

MINUTES OF THE REGULAR MEETING OF THE PLAN COMMISSION HELD ON WEDNESDAY, SEPTEMBER 7, 2016, AT THE LITTLE THEATER AT HINSDALE SOUTH HIGH SCHOOL, 7401 CLARENDON HILLS ROAD, DARIEN, ILLINOIS

1. CALL TO ORDER

Chairman Kopp called the meeting to order at the hour of 7:00 p.m.

2. ROLL CALL

Those present at roll call were Commissioners Remkus, Soukup, Kaucky, Ruffolo, Vice-Chairman Wagner and Chairman Kopp. Also present were Village Planner Anna Franco, Building Inspector Roy Giuntoli, Administrative Intern Tiffany Kolodziej and Plan Commission Secretary Joanne Prible.

Absent at roll call: Commissioner Lacayo

Commissioner Lacayo entered the meeting at 7:05.

3. OMNIBUS VOTE AGENDA

The items on the Omnibus Vote Agenda were as follows:

- A. Waive Reading of Minutes (APPROVE)
- B. Minutes – Regular Meeting August 3, 2016

MOTION: Made by Commissioner Soukup, seconded by Commissioner Remkus, to approve the Omnibus Vote Agenda.

MOTION DECLARED CARRIED

Chairman Kopp: The next thing on the agenda is the continuation of Zoning Hearing Case 16-16. I am going to recuse myself from this matter as I represent the applicant on other real estate matters.

4. PLAN COMMISSION CONSIDERATION: Zoning Hearing Case 16-16: (7501-7601 Quincy Street, Willowbrook, Illinois – ROC Willowbrook, LLC) Petition to amend a special use permit for a Planned Unit Development to allow the addition of a second story to storage facility Building A, and to consider alternate façade and building materials for both storage facility Building A and B, and other variations and zoning relief as may be required.

- A. PUBLIC HEARING CONTINUED FROM AUGUST 17, 2016 MEETING
- B. DISCUSSION/RECOMMENDATION

See Court Reporter Minutes

MOTION: Made by Commissioner Remkus seconded by Commissioner Soukup that based on the submitted petition and testimony presented, I move that the Plan Commission forward its findings for a Special Use and Planned Unit Development referenced in the Staff Report for PC 16-16 prepared for the September 7, 2016 meeting and recommend approval of an amendment to the existing special use for a Planned Unit Development to allow the addition of a second story to storage facility Building "A", and alternate façade and building materials for both storage facility Building "A" and "B", subject to the following conditions:

1. That the approval be in substantial compliance with the list of "Documents Attached" for PC 16-16 included in the September 7, 2016 Staff Report for PC 16-16, except as may be required for compliance with the requirements of the Village Engineer or Building Inspector as part of the Building Permit review process.
2. Approved uses on Lot 1 (subject property) are restricted to self-storage uses only, except as may be further authorized by the Village Board pursuant to Section 9-13-4(C)6(a) regulating Major Changes to a PUD.
3. No building permits shall be issued unless final plan documents provide details that show building material colors in substantial compliance with the colors provided in the color rendering as determined by the Village Administrator.

ROLL CALL: AYES: Commissioners Lacayo, Remkus, Soukup, Kaucky, Ruffolo, and Vice Chairman Wagner. NAYS: None. RECUSED: Chairman Kopp. ABSENT: None.

MOTION DECLARED CARRIED

5. **PLAN COMMISSION CONSIDERATION:** Zoning Hearing Case 16-17: Administrative petition for a text amendment to amend the fence code in Section 9-12-4(D)(2)(d) of the Zoning Ordinance.

- A. PUBLIC HEARING
- B. DISCUSSION/RECOMMENDATION

See Court Reporter Minutes

MOTION: Made by Commissioner Kaucky seconded by Commissioner Remkus that based on the submitted petition and testimony presented, I move that the Plan Commission recommend to the Village Board approval of the text amendment presented on Page 1 of the Staff Report for PC Case Number 16-17 to amend the fence code of Section 9-12-4(D)(2)(d) of the Zoning Ordinance.

ROLL CALL: AYES: Commissioners Lacayo, Remkus, Soukup, Kaucky, Ruffolo, Vice Chairman Wagner and Chairman Kopp. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

6. VISITOR'S BUSINESS

None.

7. COMMUNICATIONS

None.

8. ADJOURNMENT

MOTION: Made by Commissioner Remkus, seconded by Commissioner Lacayo, to adjourn the regular meeting of the Plan Commission at the hour of 8:00 p.m.

UNANIMOUS VOICE VOTE

MOTION DECLARED CARRIED

PRESENTED, READ AND APPROVED,

Joan Lacayo 11, 2016 7

Minutes transcribed by Joanne Prible.


