

A G E N D A

REGULAR MEETING OF THE PLAN COMMISSION OF THE VILLAGE OF WILLOWBROOK  
TO BE HELD ON WEDNESDAY, AUGUST 7, 2019 AT 7:00 P.M. AT THE  
WILLOWBROOK POLICE DEPARTMENT, TRAINING ROOM, 7760 QUINCY STREET,  
WILLOWBROOK, ILLINOIS.

1. CALL TO ORDER
2. ROLL CALL
3. OMNIBUS VOTE AGENDA
  - A. Waive Reading of Minutes (APPROVE)
  - B. Minutes - July 17, 2019
4. PLAN COMMISSION CONSIDERATION: Zoning Hearing Case 19-07:  
Holmes Elementary School Trash Enclosure (5800 South  
Holmes Avenue, Clarendon Hills, Illinois 60514 -  
Maercker School District 60). Petition for approval of  
an amendment to an existing special use for variations  
from Title 9 of the Village Code to allow a trash enclosure  
and associated improvements at the property legally  
described below, generally located at the NWC of Holmes  
Avenue and 58th Place.
  - A. PUBLIC HEARING
  - B. DISCUSSION/RECOMMENDATION
5. VISITOR'S BUSINESS
6. COMMUNICATIONS
7. ADJOURNMENT

MINUTES OF THE SPECIAL MEETING OF THE PLAN COMMISSION HELD ON WEDNESDAY, JULY 17, 2019, AT THE WILLOWBROOK POLICE DEPARTMENT, TRAINING ROOM, 7760 QUINCY STREET, WILLOWBROOK, ILLINOIS.

1. CALL TO ORDER

Chairman Kopp called the meeting to order at the hour of 7:02pm.

2. ROLL CALL

Those present at roll call were Commissioners Remkus, Soukup, Kaucky, Walec and Chairman Kopp. Absent: Commissioner Ruffalo and Vice Chairman Wagner.

Also present were Planning Consultant Ann Choi, Building Official Roy Giuntoli, and Recording Secretary Lisa Shemroske.

3. OMNIBUS VOTE AGENDA

The items on the Omnibus Vote Agenda were as follows:

- A. Waive Reading of Minutes (APPROVE)
- B. Minutes – Regular Meeting June 5, 2019

MOTION: Made by Commissioner Remkus and seconded by Commissioner Walec to approve the Omnibus Vote Agenda as presented.

MOTION DECLARED CARRIED

4. PLAN COMMISSION CONSIDERATION: Zoning Hearing Case 19-02: Marc and Maureen Reyes, 6350 S. Madison Street, Willowbrook, Illinois. Review and Recommendation Regarding Final Plat for 6350 and 6406 South Clarendon Hills Road, Willowbrook, Illinois (minor subdivision for two residential lot consolidation) and Approval of Written Recommendation Regarding Final Plat for 6350 and 6406 South Clarendon Hills Road, Willowbrook, Illinois (minor subdivision for two residential lot consolidation), a variation from Section 9-5B-3(D)2 of the Village of Willowbrook Zoning Ordinance to reduce the interior side yard setback from twenty feet (20') to fourteen and 66/100 feet (14.66') along the north property line, and consideration of other such relief, exceptions, and variations from Title 9 of the Village Code.

- A. PUBLIC HEARING
- B. DISCUSSION/RECOMMENDATION

See Court Reporter's Minutes for Discussion and Recommendation.

MOTION: The following motion was made by Chairman Kopp:

Based on the submitted petition and testimony provided, I move that the Plan Commission finds that the proposed Reyes Subdivision Final Plat of Subdivision consolidating 6350 Clarendon Hills Road and 6406 Clarendon Hills Road into a single Lot of Record, which requires a variation from Section 9-5B-3(D)2 of the Zoning Ordinance to reduce the minimum interior side yard setback along the north property line, meets the Subdivision Regulation standards for approving such final plat and associated variations; that the Plan Commission approve and adopt the Standards for Variations outlined in the Staff Report for PC 19-02 for the July 17, 2019 Plan

Commission meeting; that the Plan Commission recommend to the Village Board approval of a variation from Section 9-5B-3(D)2 to reduce the minimum interior side yard setback along the north property line; and the Plan Commission has reviewed the Final Plat of Subdivision and recommends approval of a Final Plat of Subdivision for PC 19-02 for the July 17, 2019 Plan Commission meeting, subject to the conditionals of approval and plans listed in the Staff Report prepared for PC 19-02 for the July 17, 2019 Plan Commission meeting.

Motion Approved by Commissioner Remkus and second by Commissioner Walec and approved 5-0 roll call vote of the member present.

ROLL CALL: AYES: Commissioners Remkus, Soukup, Kaucky, Walec and Chairman Kopp.  
NAYS: None. ABSENT: Commissioner Ruffalo and Vice Chairman Wagner.

Public Hearing Ended at 7:24pm.

MOTION DECLARED CARRIED

5. PLAN COMMISSION CONSIDERATION: Zoning Hearing Case 19-06: Petition for a text amendment to amend Section 9-2-2 of Title 9 – Zoning Title of the Village of the Willowbrook Municipal Code.

- A. PUBLIC HEARING
- B. DISCUSSION /RECOMMENDATION

See Court Reporter's Minutes for Discussion and Recommendation.

MOTION: The following motion was made by Chairman Kopp:

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 2 of the Staff Report, including the proposed change to eliminate "parapet walls" from the fourth sentence of the definition, for PC Case Number 19-06 to amend Section 9-2-2, entitled "Definitions," of Chapter 2, entitled "Definitions," of Title 9, entitled "Zoning Title of the Village," of the Willowbrook Municipal Code of the Village of Willowbrook, DuPage County, Illinois.

Motion Approved by Commissioner Remkus and seconded by Commissioner Walec and approved 5-0 roll call vote of the members present.

ROLL CALL: AYES: Commissioners Remkus, Soukup, Kaucky, Walec and Chairman Kopp.  
NAYS: None. ABSENT: Commissioner Ruffalo and Vice Chairman Wagner.

Public Hearing Ended at 7:42pm.

MOTION DECLARED CARRIED

6. PLAN COMMISSION CONSIDERATION: Zoning Hearing Case 19-05: Petition for a text amendment to amend Section 9-9-7 of Title 9 – Zoning Title of the Village of Willowbrook.

- A. PUBLIC HEARING
- B. DISCUSSIONS/RECOMMENDATION

See Court Reporter's Minutes for Discussion and Recommendation.

MOTION: The following motion was made by Chairman Kopp:

Based on the submitted petition and testimony presented, I move that the Plan Commission recommend to the Village Board approval of the text amendments presented on Pages 1 to 11 of the Staff Report for PC Case Number 19-05 to amend Section 9-9-7 of the Zoning Title of the Village of Willowbrook regarding fire and explosion hazard standards, with the following changes: Add the definitions of Volatility, Vapor Pressure, Boiling Point and Flashpoint to Section 9-9-7(B); revise the language to the proposed Section 9-9-7(D)3 to eliminate a requirement for the RCRA permit and replace with language requiring copies of any permit required by the EPA/IEPA to be provided to the Village; and revise Tables IV(a) and IV(b) so that the above ground storage of flammable liquid classes are ordered from the least volatile to most volatile class.

Motion Approved by Commissioner Remkus and seconded by Commissioner Soukup and approved 5-0 roll call vote of the members present:

ROLL CALL: AYES: Commissioners Remkus, Soukup, Kaucky, Walec and Chairman Kopp.  
NAYS: None. ABSENT: Commissioner Ruffalo and Vice Chairman Wagner.

Public Hearing ended at 7:58pm.

MOTION DECLARED CARRIED

7. PLAN COMMISSION CONSIDERATION: Zoning Hearing Case 19-04: Petition for a text amendment to amend Section 9-3-15, Section 9-12-2, and Section 9-12-4(C) of the Zoning Title of the Village of Willowbrook to remove outdated information and to bring the Zoning Code into compliance with the recently enacted State and Federal laws. The proposed amendments to the Zoning Code will also clarify the application of certain bulk regulations to the permitted accessory use of amateur radio antennas in residential districts.

- A. PUBLIC HEARING
- B. DISCUSSION/RECOMMENDATION

See Court Reporter's Minutes for Discussion and Recommendation.

MOTION: The following motion was made by Chairman Kopp:

Based on the submitted petition and testimony presented, I move that the Plan Commission recommend to the Village Board approval of the text amendments presented on Pages 1 to 5 of the Staff Report for PC Case Number 19-04 to amend Sections 9-3-15, 9-12-2 and 9-12-4(C) of the Zoning Title of the Village of Willowbrook. The proposed text amendments will remove outdated information, bring the zoning code into compliance with the recently enacted state laws, and clarify the application of certain bulk regulations to the permitted accessory use of amateur radio antennas in residential districts.

Motion Approved by Commissioner Kaucky and seconded by Commissioner Soukup and approved 5-0 roll call vote of the members present.

ROLL CALL: AYES: Commissioners Remkus, Soukup, Kaucky, Walec and Chairman Kopp.  
NAYS: None. ABSENT: Commissioner Ruffalo and Vice Chairman Wagner.

Public Hearing ended at 8:38pm.

MOTION DECLARED CARRIED

8. VISITOR'S BUSINESS:

None.

9. COMMUNICATIONS:

Planner Choi indicated there is an application for a special use amendment and associated variations to install a Trash Enclosure for Holmes Elementary School as applicant. This will be scheduled for the August 7, 2019 Plan Commission Meeting.

10. ADJOURNMENT

MOTION: Made by Commissioner Soukup and seconded by Commissioner Walec to adjourn the meeting of the Plan Commission at the hour of 8:41pm.

MOTION DECLARED CARRIED

PRESENTED, READ AND APPROVED  
August 7, 2019

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Chairman

Minutes transcribed by Building and Zoning Secretary Lisa J Shemroske.

7/17/2019

**IN RE THE MATTER OF: REYES SUBDIVISION TWO  
RESIDENTIAL LOTS CONSOLIDATION**

**19-02**

MAUREEN K. NAGLE

BEFORE THE PLAN COMMISSION  
VILLAGE OF WILLOWBROOK, ILLINOIS

IN RE THE MATTER OF:

)

)

)

Reyes Subdivision

)

No. 19-02

Two Residential Lots Consolidation)

REPORT OF PROCEEDINGS had at the

hearing of the above-entitled cause before the

Plan Commission of the Village of Willowbrook, at the

Village of Willowbrook Police Department, 7760 Quincy

Street, Willowbrook, Illinois, on the 17th day of July,

2019, at the hour of 7:00 p.m.

1 PRESENT:

2 MR. DANIEL KOPP, Chairperson;

3 MR. LEONARD KAUCKY, Commissioner;

4 MR. WILLIAM REMKUS, Commissioner;

5 MR. JAMES SOUKOP, Commissioner;

6 MR. MIKE WALEC, Commissioner;

7 MS. LISA SHEMROSKE, Building and Zoning Secretary.

8  
9 PRESENT:

10 Mr. Roy Giuntoli, Village Building Inspector;

11 Ms. Ann Choi, Village Planning Consultant;

12 Mr. Michael Mertens, Asst. Village Administrator;

13 Mr. Matthew Holmes, Village Attorney;

14 Mr. Chuck Riforgiate, T.P.I. Building Code  
Consultants;

15 Mr. Chris Drews, Tri-State Fire Protection Dist.;

16 Mr. Lawrence Link, Tri-State Fire Protection Dist;

17 Mr. Marc Reyes, Applicant;

18 Ms. Maureen Reyes, Applicant;

19 Mr. Matthew M. Klein, Attorney for Applicant.



1           CHAIRMAN KOPP: I call to order the special  
2 meeting of the Plan Commission of the Village of  
3 Willowbrook and ask the Plan Commission secretary to  
4 call the roll.

5           SECRETARY SHEMROSKE: Commissioner Remkus.

6           COMMISSIONER REMKUS: Here.

7           SECRETARY SHEMROSKE: Commissioner Soukop.

8           COMMISSIONER SOUKOP: Here.

9           SECRETARY SHEMROSKE: Commissioner Ruffolo.

10                           (No response.)

11           SECRETARY SHEMROSKE: Commissioner Kaucky.

12           COMMISSIONER KAUCKY: Here.

13           SECRETARY SHEMROSKE: Commissioner Walec.

14           COMMISSIONER WALEC: Here.

15           SECRETARY SHEMROSKE: Vice-Chairman Wagner.

16                           (No response.)

17           SECRETARY SHEMROSKE: Chairman Kopp.

18           CHAIRMAN KOPP: Here.

19           SECRETARY SHEMROSKE: Assist Administrator

20 Mike Mertens.

21           MR. MERTENS: Here.

22           SECRETARY SHEMROSKE: Village Planner Ann

1 Choi.

2 MS. CHOI: Here.

3 SECRETARY SHEMROSKE: Building Official Roy

4 Giuntoli.

5 MR. GIUNTOLI: Here.

6 SECRETARY SHEMROSKE: I'm Lisa Shemroske.

7 CHAIRMAN KOPP: The first item on the Agenda  
8 is the Omnibus Vote Agenda. Would any of the  
9 Commissioners like an item removed from the Omnibus  
10 Vote Agenda?

11 (No response.)

12 CHAIRMAN KOPP: If not, would someone make a  
13 motion to approve the Omnibus Vote Agenda?

14 COMMISSIONER REMKUS: So moved.

15 COMMISSIONER WALEC: Second.

16 CHAIRMAN KOPP: All in favor say aye.

17 (A chorus of ayes.)

18 CHAIRMAN KOPP: All right. The next item on  
19 the agenda is Zoning Hearing Case 19-02. The purpose  
20 of this meeting and public hearing shall be to consider  
21 a petition requesting a review and recommendation  
22 regarding final plat for 6350 and 6406 South Clarendon

1 Hills Road in Willowbrook, Illinois, (minor subdivision  
2 for two residential lot consolidation) and approval of  
3 written recommendation regarding final plat for 6350  
4 and 6406 South Clarendon Hills Road, a variation from  
5 Section 9-5B-3(D)2 of the Village of Willowbrook Zoning  
6 Ordinance to reduce the interior side yard setback from  
7 20 feet to 14 and 66/100 feet along the north property  
8 line and consideration of other such relief,  
9 exceptions, and variations from Title 9 of the Village  
10 Code as set forth.

11 The property is located at 6350 and  
12 6406 South Clarendon Hills Road. The applicants for  
13 this petition are Marc and Maureen Reyes of 6350 South  
14 Clarendon Hills Road. Notice of this public hearing  
15 was published in the July 1, 2019, edition of the  
16 Chicago Sun-Times newspaper.

17 Ann, would you like to speak to this?

18 MS. CHOI: Yes. Thank you, Chairman Kopp,  
19 and good evening, everyone.

20 The petitioners, Marc and Maureen  
21 Reyes, are the current property owners of 6350 and 6406  
22 Clarendon Hills Road, the subject properties of this

1 petition, are requesting the following in order for the  
2 consolidation of the two residential lots into a single  
3 lot of record: The review and recommendation regarding  
4 final plat for 6350 and 6406 South Clarendon Hills  
5 Road, Willowbrook, Illinois, (minor subdivision for two  
6 residential lot consolidation); approval of written  
7 recommendation regarding final plat for 6350 and 6406  
8 South Clarendon Hills Road, Willowbrook, Illinois,  
9 (minor subdivision for two residential lot  
10 consolidation); a variation from Section 9-5B-3(D)2 of  
11 the Village of Willowbrook Zoning Ordinance to reduce  
12 the interior side yard setback from 20 feet to 14 and  
13 66/100 feet along the north property line; and  
14 consideration of other such relief, exceptions, and  
15 variations from Title 9 of the Village Code.

