VILLAGE OF LOMBARD REQUEST FOR BOARD OF TRUSTEES ACTION For Inclusion on Board Agenda

Recon	ution or Ordinance (Blue) mmendations of Boards, Co Business (Pink)	X Waiver of First Requested ommissions & Committees (Green)	
TO :	PRESIDENT AND BOAR	D OF TRUSTEES	
FROM:	Scott R. Niehaus, Village	Manager	
DATE:	November 22, 2021	(BOT) Date: December 2, 2021	
SUBJECT:	PC 21-25; 448 W North Warehouse.	Avenue – Supreme Lobster and Seafo	od
SUBMITTED	BY: William J. Heniff, A	ICP, Director of Community Developmer	nt (MA
The Plan Cor Lobster and S	Seafood Company, Inc., re	ons: mmendation to approve the petitioner, So equests that the Village take the following R1 Single-Family Residence District:	upreme g actions
 Approve 155.420 Approve is require pursuant Approve 45 feet is Approve 	e a conditional use for a Plan (C)(27); e a conditional use for build ed as the property is within to Section 155.420(G); e a deviation for a transition is required, pursuant to Section a deviation for a transition and eviation for a transition and eviation for a transition for	ning) to I Limited Industrial District; anned Development, pursuant to Section ding height of 45", where the maximum on 100 feet of a residentially-zoned propernal building setback to the north of 16 feet ection 155.420(J); and hal landscape yard to the north of 15 feet ection 155.420(K). (DISTRICT #1)	of 40 feet rty, et, where
place this pet	mmission recommended a ition on the December 2, as requested by staff and t	approval of this petition by a vote of 7-0. 2021, Board of Trustees agenda with a v he petitioner.	. Please waiver o
Fiscal Impact/	/Funding Source:		
Review (as nec Finance Directo Village Manage	cessary): orer	Date Date	-



MEMORANDUM

TO:

Scott R. Niehaus, Village Manager

FROM:

William J. Heniff, AICP, Director of Community Development

MEETING DATE: December 2, 2021

SUBJECT:

PC 21-25; 448 W. North Avenue, Supreme Lobster

Please find the following items for Village Board consideration as part of the December 2, 2021, Board meeting:

- 1. Plan Commission referral letter;
- 2. IDRC report for PC 21-25;
- An Ordinance granting a map amendment for the property located at 448 W. North Avenue; 3. and
- An Ordinance granting approval of companion conditional uses and deviations for the 4. property located at 448 W. North Avenue.

The Plan Commission recommended approval of this petition by a vote of 7-0. Please place this petition on the December 2, 2021, Board of Trustees agenda with a waiver of first reading as requested by staff and the petitioner.



VILLAGE OF LOMBARD

255 E. Wilson Ave. Lombard, Illinois 60148-3926 (630) 620-5700 Fax (630) 620-8222 www.villageoflombard.org

Village President Keith T. Giagnorio

Village Clerk Liz Brezinski

Trustees

Brian LaVaque, Dist. 1 Anthony Puccio, Dist. 2 Bernie Dudek, Dist. 3 Andrew Honig, Dist. 4 Dan Militello, Dist. 5 Bob Bachner, Dist. 6

Village Manager Scott R. Niehaus

"Our shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses to create a distinctive sense of spirit and an outstanding quality of life."

"The **Mission** of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard." December 2, 2021

Mr. Keith T. Giagnorio, Village President, and Board of Trustees Village of Lombard

Subject: PC 21-25; 448 W. North Avenue, Supreme Lobster

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, Supreme Lobster and Seafood Company, Inc., requests that the Village take the following actions on the subject property located within R1 Single-Family Residence District:

- 1. Approve a map amendment (rezoning) to I Limited Industrial District;
- 2. Approve a conditional use for a Planned Development, pursuant to Section 155.420(C)(27);
- 3. Approve a conditional use for building height of 45', where the maximum of 40 feet is required as the property is within 100 feet of a residentially-zone property, pursuant to Section 155.420(G);
- 4. Approve a deviation for a transitional building setback to the north of 16 feet, where 45 feet is required, pursuant to Section 155.420(J); and
- 5. Approve a deviation for a transitional landscape yard to the north of 15 feet, where 30 feet is required, pursuant to Section 155.420(K).

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on November 15, 2021. Sworn in to present the petition was Jennifer Ganser, Assistant Director and Jeremy Bentley and Ryan Gusewelle on behalf of the petitioner.

Acting Chairperson Sweetser read the Plan Commission procedures and asked if anyone other than the petitioner intended to cross examine and, hearing none, she proceeded with the petition.