Chairman

**VILLAGE OF WILLOWBROOK
PUBLIC HEARING
ZONING HEARING CASE NOS. 16-16 and 16-17**

Date: September 7, 2016

VILLAGE OF WILLOWBROOK
PUBLIC HEARING
ZONING HEARING CASE NOS. 16-16 and 16-17

REPORT OF PROCEEDINGS had at the
Public Hearing of the above-entitled cases before
The Planning Commission at Hinsdale South High
School, Little Theater, 7401 Clarendon Hills Road,
City of Darien, Illinois, on the 7th day of
September, 2016, at the hour of 7:01 p.m.

PRESENT:

Daniel Kopp, Chairman

John Wagner

William Remkus

James Soukup

Leonard Kaucky

Bernardo Lacayo

Gregory Ruffolo

Roy Giuntoli, Building Inspector

Anna Franco, Planning Consultant

Joanne Prible

1 MR. KOPP: Next item on the agenda is
2 the continuation of Zoning Hearing Case 16-16.
3 I'm going to recuse myself from this matter as I
4 represent the applicant on other real estate
5 matters so I will be back. I'll sit in the
6 audience and then come back for the next item on
7 the agenda.

17 Is there a motion to open the
18 hearing?

19 MR. REMKUS: So moved.

20 MR. WAGNER: Okay. Second?

21 MR. KAUCKY: Second.

22 MR. WAGNER: And we will open the
23 public hearing. The petitioner will need to be
24 sworn and anybody that's going to speak needs to

1 be sworn.

2 (Mike Siurek was sworn.)

3 MR. WAGNER: Good evening.

4 MR. SIUREK: Hello. Thank you. I'm
5 Mike Siurek. I'm the petitioner on behalf of ROC
6 Willowbrook, LLC. My company is ROC, Inc. I came
7 before all of you back in December and we had our
8 plan approved in January. I appreciate you guys
9 coming together and getting a forum tonight so we
10 can hopefully move this project forward.

11 It's very simple why I'm back
12 before you. Really, there's two points. During
13 the time of putting all of our construction
14 documents together, two things kind of occurred.
15 One was we had a very difficult time scheduling
16 our precast concrete, which was what the building
17 materials were for this project. So that was the
18 first thing. The second thing was figuring out as
19 we were designing it, we came up with a better way
20 to build it allowing us to put a mezzanine or
21 second level on this, and we can get the
22 foundation to support that load. So that's
23 actually a big thing for us. In doing that, in
24 discovering that, I came and met with the Village

1 manager and one of your trustees to show them an
2 alternate building material that I had come across
3 asking my engineers and my general contractor to
4 come up with an alternate so that we could, you
5 know, not have to contend with the 11-month lead
6 time for precast. So I met with Tim and Trustee
7 Mistele back in, I want to say it was in the June
8 timeline, and actually brought in the manufacturer
9 of this product which was Harvard Brik to show
10 them exactly the product that we were talking
11 about; and both Tim and Trustee Mistele were very
12 pleased with that because it allowed actually what
13 they had been asking for, which was some
14 flexibility to add some design features and other
15 color combinations rather than a precast concrete.
16 So that I think was very receptive on their part.
17 So in all of that, the material change was one
18 thing that I needed to come back before you; but
19 the other was to allow a variation in the height
20 which was previously approved. We had previously
21 approved a 25-foot-high structure. I'm asking now
22 to raise that to 33 feet, so an additional 8 feet
23 in height only on Building A, which is the
24 building that fronts Quincy, not the building that

1 fronts Executive. That will stay as is. All
2 other aspects of the PUD which you heard a lot of
3 testimony about and engineering, none of that has
4 been changed. All of that remains intact,
5 unchanged. Setbacks, civil work, storm, all of
6 that is as it was approved.

7 So, again, there are really
8 two issues that I'm asking for tonight which
9 caused the amendment to the PUD which was prior
10 approved. That is the building height of Building
11 A from 25 to 33 feet and alternate building
12 material, which is precast to the insulated
13 Harvard Brik.

14 And if you have any questions,
15 I would be happy to answer them. I brought
16 samples of the product so that you can see
17 basically the size of the masonry brick units, a
18 cross-section. They actually come shipped to site
19 all numbered, and the masons lay this, but it
20 comes with a continuous insulating foam which
21 meets all the energy codes, which is a very
22 innovative product right now. So it's actually
23 more costly than standard brick masonry, but it
24 provides, you know, a lot of the benefits to meet

1 the current energy codes, so this is something
2 that Tim and Trustee Mistele were really
3 interested in learning more about. These aren't
4 the colors, but I brought these to give you a
5 sample of size and texture. This is a rendering
6 of what Building A will look like that which
7 fronts Quincy, and I think in your packet you
8 have -- I don't know if you included the rendering
9 of Building B or just --

10 MS. FRANCO: Yes, I did. So both
11 Building A and Building B are in the packet.

12 MR. SIUREK: And Anna has done a
13 great job since taking over. I have to say it's
14 been very pleasurable working with her, that
15 two-second endorsement of Anna. Any questions, I
16 would be happy to answer them.