16           The subject properties are zoned R-2  
17 Single-Family Residence and are adjacent to properties  
18 also in the R-2 Single-Family Residence District to the  
19 north, R-1 and R-5 Multiple-Family District to the  
20 north and east, and R-1A Single-Family Residence  
21 District to the south.

22           This application is subject to review

1 by the Plan Commission regarding the subdivision  
2 including the requested zoning relief.

3 The subject properties are Lots 2 and 3  
4 in the Tudor Manor Subdivision, which was approved by  
5 the Village in 1978. The northern lot line -- excuse  
6 me. The northern lot of the combined 1.289 acre  
7 subject property is currently improved with a one-story  
8 single-family home. In 2018 the single-family home  
9 located on the southern lot was demolished.

10 An existing six-inch water main  
11 currently runs along the east-west property line  
12 between the two properties that will require  
13 relocation. The accompanying easement will need to be  
14 vacated and rededicated in accordance with current  
15 provisions as part of the subdivision process. The  
16 easement and water main relocation have been reviewed  
17 by the village engineer.

18 If approved, the proposed subdivision  
19 would consolidate the two parcels into a single  
20 buildable lot with a lot area of approximately 56,000  
21 square feet. The Applicant has indicated to Planning  
22 staff that an addition to their existing home is

1 planned sometime in the future, but no architectural  
2 plans have been submitted to the Village at this time.

3           The existing single-family residence  
4 currently conforms to the minimum requirements of the  
5 zoning ordinance, however, the proposed lot  
6 consolidation of the subject properties would create a  
7 non-conformity with regards to the interior side yard  
8 setback along the north property line. The required  
9 interior side yard setback is calculated based on the  
10 width of the lot. Currently the interior side yard  
11 setback is 10 percent of the lot width, or 10 feet.  
12 The existing single-family home is currently set back  
13 from the north property line at a distance of 14.66  
14 feet and complies with the existing interior side yard  
15 setback requirement.

16           After the approval of lot  
17 consolidation, however, the required interior setback  
18 would increase to 20 feet. The Applicant is, thus,  
19 requesting a 26.7 percent reduction in the minimum  
20 interior side yard requirement to 14.66 feet. Approval  
21 of the variation from Section 9-5B-3(D)2 would cause  
22 the existing single-family residence to become a legal

1 structure with regard to the interior side yard  
2 requirement and building setback lines and would  
3 conform to the minimum requirements of the Zoning  
4 Ordinance.

5 In order to maintain compliance with  
6 the Village Zoning Code, the final plat of subdivision  
7 requires this variation, and this variation shall only  
8 apply to the existing structure and not any future  
9 structures. Again, petitioner does not request making  
10 changes to the existing single-family residence at this  
11 time, but rather the variation is required to  
12 facilitate the legal lot consolidation of the subject  
13 property by allowing the existing single-family  
14 residence to be considered a legal structure. The  
15 variation would be a precondition of the subdivision.

16 Staff has the following recommended  
17 conditions for this petition: No. 1, final plat of  
18 subdivision of Reyes subdivision prepared by Intech  
19 Consultants, Inc., bearing a revision date of April 9,  
20 2019, consisting of one sheet;

21 The Applicant shall complete all of the  
22 water main improvements depicted on the final

1 engineering drawings prior to the issuance of a  
2 building permit for any additions to the existing  
3 single-family residence, and not more than one year  
4 after the date of the final plat of subdivision is  
5 approved by the Board of Trustees;

6           The variation for the reduced side yard  
7 setback shall only apply to the existing single-family  
8 residence that exists on the property as of the date of  
9 the application and does not apply to any other  
10 structure, including any new residence built on the  
11 property;

12           Lastly, a letter of credit in an amount  
13 of no less than \$40,833.50 shall be submitted to the  
14 Village to guarantee construction of all public  
15 improvements associated with the Reyes subdivision.

16           Staff is supportive of the proposed  
17 petition and recommends that the Plan Commission  
18 approve and adopt the standards for variations outlined  
19 in the staff report for P.C. 19-02 for the July 17,  
20 2019, Plan Commission meeting and that the Plan  
21 Commission recommend to the Village Board approval of a  
22 variation from Section 9-5B-3(D)2 to reduce the minimum



1 interior side yard setback along the north property  
2 line and the Plan Commission has reviewed the final  
3 plat of subdivision and recommends approval of a final  
4 plat of subdivision for P.C. 19-02 for the July 17,  
5 2019, Plan Commission meeting, subject to the  
6 conditions of approval plans listed in the staff report  
7 prepared for P.C. 19-02 for the July 17, 2019, Plan  
8 Commission meeting.

9 If the Plan Commission wishes to  
10 forward a positive recommendation to the Board, a  
11 sample motion has been provided on Page 11 of the staff  
12 report, and that concludes my presentation. I am  
13 available for any questions. The applicants Marc and  
14 Maureen Reyes are also available to take any questions.

15 A VOICE: Can we ask --

16 CHAIRMAN KOPP: The Commission goes first.

17 Commission, any questions?

18 COMMISSIONER REMKUS: No.

19 COMMISSIONER SOUKOP: No.

20 CHAIRMAN KOPP: The Applicants, would you  
21 like to say something? You don't have to, but you are  
22 welcome to.

1 MS. REYES: Sure, I can talk --

2 CHAIRMAN KOPP: Okay. Anybody that speaks  
3 will need to be sworn in.

4 (Witnesses sworn.)

5 MS. REYES: I do.

6 MR. KLEIN: I do.

7 MS. REYES: Do you want me to stand?

8 CHAIRMAN KOPP: So everyone can hear, if you  
9 go to the dais.

10 MS. REYES: Hi. I'm Maureen Reyes. I  
11 thought I would address you, I understand there is some  
12 controversy on cutting down the trees, and explain  
13 exactly what we have done.

14 I've lived in the area. I've lived in  
15 Willowbrook since 1976. I've been here when my mother  
16 and I became the first owners in the then new 301  
17 building of Lake Hinsdale Village, and we've lived  
18 there for a very long time.

19 When Marc and I purchased the house  
20 next door, at that time it was -- the landscape was not  
21 well maintained and it wasn't probably well maintained  
22 for at least the two and a half years that we had lived

1     there; and then when we purchased it in the summer of  
2     2018, the weeds at that point were, like, larger than  
3     me. What I did was -- and the back area was heavily  
4     wooded and the creek overflows through there, which has  
5     been there since I lived here in '76, and it overflows  
6     through there and it was rather of a swampland, as well  
7     there was some ice in there and a breeding area for  
8     insects. It wasn't too good.

9                     What I did is I brought in an arborist  
10    who I have known and worked with for 30 years, and I  
11    asked him what can we do to improve the property and  
12    make it really good. And so what he did was he worked  
13    with me and he went through, and what was probably more  
14    egregious was the fact that it wasn't maintained. And  
15    at one time there was some lovely trees in there, but  
16    the overgrowth had strangled the trees, and the  
17    seedlings that were allowed to grow had blocked out the  
18    sunlight of my other trees. So when he systematically  
19    went through, the trees, in fact, were dead. So we  
20    took out the dead trees to clean them up, and then  
21    there were several trees that looked like they were  
22    still living. And he addressed the issue to me, he

1 said, well, Mo, we could put a lot of money in these  
2 trees and try to feed them and limp them along for  
3 maybe a couple years, but I'll be back to take them  
4 out. I said, well, that doesn't make a lot of sense to  
5 put that much money in, I would rather put money into  
6 new landscape and have it grow so I can see it in my  
7 lifetime.

8 I do love to, not that it's really  
9 relevant at all, but I do love to garden. I could live  
10 out there all day, and I did win a landscape award in  
11 Woodridge one year for our home there, so I really do  
12 love it and am invested in it that way.

13 CHAIRMAN KOPP: Okay.

14 MS. REYES: I think that covers everything.

15 CHAIRMAN KOPP: Do the Commissioners have  
16 any questions of the Applicant?

17 (No response.)

18 MR. KLEIN: Matthew Klein. I'm attorney for  
19 Marc and Maureen, the Reyes. I pretty much follow what  
20 staff presented; so if it's acceptable to you to just  
21 adopt the staff report and that's our testimony for the  
22 purpose of saving time. If you have questions for us,

1 but I think Ann's presentation was quite complete. If  
2 you have questions for myself or for the applicants.

3 CHAIRMAN KOPP: It doesn't look like it.

4 At this point, is there anyone in the  
5 audience that would like to speak to this matter, this  
6 particular matter? There is three matters.

7 Yes, ma'am. You'll need to be sworn  
8 in.

9 (Witness sworn.)

10 MS. PRICE: My name is Juliette Price. I  
11 live directly across the street. I love to garden as  
12 well.

13 I'm just wondering about the upkeep of  
14 it. Most of last summer Saturday and Sunday nights is  
15 when the wood chipping occurred, and it is really  
16 disruptive, and the landscapers were there again about  
17 three weekends ago on the weekend in the evening.

18 MS. REYES: Not mine.

19 MS. PRICE: Not yours?

20 MS. REYES: No, sorry. I've only had them  
21 three times, and I can give you the dates.

22 MS. PRICE: Okay.

1 MS. REYES: They work during the day and  
2 they are done by four o'clock and they are gone, so I  
3 don't know what you heard but it is definitely not --

4 MS. PRICE: Nobody two weeks ago?

5 MS. REYES: No. I haven't had anybody  
6 there -- I did two -- In fact, I know where they were.  
7 One of the days they were behind me at Paulette  
8 Kaczmarek's house. I know they were there, but I don't  
9 know if it was at night. I know I heard the chippers  
10 going. I did hear something, but I don't know where  
11 they were, but we had them -- I just had my arborist  
12 there on --

13 A VOICE: Monday.

14 MS. REYES: You said Monday? Yes, Monday.  
15 Thank you. After I broke my arm. Thanks. You are the  
16 other half of my brain.

17 I had them there during the day Monday  
18 because we had to take down a couple more trees, but  
19 they were gone by 3:00.

20 MS. PRICE: I know it was a Sunday night and  
21 they were mowing the whole area down.

22 MS. REYES: Steve will not come at nights at

1 all. It is not our property; that I can tell you for a  
2 fact.

3 MS. PRICE: I was there so . . .

4 MS. REYES: Who was on our property? Please  
5 tell us.

6 MS. PRICE: It was landscapers. They had a  
7 big blower and made --

8 MS. REYES: No. Now, there is a gentleman  
9 who cuts the grass for our neighbor next door and our  
10 house, but he doesn't chip, he doesn't blow. He was  
11 there on -- he came this Friday --

12 MS. PRICE: No.

13 MS. REYES: -- and that was it.

14 CHAIRMAN KOPP: The point of this hearing is  
15 actually about the zoning though.

16 MS. PRICE: Well, I guess that was my  
17 concern, is that if this was going on all summer last  
18 year, --

19 MS. REYES: It wasn't on our property.

20 MS. PRICE: -- I wanted to make sure the  
21 landscaping wasn't going to be done Saturday and Sunday  
22 nights. That's the only comment I have.

1 CHAIRMAN KOPP: I understand. I'm sure the  
2 Village Code has restrictions about how late people  
3 can -- how early and how late people can run power  
4 machines.

5 MS. PRICE: I know. There is more important  
6 things for people to do. I just wanted that to be  
7 recognized.

8 CHAIRMAN KOPP: Okay.

9 MS. PRICE: You know.

10 MS. REYES: Well, if you see someone on our  
11 property that late at night, you can ring our doorbell  
12 because it's not us.

13 MS. PRICE: Okay. I'll let you know.

14 CHAIRMAN KOPP: Anybody else?

15 (Witness sworn.)

16 MS. NASH: Yes, I do.

17 Hi. My name is Carolyn Nash, and I  
18 live at 6415 Tennessee Avenue. I have a question about  
19 the plan, I guess. My understanding is you are joining  
20 two lots; is that correct?

21 MR. KLEIN: Yes.

22 MS. NASH: So you are joining two lots, and



1 then the setback will change because of the size of the  
2 new lot?

3 MR. KLEIN: Correct.

4 MS. NASH: I just want to understand. So  
5 the setback changes because it's a larger lot, which  
6 would make it 20 feet as opposed to 14 or so; is that  
7 correct?

8 MR. KLEIN: Yes.

9 MS. NASH: Okay. So would that -- the  
10 combination of these two lots together and that 14 feet  
11 as opposed to 20 feet, is that because the lot is  
12 bigger or does it give an opportunity to put a much  
13 larger structure on it in the future and still have  
14 that 14-foot setback?

15 Does that make sense what I'm saying?  
16 I don't mean to be confusing.

17 CHAIRMAN KOPP: Yes.

18 MS. NASH: So right now my understanding is  
19 you have a house on a lot and if you combine the lots  
20 it doesn't abide by the current ordinance; is that  
21 correct?

22 CHAIRMAN KOPP: Right.

1 MS. NASH: So you need to have the variance  
2 so that it's in accordance with the variance -- with  
3 the ordinance?

4 CHAIRMAN KOPP: Right.

5 MR. KLEIN: So the existing house can be  
6 there.

7 MS. NASH: With a larger lot, now it's a  
8 bigger property, would they be able to put a much  
9 bigger structure on it and that structure is going --

10 CHAIRMAN KOPP: The variance applies to the  
11 existing structure, right, Ann?

12 MS. CHOI: It does. They are not requesting  
13 a new zoning. They are still zoned R-1. There is a  
14 minimum -- there is a -- you are only allowed up to a  
15 certain amount.

16 CHAIRMAN KOPP: But I think the short answer  
17 is if they wanted to put up a castle, they would have  
18 to tear the existing house down and put up a castle,  
19 they would have to come back because this variance is  
20 limited to the existing -- the existing home.

21 MS. REYES: The variance is on the north  
22 side, between myself and the neighbor.

1 MS. NASH: Okay.

2 MS. REYES: The original -- the zoning says  
3 it's eight and a half feet or 10 percent. So on the  
4 north side our house is set back 14.7, which is more  
5 than the eight and a half, right?

6 MS. NASH: From the north side neighbor.

7 MS. REYES: It's only the north side that's  
8 affected. However, by combining the two, now our lot  
9 is 200 feet wide, therefore, the 10 percent kicks in,  
10 which makes it 20. So I have 5.3 feet short on the  
11 north side technically by combining. So short of  
12 sawing off part of the house, I have to ask for a  
13 request that I can have -- you know, leave the house  
14 and have that -- because they are combining the lots,  
15 that variance on that side.

16 MR. KLEIN: Just like the variance.

17 MS. NASH: I was just wondering because we  
18 live on Tennessee and it seems like with the Arabian  
19 Knights thing, the zoning was changed, and it doesn't  
20 seem like Willowbrook always -- that was unfortunate  
21 that the zoning was changed in that situation. I  
22 thought this would be a different situation. Thanks

1 for clarifying.

2 CHAIRMAN KOPP: Sure.

3 Anyone else in the house like to speak  
4 on this matter?

5 (No response.)