PC 21-25 December 2, 2021 Page 2

Mr. Bentley said they are looking to build a new freezer facility on vacant land. He said about 70% of the building is a frozen warehouse and the fish would come in and leave frozen. There are 8 dock doors and a small office. Despite the size, there are not many employees. He showed the building elevations. He said the Comprehensive Plan suggests the building is compatible.

Commissioner Johnston asked if the white walls could have color added to them. Mr. Bentley said unfortunately no, due to the nature of the building being a freezer. Those walls would not be visible to North Avenue.

Acting Chairperson Sweetser asked if any person would like to speak in favor or against this petition, or for public comment. Hearing none, she asked for the staff report.

Ms. Ganser presented the staff report, which was submitted to the public record in its entirety. The petitioner requests zoning relief for a Supreme Lobster warehouse building. The property is currently developed with a vacant commercial building. The petitioner is requesting a rezoning to the Industrial District, from residential. The property has been zoned residential since it was involuntarily annexed to the Village. Staff supports the rezoning noting zoning compatibility and the Comprehensive Plan designation. The Zoning Ordinance provides for warehouses as permitted use in the Industrial District. The property to the north is zoned residential, also due to the annexation, therefore a 40' height limit is permitted. Staff anticipates this property will redevelop and be rezoned for non-residential use at that time. Therefore, staff supports the height relief. Also, a transitional building setback and landscape yard must be met due to the residential zoned land to the north. The petitioner's stormwater detention is mainly to the south, thereby the building is located on the northern end of the property. Staff supports the variance for the transitional building setback and landscape yard. Two driveways are proposed for the site as well as on-site parking for cars and trucks. This location would be closed to the public. The petitioner will need to engage with the Illinois Department of Transportation as they control the North Avenue rightof-way. Each drive is shown as right-in, right-out. The petitioner has stated that the gates will be open during business hours. Trucks will enter the site using the western drive and exit via the east drive. Cars will enter and exit using the west drive.

Acting Chairperson Sweetser asked if there were any questions or comments on the staff report. Hearing none, she opened the meeting for comments among the Commissioners.

Commissioner Giuliano asked if the loading docks are facing North Avenue and what kind of trees would be used as screening. Mr. Bentley said the loading docks do face North Avenue and there will be trees in the front of the property. He said they would most likely be between a 2- and 4-inch caliper and may be small to medium in size. Commissioner Johnston said he agrees with Commissioner Giuliano and believes evergreens would be a better choice.

Commissioner Spreenberg asked if the parking will be sufficient for the employees and any routine maintenance to the building. Mr. Bentley said if the building or freezers need maintenance it would only be a couple of people. The building will have two shifts with 4 to 5 people per shift. Commissioner Spreenberg asked about stormwater management and if the land banked parking spaces were considered. Mr. Bentley said yes, to be more conservative with the engineering.

On a motion by Commissioner Giuliano, and a second by Commissioner Johnston, the Plan Commission voted 7-0 to recommend that the Village Board approve the petition associated with PC 21-25 subject to the six (6) conditions in the staff report, plus an additional condition:

- 1. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
- 2. That the petitioner shall be required to apply for and receive building permits prior to construction;
- 3. The petitioner shall submit a plat of consolidation, to make the property into a lot of record, before building permits shall be issued;
- 4. This approval shall be subject to the commencement time provisions as set forth within Section 155.103(F)(11);
- 5. The petitioner shall create a dedicated easement for stormwater detention areas, per the provisions of Section 154.406(D) of Village Code; and
- 6. A private utilities easement of at least thirty feet (30') in width shall be dedicated to the Village for the proposed watermain and hydrant on the property, per the provisions of Section 154.512(A)(1) of Village Code.
- 7. The trees and shrubs in between the loading dock area and North Avenue shall be evergreens to eliminate some of the visual line of sight from North Avenue towards the warehouse building.

Respectfully,

VILLAGE OF LOMBARD

Ruth Sweetser, Acting Chairperson Lombard Plan Commission

PLAN COMMISSION

INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

448 W. North Avenue

November 15, 2021

Title

PC 21-25

Petitioner

Supreme Lobster and Seafood Company, Inc. 220 E. North Avenue Villa Park, IL 60181

Property Owner

Durable Enterprises, LLC 448 W. North Avenue Lombard, IL 60148

Property Location

448 W. North Avenue

03-31-301-038

Trustee District 1

Zoning

R1 Single-Family Residence District

Existing Land Use

Vacant commercial building

Comprehensive Plan

Mixed Industrial Office and Commercial

Approval Sought

Rezoning, conditional use, variances

Prepared By

Jennifer Ganser, AICP

Assistant Director



PROJECT DESCRIPTION

The petitioner requests a zoning relief for a Supreme Lobster warehouse building. This location would be closed to the public.