17 MR. WAGNER: Speaking of which, do
18 the staff have any comment or presentation?

19 MS. FRANCO: Yes. I'm going to
20 reiterate a little bit of what was said but try
21 not to be too much.

22 So the applicant is requesting
23 an amended to their existing PUD that was approved
24 and, of course, the second story addition to

1 Building A and a change in building materials to
2 both Building A and B. But as the applicant said,
3 everything else on the site is not being changed,
4 including the site engineering.

5 So the applicant has submitted
6 this petition for an amendment because the second
7 story constitutes greater than a 5 percent gross
8 area change and the building height is being
9 changed. So that constitutes a major change to a
10 PUD. A minor change to a PUD would just be
11 administrative approval.

12 So the site is currently
13 improved with an about 95,000-square-foot building
14 at the north part of the site, and it currently
15 has site access from Quincy. So located just
16 south of that is where the buildings will be
17 located. It includes right now just a large
18 grassed area and contains about two-thirds of a
19 large pond. Thank you. This is an overview of
20 the site plan.

21 MR. SIUREK: Yeah. The existing
22 building is up this way, and this is the big piece
23 with the two new buildings.

24 MS. FRANCO: So right now it's just a

1 grassed area, and it includes a portion of the
2 existing pond. So what was approved -- previously
3 approved with Building A and that was generally
4 for general goods storage. That was originally
5 approved to contain 55,000 square feet about but
6 now will be increased to about 92,000 square feet.
7 Access to that Building A will be possible from
8 Quincy Street, and patrons wishing to store goods
9 in that building would enter off of Quincy Street,
10 drive around the building to a garage door located
11 in the back of the building, unload their goods in
12 the building, and then drive out through an
13 exit-only exit onto Quincy Street, which is
14 unchanged from what was previously approved.

15 The southern Building B was
16 intended for automobile storage, will contain
17 about 44,000 square feet, and that's not being
18 changed. There is no addition to Building B. And
19 that access is on Quincy and Executive Drive. So
20 patrons for that building would be able to drive
21 into Quincy, drive around the building to a garage
22 in the back, drop off their car via that garage,
23 and then exit through an exit-only drive on
24 Executive Drive. So the end user for this is ROC,

1 but I think they're considering two firms for the
2 space including CubeSmart and Extra Space.

3 MR. SIUREK: Yes.

4 MS. FRANCO: Is that correct?

5 MR. SIUREK: We definitely will have
6 a national third party manage the facility.

7 MS. FRANCO: So as the applicant said
8 before, the only increase to height is to Building
9 A. That will be from 25 feet to 33 feet in total
10 and that will include about 386 additional storage
11 spaces to give the total building about 764
12 storage units for the entire building. The
13 applicant went over in detail the change in facade
14 material, so I don't need to really go over that.
15 But new colored elevations have been provided for
16 both Building A and B, so you can see the changes
17 to those, and those are included in Attachment 1
18 and 2 and also on the boards that were presented
19 before you. As you can see, their display is like
20 alternating color of two color choices, and can
21 you clarify will the color changes -- will the
22 color of the brick be changing based on the end
23 user?

24 MR. SIUREK: No.

1 MS. FRANCO: So it will be this
2 neutral tone?

3 MR. SIUREK: Correct. And, actually,
4 in our meeting with Tim Halik and Trustee Mistele,
5 they actually chose the colors because that was
6 one of the things in the ordinance that was prior
7 approved is they needed to pick the color of the
8 doors and also since we were talking about the
9 alternate materials, they chose the two colors
10 that best represented what it is we were trying to
11 depict, so they did choose those. And, by the
12 way, the doors that will front are white, glossy
13 white. So the only color that will be on the
14 building will be the signage of the national
15 operator. You know, it will be their color
16 branding.

17 MS. FRANCO: Thank you for that
18 clarification. So in regards to parking, parking
19 will not change on the site but the addition of
20 the second story will increase the parking
21 requirement. So in the staff report tonight
22 before you, there is a table on parking outlining
23 the change in those requirements. So using the
24 requirement for warehouse storage wholesale and

1 mail order establishments, which requires four
2 spaces plus one additional space for every 1500
3 square feet over 4500 square feet, 63 spaces will
4 be required for Building A, for a total of 94
5 spaces for the site. Currently the site is
6 proposing 71 spaces, unchanged from their original
7 PUD. So the relief that would be needed to be
8 granted for this would be substantial, but because
9 the patrons will only use this site for unloading
10 items into the storage locker and for a car to
11 drive in to storage and then for minimal employee
12 parking, there really isn't a need to provide
13 code-compliant parking. However, if the property
14 were used for a future use, this parking might not
15 be adequate. So, therefore, conditions in the
16 ordinance approved in December 2015 restrict any
17 other use other than self-storage from going into
18 the site without amending the PUD like we are
19 tonight. This condition is also repeated in
20 tonight's motion as well.