6 CHAIRMAN KOPP: Any Commissioners have any  
7 final questions or comments?

8 (No response.)

9 CHAIRMAN KOPP: The Applicant always gets  
10 the last say if they want.

11 MR. KLEIN: Again, I think we -- staff  
12 materials and our materials fully present our  
13 conformance to each of the standards and variance. I  
14 would ask the application and the staff report be  
15 adopted so there is a record.

16 CHAIRMAN KOPP: Okay. For the record, we  
17 did receive two -- the village received two letters  
18 from neighbors objecting mainly -- not mainly --  
19 because of the trees.

20 MR. KLEIN: The trees. I also presented a  
21 photograph of the lot line where the variation is  
22 located. I don't know if anyone wants to look at

1 those; but that shows, you know, the portion of the  
2 house -- the north portion of the house and the  
3 adjacent house to the north where the currently  
4 conforming house separation is located and where the  
5 portion of the Reyes house would have to be removed in  
6 order to conform in the absence of variation.

7 CHAIRMAN KOPP: Right. Okay.

8 A VOICE: Excuse me, can I ask you a  
9 question about the two pages you just read from, what  
10 you said, because it's hard to hear you --

11 CHAIRMAN KOPP: I'm sorry.

12 A VOICE: The letters, where they were from  
13 and what they said?

14 CHAIRMAN KOPP: Paulette Kaczmarek  
15 complained about the tearing down of the trees, and  
16 John Balsamo and Diane Balsamo complained about the  
17 same thing, about --

18 A VOICE: Where do they live?

19 CHAIRMAN KOPP: I think they are the two  
20 adjacent lots behind them.

21 A VOICE: On Tennessee Street?

22 COMMISSIONER REMKUS: Yes, on Tennessee.

1 CHAIRMAN KOPP: Yes, they are both on  
2 Tennessee, one at 6349 and one at 6405.

3 All right. With that, we will close  
4 this zoning hearing case, 19-02, and the Commissioners  
5 will discuss it or not and we will vote.

6 I think this seems like it's a  
7 reasonable thing for these folks to do, and it sounds  
8 like they have heard the complaints of the neighbors  
9 about the trees and have a response, and they seem like  
10 they want to make it a nice lot, so I'm in favor of  
11 this.

12 I don't know if anybody else wants to  
13 comment before we vote.

14 (No response.)

15 CHAIRMAN KOPP: All right. Will someone  
16 make a motion that based on the submitted petition and  
17 testimony provided and move that the Plan Commission  
18 finds the proposed Reyes subdivision final plat of  
19 subdivision consolidating 6350 Clarendon Hills Road and  
20 6406 Clarendon Hills Road into a single lot of record  
21 which requires a variation from Section 9-5B-3(D)2 of  
22 the Zoning Ordinance to reduce the minimum interior

1 side yard setback along the north property line meets  
2 the subdivision regulation standards for approving such  
3 final plat and associated variations; that the Plan  
4 Commission approve and adopt the standards for  
5 variations outlined in the staff report for P.C. 19-02  
6 for the July 17, 2019, Plan Commission meeting; and  
7 that the Plan Commission recommend the Village Board's  
8 approval of a variation from Section 9-5B-3(D)2 to  
9 reduce the minimum interior side yard setback on the  
10 north property line and the Plan Commission review the  
11 final plat of subdivision and recommend approval of a  
12 final plat of subdivision for Case No. P.C. 19-02 for  
13 the July 17, 2019, Plan Commission meeting subject to  
14 conditions of approval and plans listed in the staff  
15 report prepared for Case 19-02 for the July 17, 2019,  
16 Plan Commission meeting.

17 Someone make that motion?

18 COMMISSIONER REMKUS: I'll make the motion.

19 COMMISSIONER WALEC: I'll second.

20 CHAIRMAN KOPP: I ask the Plan Commission  
21 secretary to call the vote.

22 SECRETARY SHEMROSKE: Commissioner Remkus.

1 COMMISSIONER REMKUS: Yes.

2 SECRETARY SHEMROSKE: Commissioner Soukop.

3 COMMISSIONER SOUKOP: Yes.

4 SECRETARY SHEMROSKE: Commissioner Kaucky.

5 COMMISSIONER KAUCKY: Yes.

6 SECRETARY SHEMROSKE: Commissioner Walec.

7 COMMISSIONER WALEC: Yes.

8 SECRETARY SHEMROSKE: Chairman Kopp.

9 CHAIRMAN KOPP: Yes.

10 MR. KLEIN: Thank you.

11 (Which were all the  
12 proceedings had in the  
13 above-entitled cause.)  
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1 STATE OF ILLINOIS )  
2 ) SS.  
3 COUNTY OF C O O K )

4 Maureen K. Nagle, a Certified Shorthand  
5 Reporter, doing business in the City of Chicago, County  
6 of Cook, and the State of Illinois states that she  
7 reported in shorthand the proceedings had at the  
8 foregoing hearing;

9 And that the foregoing is a true and correct  
10 transcript of her shorthand notes so taken as aforesaid  
11 and contains all the proceedings had at the said  
12 hearing.

13  
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15  
16 MAUREEN K. NAGLE, CSR  
CSR No. 084-002863

7/17/2019

**IN RE THE MATTER OF: Definition of Building Height Text  
Amendment**

**19-06**

MAUREEN K. NAGLE

BEFORE THE PLAN COMMISSION  
VILLAGE OF WILLOWBROOK, ILLINOIS

IN RE THE MATTER OF:	)	
	)	
	)	
Definition of Building Height	)	No. 19-06
Text Amendment	)	

REPORT OF PROCEEDINGS had at the  
hearing of the above-entitled cause before the  
Plan Commission of the Village of Willowbrook, at the  
Village of Willowbrook Police Department, 7760 Quincy  
Street, Willowbrook, Illinois, on the 17th day of July,  
2019, at the hour of 7:25 p.m.

1 PRESENT:

2 MR. DANIEL KOPP, Chairperson;

3 MR. LEONARD KAUCKY, Commissioner;

4 MR. WILLIAM REMKUS, Commissioner;

5 MR. JAMES SOUKOP, Commissioner;

6 MR. MIKE WALEC, Commissioner;

7 MS. LISA SHEMROSKE, Building and Zoning Secretary.

8  
9 PRESENT:

10 Mr. Roy Giuntoli, Village Building Inspector;

11 Ms. Ann Choi, Village Planning Consultant;

12 Mr. Michael Mertens, Asst. Village Administrator;

13 Mr. Matthew Holmes, Village Attorney;

14 Mr. Chuck Riforgiate, T.P.I. Building Code  
Consultants;

15 Mr. Chris Drews, Tri-State Fire Protection Dist.;

16 Mr. Lawrence Link, Tri-State Fire Protection Dist.

1           CHAIRMAN KOPP: The next item on the agenda  
2 is Plan Commission Hearing Case No. 19-06. The purpose  
3 of this public hearing is to consider a request by the  
4 Village of Willowbrook as petitioner to amend  
5 Section 9-2-2 of the Zoning Title of the Village of  
6 Willowbrook Municipal Code. The Applicant for this  
7 petition is the Village of Willowbrook. A copy of  
8 this -- notice of this public hearing was published in  
9 the July 1, 2019, edition of the Chicago Sun-Times  
10 newspaper.

11                   Ann will speak to this matter.

12           MS. CHOI: Thank you, again, Chairman. This  
13 text amendment is initiated by the Village as part of  
14 the village-wide review of its current Zoning Code.  
15 The purpose of this text amendment was to remove  
16 outdated and confusing language, specifically the  
17 current definition of building height in Section 9-2-2  
18 of the Village of Willowbrook Municipal Code.

19                   The current definition of building  
20 height is: The height and feet shall be taken as a  
21 vertical distance from the average grade adjacent to  
22 the building to the highest point of the building. In

1 determining height, parapet walls not exceeding three  
2 feet in height from the roof surface, penthouse, roof  
3 tanks, bulkheads, chimneys, and similar roof structures  
4 shall not be included unless the aggregate area of such  
5 structures exceeds one-third of the area of the roof of  
6 the building.

7           The current definition only considers  
8 the height of these structures if the aggregate area of  
9 those roof structures exceeds one-third of the total  
10 roof surface area. For a building which has a roof  
11 surface area of 60,000 square feet, for instance, the  
12 total area of the roof structures combined would need  
13 to exceed 20,000 square feet for the height of the roof  
14 structures to be considered in the overall height of  
15 the building.

16           Village staff recognizes that the  
17 current definition is logical when applied to  
18 single-family residences or buildings with a small roof  
19 surface area. When applied to large commercial or  
20 industrial buildings, these building types may be  
21 allowed only to have these structures with unlimited  
22 height.

1                   Therefore, staff has proposed the  
2 following definition of building height with an  
3 additional change, an additional change to the staff  
4 report, and I distributed a handout to the Plan  
5 Commissioners. This change will be to omit the phrase  
6 parapet wall from the fourth sentence, and the final  
7 proposed definition shall read: The height and feet  
8 shall be taken as a vertical distance from the average  
9 grade adjacent to the building to the highest point of  
10 the building. In determining height, parapet walls not  
11 exceeding three feet in height from the roof surface,  
12 roof tanks, bulkheads, chimneys, and similar roof  
13 structures shall not be included in calculating  
14 building height. Parapet walls shall not exceed three  
15 feet from the roof surface. Roof tanks, bulkheads,  
16 chimneys, and similar other structures shall not exceed  
17 the greater of 10 feet or 25 percent of the maximum  
18 height of the structure in the relevant zoning  
19 district.

20                   The maximum height in any zoning  
21 district is 40 feet, which is the M-1 Light  
22 Manufacturing District. Roof structures would be

1 permitted 10 feet beyond the roof surface according to  
2 the proposed definition.

3           Anyone proposing roof structures above  
4 this maximum height limit would need to request a  
5 variation from the Village and go through the public  
6 hearing process.

7           Staff supports the proposed text  
8 amendment. If the Plan Commission concurs, the  
9 following sample recommendation is offered for  
10 consideration: Based on the submitted petition and  
11 testimony presented, I move that the Plan Commission  
12 recommend to the Village Board approval of the text  
13 amendment presented on Page 2 of the staff report  
14 including the proposed changes to eliminate parapet  
15 wall from the fourth sentence of the definition for  
16 P.C. Case No. 19-06 to amend Section 9-2-2 entitled  
17 Definitions of Chapter 2 entitled Definitions of Title  
18 9 entitled Zoning Title of the Village of the  
19 Willowbrook Municipal Code of the Village of  
20 Willowbrook, DuPage County, Illinois.

21           That concludes my presentation. I'm  
22 available for any questions.



1           CHAIRMAN KOPP: So there is a sentence in  
2 here -- new sentence: Parapet walls shall not exceed  
3 three feet from the roof surface. So I understood that  
4 if they are three feet or less they don't count, but  
5 this is like a prohibition. Was that intended so that  
6 someone couldn't have a parapet wall that was four feet  
7 from the roof surface that still gets counted as the  
8 building height?

9           MS. CHOI: If a parapet wall is greater than  
10 three feet, they would need to come in for a variation.

11           CHAIRMAN KOPP: Okay. Even if -- even if  
12 they were -- if they met the other -- the next  
13 sentence?

14           MS. CHOI: Well, the way that it was worded  
15 in the staff report was sort of ambiguous because it  
16 stated that parapet walls shall not exceed three feet,  
17 and then in the next sentence it stated it should not  
18 exceed greater of 10 feet or 25 percent. So those were  
19 in conflict with each other, which is why we struck out  
20 parapet walls from the fourth sentence.

21           CHAIRMAN KOPP: What's the tallest structure  
22 we can have in Willowbrook?

1 MS. CHOI: The maximum height is in the M-1  
2 Zoning District, so that would be 40 feet, and then any  
3 roof structures should be permitted up to 50 feet.

4 CHAIRMAN KOPP: Okay. So I'm -- we had  
5 talked about this before. Do people -- I wish the  
6 Commissioner Vice-Chairman Wagner was here. Those  
7 parapets that were 40 feet high and if they would fit  
8 within that last sentence, wouldn't we let them go to  
9 parapet that is four foot wide because if parapet walls  
10 can't exceed three feet, why are they in the last  
11 sentence?

12 MS. CHOI: It's been struck out from the  
13 last sentence in the proposed change.

14 CHAIRMAN KOPP: Maybe I'm looking at the  
15 wrong --

16 MS. CHOI: Chairman Kopp, it's the sheet  
17 that says 19-06.

18 CHAIRMAN KOPP: No, it's the very first word  
19 in the last sentence: Parapet walls, roof tanks,  
20 bulkheads, and chimneys.

21 MS. CHOI: The modified definition shows  
22 that it's struck out.

1           CHAIRMAN KOPP: Oh. Okay. I mean I don't  
2 know if this is good or not. Do we care if we are  
3 limiting parapet walls to three feet?

4           COMMISSIONER WALEC: I don't know.

5           CHAIRMAN KOPP: I know staff recommends that  
6 we do this.

7           MS. CHOI: This was vetted by our village  
8 attorney, so we would recommend striking that language  
9 out.

10          CHAIRMAN KOPP: No, but I mean this is more  
11 of an aesthetic thing to just have the -- if someone  
12 asks to have the variance to have a parapet wall over  
13 three feet.

14          MR. MERTENS: I believe that was consistent  
15 in the past rules. We did not change that, the three  
16 feet.

17          CHAIRMAN KOPP: They just weren't counted in  
18 the height.

19          MS. CHOI: That's correct.

20          CHAIRMAN KOPP: This is an outright  
21 prohibition now. You could have had a parapet wall,  
22 but it was to be included in the height of the

1 building.

2 MR. HOLMES: That's correct.

3 CHAIRMAN KOPP: You could have had a 30-foot  
4 building and it was included. I don't know if that was  
5 the intent. I just don't know. Is this -- was that  
6 considered?

7 Again, Roy, I don't know if you know,  
8 do people build parapets that are --

9 MR. GIUNTOLI: Well, typically they are not  
10 very much taller than three feet. I guess I don't  
11 understand the reason why we would say you can't have  
12 it be three feet. Like I said, somebody could want to  
13 put a four foot wall, and it does seem interesting that  
14 they would have to come in for a variance for that.

15 So that center paragraph -- sentence,  
16 parapet walls shall not exceed a height of three feet  
17 from the roof surface is what you are questioning?

18 CHAIRMAN KOPP: Yeah. I'm wondering why  
19 that sentence is there and if that sentence was deleted  
20 and parapet walls would go back into the last sentence?

21 MS. CHOI: If that third sentence is  
22 deleted, then: Parapet walls shall not exceed the

1 greater of 10 feet or 25 percent of maximum height of a  
2 structure in relevant zoning district.

3 CHAIRMAN KOPP: Right.

4 MS. CHOI: I don't have a problem with that.

5 CHAIRMAN KOPP: Okay.

6 COMMISSIONER WALEC: It's in the second  
7 sentence.

8 CHAIRMAN KOPP: I'm -- I just really don't  
9 feel qualified to really opine on this because I just  
10 don't know if this is an issue or not. But I hate to  
11 have people come in for variances, especially for  
12 something that they didn't have to do now, to make it  
13 more restrictive.

14 So, yeah, I would -- I think I would  
15 prefer to strike the third sentence and add parapet  
16 walls back into the fourth sentence.

