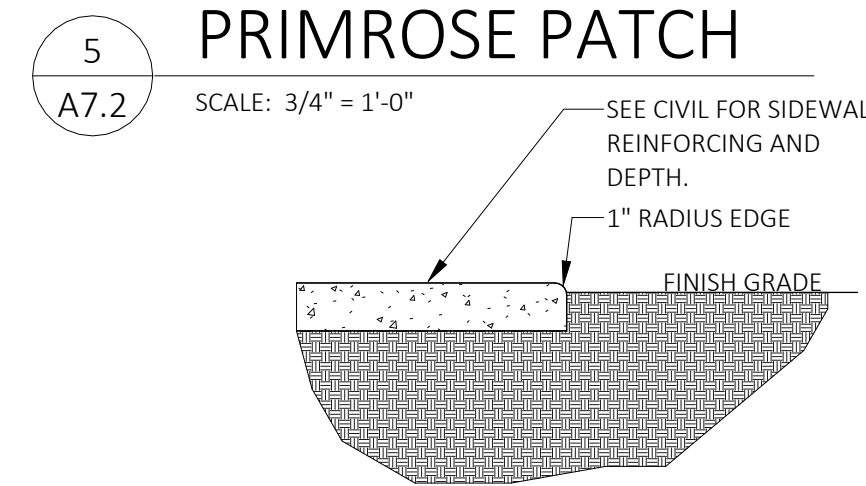
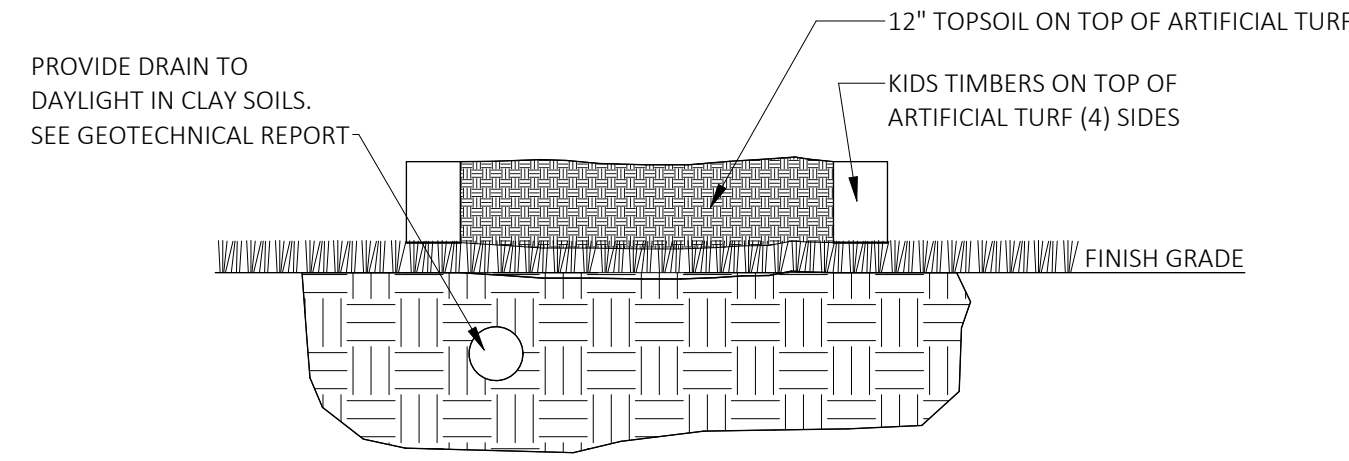
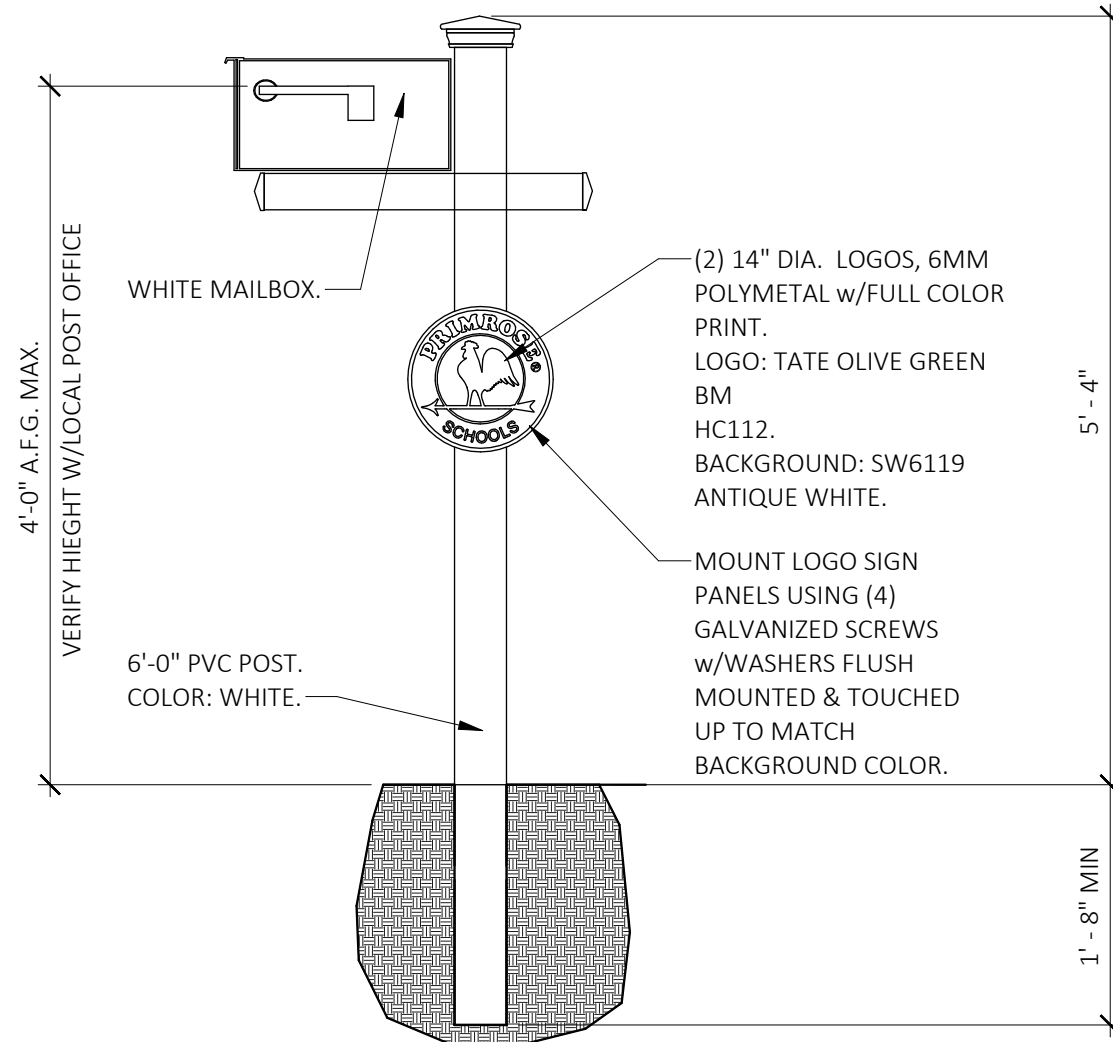
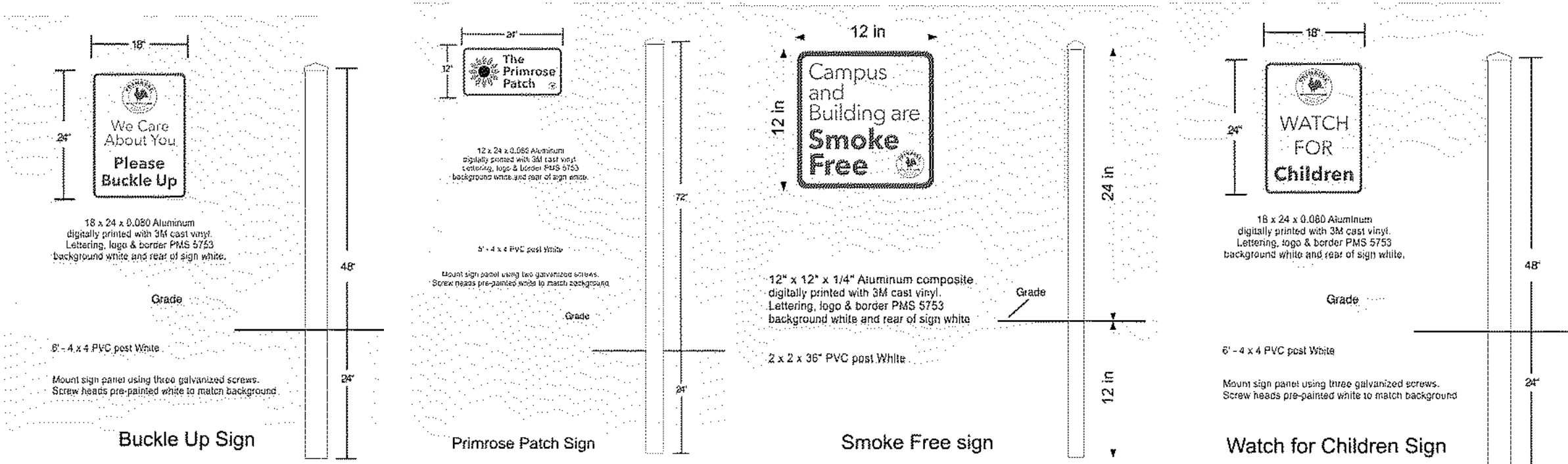
2
A7.2

EARLY PRESCHOOL PLAYGROUND EQUIPMENT (PLAY POWER)

AFTER SCHOOL / PRESCHOOL PLAYGROUND EQUIPMENT (PLAY POWER)