21 So that concludes my report.
22 If you wish to vote favorably for this petition, a
23 sample motion is provided on Page 10 of the staff
24 report.

1 MR. WAGNER: Thank you. Do the
2 Commissioners have any questions?

3 MR. LACAYO: I have a couple of them.

4 MS. FRANCO: Yes.

5 MR. LACAYO: Sorry I missed the
6 beginning. So what made the change to add the
7 second story?

8 MS. FRANCO: Can you explain?

9 MR. SIUREK: The main reason, when we
10 first designed the building, we were restricted
11 because of the soil conditions in that park. We
12 have some very unstable soils. And if you recall
13 the work we did in the building that was existing,
14 we actually removed about probably close to half
15 of the floor, excavated the earth inside the
16 building, put engineer foam in there to stabilize
17 everything. So when we first designed the
18 buildings, we didn't believe we could get a second
19 level on there. We designed it at 25 feet, having
20 a lot of height to the roof, but we weren't able
21 to get the loads to support that. We ended up
22 redesigning and coming up with a different method
23 to actually carry the load over the entire slab,
24 which allowed us to spread that load and increase

1 the building height to put a mezzanine in. So
2 once we were able to accomplish that, we decided
3 to come back before you and ask for that because
4 that's a significant advantage to us in our
5 operations.

6 MR LACAYO: Do we have any other
7 two-story buildings in that area? I mean, I drove
8 around. I did not see any.

9 MS. FRANCO: I don't believe so
10 except for like TruFragrance.

11 MR. GIUNTOLI: That has a partial
12 mezzanine in it. It's not the entire second
13 floor. Because what you're talking about earlier
14 is a second floor; right?

15 MR. SIUREK: It's a second level;
16 right.

17 MR. GIUNTOLI: A second level.
18 Mezzanine usually implies that only a portion of
19 the second level is going to --

20 MR. SIUREK: We have a drive out
21 separate so it's really like two mezzanines the
22 way I describe it, but it is like a second floor.

23 MR. GIUNTOLI: TruFragrance does have
24 a partial mezzanine over it considering it's a

1 very large building.

2 MS. FRANCO: I can't think of any
3 others.

4 MR. LACAYO: Yeah, I didn't see any.
5 And then my final question to you, Anna, I didn't
6 understand when I read it, and I understand what
7 you said, are they required 94 spaces?

8 MS. FRANCO: That's their parking
9 requirement. So they would be asking for a
10 variation from that parking requirement.

11 MR. LACAYO: Okay. Got it. So it
12 is --

13 MS. FRANCO: That's what's required.

14 MR. LACAYO: In the perfect world, it
15 would be 94 spaces, and there is no parking on
16 Quincy in terms of on the street if there's
17 overflow, and I don't think there's anyplace they
18 can park on 75th.

19 MS. FRANCO: Not that I'm aware of,
20 no. And I don't think that would be --

21 MR. GIUNTOLI: What was the question?

22 MS. FRANCO: Is there anyplace for
23 overflow parking on 75th? And no, not that I'm
24 aware of.

1 MR. LACAYO: There's no street
2 overflow parking, especially with the swim club
3 there.

4 MR. GIUNTOLI: No. There is
5 short-term parking allowed for -- swim club was
6 allowed short-term parking for pickup and
7 drop-off, but there is signs that indicate.
8 Typically, there's no parking on that street, 75th
9 or Quincy.

10 MR. LACAYO: What's your history on
11 parking? I mean, is it the family coming in --

12 MR. SIUREK: There has been a lot of
13 discussion about this. I am happy to answer it.
14 But the truth is, and this is our eighth facility,
15 so the truth is in the parking studies that we
16 have had to conduct for certain villages, the
17 traffic flow is about seven cars per hour
18 throughout the day. The parking requirement, to
19 give you a point of reference, our property in
20 Skokie, which has 103,000 square foot rental space
21 has required 13 parking places, and they're not
22 full. This use is low impact. It doesn't have
23 parking like you would see for, you know, an
24 employees' warehouse. Our customers come in with

1 one or two vehicles. They unload and they exit.
2 They don't park and stay. I think the way in
3 which we were able to address this with your
4 village and your board was to say if the use were
5 ever to change, then, of course, another use would
6 come in and you would have this parking issue. At
7 that time they would have to come before you so
8 you would have a second bite at this apple to
9 require any additional parking to meet any code
10 compliance. But in our use, we won't have ten
11 cars there ever.