17 Would anyone in the audience like to  
18 speak to this?

19 Yes, sir. You need to be sworn in.

20 (Witness sworn.)

21 A VOICE: I do.

22 I would just urge you to error on the

1 side of caution on this one. It has already been  
2 reviewed by the attorney. I think three feet is very  
3 normal from what I've seen throughout the area, and  
4 maybe there is a reason not to have above three feet  
5 for safety.

6 CHAIRMAN KOPP: Well, it seemed like the  
7 higher it is would be safer. If it's a parapet, it's  
8 like a barrier.

9 A VOICE: On top of though, right?

10 CHAIRMAN KOPP: Right.

11 A VOICE: Could be a safety issue or water  
12 issue. I think it's very rare he'd be involved.

13 CHAIRMAN KOPP: I think he was involved  
14 because there was some ambiguities about the definition  
15 of building height. I don't know that he was giving an  
16 opinion about the aesthetics or the safety.

17 Anyone else in the audience like to  
18 speak to this matter?

19 A VOICE: More of a question. It seemed  
20 like their concern was -- I'll stand.

21 CHAIRMAN KOPP: You need to be sworn in too.

22 (Witness sworn.)

1           A VOICE: Yes.

2                   It seemed like your concern was about  
3 people coming in for a variance all of a sudden.  
4 Wouldn't anything that's already in existence be a  
5 legal non-conforming and variances would apply to  
6 buildings?

7           CHAIRMAN KOPP: Yes.

8                   A VOICE: They wouldn't all of a sudden get  
9 flooded with applications for variances. It would only  
10 be new construction.

11           CHAIRMAN KOPP: Right.

12                   A VOICE: How much of a concern is that in  
13 this forum today?

14           CHAIRMAN KOPP: Well, because the way the  
15 ordinance is now written, they wouldn't have -- if they  
16 were zoned as a right to do something, they could have  
17 a parapet that was greater than three feet. So no one  
18 has really explained why we are limiting that now. Why  
19 are we making it harder for somebody to build something  
20 and having them come back for a variance and no one has  
21 really explained why? I'm guessing this is almost a  
22 mistake is my guess, this maximum.

1 Yes, ma'am.

2 (Witness sworn.)

3 A VOICE: I do.

4 I would just urge this body to -- I  
5 think error on the side of safety and, you know, look  
6 at the history of Willowbrook and entities of  
7 Willowbrook. If there is something that is going to  
8 prohibit legally to see structures on the roof, you  
9 might want to error on the side of caution of keeping  
10 those limits as low as possible so that there is more  
11 oversight in the ability to see what various businesses  
12 or buildings have going on on their roof if this is  
13 something that would obstruct the ability to see and  
14 the higher would enable people to see.

15 CHAIRMAN KOPP: That's an excellent point,  
16 but usually people have the exact opposite concern and  
17 like to screen all the equipment on an industrial roof  
18 so that people don't see it.

19 I mean I don't know if --

20 (Witness sworn.)

21 MR. LINK: I do.

22 Larry Link, Tri-State Fire Protection



1 District. A higher-than-usual parapet wall can make it  
2 difficult for us to access roofs when there is a fire.  
3 So a lot of times what we have to do is on the roof of  
4 a building, so if a parapet wall is very high, then we  
5 have to bring the ladder up to the parapet and bring  
6 another ladder to come down from the parapet. As far  
7 as aesthetics or anything, you know, who cares; but  
8 from a firefighter safety standpoint, we prefer the  
9 parapet walls not to be that high.

10 CHAIRMAN KOPP: Well, I wish you had spoken  
11 first. You know, whether it was intentional or not,  
12 I've gone 180 degrees and this first gentleman was  
13 apparently right. I will retract all of my comments.  
14 I'm going to be in favor of this.

15 Any other comments?

16 (No response.)

17 CHAIRMAN KOPP: So I'm going to close this  
18 public hearing and ask -- Will someone make a motion  
19 that based on the submitted petition and testimony  
20 presented, I move that the Plan Commission recommend to  
21 the Village Board approval of the text amendment  
22 presented on Page 2 of the staff report including the

1 proposed change to eliminate parapet walls from the  
2 fourth sentence of the definition for P.C. Case No.  
3 19-06 to amend Section 9-2-2 entitled Definitions of  
4 Chapter 2 entitled Definitions, of Title 9, entitled  
5 Zoning Title of the Village, of the Willowbrook  
6 Municipal Code of the Village of Willowbrook, DuPage  
7 County, Illinois?

8 Someone make that motion?

9 COMMISSIONER REMKUS: I'll make it.

10 COMMISSIONER WALEC: I'll second.

11 CHAIRMAN KOPP: I ask the Plan Commission  
12 secretary to take the vote.

13 SECRETARY SHEMROSKE: Commissioner Remkus.

14 COMMISSIONER REMKUS: Yes.

15 SECRETARY SHEMROSKE: Commissioner Soukop.

16 COMMISSIONER SOUKOP: Yes.

17 SECRETARY SHEMROSKE: Commissioner Kaucky.

18 COMMISSIONER KAUCKY: Yes.

19 SECRETARY SHEMROSKE: Commissioner Walec.

20 COMMISSIONER WALEC: Yes.

21 SECRETARY SHEMROSKE: Chairman Kopp.

22 CHAIRMAN KOPP: Yes.

(Which were all the  
proceedings had in the  
above-entitled cause.)

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1     STATE OF ILLINOIS     )  
                                  )   SS.  
2     COUNTY OF C O O K     )

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4             Maureen K. Nagle, a Certified Shorthand  
5     Reporter, doing business in the City of Chicago, County  
6     of Cook, and the State of Illinois states that she  
7     reported in shorthand the proceedings had at the  
8     foregoing hearing;

9             And that the foregoing is a true and correct  
10    transcript of her shorthand notes so taken as aforesaid  
11    and contains all the proceedings had at the said  
12    hearing.

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MAUREEN K. NAGLE, CSR  
CSR No. 084-002863

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7/17/2019

**IN RE THE MATTER OF: FIRE AND EXPLOSION HAZARD  
STANDARDS**

**19-05**

MAUREEN K. NAGLE

BEFORE THE PLAN COMMISSION  
VILLAGE OF WILLOWBROOK, ILLINOIS

IN RE THE MATTER OF:                    )  
  )  
  )  
FIRE AND EXPLOSION HAZARD            )    No. 19-05  
STANDARDS                                )

CONTINUED REPORT OF PROCEEDINGS had at

the hearing of the above-entitled cause before the

Plan Commission of the Village of Willowbrook, at the

Village of Willowbrook Police Department, 7760 Quincy

Street, Willowbrook, Illinois, on the 17th day of July,

2019, at the hour of 7:41 p.m.

1     PRESENT:

2         MR. DANIEL KOPP, Chairperson;

3         MR. LEONARD KAUCKY, Commissioner;

4         MR. WILLIAM REMKUS, Commissioner;

5         MR. JAMES SOUKOP, Commissioner;

6         MR. MIKE WALEC, Commissioner;

7         MS. LISA SHEMROSKE, Building and Zoning Secretary.

8

9     PRESENT:

10        Mr. Roy Giuntoli, Village Building Inspector;

11        Ms. Ann Choi, Village Planning Consultant;

12        Mr. Michael Mertens, Asst. Village Administrator;

13        Mr. Matthew Holmes, Village Attorney;

14        Mr. Chuck Riforgiate, T.P.I. Building Code  
15            Consultants;

16        Mr. Chris Drews, Tri-State Fire Protection Dist.;

17        Mr. Lawrence Link, Tri-State Fire Protection Dist.

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1           CHAIRMAN KOPP: All right. The next item on  
2 the Agenda is 19-05. The purpose of this public  
3 hearing is to consider a request by the Village of  
4 Willowbrook as petitioner to amend Section 9-9-7 of  
5 Title 9 Zoning Title of the Village of Willowbrook  
6 Municipal Code. The Applicant for this petition is the  
7 Village of Willowbrook. Notice of this public hearing  
8 was published in the July 1, 2019, edition of the  
9 Chicago Sun-Times newspaper.

10           MS. CHOI: Planner Choi again. Thank you,  
11 Chairman.

12                   To briefly recap, this text amendment  
13 is initiated by the Village as part of the village-wide  
14 review of its Zoning Code. These proposed text  
15 amendments are the result of numerous consultations  
16 with, and our joint effort between, the Tri-State Fire  
17 Protection District, T.P.I. Building Code Consultants,  
18 our village administrators, and the building and  
19 planning departments, also our village attorneys.

20                   To give a brief outline of the timeline  
21 for the petition, the Plan Commission first reviewed  
22 the proposed text amendment at the public hearing on



1 June 5, 2019, and that public hearing was continued to  
2 this meeting.

3 Tonight the Plan Commission will be  
4 able to listen to any public testimony, pose any  
5 additional questions to village staff, and then make a  
6 motion to approve a recommendation to the Village  
7 Board.

8 At the June 5, 2019, meeting, the Plan  
9 Commission requested a number of follow-up items in  
10 order for the petition to be recommended to the Village  
11 Board. Tonight I hope to address each of the major  
12 follow-up items during my presentation. They are the  
13 Special Use requirement for everyday household usage by  
14 residents or for daily on-site maintenance of  
15 commercial/industrial businesses, theoretical problems  
16 that exist with the current code, what triggers a  
17 Special Use, and the number of existing businesses  
18 directly impacted by the proposed text amendment.

19 Village staff is proposing text  
20 amendments to Section 9-9-7, Fire and Explosive --  
21 Explosion Hazard Standards. This section of the Zoning  
22 Code was originally drafted in 1975 and amended again

1 in 1997, more than 20 years ago. The current Code does  
2 not refer to the latest version of the International  
3 Fire Code. The latest version is ICC IFC-2018, which  
4 we refer to as the IFC.

5 The proposed Code language was drafted  
6 to clarify some inconsistencies in the current Code.  
7 First, the title would be changed from Fire and  
8 Explosion Hazard Standards to Hazardous Material  
9 Standards to broaden the scope of materials to include  
10 all hazardous materials.

11 Under Section 9-9-7(A), the new  
12 proposed section, all references to fire and explosion  
13 hazards will be replaced with hazardous materials.

14 Under the new proposed Section  
15 9-9-7(B), definitions from the IFC-2018 have also been  
16 added to provide clarity and ease for users who do not  
17 have access to the IFC-2018 manual.

18 Section 9-9-7(C), hazardous materials  
19 are listed in greater detail under the proposed  
20 section. Reference to unstable organic compounds have  
21 been deleted because these materials are regulated by  
22 the IFC. Nuclear fuels and fissionable materials are

1 included, as these materials are not addressed by the  
2 IFC.

3 Under Section 9-9-7(D)1 as it's  
4 currently written, a Special Use would only be required  
5 if a proposed use involved all three of the following  
6 activities: Manufacturing, storage, and utilization of  
7 materials and products which decompose by detonation.  
8 If a proposed use involves only one or two of these  
9 activities, a Special Use would not be required. The  
10 Village would like to amend Section 9-9-7(C)1 to become  
11 Section 9-9-7(D)1 to replace the and with or and also  
12 include or any combination thereof to widen the scope  
13 of potential activities that would require a Special  
14 Use. The or and or any combination thereof eliminates  
15 any ambiguity, making Special Uses mandatory, not  
16 optional, for any of the categories listed.

17 Exemptions have been added to allow  
18 businesses that use certain materials for daily on-site  
19 maintenance activities to be excluded from the Special  
20 Use requirement. These materials would still be  
21 regulated by the IFC.

22 Under the new Section 9-9-7(D)2, the

1 Village will be introducing a requirement for an  
2 operational permit for the purpose of assisting  
3 facilities in correctly reporting chemicals, their  
4 quantities, locations, and hazards for the benefit of  
5 alerting emergency response agencies to chemical  
6 hazards should an emergency occur. This permit will be  
7 part of the Building Code amendments and will be  
8 reviewed and approved by the Village Board.

9 Under Section 9-9-7(D)3, staff would  
10 like to further revise Section 9-9-7(D)3 to read --  
11 There is also a handout for the commissioners, it's  
12 19-05. At the bottom you can see the modification to  
13 the proposed changes in the staff report. This will  
14 read, under No. 3: The use of a facility, building, or  
15 structure, or a portion thereof, that involves the  
16 manufacturing, processing, generation, utilization, or  
17 storage, or any combination thereof, of hazardous  
18 materials or products that require a permit or  
19 reporting by the United States Environmental Protection  
20 Agency, the EPA, or Illinois Environmental Protection  
21 Agency, IEPA, shall, prior to commencement of  
22 operations, provide a copy of any permits or reports

1 required by the EPA or IEPA to the Village.

2           The reason for this change is the  
3 Village's intent was not to impose any requirements  
4 beyond what the federal government requires, but the  
5 modified amendment would require that businesses  
6 provide a copy of any permits that are required by  
7 these agencies in regards to hazardous materials.  
8 These permits would be provided to the Village.

9           Under the proposed Section 9-9-7(D)4,  
10 the text amendment introduces new activities and  
11 clarifies that if any of the categories listed are  
12 present, it would be subject to the standards listed in  
13 Table IV. The text amendment revises the 55-gallon  
14 maximum to permit the storage of finished products in  
15 original sealed containers. Containers, as defined by  
16 the IFC, have a maximum capacity of 60 gallons or less.  
17 The text amendment also replaces the term unrestricted  
18 with the term permitted because the Village would still  
19 defer to the IFC to determine how these materials shall  
20 be handled, stored, et cetera.

21           Table IV(a) defines the maximum  
22 quantities in gallons for certain for sale -- for

1 resale materials that are permitted to be stored above  
2 ground and below ground. The text amendment gives the  
3 Village additional oversight in regulating these  
4 potentially hazardous materials by requiring that they  
5 comply with Table IV. The IFC does not specifically  
6 limit the quantities of above-ground or below-ground  
7 storage of hazardous materials. It regulates the use,  
8 handling, and storage of these materials in indoor and  
9 outdoor environments.

10 Table IV(b) defines the maximum  
11 quantities in gallons of certain materials that are  
12 permitted to be stored above ground and below ground  
13 where storage is an ancillary use. The text amendment  
14 clarifies that if any, or a combination thereof, of the  
15 categories listed are present, it would be subject to  
16 the standards listed in Table IV(b).

17 The text amendment replaces the current  
18 Code's temperature ranges with the flammable liquid  
19 class ranges. A Class 1A liquid is more volatile than  
20 a Class 1B, and a Class 1B liquid is more volatile than  
21 a Class 1C.

22 Staff would like to point out to the

1 Plan Commission that the proposed text amendments would  
2 not be retroactive and the requirement for requiring a  
3 Special Use would only apply to businesses going  
4 forward or existing businesses that would change their  
5 operations.

6 The proposed Code language for the text  
7 amendments are included in their entirety on Pages 2  
8 through 11 of the staff report.

9 Before I conclude, I would like to  
10 point out a few corrections that need to be addressed.  
11 Again, if we can refer to the handouts I've provided,  
12 it will be easier to follow.

13 Under Section 9-9-7(D), I would like to  
14 add four new definitions: Volatility, vapor pressure,  
15 boiling point, and flash point.