APPROVAL(S) REQUIRED

The petitioner, Supreme Lobster and Seafood Company, Inc., requests that the Village take the following actions on the subject property located within R1 Single-Family Residence District:

- 1. Approve a map amendment (rezoning) to I Limited Industrial District;
- 2. Approve a conditional use for a Planned Development, pursuant to Section 155.420(C)(27);
- 3. Approve a conditional use for building height of 45', where the maximum of 40 feet is required as the property is within 100 feet of a residentially-zone property, pursuant to Section 155.420(G);
- 4. Approve a deviation for a transitional building setback to the north of 16 feet, where 45 feet is required, pursuant to Section 155.420(J); and
- 5. Approve a deviation for a transitional landscape yard to the north of 15 feet, where 30 feet is required, pursuant to Section 155.420(K).

PROJECT STATS

Lot & Bulk

Parcel Size:

4.35 acres

Building Area:

80,724 sq. ft.

Submittals

- 1. Petition for a public hearing;
- 2. Response to Standards, prepared by the petitioner;
- Land Title Survey, prepared by Glen D. Krisch Land Surveyor, Inc., undated
- Eco Cat, prepared by the Illinois Department of Natural Resources, dated 9/13/2021;
- Preliminary Engineering Plans, prepared by Weaver Consulting Group, dated 9/14/21;
- 6. Traffic memo, prepared by KLOA, Inc., dated 9/30/21;
- Land Use Opinion Application/Kane-DuPage Soil and Water Conservation District, prepared by the petitioner, dated 9/13/21;
- 8. Letter on endangered species, prepared by the Illinois Department of Natural Resources, dated 9/13/21;
- 9. Architectural plans, prepared by UISC, LLC, dated 9/14/21.

EXISTING CONDITIONS

The subject property is currently developed with a vacant commercial building.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division offers that the new building will need to have a full fire sprinkler system and be built under the 2018 International Building Code, Type 2B construction. Additional comments may be forthcoming during permit/occupancy review.

Fire Department:

The Fire Department notes that the new building will need to have a full fire sprinkler system, along with making sure that the hydrant is located within 75-100' of Fire Department Connection and the entrance gates will have override for Fire Department access. Additional comments may be forthcoming during permit/occupancy review.

Public Works:

Public Works has the following comments regarding the petition:

- Extend the proposed sidewalk across both driveways on the civil plan set.
- The Village's standard specification notes and details shall be included in the civil plan set.
- Additional comments may be forthcoming during permit/occupancy review.

Private Engineering Services:

Private Engineering Services (PES) notes that more information is required for storm water review, including control structures and/or restrictors. Additional comments may be forthcoming during permit/occupancy review.

Planning Services Division:

The Planning Services Division (PSD) notes the following:

1. Surrounding Zoning & Land Use Compatibility

	Zoning Districts	Land Use
North	R1	Industrial (legal nonconforming vehicle
1,02 622		storage lot)
South B2	B2	Thornton's Gas Station and the
South	BZ BZ	Assembly of God Church
East	I	Public Storage
West	B4	Comfort Inn Hotel

Staff notes the property is along a major commercial corridor, North Avenue. The existing 3-story Comfort Suites hotel is the adjacent property to the west. There would be required landscaping per Code between the two properties. Staff finds the use is compatible with the surrounding zoning and land uses, which are primarily industrial in nature.

2. Comprehensive Plan Compatibility

The property has a Comprehensive Plan designation of Mixed Industrial Office and Commercial. A warehouse use would be consistent with the Comprehensive Plan designation. The residentially zoned property to the north shares the same Comprehensive Plan designation, should it be redeveloped in the future. The entire area is an Area of Concern per the Comprehensive Plan and is redeveloping over time towards commercial and industrial. Earlier this year 1005 and 1015 N Rohlwing Road was rezoned to B4 for an auto repair business.

3. Zoning Compatibility

Rezoning

The petitioner is requesting a rezoning/map amendment to the Industrial District, from residential. The property has been zoned residential since it was involuntarily annexed to the Village, per Section 155.403. Staff supports the map amendment noting zoning compatibility and the Comprehensive Plan designation. The Zoning Ordinance provides for warehouses as permitted use in the Industrial District.