12 MR. LACAYO: Got it.

13 MR. SIUREK: So that's really the
14 answer.

15 MR. LACAYO: And final question,
16 Chairman Wagner. Does anyone remember why this
17 thing was kicked back to us by the trustees?

18 MR. REMKUS: It wasn't kicked back.

19 MR. WAGNER: Initially, it was my
20 understanding that there was discussion about
21 the -- what the building looked like, and that was
22 resolved and the Board then passed it. I believe
23 that was the extent of it. Unless I --

24 MS. FRANCO: You know, I think it was

1 about the facade and the colors specifically for
2 what the end-user would be so if there was going
3 to be a bright stripe along the building, that's
4 why we had -- that's why there was administrative
5 approval that was required, and that's why I asked
6 tonight what will the end coloring be, and
7 administration has decided it's this coloring
8 here.

9 MR. LACAYO: Thank you.

10 MR. WAGNER: Are there any questions
11 from the audience? Hearing none, are there any
12 further questions from the Commissioners? I,
13 then, would like to for the record because I
14 didn't read it in in the first place, I would like
15 to read in the purpose of the public hearing shall
16 be to consider a petition to amend a special use
17 permit for a Planned Unit Development to allow the
18 addition of a second story to storage facility
19 Building A and consider an alternate facade and
20 building materials for both storage facility
21 Building A and B and variations and zoning relief
22 as may be required on the property legally
23 described as and the common address is 7501 and
24 7601 Quincy Street in Willowbrook, Illinois. And

1 the property owner and applicant for this petition
2 are ROC Willowbrook, LLC at 1804 North Naper
3 Boulevard in Naperville, Illinois, and it was
4 published -- the original publishing was August 1
5 of 2016 in the Chicago Sun-Times. And with that,
6 I would like to propose a motion that would read
7 as follows:

1 requirements of the village engineer or building
2 inspector as part of the building permit review
3 process.

9 And 3 --

10 MS. FRANCO: Commissioner, instead of
11 "restricted," you said "subject" to self-storage.
12 Could you repeat that item just to clarify that
13 it's restricted to self-storage instead of subject
14 to self-storage.

15 MR. WAGNER: I'm sorry.

21 MS. FRANCO: Thank you.

22 MR. WAGNER: 3) No building permits
23 shall be issued unless final plan documents
24 provide details that show building material colors

1 in substantial compliance with the colors provided
2 in the color renderings as determined by the
3 Village Administrator.

4 Do I have a second?

5 MR. REMKUS: Second.

6 MR. WAGNER: I'm sorry. I made the
7 motion. But is that correct, second? Or do we
8 need a first?

9 MS. FRANCO: We need a first

10 MR. REMKUS: I make the motion

11 | MR. SOUKUP: I'll second

12 | MR. WAGNER: Thank you.

13 Joanne, would you call the
14 vote please.

15 MS. PRTBLE: Commissioner Lagave

16 | MR. LACAYO: Yes

17 MS. PB. 1.6. - Comm.

18 MR. REMKUS: Yes.

19 MS. BIBLIO. 2. 6

20 MR. SCHWAB: No.

21 MC PREPARE 201

33 www.ijerpi.org http://www.ijerpi.org/index.php?journal_id=1

22 | P a g e

PRIMERAS CLASES DE INVESTIGACIÓN: **Inducción**.

Now Wilson. Yes.

1 MS. PRIBLE: Commissioner Ruffolo.

2 MR. RUFFOLO: Yes.

3 MR. WAGNER: And, finally, I would
4 like to make a motion to close the public hearing.

5 Can I get a --

6 MR. REMKUS: So moved.

7 MR. SOUKUP: Second.

8 MR. WAGNER: Thank you. We will then
9 close the public hearing for PC 16-16.

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10 (Anna Franco was sworn in.)

11 MS. FRANCO: Thank you for being
12 patient with my exhibit setup. So before you
13 tonight is a text amendment which was initiated by
14 staff after realizing some issues in our code as
15 it pertains to about five lots in the Village of
16 Willowbrook. The purpose of this text amendment
17 is to allow a 5 foot 50 percent open fence in the
18 exterior side yard of a corner lot that abuts the
19 front yard of an adjacent lot where the subject
20 lot is along Illinois Route 83, Plainfield Road,
21 63rd Street, 75th Street, or Madison Street. A
22 list of the properties where this text amendment
23 would apply is included on Page 2 of the staff
24 report. To better understand the amendment that

1 is being proposed, an illustration of the existing
2 and proposed fence standards as they apply to
3 their specific lots is shown on Attachment 1 in
4 the staff report and on the board before you
5 tonight. So I'm going to get up and describe --
6 be a little Vanna White here -- and describe the
7 lot here.