16 On Page 9 of the staff report under  
17 No. 3, as I've discussed earlier, the Village would  
18 like to strike out the requirement to require a  
19 Resource Conservation Recovery Act permit and Tier II  
20 reports as currently worded. The proposed wording is  
21 as follows: The use of a facility, building, or  
22 structure, or a portion thereof, that involves the

1 manufacture, processing, generation, utilization, or  
2 storage, or any combination thereof, of hazardous  
3 products -- materials or products that require a permit  
4 or reporting by the United States Environmental  
5 Protection Agency or the Illinois Environmental  
6 Protection Agency shall, prior to commencement of  
7 operations, provide a copy of any permit or reports  
8 required by the EPA or IEPA to the Village. As  
9 discussed previously, the Village's intent was not to  
10 impose any requirements beyond what the federal  
11 government requires, but to require that these  
12 businesses provide a copy of any permits to the  
13 Village.

14                   Then, lastly, on Page 10 of the staff  
15 report, Tables IV(a) and IV(b) should be revised so  
16 that the order of classes from top to bottom reads as  
17 follows: Class 1C, then Class 1B, then lastly Class  
18 1A. These would align with the temperature ranges from  
19 the least volatile to most volatile class of flammable  
20 liquids.

21                   Staff supports the proposed text  
22 amendment; and if the Plan Commission concurs, the



1 following sample recommendation is offered for  
2 consideration: Based on the submitted petition and  
3 testimony presented, I move that the Plan Commission  
4 recommend to the Village Board approval of the text  
5 amendment presented on Pages 1 through 11 of staff  
6 report for P.C. Case No. 19-05 to amend Section 9-9-7  
7 of the Zoning Title of the Village of Willowbrook  
8 regarding Fire and Explosion Hazardous Standards with  
9 the following changes: Add the definition of  
10 volatility, vapor pressure, boiling point, and flash  
11 point to Section 9-9-7(B); revise the language to  
12 proposed Section 9-9-7(D)3 to eliminate a requirement  
13 for the RCRA permit and replace with language requiring  
14 copies of any permit required by the EPA/IEPA to be  
15 provided to the Village; and revise Table IV(a) and  
16 IV(b) so that the above ground storage of flammable  
17 liquids classes are ordered from the least volatile to  
18 most volatile classes.

19 This concludes my report. I'm  
20 available for any questions. We also have  
21 representatives from Tri-State Fire Protection  
22 District, T.P.I. Building Code Consultants, and

1 additional village staff to answer any questions.

2 Thank you.

3 CHAIRMAN KOPP: Commissioners, do you have  
4 any questions?

5 COMMISSIONER WALEC: I have one. The  
6 permits from the EPA and the IEPA, are those only going  
7 to be for new businesses or are they also going to be  
8 for businesses that currently have these permits?

9 MS. CHOI: I believe those businesses would  
10 have to comply with state and federal law.

11 COMMISSIONER WALEC: Will they provide the  
12 Village with copies of these?

13 MS. CHOI: When we introduce Operational  
14 permits, they would have to be provided to the Village.

15 CHAIRMAN KOPP: Are those public anyway?  
16 Can someone review a database on IEPA or EPA permits?

17 MR. MERTENS: The public sector would  
18 require --

19 CHAIRMAN KOPP: There would be a repository  
20 here as well?

21 MR. MERTENS: So it's consistent with the  
22 filing.

1           CHAIRMAN KOPP: I think you did a great job  
2 of addressing the main issues that we raised last  
3 month. To the extent that you address these issues in  
4 Zoning, I think you guys have done a great job.

5           Does anyone in the audience like to ask  
6 questions or speak?

7           MS. ZYNANTIUS: Do I have to state my name?  
8 Nerinza Zynantius, N-e-r-i-n-z-a Z-y-n-a-n-t-i-u-s.

9           I'm a resident of Darien, but obviously  
10 what is happening here is affecting me and my family as  
11 well. So the first thing I would like to know is who  
12 decided to stick to the federal regulations of  
13 staffing? Whose decision was it on this Board, is it  
14 the Village; who decided to keep it at federal levels  
15 and not make it higher? Is that the decision of this  
16 Board?

17          CHAIRMAN KOPP: Well, any decision is  
18 ultimately the Board of Trustees, not us, the Plan  
19 Commission; but I don't know if we can have more  
20 stringent requirements.

21          MS. ZYNANTIUS: Have you looked into having  
22 stricter requirements?

1           CHAIRMAN KOPP: I'll have to defer to the  
2 village officials.

3           MR. HOLMES: I believe that we were  
4 preempted by federal law on imposing restrictions that  
5 are greater than the federal general standard. The  
6 persons -- the parties that drafted this actually --  
7 They are the consultants that worked on this. Maybe we  
8 should direct the question to them. I actually wasn't  
9 the attorney that drafted this ordinance.

10          MR. MERTENS: I believe the simple answer is  
11 that we do not believe that we can override federal law  
12 and make standards tougher than federal law. So  
13 these -- this specific request is looking at future  
14 developments and separating the three different  
15 criteria so they are individually required to get  
16 Special Use permits. So existing uses that you are  
17 referring to, this text amendment would not apply to.

18          MS. ZYNANTIUS: This is my first meeting, so  
19 excuse me naivete, if I have any; but I would highly  
20 suggest -- I work in a corporation where we have to  
21 take compliance consistently, compliance tests, and we  
22 have to pass in order to keep working there. Just

1 because somebody says something to do something, I  
2 wouldn't go on I believe. I would make sure that if  
3 you are the last line of defense for a group of  
4 community members, that you do everything possible to  
5 ensure our safety. So instead of I believe or I think  
6 so, please make sure that you do know every single  
7 corner of all the laws to be able to protect this  
8 community. That's all I have to say.

9 MR. MERTENS: Appreciate it.

10 CHAIRMAN KOPP: Just so people understand,  
11 this is a zoning board and we cannot do anything to  
12 someone that's already in operation. We are not going  
13 to be a magic -- be able to be a magic bullet here for  
14 any existing problems in the community through zoning.  
15 There is other -- there is perhaps other ways to  
16 address it, but we are trying to deal with this -- with  
17 bad situations happening in the future with new  
18 occupants, but we can't go back -- we can't go back in  
19 time and prevent somebody who was validly operating  
20 zoning wise from operating.

21 Anyone else?

22 (Witness sworn.)

1 MS. DONNELL: Yes. Marge Donnell. My  
2 question to you is: Any of the changes or  
3 modifications to any of the laws that were discussed  
4 today pertaining to hazardous materials, are you saying  
5 that none of those will apply to any present business  
6 entity in Willowbrook?

7 CHAIRMAN KOPP: Correct, if they are  
8 operating under the current Zoning Ordinance. I'm not  
9 talking about environmental laws and all that kind of  
10 stuff. They have to comply with those. But we  
11 can't -- they are grandfathered in.

12 MS. DONNELL: So you talk about Special Use  
13 permits. They wouldn't apply to any present company?

14 CHAIRMAN KOPP: Correct.

15 MS. CHOI: Unless they change their -- the  
16 model of what they were doing and they fit those  
17 categories.

18 MS. DONNELL: When you say they change the  
19 model, does that include any construction work being  
20 done on the facility?

21 CHAIRMAN KOPP: Significant construction.

22 MS. DONNELL: Is that 33 percent or 25

1 percent; do you know what that level is?

2 MR. MERTENS: Usually 50 percent.

3 MS. DONNELL: Thank you.

4 CHAIRMAN KOPP: I can tell you all as well  
5 that the prior ordinance was very limited in the  
6 materials that it regulated. It was mainly  
7 flammable-type liquids, and it's now much broader.  
8 Again, unfortunately, we are only looking at the  
9 future, but this is much better. This ordinance is  
10 much better than what's currently in place.

11 By the way, our existing ordinance is  
12 very similar to surrounding ordinances so we are --  
13 municipalities' ordinances. So we are kind of -- we  
14 are trying to be very progressive and get to stay on  
15 top of this, address things in the future.

16 Yes, ma'am.

17 MS. NASH: I have a question. Carolyn Nash,  
18 N-a-s-h.

19 So when I hear you say in your  
20 presentation about that you are not putting any further  
21 requirements beyond that Illinois EPA and that USEPA, I  
22 really do think you need to check that out because

1    there are other areas in this country that have had --  
2    that have more stringent requirements, and I've lived  
3    in them. I've lived in seven states. Unfortunately,  
4    maybe we are going beyond what is required in the  
5    immediate area here, but Illinois is shameful in how  
6    their environmental concerns.

7                   If you look, I believe, at the current  
8    ordinance for flash point, there are companies that are  
9    not -- have chemicals currently that, you know, are  
10   against that ordinance. I don't know much about what  
11   you said, I didn't come here, you know, knowing --  
12   reading that and understanding all of that; but when I  
13   hear about the storage, so you mean to tell me if a  
14   company is storing a bunch of, I'm going to say,  
15   ethylene oxide or ethylene glycol or gasoline or  
16   whatever they are storing, going forward, because they  
17   have a permit, that can never change? It doesn't make  
18   sense.

19                   I think Willowbrook really needs to  
20   aggressively look at every area, and I'm not  
21   pinpointing one company, but every area where they can  
22   protect the residents here because this state and this



1 county and, unfortunately, this village, unbeknownst to  
2 them, did not protect the residents here. I really,  
3 you know, I don't like to hear the USEPA, Illinois EPA.

4 I can tell you that one of the  
5 chemicals that is in our community was used quite a bit  
6 in the State of New Jersey where I used to live; and  
7 they have changed -- it's modeling, it's not been  
8 tested, but they have gone forward and removed those  
9 risks.

10 You know, I don't understand, maybe I'm  
11 wrong, but if you pass the smoking ordinance or  
12 something like that, like an older business would have  
13 to comply with that. Maybe I'm ignorant to it, but  
14 please don't -- Aggressively look at your ordinances.  
15 Find an attorney with a fine-tooth comb to go over  
16 those things and make sure that this community is  
17 protected.

18 I appreciate the work that you've all  
19 done. This is a small village that should not have to  
20 be dealing with this. But let me tell you I live down  
21 the street where a house blew up, and that gas station  
22 is functioning now with a \$50,000 fine, and the

1 residents in that home are still fighting to get their  
2 home repaired. That's what happened here. That  
3 business in Westmont, I believe, caused chaos on my  
4 street. I had LaGrange Park firefighters in my home  
5 assessing if my home was going to blow up, and they got  
6 a \$50,000 slap on the wrist, you know, and they are  
7 functioning and my neighbor is not in their home. So I  
8 know you didn't cause that, but it just shows you the  
9 Illinois EPA and the USEPA did not do what was  
10 appropriate, the resources that were used, Tri-State,  
11 all these other fire companies, and they are in  
12 business.

13 And, I'm sorry, I don't mean to -- I  
14 don't even know, but please look at every ordinance.  
15 They should not be -- we should not have combustible  
16 storage of cannisters and cannisters, you know, right  
17 by schools. If there is anyway that that can be  
18 addressed, the Illinois EPA and the USEPA has failed  
19 us; and there are other states that are leading the  
20 way, there are other communities that are leading the  
21 way, and I've lived in communities like that. This  
22 community needs to look at every avenue before this

1 happens again.

2 (Applause.)

3 COMMISSIONER REMKUS: That's kind of what we  
4 are trying to do. We are a planning and zoning  
5 commission; and, you know, we can't go back and prevent  
6 people from doing what they were allowed to do under  
7 zoning conditions at that time. We can only go  
8 forward, and we can work as hard as we can to try to  
9 protect and to prevent things like this from being able  
10 to happen in our community.

11 MS. NASH: I appreciate that.

12 COMMISSIONER REMKUS: This is what we are  
13 trying to do. This is what she has worked so hard on  
14 and with the people from Tri-State and everything. We  
15 had a workshop on all this to try to do this to try to  
16 make things better and try to make our things tougher.

17 MS. NASH: I appreciate that but, you know  
18 what, the Illinois EPA has failed us. Please do what  
19 you can. You have home rule now. Do what you can so  
20 that somebody else doesn't move in here --

21 COMMISSIONER REMKUS: That's what we are  
22 trying to do.

1 MS. NASH: I understand, but you are using  
2 the standards of the Illinois EPA and the USEPA, and  
3 they are garbage.

4 COMMISSIONER REMKUS: You know the problem  
5 with the EPA --

6 MS. NASH: I'm not trying to yell at you. I  
7 appreciate the hard work you have done.

8 COMMISSIONER REMKUS: The turnover at the  
9 EPA is so much because they don't hire the proper  
10 people, the people come and go because they don't pay  
11 enough.

12 MS. NASH: Right. We can make a difference  
13 here. Let's make a difference here. Thank you.

14 COMMISSIONER REMKUS: We are trying.

15 MS. NASH: I appreciate it.

16 CHAIRMAN KOPP: So you understand --

17 MS. NASH: I'm not trying to yell at you.  
18 I'm just saying if we go by the USEPA and the Illinois  
19 EPA standards, find out if we can do more strict  
20 standards. I've lived where they have more strict  
21 standards and --

22 A VOICE: She's right.

1 MS. NASH: -- I'm just saying I've lived on  
2 the East Coast where they don't poison people --

3 CHAIRMAN KOPP: I don't think anybody here  
4 disagrees with you.

5 MS. NASH: And I'm not trying to yell at  
6 you.

7 CHAIRMAN KOPP: I must live very near you  
8 because I had the mayor in my basement after that  
9 explosion.

10 MS. NASH: And I'm not blaming you. I'm  
11 pointing out the hypocrisy of the Illinois EPA in that  
12 situation.

13 CHAIRMAN KOPP: I'm pretty sure we all agree  
14 with you a hundred percent. Unfortunately, and I'm not  
15 trying to pass the buck, this is the wrong venue. We  
16 are Zoning. All this Board does is we recommend  
17 changes to the Zoning Code, and what you are talking  
18 about are ordinances that the Village can enact about  
19 health and safety or the state or the county. We just  
20 have a very limited purview of what we can do, and we  
21 are extremely limited because we can't do things  
22 retroactively by law.

1 MS. NASH: And I'm very ignorant to the  
2 whole thing; but when we are talking about storage of  
3 chemicals, is that not zoning?

4 CHAIRMAN KOPP: It is zoning. What we are  
5 saying is we changed it. What this ordinance would  
6 do --

7 MS. NASH: I'm not trying to yell at you.

8 CHAIRMAN KOPP: If someone is going to have  
9 a brick -- a new business that's going to be storing  
10 chemicals, and it's much more expansive now, meaning  
11 they have to come to us to get permission to get what's  
12 called a Special Use permit to do it. So they have to  
13 come before us and explain why they should be able to  
14 do that. They didn't have to do that before. There  
15 were very few categories where they have to do that, so  
16 we are broadening those categories significantly.

17 And I can't say how we are going to --  
18 what our recommendation is going to be, but we are all  
19 very sensitive to this issue now. Before they used to  
20 just be able to come in and do it, as we say, as a  
21 right. Now they have to come in and get permission  
22 from the Village. I think this is the most this Board

1 can do. There is other ordinances and other parts of  
2 government that can address this, but we are doing the  
3 most we can with our limited jurisdiction.

4 COMMISSIONER REMKUS: You know, I love your  
5 passion for coming and saying because this is what we  
6 do. We want to hear from the public and we want to  
7 hear that.