SCALE: NTS

SCALE: NTS



3
A7.2

SITE SIGNAGE PACKAGE

SCALE: NTS

4
A7.2

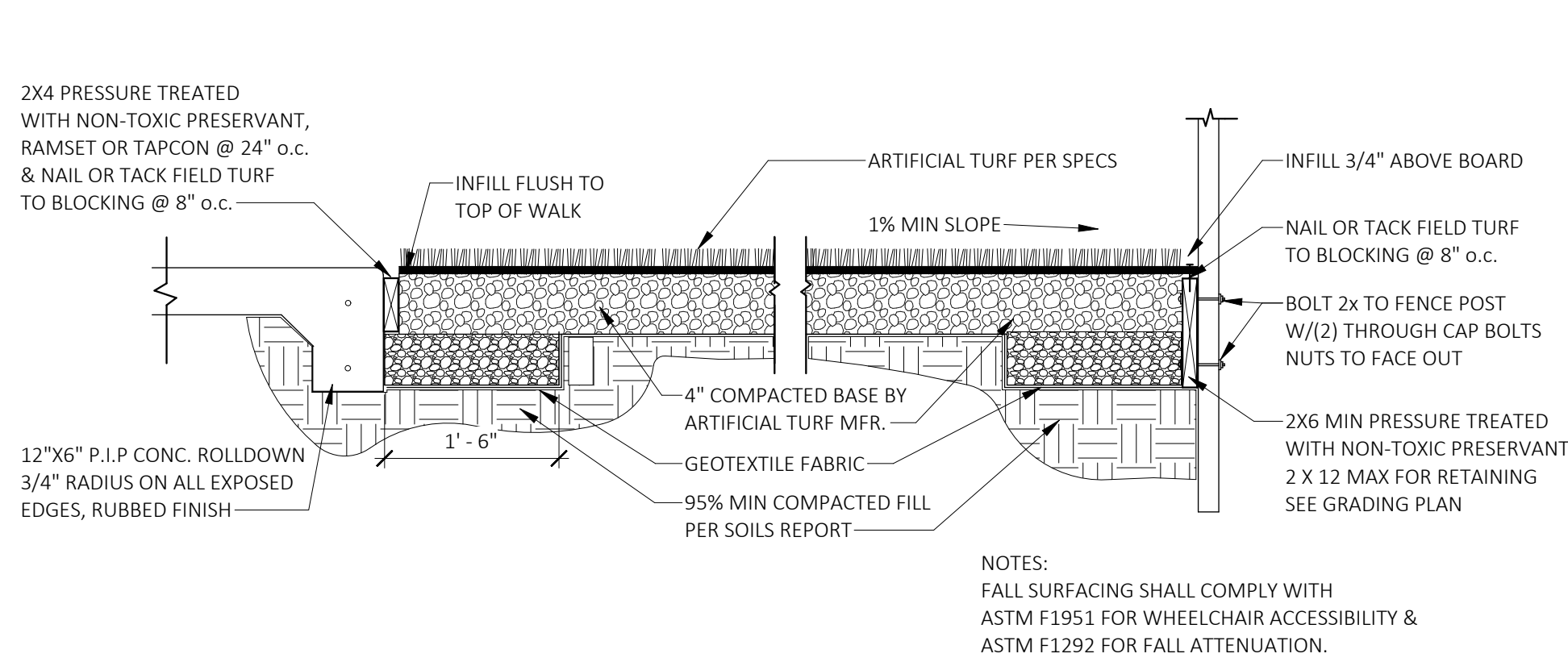
USPS MAIL BOX

SCALE: 3/4" = 1'-0"

6
A7.2

TYP. CONCRETE EDGE

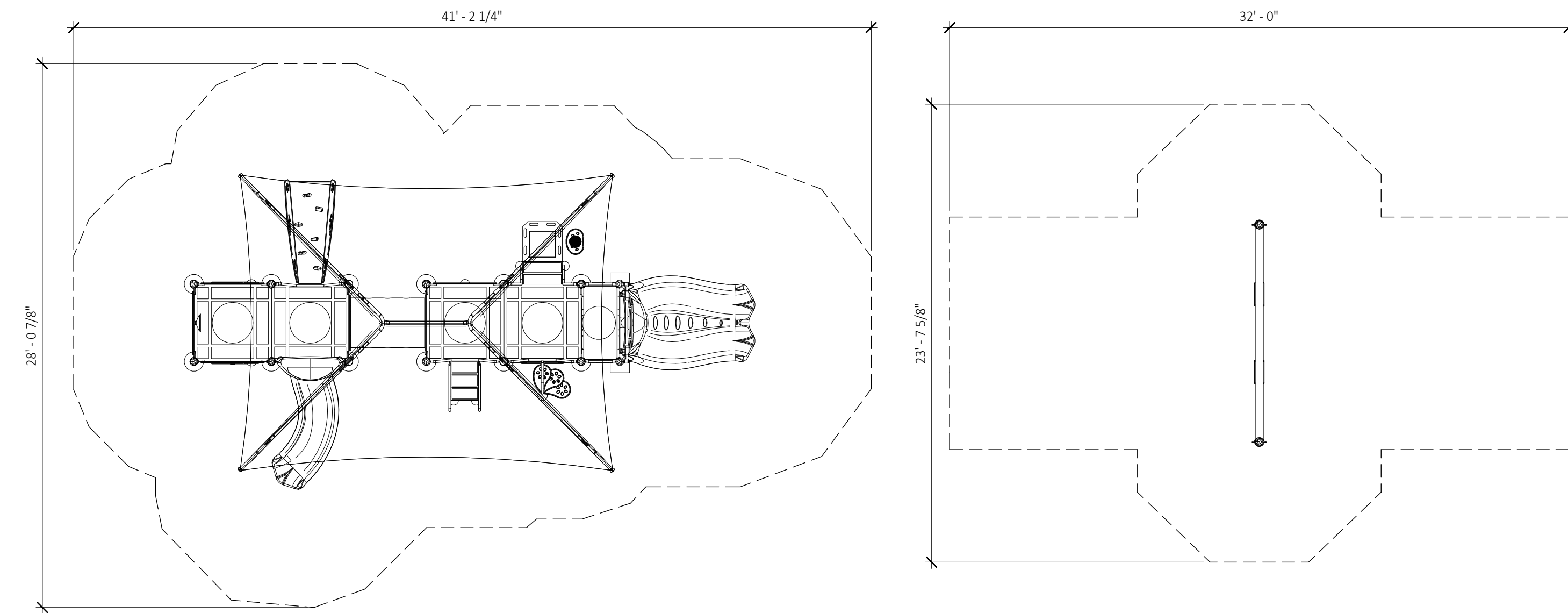
SCALE: 3/4" = 1'-0"



7
A7.2

ARTIFICIAL TURF

SCALE: 3/4" = 1'-0"



8
A7.2

EARLY PRE-SCHOOL EQUIPMENT (BCI BURKE)

SCALE: NOT TO SCALE

9
A7.2

A7.2 AFTER SCHOOL / PRE-SCHOOL PLAYGROUND (BCI BURKE)

SCALE: 3/16" = 1'-0"

PLAYGROUND EQUIPMENT GENERAL NOTES:

1. THE AMERICAN WITH DISABILITIES ACT (ADA) MAY REQUIRE THAT YOU MAKE YOUR PARK AND/OR PLAYGROUND ACCESSIBLE WHEN VIEWED IN ITS ENTIRETY. PLEASE CONSULT YOUR LEGAL COUNSEL TO DETERMINE IF THE ADA APPLIES TO YOU.
2. FOR PLAYGROUND EQUIPMENT TO BE CONSIDERED ACCESSIBLE, ACCESSIBLE SURFACING MUST BE UTILIZED IN APPLICABLE AREAS.
3. ALTHOUGH A PARTICULAR PLAYGROUND DESIGN MAY NOT MEET THE PROPOSED ACCESS BOARD REGULATIONS IN REGARDS TO THE APPROPRIATE NUMBER OF GROUND LEVEL EVENTS, THE ACTUAL PLAYGROUND MAY BE IN COMPLIANCE WHEN CONSIDERING PLAY COMPONENTS.
4. ALL DECK HEIGHTS ARE MEASURES FROM TOP OF GROUND COVER.
5. FALL ABSORBING GROUND COVER IS REQUIRED UNDER AND AROUND ALL PLAY EQUIPMENT.
6. THE MINIMUM RECOMMENDED FALL ZONE AROUND THE ENTIRE PLAY STRUCTURE IS SHOWN. THIS ZONE MUST BE FREE OF ALL TRIPPING OR COLLISION HAZARDS(I.E.ROOTS, ROCKS, BOARDER MATERIAL, ECT.).
7. PLAYGROUND EQUIPMENT MUST MEET THE PERFORMANCE AND SAFETY REQUIREMENTS OF ASTM FOR CHILDREN 2-12 YEARS OLD. NOT ALL EQUIPMENT MAY BE APPROPRIATE FOR ALL CHILDREN. SUPERVISION IS REQUIRED.
8. ALL POST LENGTHS ARE IDENTIFIED BY TEXT SHOWING THE POST LENGTHS, I.E. 96 REPRESENTS A 96-INCH POST, AND 2210 REPRESENTS A 2210MM POST.
9. THE REQUIREMENT FOR A KID KUBE INSTALLATION IS THAT A LEVEL SITE BE USED.
10. THE REQUIREMENT FOR A PLAY BUILDER INSTALLATION IS THAT THE POST CANNOT BE SET PRIOR RO INSTALLING THE DECKS.
11. PICNIC TABLE/SANDBOX TO BE PLACED AT COSTUMER'S DISCRETION. DECK-TO-DECK ENCLOSE PANEL LOCATIONS ARE MARKED BY AN ASTERISK. THE HEIGHT OF EACH PANEL MAY BE FOUND BY SUBTRACTING THE LOWEST DECK FROM THE HIGHEST DECK TO WHICH THE DECK-TO-DECK ENCLOSE PANEL MOUNTS.
12. RUBBER FALL ZONE MATS SHALL BE PLACED AT THE END OF EACH PLAYGROUND SLIDE AND UNDERNEATH EACH SWING.

PSC "THE ERWIN"
PROTOTYPE "L"
STATE, XX



PRIMROSE SCHOOL FRANCHISING COMPANY
3200 WINDY HILL ROAD, SUITE 1200 E
ATLANTA, GEORGIA 30339-5640
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CONSTR. DOC. & REVISIONS

FEBRUARY 2024

NOT FOR
CONSTRUCTION

Drawn/Checked	DRW/CHK
Project Number	2302850
Bid Date	--/--
Permit Date	--/--
For Construction	--/--

PLAYGROUND /
SITE DETAILS

A7.2



Built Examples

Primrose School at Pelham

Located on Milestone Way just off the major thoroughfare of Pelham Road, the site is rectangular with potential access to both Milestone Way and Buena Vista Way.



Primrose School of Firestone at Longmont

Located within a commercial development named Oak Meadows, the site planned for Primrose is Lot 9 and has flat geography. The access roads and utilities are in place as the surrounding lots are developed.