8 So this is a typical where
9 this fence code would apply -- where this fence
10 text amendment would apply. It's a corner lot
11 where its exterior side yard abuts the front yard
12 of an adjacent property, and you might be familiar
13 with this. So here is the front yard of the
14 property, interior side yard, exterior side yard
15 because it's facing 75th Street, and the rear
16 yard. So as you can see, only a 3 foot 80 percent
17 open fence is allowed in just this portion of the
18 exterior side yard as -- that's how our code is
19 now. In the rear yard, it's 5 foot 50 percent is
20 the maximum you can go up to. Interior side yard
21 it's the same, and in the front yard, it's 3 foot
22 and 80 percent open. Again, here it would be 3
23 foot 80 percent open, and in this specific
24 scenario, it goes up to 6 feet because of the

1 location along one of the major roadways that was
2 just listed. So that's the scenario as it sits
3 right now. And you can see that there's a
4 mismatch of fence heights. So if someone wanted
5 to have a continuous fence height in their back
6 yard, it would have to be 3 foot high as a maximum
7 and 80 percent open, which poses a problem
8 specifically for property owners who wish to
9 install an in-ground pool on their property
10 whereas in our code, a minimum 4-foot fence is
11 required for installation of an in-ground pool,
12 and I'm assuming this was adopted for safety
13 precautions so that neighbors didn't run and
14 drown, for instance, heaven forbid, in a
15 neighboring pool.

16 So this is currently the issue
17 for two properties right now, 7501 Brook Bank
18 Road, which is illustrated here, and 837 Willow
19 Lane. The property owners for 7501 Brook Bank
20 Road would like to install an in-ground swimming
21 pool; however, is unable to meet the 4-foot fence
22 height that is required due to the restriction of
23 that 3 foot 80 percent max in the exterior side
24 yard. For 837 Willow Lane, this property owner

1 already has an in-ground swimming pool but uses
2 the front fence of his neighbor's property, so
3 similar to this, for their rear yard fence.
4 Unfortunately, a recent storm event knocked down a
5 portion of that fence and that neighbor doesn't
6 wish to rebuild their fence. So this property
7 owner wishes to construct a fence along their rear
8 lot line. However, the same thing, they have an
9 in-ground pool, and they need to meet 4 foot max
10 but they can't because of their restriction to a
11 3-foot-high 80 percent open fence.

12 So the proposed text amendment
13 would allow a 5-foot fence in height -- up to a
14 5-foot fence height 50 percent open in the
15 exterior side yard for only lots that fit this
16 unique scenario where they're a corner side yard
17 or -- excuse me, they're a corner lot that abuts
18 the front yard of an adjacent property and they're
19 along a major roadway which I've listed before.

20 So me and Roy had gone through
21 a Village zoning map, looked at all the properties
22 that can meet this. It's about five properties.
23 So this text amendment would only really apply to
24 five properties in the Village. We also reviewed

1 each of these instances for visibility. Would a
2 5-foot fence cause visibility issues for the
3 adjacent property owner pulling in and out of
4 their lot. We determined each of these instances
5 that that would not be an issue. So staff
6 recommends this text amendment as it's necessary
7 to eliminate discrepancies in the fence code, and
8 this allows -- which right now disallows residents
9 from installing a continuous fence in their
10 backyard and also from meeting the minimum 4-foot
11 fence height for installing an in-ground pool.

12 So if the Plan Commission is
13 in agreement with this text amendment, a sample
14 motion is provided on Page 3 of the staff report.

15 MR. KOPP: So two of the five owners
16 have actually approached the Village.

17 MS. FRANCO: Yes.

18 MR. KOPP: Do you know if the
19 neighbors, the people that have what you're
20 calling the front yard adjacent property, has
21 anybody talked to them to see if they care? Well,
22 the one guy probably doesn't because his fence
23 blew over so he had a fence.

24 MS. FRANCO: Uh-huh. In that

1 instance, we haven't approached anyone. Right
2 before you tonight --

3 MR. KAUCKY: I'm that other person.
4 I'm fine with that. I'm fine with that. The only
5 question, where was he planning to put the pool?
6 Is it going to be towards that --

7 MR. GIUNTOLI: He doesn't want a
8 pool.

9 MS. FRANCO: I thought he wanted a
10 pool.

11 MR. GIUNTOLI: He yea'd and nay'd and
12 yea'd and nay'd. Last time I talked to him, he
13 just wants it for his family security.

14 MR. KAUCKY: Yes. He has a little
15 boy.

16 MR. GIUNTOLI: Does he have a dog? I
17 don't know if a dog came into it. But more for
18 security. He did mention a pool but a pool
19 can't -- there is so many restrictions to a pool,
20 he kind of threw his hands up.