8 Also, I'd like to say, you know, this  
9 village is -- we are volunteers and we don't get paid  
10 to do any of this, and sometimes you take a lot of  
11 abuse up here, but that's okay. The one thing, we need  
12 more volunteers; and our committees and everything are  
13 only as good as the volunteers that serve on these  
14 committees. So I would really love, with your passion,  
15 for you to put your name in, if you are a Willowbrook  
16 resident, put your name in to the mayor that you would  
17 like to serve on one of the committees.

18 CHAIRMAN KOPP: This lady had her hand up --

19 A VOICE: No. No.

20 MR. GIUNTOLI: May I respond to one thing  
21 she said?

22 CHAIRMAN KOPP: Sure.

1           MR. GIUNTOLI: Ma'am, part of this ordinance  
2 is also to add Operational permits for companies in  
3 town, which will allow us to -- from going forward to  
4 better monitor any of the products that they have in  
5 their building. So we'll ultimately blanket certain  
6 zoning districts with information stating they need to  
7 come to us and let us know what kind of chemical and  
8 the quantities that they have in their facility. Once  
9 a year they would have to apply for this permit. They  
10 would have to revise any documentation for any changes.  
11 We would be able to monitor them. This Operations  
12 permit does also include annual inspections from --  
13 will be from the building department over and above  
14 what Tri-State Fire Protection District does already.  
15 So this ordinance is pecking away at exactly what you  
16 are asking for, more control over what's going on in  
17 the businesses.

18           Now, this permit is retroactive. We  
19 are going to be able to go to existing facilities and  
20 obtain that information so we get -- we have a  
21 knowledge of what's going on in the buildings, contact  
22 information for people that are -- who need to be



1 contacted in case of an emergency, quantities, NSDS  
2 sheets. This Operational permit is really, really  
3 going to start working on what your concerns are.  
4 Again, it's in its infancy, staff are still working on  
5 creating this program, but we are working on it, and it  
6 will be in place very soon. That is retroactive, kind  
7 of what you are asking.

8 MR. LINK: I wouldn't interrupt except I can  
9 maybe add more to what Roy is talking about. Again,  
10 I'm from the fire department. These operational  
11 permits are giving us the opportunity to find out about  
12 things that are in buildings that we never knew before.  
13 So the EPA requires businesses, and I can't give you a  
14 number of what the chemical is or how many gallons of  
15 whatever because every chemical is different. There is  
16 a list of chemicals, and there is a list of how much of  
17 this chemical you can have up to the point where you  
18 have to report it to the fire department and you have  
19 to report it to the local emergency planning committee,  
20 which would be Willowbrook.

21 So by having this Operational permit,  
22 we can go into these businesses, look and see what they

1 have, and determine whether or not they should be  
2 submitting Tier II reports. Because the way the law is  
3 written, they are supposed to provide them to us for  
4 the previous year, but they oftentimes don't. And it's  
5 not necessarily that they are scoff laws; they don't  
6 know. We are going to get into these businesses now  
7 with the help of the Operational permit and determine  
8 what's going on in these buildings and so --

9 MS. NASH: Without warning?

10 MR. LINK: I'm sorry?

11 MS. NASH: Without warning or do you have  
12 to, like, notify the companies?

13 MR. LINK: Well, we would notify them we are  
14 coming in for an inspection. That's not the point of  
15 it. The point of it is to find out what they are doing  
16 and what are the materials that they use, which in a  
17 lot of the cases up till this point we just don't know.  
18 And we've had that, not just in this community, but in  
19 all of our communities. We've come across businesses  
20 that surprise us, and some of those companies did not  
21 provide the information they were supposed to. They  
22 are now. This Operational permit is going to get us in

1       there and help us tremendously. Thank you.

2               MS. DONNELL: I have a clarifying question.  
3       Martha Donnell again.

4               Operational permit and Special Use  
5       permit, two separate issues, correct?

6               CHAIRMAN KOPP: Yes.

7               MS. DONNELL: Special Use permit, I want to  
8       talk about the elephant in the room, and I'm going to  
9       just name it, Sterigenics, are they required to get a  
10      Special Use permit?

11              CHAIRMAN KOPP: No. So Special Use permit  
12      is a zoning creature. So, for example, if someone  
13      wants to have a drive-thru restaurant in certain  
14      districts, they have to get a Special Use permit, or if  
15      they want to have -- There is hundreds of examples. So  
16      anything that is a little bit unusual, they come --  
17      they have to get a Special Use permit from the Village,  
18      and so we are adding to that category these people that  
19      are using these chemicals.

20              MS. DONNELL: And they are one of the people  
21      using those chemicals?

22              CHAIRMAN KOPP: Yeah, but we are talking

1 about zoning. So this is -- you can't go -- we can't  
2 be retroactive. We can't tell them -- when they are in  
3 a building that is zoned for what they are doing,  
4 assuming they are doing what they say they are doing,  
5 we can't -- we can't take that away from them. Just  
6 like someone couldn't take your house and say, well,  
7 your house isn't zoned for residential anymore, it's  
8 now retail, and you can't live there anymore. They are  
9 grandfathered in.

10 MS. DONNELL: Has there been research into  
11 that to see if there is any hazardous chemical or when  
12 new laws are enacted whether you are able to then  
13 change and require a company to obtain a special  
14 permit?

15 CHAIRMAN KOPP: That's in the U.S.  
16 Constitution. You can't -- you can't take legal rights  
17 away from someone.

18 MS. DONNELL: I understand that. I  
19 understand you can't take legal rights away from  
20 someone. I'm asking if -- you are not taking a legal  
21 right away if you are asking someone to obtain a permit  
22 now for something --

1 CHAIRMAN KOPP: But a Special Use permit --

2 THE WITNESS: -- that previously didn't  
3 require it.

4 CHAIRMAN KOPP: It's unfortunate these  
5 things have the same name because they are completely  
6 different. A Special Use permit is something that's  
7 granted one time to allow somebody to perform a certain  
8 use, and it's governed by the Zoning Ordinance.

9 Again, the example we see a lot is  
10 drive-thru. If you want to have a drive-thru in your  
11 restaurant, you have to get a Special Use permit, and  
12 then they come and they come before us and we look at  
13 the traffic patterns or whatever and we recommend to  
14 the Board, and the Board -- the Village Board, and they  
15 decide whether they get it or not. And that's a  
16 one-time thing; and once they have it, they have it for  
17 life -- or the life of the business.

18 Roy is talking about something  
19 different. He's talking about almost like a license  
20 kind of thing.

21 MS. DONNELL: The Operational permit?

22 CHAIRMAN KOPP: Yes.

1 MS. DONNELL: And they will be required to  
2 have that?

3 CHAIRMAN KOPP: Yes.

4 MS. DONNELL: And is that something for  
5 every company that needs an Operational permit, is  
6 there going to be a public hearing on that or is that  
7 just going to be administrative?

8 MR. GIUNTOLI: Administrative. Staff will  
9 be handling it.

10 MS. DONNELL: All right. Thank you.

11 CHAIRMAN KOPP: Yes, ma'am.

12 MS. TANOUYE: Urszula Tanouye, U-r-s-z-u-l-a  
13 T-a-n-o-u-y-e. I have a question that goes back to gas  
14 explosion and Special Use permits being retroactive.  
15 So, for example, the IFC is based on safety of  
16 chemicals, yes, and if, for example, we had a gas  
17 station that leaked things into a sewer and it was  
18 later found in a study that this kind of container that  
19 they use at that particular gas station tends to break  
20 down over time and a better container that was  
21 developed later would prevent that kind of leakage and  
22 would prevent that kind of damage and that was entered

1     into, would not that gas station be required to change  
2     their underground containers for the safety of  
3     everybody down the street because of the tendency to  
4     leak?

5             CHAIRMAN KOPP: That's what environmental  
6     laws are, but we don't do environmental laws. We just  
7     do zoning. You couldn't tell them -- Gas stations are  
8     often special uses. So we couldn't tell them you can't  
9     be -- They got the gas station, so our job is done.  
10    Then it's up to all the other laws to deal with gas  
11    stations, to make sure that they are operating safely,  
12    but we can't. We are done once they got the zoning.

13            MS. TANOUYE: So you wouldn't be able to  
14    update that space to say that you cannot operate here  
15    for the residents' safety unless you change this?

16            CHAIRMAN KOPP: No, we can't in the Zoning  
17    Ordinance.

18            MS. TANOUYE: Who would be able to do that?

19            CHAIRMAN KOPP: Certainly the USEPA or the  
20    IEPA. I don't know -- I'm not an environmental lawyer.  
21    I don't know if the Village could have more restrictive  
22    environmental provisions than the state or the federal

1 government.

2 MS. TANOUYE: So you would allow that entire  
3 street of residents to have that risk --

4 CHAIRMAN KOPP: I don't have that power.  
5 You are giving me way too much power. All I can do is  
6 address zoning.

7 I'm sitting with you folks. I live  
8 very close to the gas station that blew up. I'm almost  
9 around the corner from that house -- that huge house  
10 that hasn't been inhabited -- I don't know if that's  
11 the one that you are talking about -- the huge house  
12 that hasn't been inhabited for a year now. I have  
13 family members that have cancer, rare forms of cancer,  
14 and we are wondering what's going on. I want to solve  
15 this problem as much as anybody, but we -- the five or  
16 six of us here don't have the authority to do what you  
17 all want us to do.

18 MS. TANOUYE: I'm just finding it kind of  
19 hard to believe that you can't control the structures  
20 in the village to those limits, to those fire safety  
21 limits, to hold them to fire codes, something that is  
22 international, just because the business was there



1 before.

2 MS. CHOI: Larry.

3 MR. LINK: I would like to address that. If  
4 it puts you at ease at all, there were about five  
5 things that went terribly wrong for that situation to  
6 occur. The only one of those things that hasn't been  
7 addressed is too much rain. Other than that,  
8 everything else has been addressed.

9 MS. TANOUYE: Were there structural things  
10 that had to be done to fix those issues?

11 MR. LINK: Yes.

12 THE WITNESS: Would that fall under the  
13 Village's purview to say this structure is wrong and  
14 you have to change --

15 MR. LINK: The State Fire Marshal had a lot  
16 to do with the tanks. The Salt Creek Reclamation  
17 District had a lot to do with the actual sewer system.  
18 There were a few things that took place, and they have  
19 been addressed. The tanks were changed -- I can't talk  
20 about everything because it's still in litigation  
21 but --

22 MS. TANOUYE: But you were able to require

1 those changes?

2 MR. LINK: We are not from Westmont, --

3 THE WITNESS: But there was some local --

4 MR. LINK: -- but the explosion occurred in  
5 our fire district, and so we kind of took care of most  
6 of the issues. The only thing I can tell you, if I  
7 lived near there, I would feel pretty safe right now.

8 A VOICE: If I could speak, I think  
9 Urszula's point is broader too, is that zoning  
10 obviously exists for a reason, zoning boards exist for  
11 a reason, and it's to address the local municipality's  
12 needs within the confines of the Constitution and  
13 federal and state laws. And I think what the community  
14 is really needing is to know that this body and the  
15 Willowbrook Village Board are dealing with this in the  
16 most progressive way possible and not just resting on  
17 sort of like the way it's always been viewed and been  
18 done.

19 You know, if it wasn't up to the  
20 individual villages and cities and municipalities to  
21 decide what's best for their community, then the Zoning  
22 Board wouldn't be necessary, it's like go to the IEPA.

1 You guys exist for a reason. Every municipality has  
2 their own for that reason, to address the needs of that  
3 community. I understand like we are not, you know,  
4 environmentalists to save the world with environmental  
5 regulations, and no one is asking you to do that. But  
6 those problems inform the need for zoning ordinances to  
7 begin with, otherwise, you wouldn't even exist, you  
8 know.

9                   So I think it's like the request is to  
10 be as creative and as willing to put yourselves out on  
11 a limb to the extent -- and I know many of you, I'm  
12 sure, feel that way and are personally affected. I  
13 don't want to speak for Urszula, but I think that's one  
14 thing that the community is wanting to feel like is  
15 happening and that it's happening as quickly as  
16 possible.

17                   COMMISSIONER REMKUS: That's what we are  
18 trying to do. That's why this whole thing came up.

19                   A VOICE: Right. Yeah.

20                   COMMISSIONER REMKUS: This is a result of  
21 that. We are working on it. We can only move so fast  
22 as the law allows us to move and the public hearings we

1 have to hold and the workshops that we attend to learn  
2 more so we do a better job. That's the best we can do.  
3 I mean I don't know what else, you know, you want from  
4 us. We are trying our damndest to do this and, you  
5 know, we have to stay within the law too. We are going  
6 to do everything we possibly can. This is a step one.  
7 There will be other steps along the line. We can only  
8 ask for your support and, you know, your help.

9 CHAIRMAN KOPP: It's not even necessarily  
10 step one because we are not the best avenue to solve  
11 this problem.

12 A VOICE: No one is saying that. I think  
13 that's a little -- No one thinks that. No one thinks  
14 that.

15 CHAIRMAN KOPP: I was getting a lot of  
16 disappointment that we weren't. We cannot stop an  
17 existing business. This Board -- or this Commission  
18 cannot stop an existing business. What we can try to  
19 do is stop another one from coming in, and that's what  
20 this does.

21 All right. Anything else?

22 (No response.)

CHAIRMAN KOPP: Any Commissioners have any questions or anything?

(No response.)

CHAIRMAN KOPP: All right. I'm going to close this public hearing and ask the --

A VOICE: Was there a vote on the last item?

A VOICE: Yeah, did you make a motion?

CHAIRMAN KOPP: We are doing that right now.

A VOICE: Okay.

CHAIRMAN KOPP: Will someone make a motion based on the submitted petition and testimony presented I move that the Plan Commission recommend to the Village Board approval of the text amendments presented on Pages 1 to 11 of the staff report, P.C. Case No. 19-05, to amend Section 9-9-7 of the Zoning Title of the Village of Willowbrook regarding Fire and Explosion Hazard Standards with the following changes: Add the definitions of volatility, vapor pressure, boiling point, and flash point in Section 9-9-7(B); revise the language to proposed Section 9-9-7(C) to eliminate a requirement for the RCRA permit and replace the language requiring copies of any permit required by the

1 EPA/IEPA to be provided to the Village; and revise  
2 Table IV(b) so that the above-ground storage of  
3 flammable liquid classes are ordered from the least  
4 volatile to most volatile class.

5 COMMISSIONER REMKUS: So moved.

6 COMMISSIONER WALEC: Second.

7 COMMISSIONER SOUKOP: Second.

8 CHAIRMAN KOPP: Plan Commission secretary  
9 call the vote.

10 SECRETARY SHEMROSKE: Commissioner Remkus.

11 COMMISSIONER REMKUS: Yes.

12 SECRETARY SHEMROSKE: Commissioner Soukop.

13 COMMISSIONER SOUKOP: Yes.

14 SECRETARY SHEMROSKE: Commissioner Kaucky.

15 COMMISSIONER KAUCKY: Yes.

16 SECRETARY SHEMROSKE: Commissioner Walec.

17 COMMISSIONER WALEC: Yes.

18 SECRETARY SHEMROSKE: Chairman Kopp.

19 CHAIRMAN KOPP: Yes.

20 (Which were all the  
21 proceedings had in the  
22 above-entitled cause.)