Primrose School of Franklin

The site is located on Union Street, which intersects with King Street via a signalized intersection. Through King Street, the site is easily accessible from I-495 which serves as the outer beltway for the suburban communities of Greater Boston. The property was formerly used as an athletic field for the adjacent Boston Sports Clubs, which has since closed, and there are no existing structures on site.





Tier 3 DIP Application – Primrose School of Westmont

Applicant: Kidvest LLC

Project Address: 98 E Naperville Road, Westmont, IL

Grant Request: \$106,000 (Tier 3 with targeted bonuses)

Kidvest proposes the development of the Primrose School of Westmont within the Village's Central Business TIF District. Primrose is the national leader in early childhood education, consistently attaining the highest Cognia accreditation scores in the industry and winning recognition such as Newsweek's Best of the Best designation in the child care category. The project, anticipated to be the largest non-residential investment since the inception of the TIF district, with more than \$4M in construction and fit-out expense, transforms a functionally obsolete, underutilized property into a vibrant, service-oriented use that will attract families to live, work, and invest in central Westmont. The project is designed to retain the non-profit Salt Creek Ballet as a tenant and complementary use, moving them to new studios upstairs.

This project directly supports the goals outlined in Westmont's Comprehensive Plan and Downtown Redevelopment Plan by:

- Revitalizing Downtown: Converting an obsolete office building into a new commercial asset that aligns with the goal of increasing residential density Downtown;
- Improving Community Facilities: Providing a critical community service—quality early education—called for in the Comprehensive Plan to sustain long-term residential desirability. Birth to Five Illinois estimates that the licensed capacity for childcare in DuPage County currently satisfies 58% of demand and the shortage is particularly acute in Westmont and Downers Grove;
- Enhancing Life Safety and Infrastructure: upgrading fire suppression infrastructure and improving ADA-compliant access, fully aligned with the Redevelopment Plan's objectives to modernize downtown properties;
- Beautifying a Spirited Downtown: converting a brutalist, warehouse-style building into a vibrant, nature-integrated design that better serves as a gateway to Downtown

The Primrose project embodies the Village's vision of a walkable, safe, and vibrant Downtown destination anchored by local services and amenities that draw new residents and businesses. Preschools bring high spending customers to site twice daily. The Primrose School will enhance the family-friendly environment and reinforce Westmont's regional reputation for quality of life and educational excellence. Since 1982, Primrose has set national trends in early childhood education and its award-winning Balanced Learning curriculum is now taught in more than 500 schools across 33 states.

Kidvest seeks the Village's co-investment in the revitalization of the 98 E Naperville property through a \$106,000 Tier 3 DIP grant. DIP funding will enable critical permanent upgrades and beautification that advance Westmont's stated goals of fostering an accessible, modern, and economically sustainable downtown district.

The 98 E Naperville site began as a grocery in the 1960's, then transitioned to light commercial and office use, and in the 1980's a second story was placed atop the original structure using a prefabricated steel design. For most of the last 20 years, the lower level has been utilized by Salt Creek Ballet and the upper level for a mix of offices. We plan to move Salt Creek Ballet upstairs into newly built studios that will replace the aging, vacant offices, while completely gutting the lower level of the building and constructing brand new classroom spaces with the associated plumbing, fire suppression, HVAC and electrical infrastructure to support them. The eastern and western boundaries of the property will be planted with a mix of native trees and shrubs, to align with the design intentions of the Village's new mini oak-hickory forest in the triangle parcel in front of the property.

Summary of Fundable Activities

Signage – Installation of an internally-illuminated LED monument sign on a masonry platform with associated landscaping, as well as wall-mounted LED-illuminated signage that includes a “halo” projected effect.

ADA Accessibility (exterior) – Relocation of ADA spaces to be adjacent to the main entrance, including the associated changes to parking lot curb cuts and ramps, as well as the replacement of the uneven paver patio/walkway with an accessible, safe circulation path.

Fire Life Safety – Extensive reworking of the sprinkler system to align with modern codes.

ADA Accessibility (interior) – The property experiences a material drop in grade moving west to east and the existing ramps do not comply with current ADA requirements. Modify the floor grading to allow safe accessibility and refurbish the elevator which does not currently open flush to ground or upper floor levels.

Code Compliance Update – The core infrastructure from the original 1960's construction will be gutted and rebuilt, and any ACM will be removed. Electrical, plumbing, HVAC and building envelope systems will be replaced with new code-compliant systems.

Parking Lot – Extensive redesign of the parking lot to include new landscaped islands, new curbs, new parking stops, new masonry enclosure for the dumpster, repositioned dark-sky compliant lighting, new steel fence for screening, and expanded landscape screening.

Stormwater – Replacement of the rock swale with a sewer and integration with the playground drainage system.

Other Equipment – Installation of fencing, artificial turf and playground equipment for the regulated outdoor play areas.



Village of Westmont COMMUNITY DEVELOPMENT

31 West Quincy Street, Westmont, Illinois 60559

cd@westmont.il.gov | 630-981-6250
westmont.illinois.gov | 630-981-6200

TO: Village Board of Trustees
FROM: Joseph Hennerfeind, AICP, Community Development Director
DATE: May 29, 2025
RE: **98 E Naperville Road: Primrose School of Westmont: KIDVEST LLC Application for Tier 3 Downtown Incentive Program (DIP) Funding**

A new property owner and business are proposing to locate into the existing space at 98 E Naperville Road. KIDVEST LLC proposes the operation of a new Primrose School of Westmont, and will significantly rehabilitate the space to accommodate a daycare use. In addition, the existing tenant, Salt Creek Ballet, will be accommodated on the second floor of the space. These requests for approval will be considered by the Board in advance of this DIP request, and include all of the interior and exterior improvements associated with PZC 005-2025.

The project includes rehabilitation to include ADA and code compliance improvements, extensive updates to the sprinkler system, parking lot, landscape, and stormwater improvements, signage, and playground equipment. Although some exterior facade improvements may be considered in the future, they are not a part of this request.

In accordance with the required DIP grant approval procedures, the Planning and Zoning Commission reviewed the entirety of the project and have determined that it meets the minimum design requirements for Site Plan approval, and forwards a positive recommendation for the development.

Unlike previous Tier 1 and 2 awards, Tier 3 awards have a guarantee of improvements provision that requires funded improvements remain on the property for a minimum of 3 years. The language below will be reflected in any approving ordinance:

***Guarantee of Improvements Provision:** Tier 3 grant awards represent the most inclusive list of funded activities, and are likely to be attributed to business attraction, retention and/or major renovation. Grant awards exceeding \$50,000 represent a substantial investment in a project and property and require a greater exercise of fiscal responsibility. For this reason, both the commercial business owner and/or the building owner must attest that the improvements will remain for three (3) years. In the event the improvements are removed or substantially altered, the property will forfeit the ability to apply for any additional grant funding for an additional five (5) years from violation notification. This provision only applies to applications that are part of the Tier 3 program, and for total project costs that exceed \$50,000.

98 E Naperville Road
(street view - Source: Google)



As a Tier 3 grant, up to \$100,000 can be awarded, not including additional dollars that can be attributed to bonus incentives. Due to the nature of this elaborate project, exacting cost estimates could not yet be calculated, and will be submitted prior to final reimbursement. Provided the receipts verify the anticipated award, the maximum of \$105,000 can be awarded. The chart below outlines the activity amount and total grant award to be considered by the Board.

GRANT MATCH REQUEST	FUNDABLE ACTIVITIES		Eligible Match %	\$ Amount (from Cost Estimates)	TOTAL \$ Requested
	Signage	☑	10%		
	Backlit Wall	☑	+10%		adds \$1000 incentive to total
	TOTAL REQUESTED MATCH % (sum of all)		20%	\$20,000.00	\$4,000
	ADA Accessibility (exterior)	☑	25%	\$40,000.00	\$10,000
	Fire Life Safety (Any)	☑	40%	\$65,000.00	\$26,000
	ADA Accessibility (interior)	☑	20%	\$30,000.00	\$6,000
	Code Compliance Update	☑	10%	\$500,000.00	\$50,000
	Parking Lot	☑	20%		
	Landscape Areas	☑	+10%		adds \$1000 incentive to total
	Lighting	☑	+10%		adds \$1000 incentive to total
	Screening	☑	+10%		adds \$1000 incentive to total
	TOTAL REQUESTED MATCH % (sum of all)		50%	\$170,000.00	\$85,000
	Stormwater (Any)	☑	50%	\$40,000.00	\$20,000
	Other Business Equip.	☑	10%		
	Remains w/Building	☑	+5%		adds \$1000 incentive to total
	TOTAL REQUESTED MATCH % (sum of all)		15%	\$350,000.00	\$52,500
	Total of Fundable Activities			\$1,215,000.00	
	Total Calculated Sum (no cap)				\$253,500
	\$100K Cap Adjusted for Tier 3				\$100,000
	Add Incentive Bonus (5 bonuses @ \$1K each)				\$5,000
	Grant Award				\$105,000

Initial estimates provided by the applicant indicate that fundable activity costs will result in a maximum grant request, and achieves five of the bonus targets that provide a higher design standard than minimum code requirements. The bonuses not only result in an additional \$1000 in grant funding over the maximum for each bonus, but compounds the percentage of match for the entire category. For example, the parking lot improvements are providing better landscape, screening of the parking from the street views, and providing dark sky compliant lighting. This allows a minimum match of 20% to be increased to 50% for all parking lot improvements.

In FY25(B), a total of \$250,000 was budgeted for Tier 1-3 awards, with \$200,000 initially reserved for Tiers 2 and 3 combined. Now that the initial application window where reserved funds has passed, the remaining funds may be awarded to any Tier 1 to 3 project as directed by the Board. Additionally, the Board has the ability to award requests giving priority to those properties in the B-1 Limited Business District, which represents the bulk of properties along Cass Avenue. This property is in the B-2 General Business District, which is within the boundaries of eligibility, but not on Cass Avenue.

For reference, a scorecard assesses the project for adherence to the Tier 3 goals. Scorecards are included in applications so that a project may be configured for a maximum score. If this were a competitive process for funding, this score would help the Board determine the appropriate projects for funding. This would only occur if requests exceed the available budget, which has not occurred this fiscal year.