21 MS. FRANCO: Okay.

22 MR. GIUNTOLI: So I think he's
23 backing off of that.

24 MS. FRANCO: Okay.

1 MR. GIUNTOLI: But the other one
2 already has a pool.

3 MR. KAUCKY: That's fine. I have no
4 problem with that at all.

5 MS. FRANCO: That's good.

6 MR. KOPP: Any other questions?

7 MR. LACAYO: Well, sorry. We
8 published it, right, so everyone --

9 MS. FRANCO: There was public notice.

10 MR. LACAYO: Because no one is paying
11 attention, you wake up to a 5-foot fence, right,
12 if you're the neighbor.

13 MS. FRANCO: Yes. Technically, you
14 can have a 5-foot fence for most of that rear yard
15 currently, just in that portion of the exterior
16 side yard in the blue, you have to go down to a
17 3-foot fence per the code. There may already be
18 instances where people have ignored that, so I'm
19 not sure if it would be very noticeable.

20 MR. GIUNTOLI: The one on Willow was
21 a prime example of what she just said. There
22 happened to be a 6-foot fence there already.
23 Where a 3 foot 80 was allowed, there was already a
24 6 foot solid.

1 MR. LACAYO: Solid?

2 MR. GIUNTOLI: Solid. It was an
3 illegal fence. So when it went down, I said you
4 can't replace an illegal fence there. However, he
5 couldn't -- it was a contradiction of codes and
6 our amendments, our fence code, the building code
7 and the fence code because of the heights and
8 there was just too many discrepancies, so we had
9 to tweak the code to allow this. But if you think
10 about it, you're right. They may wake up to a
11 5-foot fence there. There is no doubt about it.
12 But they also can put a 6-foot fence there
13 already, 6-foot fence along that busier street, so
14 you wouldn't be able to see through that anyway.

15 MR. KAUCKY: I have a row of
16 arborvitae trees and that's my fence. Whatever he
17 does is his business.

18 MR. GIUNTOLI: Right. As
19 Commissioner Lacayo said, yes, somebody could wake
20 up to that.

21 MR. RUFFOLO: For some clarity, you
22 named five properties which you observed through
23 your research.

24 MR. GIUNTOLI: Yeah.

1 MR. RUFFOLO: My question is this:
2 Is the amendment going to cite the five
3 properties, or is it going to say wherever this
4 condition may apply?

5 MS. FRANCO: The amendment is
6 going -- it's listed on the first page of the
7 staff report. I need to pull it up. The
8 amendment is going to specifically say -- it's
9 going to specifically say where an exterior side
10 yard abuts the front yard of an adjoining lot and
11 the subject lot is located along a street listed
12 in (f)(1) through (f)(5), a 5 feet in height 50
13 percent fence may be allowed in the exterior side
14 yard of that subject lot, and the specific section
15 of the code is Attachment 2 and it's highlighted
16 where that text will be located in the fence code.

17 MR. WAGNER: I would like to raise
18 another issue. A number of years ago, we had a
19 full-time planning department employee, and I
20 can't recall her name.

21 MS. FRANCO: Sarah.

22 MR. WAGNER: Sarah. And when she was
23 here, we started to go through the ordinance
24 chapter by chapter to review many of these kind of

1 things. That didn't happen or that didn't get
2 finished.

3 MR. KOPP: We continued that with Jo
4 Ellen through the sign ordinance.

5 MR. WAGNER: I don't think we ever
6 got to the fence ordinance --

7 MR. KOPP: No.

8 MR. WAGNER: -- or a number of other
9 chapters that I was interested in looking at at
10 the time. I guess I don't have any objection to
11 this specific proposal to solve an issue that
12 clearly needs to be solved such as for the pool
13 and so on and so forth. Much of this is already
14 in place. However, as a principle, I disagree
15 quite a bit with the way the ordinance is well, if
16 you live here, what about this circumstance, you
17 can have this or you can have that. I think if
18 we're going to decide you can have a fence, then
19 everybody should be able to have a fence. I don't
20 like the fact that, for instance, I had a client
21 years ago on Rogers Farm, took advantage of the
22 6-foot solid section of this ordinance because
23 their rear yard happened to back up to 63rd Street
24 between Garfield going west, which is a very low

1 traveled street. It's a dead-end street. It's
2 not the 63rd Street from, say, Madison to Route
3 83. So that situation was used to be able to have
4 a privacy fence in Willowbrook in a situation that
5 really wasn't necessary or didn't seem to follow
6 much of these other rules. I would like to
7 suggest that maybe what we need to do is review
8 the fence ordinance as a whole and decide whether
9 or not we're going to allow other people to have
10 fences that are solid as opposed to a 40-foot pine
11 tree perimeter that I have. That was the only way
12 I was able to get any privacy because I wasn't
13 allowed to build a fence other than a chain-link
14 fence. So I would propose that at some point we
15 review this part of the ordinance and decide
16 whether we're going to treat everybody in a
17 similar fashion or is it always because of some
18 address or some particular road surface.

