

Glen Ellyn Fact Sheet

An abbreviated history College of DuPage Development Activities

June 1, 2011

History

- The College of DuPage (COD) was founded in 1967 and annexed to the Village of Glen Ellyn (VGE) in 1973
- Between 1973 and 2007, COD applied for and was issued 19 building permits from Glen Ellyn
- In that same timeframe, COD applied for, and received approval of, two Master Sign Plans including multiple variations for campus signage plans (1994 and 2002)
- In 2001, COD prepared a Facility Master Plan for the redevelopment of the campus that was estimated to cost \$289 million
- In November 2002, voters approved a \$183 million bond referendum to fund a portion of the Facility Master Plan improvements
- In 2004, COD took the position that it was not subject to any local regulations including codes relating to zoning, signage, landscaping, parking, and building safety permits; however, it agreed to go through the Village's zoning process for review of their Master Facilities Plan and to simultaneously work on an IGA with the Village
- VGE does not believe COD is exempt from any local codes and ordinances which are intended to protect the general health, welfare, and safety of people and property in and around Glen Ellyn
- In July of 2005, COD began submitting materials for approval of a Planned Unit Development (PUD), Subdivision and Zoning Map Amendment for the Master Facilities Plan
- For two years, VGE and COD engaged in cooperative discussions attempting to reach a mutual understanding on a reduced level of Village oversight for COD projects
- In March of 2007, the VGE Plan Commission conducted public hearings on the PUD, Subdivision and Zoning Map Amendment requests
- In April of 2007, the VGE Board of Trustees approved a Final Planned Unit Development Plan for the campus; the College also received subdivision approval and approval of a Zoning Map Amendment that created a new Community College zoning district for the campus
- In April 2007, VGE and COD entered into an Intergovernmental Agreement that set the terms for how the parties would interact related to the implementation of the Facilities Master Plan for the campus. In the agreement, the VGE agreed to defer its lawful right to regulate construction and design within the campus in exchange for COD's pledge to accommodate the VGE's traffic, stormwater, zoning and parking concerns. The agreement addressed the primary interests of both parties and focused on those items that would most impact the community and surrounding neighbors

Glen Ellyn Fact Sheet

- The 2007 Intergovernmental Agreement contained many terms including:
 - Establishing a special zoning district for COD so there would be no requirement for COD to seek zoning changes to carry out any of COD's operations
 - Requiring that any changes to the College Zoning District be approved by COD in advance
 - The approval of a Master Planned Unit Development Plan which allowed certain modifications to that plan without prior approval from VGE
 - Waiving exterior appearance review of each building and instead allowing the approval of Architectural Design Guidelines for the campus
 - Allowing COD the choice of hiring an independent company to perform building plan reviews and building inspections or requesting VGE to perform those services
 - Providing expedited building permit and stormwater plan review, reduced fees, and waiver of public property damage deposits and monetary securities
 - Waiving requirement for annual fire safety inspections for COD
 - Offering flexibility to relocate buildings and construct small accessory buildings without review by VGE
 - Establishing a process for resolution of disagreements on building code compliance or violations
 - Allowing COD to perform maintenance projects through the issuance of an annual building permit rather than individual permits for each project
 - Permitting unlimited temporary construction structures and/or trailers without building permits
 - Allowing an unlimited amount of construction signage which could be located at COD's discretion
- From 2007-2008, under the 2007 IGA, COD applied for and received 28 building permits from the Village
- In 2008, COD removed 16 VGE-owned parkway trees without a permit
- In December 2008, COD unilaterally revoked the Intergovernmental Agreement
- Since the IGA was revoked in 2008, VGE has been attempting to engage COD in discussions to reach an understanding and common ground regarding any areas of dispute

Current Status/Recent Activity

- Since 2009, COD has constructed roughly 91,000 additional square feet of buildings not contemplated in the previously approved and agreed upon Master PUD Plan including the Culinary and Hospitality building
- In March of 2010, COD submitted a copy of their updated sign plan to the VGE. The Village responded on April 21, 2010 noting significant differences between the new

Glen Ellyn Fact Sheet

sign plan and the sign plan approved in 2002. VGE indicated that it would be willing to support a number of variations to accommodate the new sign plan and reminded COD that it was governed by the Village's Sign Ordinances