PROJECT SCORE			
BUSINESS TYPE			
New Restaurant / Retail	5	☐	CHECK ONE
Restaurant / Retail Retention	4	☐	
Vanilla Box Vacant Space	3	☐	
Office	2	☐	
Service	2	☒	
<i>Fills historically vacant space (vacant more than 1 year)</i>	1	☐	BONUS
BUSINESS TYPE SUBTOTAL	2		
CORE ACTIVITIES			
Facade Improvements	5	☐	MARK ALL APPLICABLE
<i>add Exterior Lighting*</i>	0.5	☐	
<i>add Brick / Stone*</i>	1	☐	
<i>add Architectural Detailing*</i>	1.5	☐	
ADA (exterior)	3	☒	
Fire Life Safety	5	☒	
<i>Includes water line installation to east side of Cass*</i>	3	☐	
<i>Shared External Common Wall</i>	1	☐	
<i>Mixed-Use Building</i>	1	☐	
ADA (interior)	2	☒	
Code Compliance Updates	2	☒	
Parking Lot Improvements	2	☒	
<i>add Landscape Areas*</i>	1	☒	
<i>add Lighting*</i>	0.5	☒	
<i>add Screening*</i>	0.5	☒	
Stormwater Improvements	2	☒	
Rear Entry Facade Improvements	3	☐	
<i>200' to public lot*</i>	1	☐	
<i>add Architectural Detailing*</i>	1	☐	
Permanent Restaurant Equipment	1	☐	
CORE ACTIVITIES SUBTOTAL	18		
<i>add subtotals</i>			
PROJECT SCORE TOTAL	20		
<i>*Incentive activities must be verified to meet minimum standards.</i>			

May 14, 2025

Ms. Amy Ries, P.E.
Village of Westmont
aries@westmont.il.gov

**Re: Village of Westmont – 2025 MFT Resurfacing Project
Proposal for Phase III Engineering Services**

Dear Ms. Ries:

Primera Engineers (Primera) is pleased to provide this proposal for professional civil engineering services to the Village of Westmont for this year's MFT Resurfacing Project.

We have developed this proposal based on the Scope of Services derived from discussions with the Village of Westmont, the Primera Design Team, and our Construction Team. As part of our construction engineering, we will be using Chicago Testing Laboratory (CTL) for material inspection. They will be sub-consultants to Primera Engineers and their fee is included in this proposal.

We are pleased to present our experience and qualifications to provide professional services to the Village of Westmont. Our construction team has recent experience working with the Village on similar projects and has the expertise to complete the project on schedule and budget.

An Experienced Construction Team. Returning to Westmont this year will be our Project Manager, Mary Ellen Mack, and our Resident Engineer, Colin Denny. Mary Ellen will apply her 30+ years of experience in municipal transportation engineering projects. Colin will bring his experience in the Village of Westmont overseeing the 2023 MFT resurfacing project. Austin Nault, a Westmont Construction veteran, will be assisting Colin as needed. Primera will also introduce an intern to the team to support the daily activities. Together they understand the needs for this project as well as your expectations, processes, and procedures. We are confident that their knowledge and experience will allow our team to meet—if not exceed—your expectations for this project.

A Loyal Partner to the Village of Westmont. As a loyal partner, we will continue to look out for your best interest, reduce your risk, and deliver excellent value. Our longstanding history of successful projects is your assurance that we can efficiently continue to help you make the right decisions. Because of this partnership, we embrace your goals, processes, and expectations.

A Schedule and Budget Conscious Team. We understand the importance of staying on schedule and within budget for any project, but especially roadway and transportation projects that impact residents, commuters, and local businesses. Because schedule and budget are closely tied, if a project is off schedule, it is likely to be off budget as well. Our team is committed to monitoring this project schedule closely to anticipate where issues may arise and develop plans to mitigate those issues proactively. We will apply approaches that have proven to be successful for our clients to keep this project on schedule and within budget.

650 Warrenville Road
Lisle, Illinois 60532
P 630/324.5100 | C 630/885.9385

The proposed scope of services includes the following:

Task One: Pre-Construction Phase

During this task Primera will set up the project documents and lay out the removal and replacement items of the project. Colin Denny will schedule and lead the preconstruction meeting and provide the following to kick off a successful project.

- 1) **Communication** – Before construction, Primera will coordinate and communicate with the Village of Westmont, the sub-consultants and other project stakeholders. Once the project is awarded, we will communicate with the contractor to obtain sub-contractor and schedule information.
- 2) **Public Involvement/Communication** - The project is located in residential areas and will require coordination with the residents. Primera is capable of leading efforts to produce and distribute flyers and will plan on meeting with any concerned residents or business owners.
- 3) **Meetings** - The anticipated meetings that are part of this task include:
 - Pre-Construction Meeting – to be held between the Village of Westmont, the Contractor, and the Primera Team.
 - Monthly Client Meetings – to be held between Primera Engineers and the Village of Westmont.
 - Construction Progress Meetings – to be held between Primera, the Contractor, and the Village as needed to maintain the schedule, update progress, and answer questions. Sub-contractors may be asked to attend certain meetings depending on the anticipated discussion.
- 4) **Project Set Up** – Primera has provided construction engineering on multiple municipal projects. This experience has allowed us to develop standard procedures to begin the project properly. Primera will document the existing conditions and set up the project documents. Procore, a web-based system, will be used for documentation, submittals and communication.

Task Two: Phase III Construction Engineering Services

During this task Primera Engineers will provide full-time construction engineering services for this resurfacing project. As part of this task, we will provide the following:

- 1) **Project Coordination** – Providing excellent communications in the field will be of the utmost importance in making the project a success. This will be essential as we aim to ensure traffic and pedestrian safety, dust control, construction staging, and keeping noise levels to a minimum with all be critical items. Developing and following through with consistent and timely communication between the Village, stakeholders, the contractors, and utility agencies will foster timely completion on schedule and within budget. Primera also makes a practice of scheduling joint utility meetings on site after all utilities have been marked. All pertinent utility agencies will be invited in order to establish the proper contacts and to understand the nature and potential impact of each utility. Establishing the proper contacts has often prevented delays in the schedule when adjustments or conflicts were encountered during construction.
- 2) **Construction Inspection** – Primera will provide on-site observations of the work in progress and field checks of material certification through an experienced Resident Engineer. Primera also has

extensive experience with IDOT documentation and coordination. Based on the contract specifications, the completion date will be 09/19/2025. Primera's construction engineering services are proposed for 19 weeks (2 weeks for Pre-Construction activities, 14 weeks of Construction Inspection and 3 weeks for Post Construction Close-out.) Additional engineering time required beyond this will be considered an additional service to this proposal.

- 3) **Documentation** - Primera understands the importance of this project's need to be completed on schedule and the need to keep documentation current, on a daily basis, to enable the project to be closed out quickly in the end. Primera will inspect, document, and approve the contract items. Primera will verify that as-built details are accurate and maintained in accordance with the Village and IDOT's requirements.
- 4) **Project Management** - In addition to key communications, our team leaders are constantly evaluating the project budget and schedule to keep close tabs on quantities, aggressively manage the change order process and monitor the overall progress toward meeting the schedule. We proactively offer schedule and budget remediation solutions in an effort to meet the project goals.

Task Three: Post Construction

During the Post Construction Phase of the project, Primera Engineers will work together with the Village of Westmont to finalize the project.

- 1) **Punchlist and Final Inspection** – Primera will work with the contractors to provide a complete project with minimal punch list items. At the end of the project, and with the insight from the Village, a final punch list will be developed. Once complete, a final inspection of the contract work will be performed to verify contract compliance.
- 2) **Agreement to Final Quantities** – Primera will work with the contractors to agree to quantities at each pay estimate and will obtain final agreement once all work is completed.
- 3) **Final Records** – Primera will prepare and maintain final documentation, material inspections, and project records.

Schedule

Primera is available to begin work immediately upon receipt of written Notice to Proceed. Primera anticipates the following project schedule:

1. Pre-Construction Activities: 6/2/2025 to 6/13/2025
2. Construction Engineering: 6/16/2025 to 9/19/2025
3. Post Construction Close-out: 9/22/2025 to 10/10/2025

Compensation

Primera will be compensated on a Lump Sum basis. Primera Engineers will submit an invoice to the Village of Westmont monthly. This fee is derived from hours estimated in each task as well as direct vehicle costs. Primera will provide the described scope of work and services for: **\$130,700.00**.

The services from our subconsultant, Chicago Testing Laboratory, are included. Their services will be included in Primera's monthly invoices and Primera will reimburse them accordingly.

Task 1 – Pre-Construction Activities	\$ 9,620.00
Task 2 – Construction Inspection	\$ 81,000.00
Task 3 – Post-Construction Close-out	\$ 14,220.00
Task 4 - Subconsultant Materials Testing	\$ 8,200.00
Task 5 – Project Management and Administration	\$ 1,410.00
Task 6 – Direct Costs (Vehicle Days)	\$ 16,250.00

Total Professional Fees (including expenses) \$ 130,700.00

We appreciate the opportunity to be of service to you on this project. We will honor the terms outlined in this proposal for a period of 30 days from the date of the proposal; after this time, we reserve the right to revisit terms herein. Should this proposal be accepted by the Village of Westmont, the Terms & Conditions of the June 29, 2020 Professional Engineering Services Agreement Between Primera and the Village will govern.

Should you have any questions or comments on this proposal, please do not hesitate to contact Mary Ellen Mack at 773-682-7994 or myself at 312-242-6414.

Sincerely,

PRIMERA ENGINEERS, Ltd.

 Digitally signed by Stacie Dovalovsky
DN: cn=Stacie Dovalovsky, o=Primera
Engineers, ou=Transportation Division
- Executive,
email=sdovalovsky@primeraeng.com
Date: 2025.05.15 16:36:53 -05'00'

Stacie Dovalovsky, P.E.
Vice-President/Transportation Division Manager

CHAPTER 1. GENERAL PROVISIONS

ARTICLE II. ADMINISTRATIVE CODE HEARING SYSTEM

Sec. 1-100. Village administrative code hearing system-established.

- (a) There is hereby established and created within the village an administrative code hearing system to enforce and adjudicate violations ("~~Violations~~") of the following chapters of the ~~Municipal Code of the Village of Westmont~~ Code of Ordinances (the "Code"), as the same may be amended and/or renumbered from time to time:

- (1) Chapter 6. Advertising
- (2) Chapter 14. Animals
- (3) Chapter 16. Illicit Discharge Detection and Elimination
- (4) Chapter 18. Buildings and building regulations
- (5) Chapter 22. Businesses
- (6) Chapter 34. Engineering and flood control
- (7) Chapter 38. Nuisances
- (8) Chapter 42. Fire Prevention, Fire Protection and Emergency Services
- (9) Chapter 46. Health and Sanitation
- (10) Chapter 50. Housing
- (11) Chapter 66. Solid Waste
- (12) Chapter 70. Streets, Sidewalks and other Public Places
- (13) Chapter 74. Taxation
- (14) Chapter 80. Trees and landscapes
- (15) Chapter 82. Utilities
- ~~(16) Chapter 86. Vegetation~~
- ~~(17)~~ Appendix A. Zoning

The village board may from time to time designate such other village ordinances and Code provisions which are subject to this administrative code hearing system.