1     STATE OF ILLINOIS     )  
                                  )   SS.  
2     COUNTY OF C O O K     )

3

4             Maureen K. Nagle, a Certified Shorthand  
5     Reporter, doing business in the City of Chicago, County  
6     of Cook, and the State of Illinois states that she  
7     reported in shorthand the proceedings had at the  
8     foregoing hearing;

9             And that the foregoing is a true and correct  
10    transcript of her shorthand notes so taken as aforesaid  
11    and contains all the proceedings had at the said  
12    hearing.

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MAUREEN K. NAGLE, CSR  
CSR No. 084-002863

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7/17/2019

**IN RE THE MATTER OF: AMATEUR RADIO TEXT AMENDMENT**

**19-04**

MAUREEN K. NAGLE



IN RE THE MATTER OF: )  
 )  
Amateur Radio Text ) No. 19-04  
Amendment. )

CONTINUED REPORT OF PROCEEDINGS had at the hearing of the above-entitled cause before the Plan Commission of the Village of Willowbrook, at the Village of Willowbrook Police Department, 7760 Quincy Street, Willowbrook, Illinois, on the 17th day of July, 2019, at the hour of 8:28 p.m.

1     PRESENT:

2         MR. DANIEL KOPP, Chairperson;

3         MR. LEONARD KAUCKY, Commissioner;

4         MR. WILLIAM REMKUS, Commissioner;

5         MR. JAMES SOUKOP, Commissioner;

6         MR. MIKE WALEC, Commissioner;

7         MS. LISA SHEMROSKE, Building and Zoning Secretary.

8  
9     ALSO PRESENT:

10        Mr. Roy Giuntoli, Village Building Inspector;

11        Ms. Ann Choi, Village Planning Consultant;

12        Mr. Matthew G. Holmes, Village Attorney;

13        Dr. Ron Baran, Resident.

1           CHAIRMAN KOPP: The next item on the Agenda  
2 is Plan Commission Case 19-04. The purpose of this  
3 public hearing is to consider a request by the Village  
4 of Willowbrook to amend Section 9-3-15, 9-12-2, and  
5 9-12-4(C) of the Zoning Title of the Village of  
6 Willowbrook regarding regulation of telecommunications  
7 antennas and antenna support structures. The Applicant  
8 for this petition is the Village of Willowbrook.  
9 Notice of this public hearing was published in the  
10 July 1, 2019, edition of the Chicago Sun-Times.

11           MS. CHOI: Thank you, Chairman. To briefly  
12 recap, this text amendment is initiated by the Village  
13 again as part of the village-wide review of its current  
14 Zoning Code.

15           The Plan Commission first reviewed the  
16 proposed text amendment at the public hearing on  
17 June 5, 2019. At the June 5, 2019, meeting, the Plan  
18 Commission requested a number of follow-up items in  
19 order for the petition to be recommended to the Village  
20 Board. I would like to addresses the major follow-up  
21 items.

22           The first one, there was a question

1 posed: Does the proposed text amendment conflict with  
2 federal law? Does federal law preempt the proposed  
3 text amendment.

4 The answer to that is no. PRB-1 of the  
5 FCC specifically declined to define the precise  
6 language that local governments should include in  
7 regulation of amateur radio facilities. The Village is  
8 not prohibited from reasonable height and bulk  
9 requirements provided they do not preclude amateur  
10 radio communication.

11 In the current language of the Village  
12 Code in the proposed text amendment, amateur radio uses  
13 are permitted accessory structures in residential  
14 districts. In many communities, amateur radio  
15 facilities are considered as special or conditional  
16 use. The Village Code grants a reasonable  
17 accommodation for the height of the structure by  
18 allowing antenna structures to be a maximum of 20 feet  
19 higher than other principal structures in residential  
20 districts, except as limited by lot width and setbacks.

21 Another question at that hearing was  
22 posed: What as a right can an amateur radio antenna

1 support structure be put up?

2           If no residential lots are adjacent,  
3 the maximum height of an antenna structure is capped at  
4 20 feet above the maximum building height for that  
5 zoning district. If residential lots are adjacent, the  
6 height of the antenna support structure, including the  
7 antenna and the mast, would be limited by the side yard  
8 and rear setbacks from the adjacent residential lot.

9           Village staff is proposing a text  
10 amendment to the Zoning Ordinance to remove outdated  
11 information and to bring the Zoning Code into  
12 compliance with the recently enacted state and federal  
13 laws and to clarify the application of certain bulk  
14 regulations to the permitted accessory use of amateur  
15 radio antennas in residential districts.

16           The proposed Code language was drafted  
17 in response to a resident who wished to install a radio  
18 tower in his backyard. This type of building permit  
19 request has not come before the Village in more than 20  
20 years; and because the Village has not dealt with this  
21 type of case in a long time, the Village was compelled  
22 to discuss an extensive review of the Zoning Ordinance

1 with respect to how to handle this type of request.  
2 After reviewing the ordinance, the Village discovered  
3 that the ordinance had not been updated for quite some  
4 time. There have been changes to case law both at the  
5 federal and state levels, and these changes have not  
6 been reflected in the Village's current antenna codes.

7 Small wireless facilities are now  
8 managed by the Small Wireless Facilities Deployment  
9 Act, and this Act went into effect last year. It is a  
10 statute regarding small antenna systems and their  
11 deployment in municipalities, mostly in the  
12 rights-of-way, but the statute also has an impact on  
13 industrial and commercial areas.

14 The proposed text amendments will amend  
15 9-3-15 to modify language with respect to the Director  
16 of Municipal Services, which is no longer a position  
17 within the Village of Willowbrook. This is a minor  
18 clerical change.

19 The proposed text amendment will revise  
20 Section 9-12-2 of the Zoning Code to remove outdated  
21 language regarding setbacks for amateur radio antennas.  
22 This is an administrative correction and will refer

1 amateur radio users to the correct section of the Code  
2 regarding the setback requirements. This will ensure  
3 that the different sections of the Code involving  
4 amateur radio antennas interact correctly with each  
5 other.

6 Lastly, Section 9-12-4 will be amended  
7 to clarify that the limitations on heights of amateur  
8 radio antennas and support structures are governed by  
9 Sections 9-3-15 and not by the 15-foot limitation  
10 imposed on other types of accessory uses.

11 The proposed text amendments would not  
12 be changing the way the law in Willowbrook is applied.  
13 The bulk standards will remain the same. The Village  
14 of Willowbrook is merely proposing to clarify portions  
15 of the Code that were ambiguous and confusing. The  
16 proposed Code language for the text amendments are  
17 included in their entirety on Pages 2 to 5 of the staff  
18 report.

19 Staff supports the proposed text  
20 amendments. If this Planning Commission concurs, the  
21 following recommendation is offered for consideration:  
22 Based on the submitted petition and testimony

1 presented, I move that the Plan Commission recommend to  
2 the Village Board approval of the text amendments  
3 presented on Pages 1 through 5 of the staff report for  
4 P.C. Case No. 19-04 to amend Sections 9-3-15, 9-12-2,  
5 and 9-12-4(C) of the Zoning Title of the Village of  
6 Willowbrook. The proposed text amendments will remove  
7 outdated information and bring the Zoning Code into  
8 compliance with recently enacted state laws and clarify  
9 the application of certain bulk regulations to the  
10 permitted accessory use of amateur radio antennas in  
11 residential districts.

12 That concludes my presentation.

13 CHAIRMAN KOPP: So if someone wants an  
14 antenna, what is the maximum height as a right that it  
15 can be?

16 MS. CHOI: As a right depending on what  
17 zoning district --

18 CHAIRMAN KOPP: Per your -- this ordinance,  
19 the amended ordinance.

20 MS. CHOI: As a right, you can be 20 feet  
21 above the maximum height allowed unless you are more  
22 restricted by your rear yard and side yard setbacks



1 from your neighbor.

2 CHAIRMAN KOPP: Okay.

3 MS. CHOI: If that's makes sense.

4 CHAIRMAN KOPP: It's a maximum of 20 feet  
5 above -- it's a maximum of 20 feet?

6 MS. CHOI: Depending on how far you are from  
7 your neighbor.

8 CHAIRMAN KOPP: If you have ten acres, you  
9 could do 20 feet above?

10 MS. CHOI: Yes. If you would like to go  
11 above that, you would have to come into the village and  
12 request a variation.

13 CHAIRMAN KOPP: Any other questions?  
14 Commissioners have any other questions?

15 (No response.)

16 CHAIRMAN KOPP: You'll need to be sworn in,  
17 sir.

18 DR. BARAN: Ron Baran, B-a-r-a-n.

19 (Witness sworn.)

20 DR. BARAN: I do.

21 I supplied some additional information  
22 to the Commissioners. I don't have a great deal to say

1 more than that. I wonder if there is any questions  
2 that any of you have about the information I submitted?

3 COMMISSIONER KAUCKY: No.

4 CHAIRMAN KOPP: I don't think so.

5 COMMISSIONER KAUCKY: No.

6 DR. BARAN: Okay. Well, of course, I  
7 disagree with the interpretation here and I wonder why  
8 we ping-pong through three different ordinances when I  
9 would suggest wouldn't it be better if we just had a  
10 nice clean ordinance instead of being referred to this  
11 ordinance and then referred to this ordinance? Would  
12 that be a possible thing to do, to have a nice clean  
13 ordinance?

14 I found a spot for you, by the way.

15 CHAIRMAN KOPP: I will defer to Ann.

16 DR. BARAN: Would there be anything wrong  
17 with doing it that way instead of ping-pong around -- I  
18 know that Matt spent a lot of time going through all of  
19 this.

20 MR. HOLMES: There is nothing wrong with  
21 doing one ordinance. The attempt here was, because  
22 antennas were referred to in various sections of the

1 Zoning Code, to refer all things to one section of the  
2 Code.

3 Communities do these different ways. I  
4 probably have looked at 50 different zoning ordinances  
5 with respect to amateur radio antennas in the last six  
6 months. They are kind of all over the board. Some of  
7 them do it in one place, some of them do it in one  
8 sentence, some of them do it in a huge paragraph or a  
9 whole separate section. There is nothing wrong with  
10 it; it is just a matter of doing it one way or the  
11 other.

12 This was the minimum amendment required  
13 to clarify and clean up what was already in the Code.  
14 If the Village directed us to draft a brand new  
15 ordinance, new chapter, it would be acceptable to do;  
16 it's just not what we have done in this case.

17 DR. BARAN: Have you had any input from any  
18 amateur radio operators?

19 MR. HOLMES: Only you.

20 DR. BARAN: Apparently I didn't make much of  
21 an impression. That was a question.

22 MR. HOLMES: No, it wasn't.

1 DR. BARAN: I have nothing more. Thanks.

2 CHAIRMAN KOPP: Would anyone else in the  
3 audience like to speak to this matter?

4 (No response.)

5 CHAIRMAN KOPP: Any other questions?

6 (No response.)

7 CHAIRMAN KOPP: All right. I will now close  
8 the public hearing for Case 19-04.

9 I think it's reasonable to have height  
10 limitations of antennas, and I think it's also  
11 reasonable to have a limitation that the antenna is not  
12 going to -- if it were to fall, it's not going to  
13 extend beyond a person's property line. So, to me,  
14 this seems like a reasonable ordinance, and the  
15 Applicant can always try to get a variation.

16 Someone make a motion that based on the  
17 submitted petition and testimony presented I move that  
18 the Plan Commission recommend to the Village Board  
19 approval of the text amendments presented on Pages 1 to  
20 5 of the staff report for P.C. Case No. 19-04 and then  
21 Sections 9-3-15, 9-12-2, and 9-12-4(C) of the Zoning  
22 Title of the Village of Willowbrook. The proposed text

1 amendments will remove outdated information, bring the  
2 Zoning Code into compliance with the recent -- with the  
3 recent enacted state laws, and clarify the application  
4 of certain bulk regulations to the permitted accessory  
5 use of amateur radio antennas in residential districts.

6 COMMISSIONER KAUCKY: So moved.

7 COMMISSIONER SOUKOP: Second.

8 CHAIRMAN KOPP: I ask the Plan Commission  
9 secretary to call the vote.

10 SECRETARY SHEMROSKE: Commissioner Remkus.

11 COMMISSIONER REMKUS: Yes.

12 SECRETARY SHEMROSKE: Commissioner Soukop.

13 COMMISSIONER SOUKOP: Yes.

14 SECRETARY SHEMROSKE: Commissioner Kaucky.

15 COMMISSIONER KAUCKY: Yes.

16 SECRETARY SHEMROSKE: Commissioner Walec.

17 COMMISSIONER WALEC: Yes.

18 SECRETARY SHEMROSKE: Chairman Kopp.

19 CHAIRMAN KOPP: Yes.

20 (Which were all the  
21 proceedings had in the  
22 above-entitled cause.)

1 STATE OF ILLINOIS )  
2 ) SS.  
3 COUNTY OF C O O K )

4 Maureen K. Nagle, a Certified Shorthand  
5 Reporter, doing business in the City of Chicago, County  
6 of Cook, and the State of Illinois states that she  
7 reported in shorthand the proceedings had at the  
8 foregoing hearing;

9 And that the foregoing is a true and correct  
10 transcript of her shorthand notes so taken as aforesaid  
11 and contains all the proceedings had at the said  
12 hearing.

13  
14  
15  
16 MAUREEN K. NAGLE, CSR  
CSR No. 084-002863



## Village of Willowbrook

### Staff Report to the Plan Commission

<b>Public Hearing Date:</b>	August 7, 2019		
<b>Prepared By:</b>	Ann Choi, Planning Consultant		
<b>Case Title:</b>	<b>19-07: Holmes Elementary School Trash Enclosure</b> , 5800 South Holmes Avenue, Clarendon Hills, Illinois 60514		
<b>Petitioner:</b>	Maercker School District 60, 1 South Cass Avenue, Suite 202, Westmont, IL		
<b>Action Requested:</b>	Consideration of a petition for approval of an amendment to an existing special use permit, including certain variations from Title 9 of the Village Code to allow a trash enclosure and associated improvements in the R-1 Zoning District.		
<b>Location:</b>	Northwest corner of 58 <sup>th</sup> Place and Holmes Avenue, south of Christian Church of Clarendon Hills		
<b>Existing Zoning:</b>	R-1 Single Family Residence District		
<b>Existing Land Use:</b>	Elementary School		
<b>Property Size:</b>	4.13 acres		
<b>Surrounding Land Use:</b>	<b>Use</b>		<b>Zoning</b>
	North	Christian Church of Clarendon Hills	Village of Clarendon Hills
	South	58 <sup>th</sup> Plaza	58 <sup>th</sup> Plaza
	East	Holmes Avenue	Holmes Avenue
	West	Single Family Residential	Unincorporated

#### Documents Attached:

1. Findings of Fact, Special Use
2. Findings of Fact, Variations
3. Legal Description of Subject Property
4. Land Title Survey, prepared by Sean T. Krisch, dated 6/15/2018
5. Site Plan, prepared by CAGE Civil Engineering, dated 7/10/19
6. Grading Plan, prepared by ARCON, dated 7/10/19
7. Composite Architectural and Landscape Drawing, prepared by ARCON, dated 5/8/19
8. Village Engineer's Review Letter, prepared by CBBEL, dated 7/22/19
9. Special Use and Variations Response Letter, prepared by ARCON, dated 7/15/19

**Necessary Action by Plan Commission:** Open Public Hearing, accept testimony, and approve a recommendation to the Village Board

**Staff's recommendation and a sample motion can be found on page 14.**

## Site Description

The property is located at the northwest corner of Holmes Avenue and 58th Place in Willowbrook. Although the property has a Clarendon Hills address, it is incorporated in the Village of Willowbrook. The subject property is bordered by Christian Church of Clarendon Hills to the north (incorporated to Clarendon Hills), unincorporated single family residential to the west, 58th Place to the south, and Holmes Avenue to the east. Land uses across Holmes Avenue and 58th Place include a combination of incorporated and unincorporated single-family residential homes (as shown in Exhibit 2).