19 MS. FRANCO: I think that's perfectly
20 obtainable, and the fence code may need another
21 look at because as me and Roy were going through
22 it, we had quite a hard time deciphering the code
23 ourselves just to understand where this text
24 amendment could be added because it was so

1 scenario based. So I do agree that a revision to
2 the code -- an overall revision to the fence code
3 may need to occur. I'm not sure what that
4 amendment would look like, what those amendments
5 would look like but that's something that staff
6 can definitely take a look at.

7 MR. GIUNTOLI: For the record, also,
8 I just opened the code up to -- it does say that
9 the 6-foot fence is allowed at 63rd Street. There
10 was talk some time ago of actually amending that
11 to say from Kingery Highway west. It didn't --
12 when it was written, no one considered the 63rd
13 Street that was over behind Rogers Farm, that
14 little section of 63rd Street. However, it
15 doesn't say it. So when somebody asks for it, we
16 had to give it to them. So Jo Ellen and I may
17 have talked about putting that sentence in there,
18 you know, after, you know, Kingery west or
19 Clarendon west, where the houses start, but at the
20 same time, once again, I think only a handful of
21 houses would be affected either way, and we have
22 only gotten one request for 6-foot fence in Rogers
23 Farm in the ten years I've been here. So I wasn't
24 sure if somebody wanted to go through the act of

1 it. And, quite honestly, I forgot about it until
2 you brought it up tonight.

3 MR. WAGNER: Actually, it's two lots.

4 MR. GIUNTOLI: Someone did without a
5 permit?

6 MR. WAGNER: No. It's the two next
7 to each other. I can show you it. I guess this
8 is my concern because the proposal to then change
9 what is defined as 63rd Street where we've already
10 allowed someone to use this part of the ordinance
11 to construct a fence, if their fence blows down
12 which they put up, they then can't replace it,
13 which seems somewhat inappropriate. So I guess I
14 think that if we need to look at passing a change
15 to the ordinance this evening, I don't have any
16 objection to that, to resolve what appears to be a
17 problem with pool requirements and so forth, but I
18 do really think that the ordinance needs a serious
19 look at so that anybody could interpret it rather
20 than through a great deal of study.

21 MR. KOPP: Makes sense. All right.

22 Anybody else on this particular matter?

23 Will someone make a motion to
24 close this public hearing?

1 MR. LACAYO: I make a motion.

2 MR. SOUKUP: I second.

3 MR. KOPP: All in favor say aye.

4 ALL COMMISSIONERS: Aye.

5 MR. KOPP: So the public hearing is
6 closed. Will someone now -- we'll vote on this.
7 Will someone make a motion that based on the
8 submitted petition and testimony presented, I move
9 that the Plan Commission recommend to the Village
10 Board approval of the text amendment presented on
11 Page 1 of the staff report for PC Case No. 16-17
12 to amend the fence code of Section 9-12-4(D)(2)(d)
13 of the Zoning Ordinance.

14 MR. KAUCKY: So moved.

15 MR. REMKUS: Second.

16 MR. KOPP: Will the Plan Commission
17 secretary call the vote.

18 MS. PRIBLE: Commissioner Lacayo.

19 MR. LACAYO: Yes.

20 MS. PRIBLE: Commissioner Remkus.

21 MR. REMKUS: Yes.

22 MS. PRIBLE: Commissioner Soukup.

23 MR. SOUKUP: Yes.

24 MS. PRIBLE: Vice Chairman Wagner.

1 MR. WAGNER: Yes.

2 MS. PRIBLE: Commissioner Kaucky.

3 MR. KAUCKY: Yes.

4 MS. PRIBLE: Commissioner Ruffolo.

5 MR. RUFFOLO: Yes.

6 MS. PRIBLE: Chairman Kopp.

7 MR. KOPP: Yes. Congratulations.

8 (Whereupon the above hearing

9 ended at 7:46 p.m.)

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1 STATE OF ILLINOIS }
2 COUNTY OF COOK }

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4 I, MARY WOOLSEY, C.S.R., do hereby
5 certify that I am a court reporter doing business
6 in the City of Chicago; that I reported in
7 shorthand the testimony given at the
8 above-entitled hearing on September 7, 2016; and
9 that the foregoing is a true and correct
10 transcript of my shorthand notes so taken as
11 aforesaid.

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Mary Woolsey

Certified Shorthand Reporter

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