- (b) The provisions of ~~65 ILCS 5/1-2.2-1~~ 65 ILCS 5/1-2.1-1 and ~~65 ILCS 5/11-31.1 et seq.~~ of the Illinois Municipal Code are hereby adopted and incorporated into this ~~chapter~~ article as if fully set forth herein.
- ~~(c) The provisions of this chapter shall apply to administrative adjudication proceedings to the extent that they are not inconsistent with the provisions of the Code which set forth specific procedures for the administrative adjudication of particular Code provisions.~~
- ~~(d) As used in this chapter, words or terms shall have the following meanings unless the context or usage clearly indicates that another meaning is intended:~~

Building code means any village ordinance, law, housing or building code or zoning ordinance that establishes construction, plumbing, heating, electrical, fire prevention, sanitation or other health and safety standards that are applicable to structures in the village or any village ordinance that requires, after notice,

~~the cutting of weeds, the removal of garbage and debris, the removal of inoperable vehicles or the abatement of nuisances from private property.~~

~~*Building inspector* means a state, county or municipal employee, whose duties include the inspection or examination of structures or property in a municipality to determine if zoning or other code violations exist.~~

~~*Property owner* means the legal or beneficial owner of a structure.~~

~~(Ord. No. 18-012, § 1, 2-1-2018; Ord. No. 18-064, § 1, 5-10-2018; Ord. No. 22-134, § 2, 10-6-2022)~~

Sec. 1-101. Hearing procedures non-exclusive.

The provisions of this ~~chapter~~ article shall not preclude the village from using other methods or proceedings to enforce and adjudicate the Code or other ordinances of the village, including, without limitation, the institution of an action in the DuPage County Circuit Court or the United States District Court, ~~or any administrative proceeding.~~ The administrative hearing system established in chapter 78, article XII of the Code shall apply to violations of chapter 78 resulting in vehicle seizure and impoundment, and the village may establish a separate administrative hearing system for violations of chapter 78 involving the standing, parking, and condition of vehicles.

(Ord. No. 18-012, § 1, 2-1-2018)

Sec. 1-102. Administrative composition.

The administrative code hearing system shall provide for one or more hearing officers, all with the power, authority and limitations as set forth in this ~~chapter~~ article and the Illinois Municipal Code. The village's code hearing unit consists of the various departments of the village authorized to implement, regulate, and enforce the Code chapters set forth in section 1-100 that fall within each department's jurisdiction. Such code hearing units have jurisdiction to issue citations and adjudicate violations pursuant to this article.

(Ord. No. 18-012, § 1, 2-1-2018)

Sec. 1-103. Hearing officer.

- (a) *Appointment.* The village manager shall appoint one or more qualified hearing officers to perform the functions set forth in this ~~section~~ article.
- (b) *Independent contractor.* A hearing officer shall be ~~employed~~ retained as an independent contractor of the village and shall not be considered an employee of the village. A hearing officer may be removed, with or without cause, by the village manager.
- (c) *Qualifications.* To qualify as a hearing officer, an individual must:
 - (1) Be an attorney licensed to practice law in the state of Illinois for at least three years;
 - (2) Be in good standing with the Illinois Supreme Court Attorney Registration and Disciplinary Commission;
 - (3) Complete a formal training program approved by the village manager and the village attorney consisting of:
 - a. Instruction on the rules of procedure for administrative code hearings;
 - b. Orientation to each subject area of the Code that will be adjudicated;
 - c. Observation of hearings conducted by Illinois municipalities that have adopted the Administrative Code Hearing system; and

- d. Participation in hypothetical hearings, including ruling on evidence and issuance of final orders.
- (d) *Compensation.* Authorization for compensation for a hearing officer shall be made by the mayor and village board of trustees through the village's annual budget process. Compensation shall be determined by the village manager within approved budget limitations.
- (e) *Authority and powers.* Hearing officers shall have all powers necessary to conduct fair and impartial hearings including, but limited to, the power to:
- (1) Hold conferences for the settlement or simplification of the issues;
 - (2) Administer oaths and affirmations;
 - (3) Hear testimony and accept evidence that is relevant to the allegation of a violation;
 - (4) Issue subpoenas directing witnesses to appear and give relevant testimony at the hearing, upon the request of the parties or their representatives;
 - (5) Preserve and authenticate the record of the hearing, including all exhibits and evidence introduced at the hearing;
 - (6) Issue a determination, based on the evidence presented at the hearing, on whether a violation occurred or exists. The hearing officer's determination shall be in writing and shall include a written finding of fact, decision, and order, including the fine, penalty, or other action with which the defendant/property owner must comply; and
 - (7) ~~Impose penalties consistent with applicable Code provisions and assess costs upon finding a defendant liable for the charged violation, except as expressly provided in this chapter.~~ Impose penalties consistent with Code provisions and assessing costs upon finding a party liable for the charged violation, except, however, that in no event shall the hearing officer have authority to (i) impose a penalty of incarceration, or (ii) impose a fine in excess of \$50,000 for a single violation based the total number of days that the violation occurred. The maximum monetary fine under this item (7) shall be exclusive of costs of enforcement or costs imposed to secure compliance with the municipality's ordinances and shall not be applicable to cases to enforce the collection of any tax imposed and collected by the municipality.

(Ord. No. 18-012, § 1, 2-1-2018; Ord. No. 18-064, § 1, 5-10-2018)

Sec. 1-104. ~~Violation notice~~ Citation.

- (a) ~~A notice of any violation ("violation notice")~~ In order to adjudicate violations under this article, a citation and summons shall be issued, in writing, by the persons authorized ~~under this chapter~~ by the village, which shall contain information as to:
- (1) Description of the real estate sufficient enough for identification;
 - (2) The type and nature of the Code violation;
 - (3) A correction order allowing for a reasonable time to make the repairs, and improvements required to bring the property, dwelling unit, or structure into compliance with the provisions of this Code;
 - (4) The date, time, and location of the adjudication hearing;
 - (5) The legal authority and jurisdiction under which the hearing is to be held;
 - (6) The penalties for failing to appear at the hearing; and
 - (47) A statement informing the property owner or violator information regarding right to appeal the final decision of the hearing officer;
 - ~~(5) A statement of the right for the village to file a lien in accordance with state and municipal law;~~

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- (6) ~~Shall be certified; and~~
- (7) ~~Shall constitute prima facie evidence of the violation cited.~~
- (b) ~~All code officers, building inspectors and other officers, as well as other specifically authorized individuals of any department of the village, shall have the authority to issue violation notices. A citation may be issued to a property owner, a property occupant, or a lessee. An owner, occupant and lessee may be held jointly and severally liable for penalties and costs imposed by the hearing officer.~~
- (c) ~~Any individual authorized to issue violation notices who detects a violation, is authorized to issue a violation notice thereof and shall serve the violation notice in the manner set forth in the Code.~~
- (~~e~~) The correctness of facts contained in any violation notice citation shall be certified by the person issuing the notice through signing his or her name to the violation notice citation at the time of issuance. A certified citation shall constitute prima facie evidence of the violation cited.
- (e) ~~The records of the community development department/code enforcement division shall retain the original or a facsimile of the violation notice and keep it as a record in the ordinary course of business.~~
- (f) ~~The violation notice or a copy thereof shall be admissible in any subsequent administrative or judicial proceeding to the extent permitted by law.~~
- (Ord. No. 18-012, § 1, 2-1-2018; Ord. No. 18-064, § 1, 5-10-2018)

Sec. 1-105. Service.

- (a) ~~Service of any violation notice shall be made as follows: Parties shall be served with a citation in a manner reasonably calculated to give them actual notice. Methods of service include:~~
- (1) ~~Personal service upon a party or its employees or agents; or delivery by leaving a copy of or by handing the notice to the property owner, occupant or lessee of the property or business, if present; or~~
 - (2) ~~Mailing the citation notice by first class U.S. mail at a party's address; or to the property owner, occupant or lessee of the property or business; or~~
 - (3) ~~If mailed notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure or property affected by such notice. Posting the citation upon the property where the citation alleges a violation by the owner or manager of the property.~~
- (b) If service of notice is provided by first class mail for any violation notice or for any hearing notice, said service shall be deemed sent and shall be complete on the date the notice is deposited, postage prepaid, in the United States mail. The counting of any time period as set forth in the Code shall begin to run on the date the notice is deposited, postage prepaid, in the United States mail.

(Ord. No. 18-012, § 1, 2-1-2018; Ord. No. 18-064, § 1, 5-10-2018; Ord. No. 19-160, § 2, 11-7-2019)

Sec. 1-106. Hearings.

All hearings conducted under the administrative code hearing system shall be conducted by a hearing officer and shall be in accordance with the following rules and procedures:

- (1) A record of the hearing shall be made by tape recording or other appropriate means.
- (2) The parties may be represented by counsel, present witnesses, and cross-examine opposing witnesses.
- (3) No continuance shall be authorized by the hearing officer in proceedings under this chapter article except when absolutely necessary to protect the rights of the defendant. Lack of preparation shall not be grounds for a continuance. ~~Any continuance authorized by a hearing officer under this section shall not exceed 25 days.~~

- (4) All testimony shall be given under oath or affirmation.
- (5) Parties may request the hearing officer to issue, and the hearing officer shall have the authority to issue, subpoenas to direct the attendance and testimony of relevant witnesses and produce relevant documents.
- (6) The formal and technical rules of evidence shall not apply. Evidence, including hearsay, may be admitted only if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.
- (7) In a hearing on the propriety of impoundment of a vehicle any sworn or affirmed report that (i) is prepared in the performance of a law enforcement officer's duties and (ii) sufficiently describes the circumstances leading to the impoundment, shall be admissible evidence of the vehicle owner's liability, unless rebutted by clear and convincing evidence.

(8) Hearings shall be scheduled with reasonable promptness, provided that for hearings scheduled in all non-emergency situations, if requested by the defendant, the defendant shall have at least 15 days after service of process to prepare for a hearing. For purposes of this subsection, "non-emergency situation" means any situation that does not reasonably constitute a threat to the public interest, safety, or welfare. If service is provided by mail, the 15-day period shall begin to run on the day that the notice is deposited in the mail.