- COD did not abide by either the VGE Sign Code or the special sign plan and variations previously approved for the campus. COD informed the VGE that it intended to install approximately 3900 square feet of signage totaling approximately \$2 million, far exceeding the signage allowances for the campus
- VGE was concerned about the potential impact the number, type and size of the signs would have on the campus and surrounding residential neighborhoods and that no public hearings were conducted allowing public comment/input on this. VGE sent a letter to COD on April 28, 2010 reiterating the Village's desire to negotiate and work with the College to resolve this and any other issues and stating that in the meantime the Village would not be able to ignore violations of our Ordinances
- On May 7, 2010, COD removed 15 VGE-owned parkway trees from the west side of Lambert Road without notification or approval
- On June 10, 2010, a letter was sent to COD by the VGE Attorney again reiterating the Village's desire to establish a new IGA and to work cooperatively with the College and noting that sign support structures were witnessed being installed on the campus and that COD did not have the VGE's consent to install signage in violation of Codes
- On June 14, 2010, the VGE Board adopted a resolution setting forth its desire to work with the College and to negotiate a new IGA and establishing the VGE's priority issues related to stormwater management, traffic flow, pedestrian safety, utilities, trees and signage The resolution lauded COD, its value, and its development initiatives and stated that VGE did not desire to take any legal action
- On June 15, 2010, COD proceeded to install signs
- On June 16, 2010, a citation and stop work order were issued to COD for work on signage without a permit
- COD removed the stop work order and resumed work
- On June 17, 2010 another citation was issued
- COD then filed a motion with the Circuit Court of DuPage County requesting a temporary restraining order to prevent the VGE from enforcing its ordinances on COD's campus and seeking to enjoin the VGE from issuing further citations. On June 28, 2010, the College's motion was denied
- In July of 2010, another 12 citations were issued to COD by the VGE for work on signage without a permit
- The Capital Projects Manual produced by the Illinois Community College Board sets forth a list of Codes that must be followed for community college development projects. The last item on the list is "any local building codes that may be more restrictive". There is nothing in the law that exempts community colleges from

Glen Ellyn Fact Sheet

standard building permit and inspection processes. Similarly, there are no exemptions for community colleges from local zoning and signage regulations. In September 2010, COD petitioned the Illinois Community College Board (ICCB) to modify the State law governing community colleges to eliminate the local code requirements. The ICCB did not rule on the request nor place the item for consideration on any future agenda

- In August of 2010, the VGE and COD entered into mediation with a respected DuPage County Judge in an attempt to develop a new IGA and resolve the larger jurisdictional dispute regarding the applicability of VGE Ordinances. Since this time, the College and Village have met for mediation on several occasions
- While in mediation, COD installed approximately 3900 square feet of signage at a cost of approximately \$2.3 million and far exceeding the established and agreed-upon signage allowances for the campus
- During the negotiation period, VGE agreed to obtain pre-approval from COD for the VGE's costs of hiring consultants to review COD's plans (i.e. traffic, wetlands, stormwater, etc.)
- VGE and COD are currently working together to accommodate a new signalized pedestrian crosswalk on Lambert Road
- COD has indicated it will abide by VGE's stormwater and wetland regulations
- Presently COD is not in compliance with these regulations because some required monitoring reports and final grading surveys have not been submitted. Some of these have been outstanding for up to seven years
- COD has operated as if a new IGA is in place and has not sought building permits for nine construction projects already completed or underway (including new buildings, additions, remodeling, fire sprinkler work, etc.)
- COD's 2007 parking study stated that COD will require a total of 7240 spaces on the campus, based on projected enrollment of 27,375 in the year 2014. The fall 2010 headcount enrollment of COD was reported to be 27,723 per the COD Courier Newspaper.
- The construction of the Culinary and Hospitality Center results in the removal of 284 parking stalls previously included in the minimum parking supply of 5900 spaces required on the east side of the campus (leaving 5720 spaces remaining on the east side of the campus)
- COD has not moved forward with an agreed-to traffic study necessary to determine if turning movements from northbound Park Boulevard onto westbound College Road have increased. In 2007, the turning movements at this intersection already required the extension of the left turning lane
- COD has applied for building permits not only previously in Glen Ellyn, but also in all six communities where it maintains satellite campus buildings. COD previously

Glen Ellyn Fact Sheet

applied for zoning or signage relief in Glen Ellyn and two of the other communities where it maintains satellite campus buildings