Planned Development

Staff is also supportive of the conditional use for a planned development as it is required per Code. The property meets the size requirements for a planned development and will benefit from the future flexibility of a planned development designation.

Building Height

As the property to the north is zoned residential a 40' height limit is permitted. Staff anticipates this property will redevelop and be rezoned for non-residential use at that time. Therefore, staff supports the height relief.

Transitional Yards

As noted, the property to the north is zoned residential. As such, a transitional building setback and landscape yard must be met. Staff anticipates this property will redevelop and be rezoned for non-residential use at that time, therefore the requisite transitional yards would no longer be required. The petitioner's stormwater detention is mainly to the south, thereby the building is located on the northern end of the property. Staff supports the variance for the transitional building setback and landscape yard.

4. Signage

Wall Signage is shown that meets the provisions of Chapter 153 of Village Code (the Sign Ordinance). Signage will need to meet Code, or come before the Plan Commission for a future variance.

5. Landscaping

A landscape plan was provided that incorporate parkway trees, perimeter landscaping, and detention basin landscaping. Should the project be approved, the plan will be updated before permit submittal to show the requisite number of parkway trees and additional plantings around the detention basin.

6. Traffic and Parking

KLOA has reviewed the plans and a memo is attached. Two driveways are proposed for the site as well as on-site parking for cars and trucks. The petitioner will need to engage with the Illinois Department of Transportation as they control the North Avenue right-of-way. Each drive is shown as right-in, right-out.

The petitioner has stated that the gates will be open during business hours. Trucks will enter the site using the western drive and exit via the east drive. Cars will enter and exit using the west drive.

The petitioner has noted they will not need as much parking as Code requires. As such, they are land banking fifteen (15) parking spaces on the west side. The additional parking spaces are included in the stormwater calculations.

A photometric plan has not been provided at this time. Parking lot lighting will need to follow Section 155.602(A)(10)(d).

7. Engineering and Stormwater

Preliminary engineering plans were provided. Detention is shown mainly to the south, in between the two driveways. Additional detention is shown at the northwest portion of the site. Stormwater is required to meet the provisions of the DuPage County Stormwater Ordinance and Village Code.

FINDINGS & RECOMMENDATIONS

Staff finds that the proposed use is consistent with its surrounding context, the Village of Lombard Comprehensive Plan, and Zoning Ordinance.

The Inter-Departmental Review Committee has reviewed the standards for the requested zoning relief and finds that the proposed use **complies** with the standards established by the Village of Lombard Zoning Ordinance, subject to conditions of approval based on the above considerations. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion for **approval** of PC 21-25:

Based on the submitted petition and the testimony presented, the proposed map amendment, conditional uses, and variances do comply with the standards required by the Village of Lombard Zoning Ordinance and that granting the conditional use permit is in the public interest and, therefore, I move that the Plan Commission accept the findings of the Inter-Departmental Review Committee Report as the findings of the Plan Commission, and recommend to the Village Board approval of PC 21-25, subject to the following conditions:

- 1. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
- 2. That the petitioner shall be required to apply for and receive building permits prior to construction;
- 3. The petitioner shall submit a plat of consolidation, to make the property into a lot of record, before building permits shall be issued;
- 4. This approval shall be subject to the commencement time provisions as set forth within Section 155.103(F)(11);
- 5. The petitioner shall create a dedicated easement for stormwater detention areas, per the provisions of Section 154.406(D) of Village Code; and
- 6. A private utilities easement of at least thirty feet (30') in width shall be dedicated to the Village for the proposed watermain and hydrant on the property, per the provisions of Section 154.512(A)(1) of Village Code.

William J. Heniff, Director of Comm	AICP	nt		
c. Petitioner				

ORD	INA	NCE	NO.	
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AN ORDINANCE APPROVING A MAP AMENDMENT (REZONING) TO THE LOMBARD ZONING ORDINANCE TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS

(PC 21-25: 448 W. North Avenue, Supreme Lobster)

(See also Ordinance No.(s))
(See also Gramanee 110.(b)	·

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, an application has heretofore been filed requesting a map amendment for the purpose of rezoning the property located at 448 W. North Avenue, and described in Section 2 hereto, from R1 Single-Family Residence District to I Limited Industrial District; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on November 15, 2021, pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the rezoning described herein; and,

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein;

NOW, THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS as follows:

SECTION 1: That Title 15, Chapter 155 of the Code of Lombard, Illinois, otherwise known as the Lombard Zoning Ordinance, be and is hereby amended so as to rezone the property described in Section 2 below to I Limited Industrial District.