- ~~(8) Each hearing shall culminate in a determination of liable or not liable by the hearing officer or a determination of liability based upon the failure of the defendant to appear at the hearing.~~
- ~~(9) The hearing officer shall, upon a determination of liability, assess fines and penalties in accordance with the Code or order the property owner to correct the violation. In addition, the hearing officer shall have the discretion to assess costs upon finding a defendant liable for the charged violation. In no event shall the hearing officer have authority to: (a) impose a penalty of incarceration; or (b) impose a fine in excess of \$750.00 for a single violation/per day the violation exists.~~
- ~~(10) The maximum monetary fine imposed under the Code shall be exclusive of costs of enforcement or costs incurred by the village to secure compliance with the village's Code and ordinances, and shall not be applicable to cases to enforce the collection of any tax imposed and collected by the village.~~
- ~~(11) If the defendant or his or her attorney or designee fails to appear on the date set for the hearing, the hearing officer may find the defendant in default and shall proceed with the hearing and accept evidence relevant to the existence of a code violation.~~
- ~~(12) *Rights of occupants.* In the case of a building code violation only, no action for eviction, abatement of a nuisance, forcible entry and detainer or other similar proceeding shall be threatened or instituted against an occupant of a dwelling solely because such occupant agrees to testify or testifies at a building code violation hearing.~~
- ~~(13) *Defenses to building code violations.* In the case of a building code violation only, it shall be a defense if the property owner, his or her attorney, or any other agent or representative proves to the hearing officer's satisfaction that:~~
 - ~~a. The building code violation alleged does not in fact exist, or at the time of the hearing the violation has been remedied or removed;~~
 - ~~b. The building code violation has been caused by the current property occupants and that in spite of reasonable attempts by the property owner to maintain the dwelling free of such violations, the current occupants continue to cause the building code violations; or~~
 - ~~c. An occupant or resident of the dwelling has refused entry by the property owner or his or her agent to all or a part of the dwelling for the purpose of correcting the building code violation.~~

(Ord. No. 18-012, § 1, 2-1-2018; Ord. No. 18-064, § 1, 5-10-2018)

Sec. 1-107. Judicial review.

Any final decision by a hearing officer that a violation does or does not exist shall constitute a final determination for purposes of judicial review and shall be subject to review under the Illinois Administrative Review Law (735 ILCS 5/3-101 *et seq.*).

(Ord. No. 18-012, § 1, 2-1-2018)

Sec. 1-108. Debt to the village.

Any fine, penalty or part of any fine or penalty assessed in accordance with the provisions of the Code and remaining unpaid after the exhaustion of, or the failure to exhaust, administrative procedures under this ~~chapter~~ article and the conclusion of any judicial review procedures, shall be a debt due and owing the village, and, as such, may be collected in accordance with applicable law.

(Ord. No. 18-012, § 1, 2-1-2018)

Sec. 1-109. Enforcement of judgments.

~~(a) After expiration of the period that judicial review under the Illinois Administrative Review Law may be sought for a final determination of any violation, unless stayed by a court of competent jurisdiction, the findings, decision, and order of the hearing officer may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.~~

~~(b) Prior to any expenses being fixed by the hearing officer pursuant to this subsection (b), the village shall provide a notice to the defendant/property owner that states that the defendant shall appear at a hearing before the hearing officer to determine whether the defendant/property owner has failed to comply with the judgment. The notice shall set the date for such hearing that shall not be less than ten days from the date that notice is served. If notice is served by mail, the ten day period shall begin to run on the date that the notice is deposited in the mail.~~

(a) After expiration of the period in which judicial review under the Illinois Administrative Review Law may be sought for a final determination of a Code violation, unless stayed by a court of competent jurisdiction, the findings, decision, and order of the hearing officer may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

(b) In any case in which a defendant has failed to comply with a judgment ordering a defendant to correct a Code violation or imposing any fine or other sanction as a result of a Code violation, any expenses incurred by the village to enforce the judgment, including, but not limited to, attorney's fees, court costs, and costs related to property demolition or foreclosure, after they are fixed by a court of competent jurisdiction or a hearing officer, shall be a debt due and owing the village and may be collected in accordance with applicable law. Prior to any expenses being fixed by a hearing officer pursuant to this subsection (c), the village shall provide notice to the defendant that states that the defendant shall appear at a hearing before the administrative hearing officer to determine whether the defendant has failed to comply with the judgment. The notice shall set the date for such a hearing, which shall not be less than 7 days from the date that notice is served. If notice is served by mail, the 7-day period shall begin to run on the date that the notice was deposited in the mail.

(c) Upon being recorded in the manner required by Article XII of the Code of Civil Procedure or by the Uniform Commercial Code, a lien shall be imposed on the real estate or personal estate, or both, of the defendant in the amount of any debt due and owing the village under this section. The lien may be enforced in the same manner as a judgment lien pursuant to a judgment of a court of competent jurisdiction.

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(Supp. No. 22, Update 2)

(d) A hearing officer may set aside any judgment entered by default and set a new hearing date, upon a petition filed with the village clerk within 21 days after the issuance of the order of default, if the hearing officer determines that the petitioner's failure to appear at the hearing was for good cause or at any time if the petitioner establishes that the municipality did not provide proper service of process. If any judgment is set aside pursuant to this subsection (e), the hearing officer shall have authority to enter an order extinguishing any lien which has been recorded for any debt due and owing the village as a result of the vacated default judgment.

(Ord. No. 18-012, § 1, 2-1-2018; Ord. No. 18-064, § 1, 5-10-2018)

~~Sec. 1-110. Schedule of fines/penalties.~~

~~For a violation of any village ordinance, fines and penalties shall be as established from time to time by the mayor and board of trustees.~~

~~(Ord. No. 18-012, § 1, 2-1-2018)~~

CHAPTER 78. TRAFFIC AND VEHICLES

ARTICLE XII. ADMINISTRATIVE HEARING SYSTEM

DIVISION 1. ~~GENERALLY~~ ADMINISTRATIVE HEARING FOR VEHICLE SEIZURE AND IMPOUNDMENT

Sec. 78-500. Village administrative hearing system—Established.

- (a) There is hereby established and created within the village an administrative hearing system to enforce and adjudicate violations (~~"violations"~~) of the following chapters of the ~~Municipal Code of the Village of Westmont~~ village code of ordinances (the "Code"), as the same have been, and may from time to time hereafter be, amended:
- (1) Chapter ~~78-511~~ 78, article xii, division 2. Vehicle seizure and impoundment: ~~use of motor vehicles for unlawful purposes.~~
 - (2) Such other related village ordinances and Code provisions as the mayor and board of trustees may from time to time designate or as related by implication.
- (b) The provisions of 625 ILCS 5/11-208.3 and 625 ILCS 5/11-208.7 of the Illinois Vehicle Code are hereby adopted and incorporated into this ~~chapter~~ division as if fully set forth herein. In the event of a conflict between the provisions of this division and the afore-referenced State statutes, the provisions of the State statutes shall prevail.
- ~~(c) The provisions of this chapter shall apply to administrative adjudication proceedings to the extent that they are not inconsistent with the provisions of the Code which set forth specific procedures for the administrative adjudication of particular Code provisions.~~

(Ord. No. 09-190, § 1, 11-16-2009; Ord. No. 13-46, § 1, 3-4-2013)

Sec. 78-501. Hearing procedures non-exclusive.

The provisions of this ~~chapter~~ division shall not preclude the village from using other methods or proceedings to enforce and adjudicate the Code or other ordinances of the village, including, without limitation, the institution of an action in the DuPage County Circuit Court or the United States District Court, or any administrative proceeding.

(Ord. No. 09-190, § 1, 11-16-2009)

Sec. 78-502. Administrative composition.

The administrative hearing system shall provide for one or more hearing officers, all with the power, authority and limitations as set forth in this chapter.

(Ord. No. 09-190, § 1, 11-16-2009)

Sec. 78-503. Hearing officer.

- (a) *Appointment.* The village manager shall appoint one or more qualified hearing officers to perform the functions set forth in this ~~section~~ division.

- (b) *Independent contractor.* A hearing officer shall be ~~employed~~ retained as an independent contractor of the village and shall not be considered an employee of the village. A hearing officer may be removed, with or without cause, by the village manager.
- (c) *Qualifications.* To qualify as a hearing officer, an individual must:
- (1) Be an attorney licensed to practice law in the State of Illinois for at least three years;
 - (2) Be in good standing with the Illinois Supreme Court Attorney Registration and Disciplinary Commission;
 - (3) Complete a formal training program approved by the village manager and the village attorney consisting of:
 - a. Instruction on the rules of procedure for administrative hearings;
 - b. Orientation to each subject area of the Code that will be adjudicated;
 - c. Observation of hearings conducted by Illinois municipalities that have adopted the administrative hearing system; and
 - d. Participation in hypothetical hearings, including ruling on evidence and issuance of final orders.
- (d) *Compensation.* Authorization for compensation for a hearing officer shall be made by the mayor and village board of trustees through the village's annual budget process. Compensation shall be determined by the village manager within approved budget limitations.
- (e) *Authority and powers.* Hearing officers shall have all powers necessary to conduct fair and impartial hearings including, but limited to, the power to:
- (1) Hold conferences for the settlement or simplification of the issues;
 - (2) Administer oaths and affirmations;
 - (3) Hear testimony and accept evidence that is relevant to the allegation of a violation;
 - (4) Issue subpoenas directing witnesses to appear and give relevant testimony at the hearing, upon the request of the parties or their representatives;
 - (5) Preserve and authenticate the record of the hearing, including all exhibits and evidence introduced at the hearing;
 - (6) Issue a determination, based on the evidence presented at the hearing, on whether a violation occurred or exists. The hearing officer's determination shall be in writing and shall include a written finding of fact, decision, and order, including the fine, penalty, or other action with which the defendant must comply; and
 - (7) Impose penalties consistent with applicable Code provisions and assess costs upon finding a defendant liable for the charged violation, ~~except as expressly provided in this chapter.~~

(Ord. No. 09-190, § 1, 11-16-2009)

Sec. 78-504. Violation notice.

- (a) A notice of any violation ("violation notice") shall be issued by the persons authorized under this ~~chapter~~ division or otherwise authorized by the village, shall contain information as to the nature of the violation, shall be certified, and shall constitute prima facie evidence of the violation cited.
- (b) All officers, as well as other specifically authorized individuals of any department of the village, shall have the authority to issue violation notices.
- (c) Any individual authorized to issue violation notices who detects a violation, is authorized to issue a violation notice thereof and shall serve the violation notice in the manner set forth in the Code.

- (d) The correctness of facts contained in any violation notice shall be certified by the person issuing the notice through signing his or her name to the violation notice at the time of issuance.
- (e) The records department of the Westmont Police Department shall retain the original or a facsimile of the violation notice and keep it as a record in the ordinary course of business.
- (f) The violation notice or a copy thereof shall be admissible in any subsequent administrative or judicial proceeding to the extent permitted by law.

(g) The violation notice shall be served upon interested parties within 10 days after a vehicle is impounded by the municipality and contain the date, time, and location of the administrative hearing. An initial hearing shall be scheduled and convened no later than 45 days after the date of the mailing of the notice of hearing.

(Ord. No. 09-190, § 1, 11-16-2009)

Sec. 78-505. Service.

- (a) Service of any violation notice shall be made as follows:
 - (1) Handing the notice to the registered owner, operator or lessee of the vehicle, if present; or
 - (2) Mailing the notice by first class mail to the registered owner, operator, lessee, and lienholder of the vehicle to the interested party's address as registered with the Secretary of State.
- (b) If service of notice is provided by mail for any violation notice or for any hearing notice, said service shall be deemed sent and shall be complete on the date the notice is deposited, postage prepaid, in the United States mail. The counting of any time period as set forth in the Code shall begin to run on the date the notice is deposited, postage prepaid, in the United States mail.

(Ord. No. 09-190, § 1, 11-16-2009; Ord. No. 13-46, § 1, 3-4-2013)

Sec. 78-506. Hearings.

All hearings conducted under the administrative hearing system shall be conducted by a hearing officer and shall be in accordance with the following rules and procedures:

- (1) A record of the hearing shall be made by tape recording or other appropriate means.
- (2) The parties may be represented by counsel, present witnesses, and cross-examine opposing witnesses.
- (3) The hearing officer may grant continuances only upon a finding of good cause.
- (4) All testimony shall be given under oath or affirmation.
- (5) Parties may request the hearing officer to issue, and the hearing officer shall have the authority to issue, subpoenas to direct the attendance and testimony of relevant witnesses and produce relevant documents.
- (6) The formal and technical rules of evidence shall not apply. Evidence, including hearsay, may be admitted only if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.
- (7) In a hearing on the propriety of impoundment of a vehicle any sworn or affirmed report that (i) is prepared in the performance of a law enforcement officer's duties and (ii) sufficiently describes the circumstances leading to the impoundment, shall be admissible evidence of the vehicle owner's liability, unless rebutted by clear and convincing evidence.
- (8) Each hearing shall culminate in a determination of liable or not-liable by the hearing officer or a determination of liability based upon the failure of the defendant to appear at the hearing.

- (9) The hearing officer shall, upon a determination of liability, assess fines and penalties in accordance with the Code and the applicable statute. In addition, the hearing officer shall have the discretion to assess costs upon finding a defendant liable for the charged violation. In no event shall the hearing officer have authority to: (a) impose a penalty of incarceration; or (b) impose a fine in excess of \$1,000.00 for a violation.
- (10) The maximum monetary fine imposed under the Code shall be exclusive of costs of enforcement or costs incurred by the village to secure compliance with the village's Code and ordinances, and shall not be applicable to cases to enforce the collection of any tax imposed and collected by the village.

(Ord. No. 09-190, § 1, 11-16-2009)

Sec. 78-507. Judicial review.

Any final decision by a hearing officer that a violation does or does not exist shall constitute a final determination for purposes of judicial review and shall be subject to review under the Illinois Administrative Review Law (735 ILCS 5/3-101 et seq.).

(Ord. No. 09-190, § 1, 11-16-2009)

Sec. 78-508. Debt to the village.

Any fine, penalty or part of any fine or penalty assessed in accordance with the provisions of the Code and remaining unpaid after the exhaustion of, or the failure to exhaust, administrative procedures under this chapter and the conclusion of any judicial review procedures, shall be a debt due and owing the village, and, as such, may be collected in accordance with applicable law.

(Ord. No. 09-190, § 1, 11-16-2009)

Sec. 78-509. Enforcement of judgments.

- (a) After expiration of the period that judicial review under the Illinois Administrative Review Law may be sought for a final determination of any violation, unless stayed by a court of competent jurisdiction, the findings, decision, and order of the hearing officer may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.
- (b) Prior to any expenses being fixed by the hearing officer pursuant to this subsection (b), the Village shall provide a notice to the defendant that states that the defendant shall appear at a hearing before the hearing officer to determine whether the defendant has failed to comply with the judgment. The notice shall set the date for such hearing that shall not be less than ten days from the date that notice is served. If notice is served by mail, the ten-day period shall begin to run on the date that the notice is deposited in the mail.

(Ord. No. 09-190, § 1, 11-16-2009)

Sec. 78-510. Schedule of fines/penalties.

For a violation of any village ordinance, fines and penalties shall be as established from time to time by the mayor and board of trustees.

(Ord. No. 09-190, § 1, 11-16-2009)

CHAPTER 78 – TRAFFIC AND VEHICLES

ARTICLE XII – ADMINISTRATIVE HEARING SYSTEMS

DIVISION 3. – ADMINISTRATIVE ADJUDICATION OF STANDING, PARKING AND VEHICLE CONDITION VIOLATIONS

Sec. 78-512. Purpose.

The purpose of this division is to provide a fair and efficient method of enforcement of vehicular standing, parking, and equipment violations through the administrative adjudication of said violations, and to provide a schedule of uniform fines and penalties and authority and procedures for collection of unpaid fines and penalties. The provisions of this division may be used in lieu of issuing a citation that requires an appearance in circuit court. Notwithstanding any other provisions in this Code, the fine schedule set out in this division shall apply as the fine schedule for all violations covered by and handled through the administrative adjudication system established by this division. Pursuant to 625 Illinois Compiled Statutes 5/11-208.3(a), the provisions of this division shall apply to the following violations:

1. Vehicular standing and parking violations; and
2. Violations of any provision of the code or ordinance governing the condition or use of equipment on a vehicle; and

The aforementioned violations are collectively referred to as "vehicular regulation violations" for purposes of this division.

Sec. 78-513. Administration.

The system of administrative adjudication of vehicular regulation violations shall be composed of a traffic compliance administrator, administrative staff as designated by the traffic compliance administrator, and an appointed hearing officer.

The traffic compliance administrator shall be the village's chief of police or his/her designee, with the power, authority and limitations as are hereinafter set forth:

- A. Operate and manage the system of administrative adjudication of vehicular regulation violations.
- B. Adopt, distribute and process vehicular regulation violation notices and other notices as may be required under this division or as may be reasonably required to carry out the purpose of this division.
- C. Collect monies paid as fines and/or penalties assessed after a final determination of vehicular regulation violation liability.

- D. Designate police department employees to serve as administrative staff for the administrative adjudication of vehicular regulation violations and to fulfill the duties and requirements of this division.
- E. Maintain records of final determinations of vehicular regulation violation liability and related documentation verifying that the final determination of vehicular regulation violation liability was issued in accordance with this division and 625 ILCS 5/11-208.3.
- F. Promulgate rules and regulations reasonably required to operate and maintain the administrative adjudication system hereby created.
- G. Such other action as is necessary to comply with the requirements of this division and applicable provisions of State statutes.

The hearing officer shall be appointed as set forth in chapter 1, article II, section 1-103 of this Code and shall meet the qualifications set forth in said section. He/she shall be empowered and is hereby authorized and directed to:

- A. Preside over the administrative hearings under this division as the adjudicator.
- B. Administer oaths.
- C. Issue subpoenas to secure the attendance of witnesses and production of relevant papers or documentation.
- D. Assess fines and penalties for vehicular regulation violations as established by this division.
- E. Make final determinations of vehicular regulation violation liability.
- F. Provide for the accurate recordation of the administrative hearings.
- G. Take such other action as authorized by this division and applicable provisions of State statutes.

Sec. 78-514. Procedures.

The system of administrative adjudication of vehicular regulation violations shall be in accordance with the following procedures:

- A. Violation Notice: Vehicular regulation violation notices shall be issued by the persons authorized herein and shall contain information and shall be served, certificated and have evidentiary admissibility as is hereinafter set forth.

- B. Authorization: All full time, part time and auxiliary police officers and community service officers, as well as other specifically appointed individuals, shall have the authority to issue vehicular regulation violation notices.
- C. Detection Of Violations: Any individual authorized to issue vehicular regulation violation notices and who detects such a vehicular regulation violation shall issue a vehicular regulation violation notice and shall make service thereof as is hereinafter set forth.
- D. Violation Notice Contents: The vehicular regulation violation notice shall contain, but shall not be limited to, the following information:
 - 1. The date, time and place of the vehicular regulation violation (date of issuance).
 - 2. The particular vehicular regulation violated.
 - 3. Vehicle make and state registration number.
 - 4. The fine and any penalty which may be assessed for late payment.
 - 5. The identification number of the person issuing the notice.
 - 6. A section entitled "payment instructions", explaining the method for payment by mail, in person and through the internet, if so provided.
 - 7. The date, time and place of an administrative hearing at which the vehicular regulation violation may be contested on its merits.
 - 8. That payment of the indicated fine and any late payment penalty shall operate as a final disposition.
- E. Service Of Vehicular Regulation Violation Notice: Service of the vehicular regulation violation notice shall be made by the person issuing such notice by:
 - 1. Affixing the original or facsimile of the vehicular regulation violation notice to any unlawfully standing or parked vehicle or any vehicle found to be in an unlawful condition;
 - 2. Handing the vehicular regulation violation notice to the registered owner, operator or lessee of the vehicle, if present; or
 - 3. Mailing the notice of violation to the address of the registered owner or lessee of the cited vehicle as recorded with the Secretary of State or lessor of the vehicle within thirty (30) days after the Secretary of State or lessor of the motor vehicle notifies the Village of the identity of the owner or lessee of the vehicle, but not later than ninety (90) days after the date of the violation, except that in the case of a lessee of a motor vehicle, service of the violation notice of a parking, standing or compliance violation may occur no later than two hundred ten (210) days after the violation

- F. Certification Of Facts: The correctness of facts contained in the vehicular regulation violation notice shall be certified by the person issuing said vehicular regulation violation notice by:
 - 1. Signing his/her name to the vehicular regulation violation notice at the time of issuance; or
 - 2. In the case of a vehicular regulation violation notice produced by a computer device, by signing a single certificate, to be kept by the traffic compliance administrator, attesting to the correctness of all vehicular regulation violation notices produced by the device while under his/her control.
- G. Retention Of Vehicular Regulation Violation Notice: The original or a facsimile of the vehicular regulation violation notices shall be retained by the traffic compliance administrator and kept as a record in the ordinary course of business.
- H. Prima Facie Evidence Of Correctness: Any vehicular regulation violation notice issued, signed and served in accordance herewith, or a copy of the vehicular regulation violation notice, shall, pursuant to state statute, be deemed prima facie correct and shall be prima facie evidence of the correctness of the facts shown on the vehicular regulation violation notice.
- I. Admissibility: The vehicular regulation violation notices shall be admissible in any subsequent administrative or legal proceeding.