ATTEST:

Ordinance No
Re: PC 21-25
Page 3
Elizabeth Brezinski, Village Clerk
Published in pamphlet from this, 2021.
Elizabeth Brezinski, Village Clerk
Enzaceth Brezman, vinage Clerk

ORDINANCE N	NO.
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AN ORDINANCE GRANTING APPROVAL OF CONDITIONAL USES AND COMPANION DEVIATIONS FROM THE LOMBARD CODE OF ORDINANCES

(PC 21-25: 448 W. North Avenue, Supreme Lobster)

(See also Ordinance No(s))
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WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, an application has heretofore been filed requesting approval of a conditional use and companion deviations from the Lombard Zoning Ordinance (Title 15, Chapter 155 of the Village Code); and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on November 15, 2021, pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the conditional uses and companion deviations described herein; and,

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein;

NOW, THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That conditional uses and the following companion deviations from the Lombard Code of Ordinances, as set forth below are hereby granted for the Subject Property legally described in Section 2, subject to the conditions set forth in Section 3:

1. Approve a conditional use for a Planned Development, pursuant to Section 155.420(C)(27);

Ordinance No. _____ Re: PC 21-15 Page 2

- 2. Approve a conditional use for building height of 45', where the maximum of 40 feet is required as the property is within 100 feet of a residentially-zone property, pursuant to Section 155.420(G);
- 3. Approve a deviation for a transitional building setback to the north of 16 feet, where 45 feet is required, pursuant to Section 155.420(J); and
- 4. Approve a deviation for a transitional landscape yard to the north of 15 feet, where 30 feet is required, pursuant to Section 155.420(K).

SECTION 2: That this ordinance is limited and restricted to the subject property generally located at 448 W. North Avenue, Lombard, Illinois, and legally described as follows:

LOT 2, (EXCEPT THE WESTERLY 424.00 FEET), AND LOT 3, (EXCEPT THE WESTERLY 42.77 FEET), IN GAUGER'S ASSESSMENT PLAT OF PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 13, 1946, AS DOCUMENT NUMBER 504356, ALL IN DUPAGE COUNTY, ILLINOIS.

PIN(s): 03-31-301-038

SECTION 3: This Ordinance is approved subject to compliance with the following conditions:

- 1. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
- 2. That the petitioner shall be required to apply for and receive building permits prior to construction;
- 3. The petitioner shall submit a plat of consolidation, to make the property into a lot of record, before building permits shall be issued;
- 4. This approval shall be subject to the commencement time provisions as set forth within Section 155.103(F)(11);
- 5. The petitioner shall create a dedicated easement for stormwater detention areas, per the provisions of Section 154.406(D) of Village Code; and
- 6. A private utilities easement of at least thirty feet (30') in width shall be dedicated to the Village for the proposed watermain and hydrant on the property, per the provisions of Section 154.512(A)(1) of Village Code.
- 7. The trees and shrubs in between the loading dock area and North Avenue shall be evergreens to eliminate some of the visual line of sight from North Avenue towards the warehouse building.

Ordinance No Re: PC 21-15 Page 3
SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law. Passed on first reading this day of, 2021.
Passed on second reading this day of, 2021, pursuant to a roll call vote as follows:
Ayes:
Nays:
Absent:
Approved by me this day of
Keith T. Giagnorio, Village President
ATTEST:
Elizabeth Brezinski, Village Clerk
Published in pamphlet from this day of, 2021.
Elizabeth Brezinski, Village Clerk

Ganser, Jennifer

From: Paul Economos <peconomos@unitedinsulated.com>

Sent: Tuesday, November 16, 2021 12:47 PM

To: Ganser, Jennifer

Cc: Jeremy Bentley; Ryan Gusewelle; Larry Lantero Jr

Subject: PC 21-25: 448 W. North Avenue - Supreme Lobster and Seafood (Waiver Of First)

Please be cautious

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jennifer,

Please take this email as our request for a Waiver of First for the project PC21-25.

We are requesting this waiver as we need to begin material procurement on this project immediately in order to hit our construction schedule. Steel, Precast Concrete Panels and Roofing are out significantly longer lead times due to material shortages and the supply chain issues.

We appreciate your understanding in this request.

Please reach out if you have any questions.

Respectfully,

Paul Economos

Paul Economos

Project Manager



5430 St. Charles Road Berkeley, IL 60163-1206

708-544-8200 ext 224 direct | 708-707-8202 mobile peconomos@unitedinsulated.com | www.unitedinsulated.com

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