Sec. 78-515. Administrative Hearings.

An administrative hearing to adjudicate the alleged vehicular regulation violation on its merits:

- A. Shall be granted to the registered owner or lessee of the cited vehicle pursuant to 625 ILCS 5/11-208.3.
- B. Shall be on the date, at the time and at the place as is set forth in the vehicular regulation violation notice issued and served, or as is set forth in any subsequent notice issued in accordance with this division.
- C. Shall be tape recorded.
- D. Shall allow persons appearing to contest the alleged vehicular regulation violation on its merits and to be represented by counsel at their own expense.
- E. Shall be subject to review as hereinafter set forth.
- F. Shall culminate in a determination of liability or nonliability, made by the hearing officer, who shall consider facts and/or testimony without the application of the

formal or technical rules of evidence. Such determination shall advise the registered owner or lessee of the cited vehicle of his/her time limitations for filing for administrative review as set forth in this division and/or judicial review as set forth in this division. The hearing officer shall, upon a determination of liability, assess fines and penalties in accordance with this division.

Sec. 78-516. Additional Notices.

- A. Second notice of vehicular regulation violation: In the event the first notice of violation was issued by affixing the original or facsimile of the notice to the unlawfully parked vehicle or by handing the notice to the operator, a second notice of standing, parking or compliance violation to be sent to the respondent by first class U.S. mail in accordance with section 78-514(E)(3) of this division. The second notice of violation shall specify the date and location of the violation, the make and State registration number of the cited vehicle, the Code provision violation, the applicable fine, and the time and manner in which the respondent may appear at the scheduled hearing to contest the violation. The second notice shall also state that failure to pay the indicated fine and any applicable penalty, or to appear at a hearing, will result in a default judgment and final determination of liability for the cited violation in the amount of the fine or penalty indicated, and that upon the occurrence of a final determination of violation liability for the failure, and the exhaustion of, or failure to exhaust, available administrative or judicial procedures for review, or any unpaid fine or penalty, or both, will constitute a debt due and owing the village. Payment of the fine is an admission of liability and will act as a final disposition of the violation.
- B. A notice of final determination of vehicular regulation violation liability shall be sent following a final determination of vehicular regulation violation liability and after the conclusion any administrative review procedures, or the expiration of the time period for filing for judicial review without the filing taking place, and shall contain, but not be limited to, the following information and warnings:
 - 1. A statement that the unpaid fine and any penalty assessed is a debt due and owing the village.
 - 2. A warning that failure to pay the fine and any penalty due and owing the village within the time specified may result in the village's filing a complaint in the circuit court to have the unpaid fine or penalty rendered a judgment in accordance with 625 ILCS 5/11-208.3(f).

Sec. 78-517. Administrative Review.

A petition to set aside a determination of vehicular regulation violation liability or a default judgment may be filed by a person owing an unpaid fine or penalty in the manner and subject to the restrictions and grounds hereinafter set forth:

- A. A written petition to set aside a determination of vehicular regulation violation liability must be filed in the office of the traffic compliance administrator within, but not later than, fourteen (14) days from the date the determination of vehicular regulation violation liability is made.
- B. The hearing officer shall act upon those petitions timely filed and render a decision thereon within thirty (30) days of the date filed.
- C. The grounds for setting aside a determination of vehicular regulation violation liability shall be limited to the following:
 - 1. The person against whom the determination of vehicular regulation violation liability is made was not the registered owner or lessee of the "cited vehicle" on the date the vehicular regulation violation notice was issued; or
 - 2. The person has paid the fine or penalty prior to the determination of vehicular regulation violation liability for the vehicular regulation violation(s) in question; or
 - 3. Excusable failure to appear at or request a new date for a hearing.
- D. Should the determination of vehicular regulation violation liability be set aside, the traffic compliance administrator shall:
 - 1. Notify the registered owner or lessee, as the case may be, that the determination of vehicular regulation violation liability has been set aside.
 - 2. Notify the registered owner or lessee, as the case may be, of a date, time and place for a hearing on the merits of the vehicular regulation violation for which the determination of vehicular regulation violation liability has been set aside.
 - 3. The notices referenced herein shall be sent by first class U.S. mail, postage prepaid, to the address set forth on the petition to set aside the determination of vehicular regulation violation liability.
 - 4. Service of the notices shall be complete on the date the notices are deposited in the United States mail.
- E. Should the determination of vehicular regulation violation liability not be set aside, the traffic compliance administrator shall notify the registered owner or lessee, as the case may be, that the determination of vehicular regulation violation

liability has not been set aside and is now deemed to be a final determination of vehicular regulation violation liability as set forth in this division.

Sec. 78-518. Contest by mail procedures.

Persons who have been served with a vehicular regulation violation notice may contest the alleged vehicular regulation violation on its merits in person at an administrative hearing, or may contest the validity without personally appearing at a hearing by:

- A. Completing and signing a notarized statement contesting the vehicular regulation violation notice, together with the citation number, name and address of the owner, reasons why a finding of liability should not be entered, and any supporting documentation, and serving said notarized statement by first class U.S. mail with the administrator within fourteen (14) days after service of the violation notice.
- B. In the event that the vehicular regulation violation notice states that the violation notice may be contested through the internet, the notarized statement and supporting documentation shall be sent to the e-mail address provided on the notice within fourteen (14) days after the service of the vehicular regulation violation notice.
- C. The administrator shall provide the notarized statement to the hearing officer. The hearing officer will enter a findings, decision and order upon adjudication of the facts set forth in the notarized statement of facts and the facts contained in the vehicular regulation violation notice. The hearing officer's determination of liability shall become a final determination of traffic law violation liability that is a final, appealable order.
- D. Notice of the determination of the hearing officer shall be served by first class mail, postage prepaid, addressed to the address set forth in the statement of facts.
- E. Service of the notice shall be deemed complete on the date the notice is placed in the United States mail.

Sec. 78-519. Schedule of fines/penalties.

The fines and penalties which shall be imposed for vehicular regulation violations shall be as follows:

- A. Notwithstanding any other provisions to the contrary in this Code for violations of any provision of this Code regulating, restricting or prohibiting the standing or parking of motor vehicles along the streets, byways, alleyways, regulated parking lots or such other locations as may be controlled by off street parking agreements, located within the geographical boundaries of the village, including handicapped parking, for violations regarding the use or condition of vehicular equipment, the

finest relative to the administrative adjudication of vehicular regulation violation notices issued pursuant to this section shall be as set forth in the following schedule:

	Fine Schedule	General Fine Amount	Handicapped Parking Fine
Step 1	Upon service of violation notice, the fine amount owed prior to or on the first hearing date is:	\$30.00	\$250.00
Step 2	Upon failure to pay the fine amount specified in Step 1, prior to or on the first hearing date, the fine amount is:	\$60.00	\$250.00
Step 3	Upon failure to pay the fine amount specified in Step 2, and after the time to file for administrative or judicial review has lapsed, the fine amount is:	\$60.00, plus an administrative fee of \$25.00 for use of collection agency.	\$250.00, plus an administrative fee of \$25.00 for use of collection agency.

- B. Notwithstanding the provision of any other section of this Code, the maximum fine per violation under this administrative adjudication program shall be two hundred fifty dollars (\$250.00), exclusive of court costs and administrative costs for use of a collection agency to recover unpaid fines.

Sec. 78-520. Judicial review.

Final determinations of vehicular regulation violation liability made pursuant to this division of the Code shall be subject to the provisions of the administrative review law as is set forth in 735 ILCS 5/3-101, et seq.

Sec. 78-521. Debt to village.

Any fine, penalty or part of any fine or any penalty assessed in accordance with the provisions of this division, and remaining unpaid after the exhaustion of, or the failure to exhaust, administrative remedies and the conclusion of any judicial review procedures, shall be a debt due and owing the village and, as such, may be collected in accordance with the applicable law. Payment in full of any fine or penalty resulting from a vehicular regulation violation under this section shall constitute a final disposition of that vehicular regulation violation.

Sec. 78-522. Judgments.

The traffic compliance administrator may, following the expiration of the period within which administrative and judicial review may be sought for a determination of vehicular regulation violation liability, take all necessary actions, execute all required documents and

appoint or retain any individual or agency deemed appropriate to obtain a judgment against and collect monies from the person(s) who have been assessed fines or penalties which remain unpaid, and have become a debt due and owing the village in accordance with the provisions of division, in the following manner:

A. By filing a complaint in the circuit court praying for the entry of a judgment against the person for whom a final determination of vehicular regulation violation liability has been made. The complaint filed by the traffic compliance administrator or individual or agency on behalf of the village, seeking entry of a judgment against an individual for unpaid fines and/or penalties pursuant to a final determination of vehicular regulation violation liability, shall have attached to it:

1. A certified copy of the final determination of vehicular regulation violation liability.
2. A certification that recites facts sufficient to show that the final determination of vehicular regulation violation liability was issued in accordance with this division and 625 ILCS 5/11-208.3.

Nothing shall prevent the village from consolidating multiple final determinations of vehicular regulation violation liability in an action in the circuit court against an individual. The summons and a copy of the complaint may be served upon the person against whom a judgment is sought under the provisions of this section by any method provided under state statute, or by certified mail, return receipt requested, provided the total amount of fines and penalties for final determination of vehicular regulation violation liability does not exceed two thousand five hundred dollars (\$2,500.00).

B. By pursuing all available remedies, allowed by law, to collect money judgments.

Sec. 78-523. Impact on other administrative adjudication systems.

This division shall not affect the validity of other systems of administrative adjudication authorized by state law and adopted by the village.