Christian Church of Clarendon Hills

Holmes Elementary School

58th Pl

Holmes Ave

The site is a total of 4.13 acres and contains an existing +/- 85,882 sq. ft. building commonly known as Holmes Elementary School, including a 32,000 sq.ft., two-story addition that is currently being constructed. The building is used solely for school instruction for children in grades pre-kindergarten through second grade. The property has a lot depth of +/- 603 feet, with +/- 264 feet of frontage along Holmes Avenue and +/- 603 feet of frontage along 58th Place. The main entrance to the building and a school drop-off area is located on the east side of the building off of Holmes Avenue.

Village of Clarendon Hills

CLARENDON HILLS SCHOOL

5600

HOMES AV

216 210 215 214 213 212 206 119 114 108 102 101 805 819 824



## INTRODUCTION

Maercker School District 60 has filed an application requesting approval of an amendment to an existing special use for variations from Title 9 of the Village Code to allow the installation of a 28-foot by 10-foot freestanding refuse disposal enclosure and associated improvements at Holmes Elementary School, located at 5800 South Holmes Avenue, Clarendon Hills ("subject property"), together with the following relief:

1. A variation from Section 9-12-11(A)5 to permit the open side of said enclosure to be oriented so that it faces towards an abutting property or street.
2. A variation from Section 9-12-11(B)2(e) to permit the open side of said enclosure to be oriented so that it faces towards an abutting property or street.

The application is subject to review by the Plan Commission regarding the special use amendment, including the zoning relief described above. A mailed notice has been sent to property owners within 250 feet in compliance with Section 9-15-3 of the Zoning Ordinance. The public hearing was properly noticed for the special use and variation request in the July 22, 2019 edition of *The Chicago Sun Times* newspaper.

## OVERVIEW

### Trash Pick up and Operations

Prior to the two-story addition, the trash bins were located near the southwest entrance of the existing school. The school has pick-ups twice a week for all trash/refuge. On a typical day, the bins sat behind a caged fence area adjacent to the southwest entrance of the building. Maintenance staff would be the only employees with access. On days of pick-up, these bins would be wheeled off to the south end of the property on 58<sup>th</sup> Place, as close to the sidewalk as possible, for access to the dumpster truck. The site plan below highlights the areas where the trash bins were located on a daily basis, and illustrates where they were wheeled out to on days of trash pick-up.

**Exhibit 3: Site Plan (Prior to Two-Story Addition)**



**Exhibit 4: Site Photos (Prior to Construction of the Two-Story Addition)**



Prior to the addition, the existing refuse bins were completely open to the street and visible to the neighborhood on the days when trash was picked up, as illustrated in the images above. Currently, the trash bins are now located along the southern portion of the school building, unenclosed, and completely visible to the residential properties on Holmes Avenue, during construction of the two-story addition, as depicted in the image below.

**Exhibit 5: Site Photos (During Construction of Two-Story Addition)**

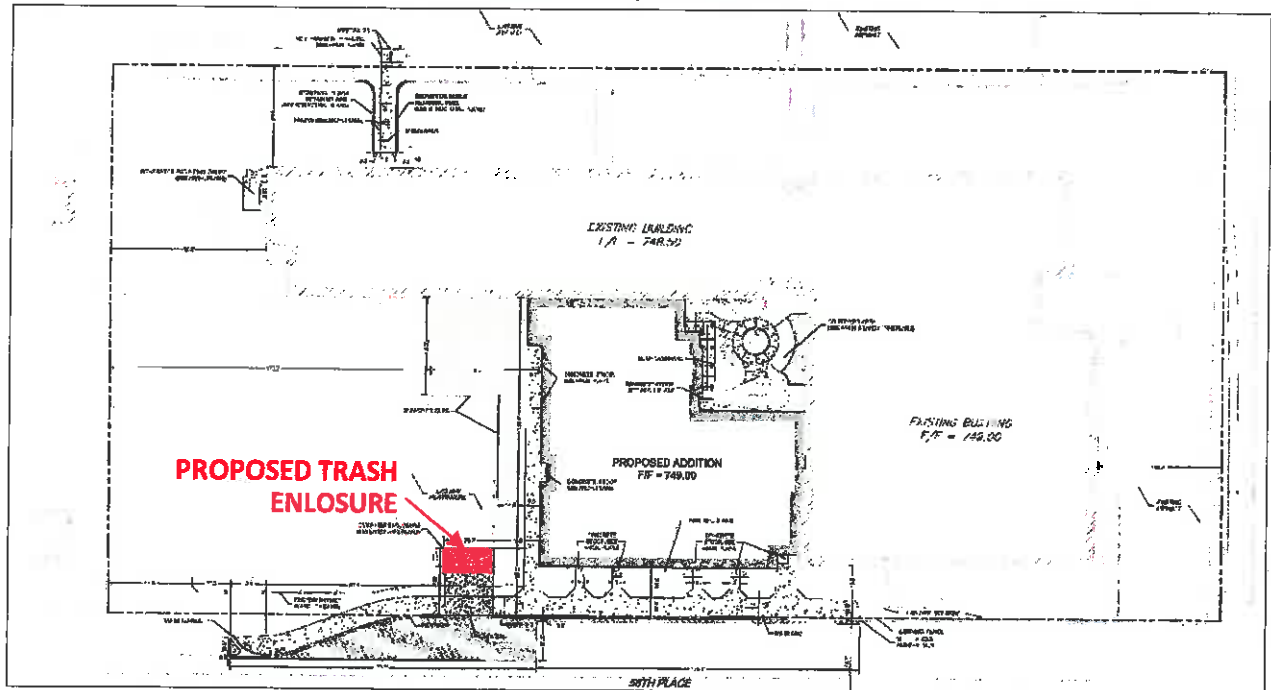




### Development Proposal

Maercker School District proposes to locate a fixed trash enclosure just south of the existing playground, adjacent to the bus drop off and easily accessible to trash trucks. The enclosure will only be used for the confinement of refuse and recycling containers and will be located on an impervious surface (concrete).

Exhibit 6: Proposed Site Plan



The district worked through numerous options with the primary focus on the safety of the students and minimizing the impact on the neighborhood. The previous enclosure appears to have been constructed of chain link fencing and was completely open to the street and neighborhood. The proposed enclosure provides more screening for the refuse, while still allowing for proper supervision of all the students on site in the play areas. The enclosure will be constructed of masonry on all three sides with three sets of doors facing 58<sup>th</sup> Place. Materials and colors, although not specified in the architectural drawing, appear to match the existing school and addition.

Exhibit 7: Rendering



### Property History & Special Use

Holmes Elementary School was originally approved and constructed in DuPage County in 1961 and the first building addition was completed in 1969. In association with a second building addition, the subject property was annexed to the Village of Willowbrook in 2002. A Special Use Permit was granted to allow a school on the subject property, per Section 9-5A-2 of the Village code, and approved variations related to the second building addition.

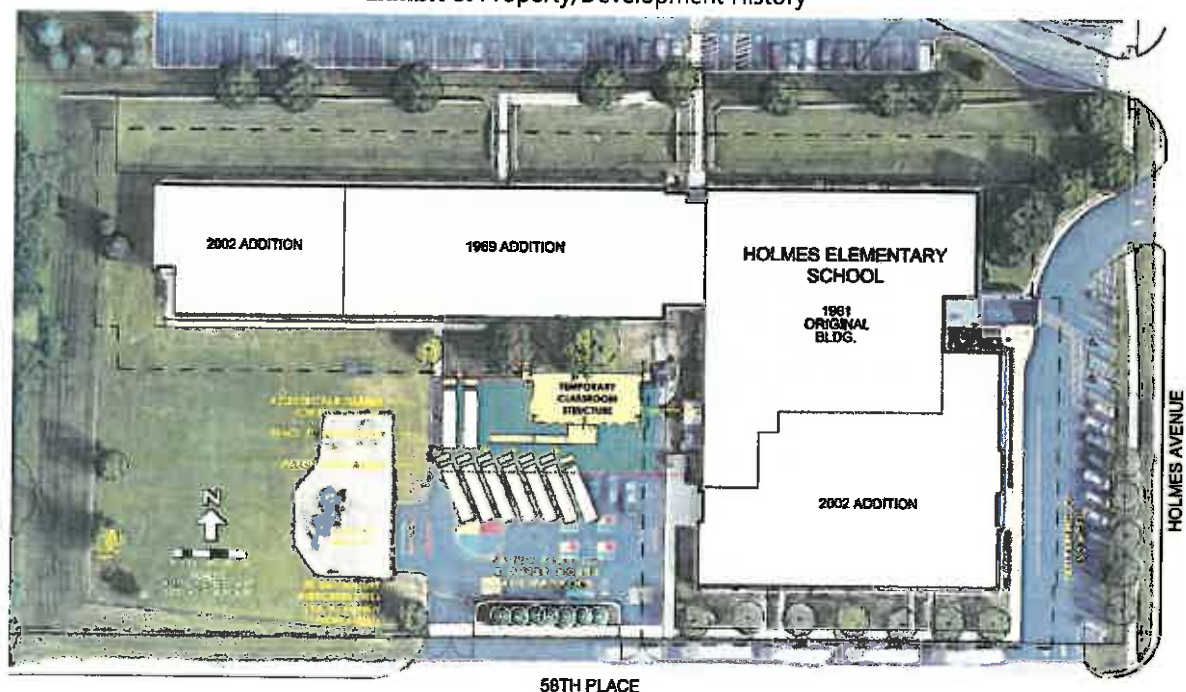
#### Timeline:

- 1961 - Approval through DuPage County and Initial Construction
- 1969 - First Building Addition
- 2002 - Annexation to the Village of Willowbrook (02-R-25, 02-O-05)
  - Special Use Approval (02-O-06)
  - Plat of Easement (02-R-26)
  - Second Building Addition
- 2016 - Special Use Amendment for Modular Classrooms (16-O-33)
- 2018 - Special Use Amendment for a two-story, 32,000 square foot addition to the existing school building and improvements to the bus drop area and reworking of the play area and landscaping (18-O-26)

### Modular Classrooms

In 2016 the Maercker School District applied for and was granted approval of new modular classrooms to be used for school children of three (3) to five (5) years of age to meet the requirements of the state mandated Individualized Education Plan (IEP) program. At that time the School District was investigating permanent options for the location of the early childhood program; including, but not limited to, construction of a new facility.

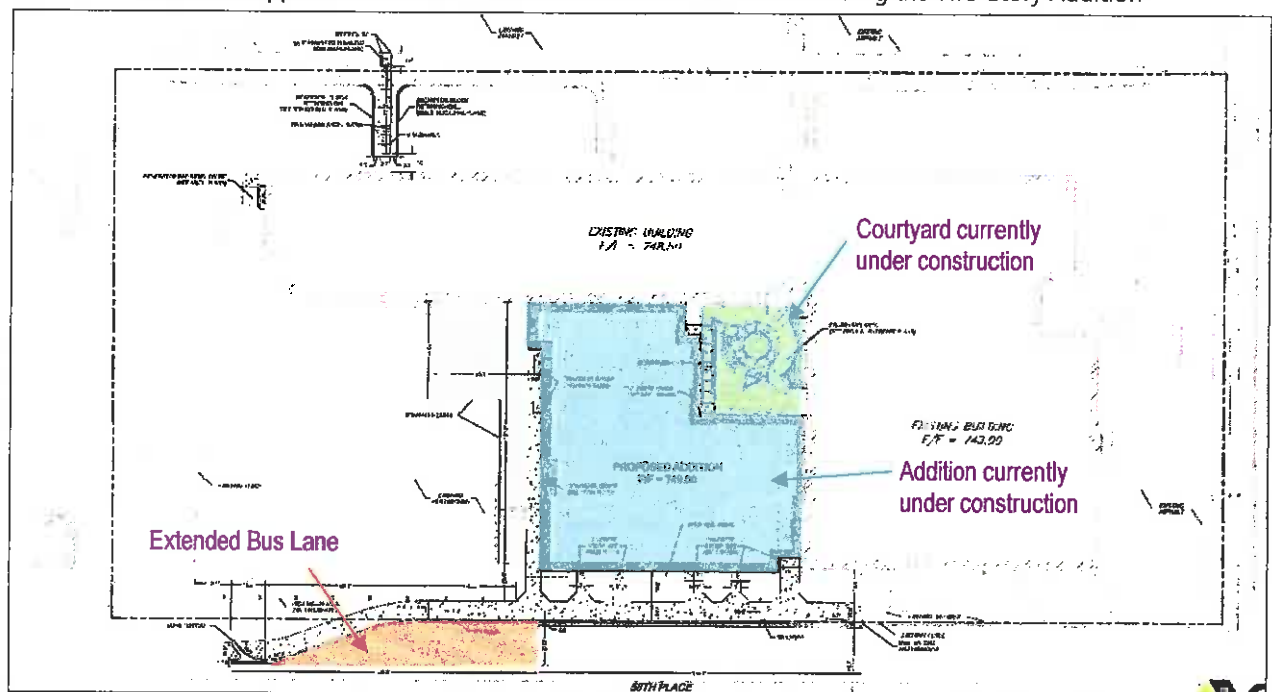
**Exhibit 8: Property/Development History**



### Addition and Improvements to Bus Drop Off, Play Area and Landscaping

In 2018 the Maercker School District applied for and was granted approval of a two-story, 32,000 square foot addition and associated improvements to the bus drop off, play area and landscaping. The two-story addition brought the pre-school program into the building and removed the need of the mobile classrooms, relocated the existing second grade classrooms to the second floor of the school addition, and renovated the existing classroom wing to house only the first grade. All of the classrooms have four walls with secure entries for safety. The bus drop-off was also extended to bring the buses closer to the rear entrance for drop off. All on-site overnight bus parking was moved to the Middle School and over-night bus parking is no longer permitted on the Holmes Elementary School site as part of the 2018 amendment.

**Exhibit 9:** Approved Site Plan under Ordinance No. 18-O-26 including the Two-Story Addition



### Previously Approved Variations

#### Ord. No. 02-O-06

AN ORDINANCE GRANTING A SPECIAL USE PERMIT AND GRANTING CERTAIN VARIATIONS FROM THE ZONING ORDINANCE - BOARD OF EDUCATION OF MAERCKER SCHOOL DISTRICT NO. 60 - 5800 HOLMES AVENUE

- (A) Section 9-5A-3(D)3, R-1 District Bulk Regulations, Required Minimum Exterior Side Yard Setback, to permit a reduction in the required minimum exterior side yard setback to twenty-seven feet (27').
- (B) Section 9-10-S(G), Off-Street Parking in Yards, Impervious Surface Setback within a Required Front and Exterior Side Yard, to permit a reduction in the required minimum impervious



surface setback for parking and drives to five feet (5') within the front yard and to zero feet (0') within the exterior side yard.

- (C) Section 9-10-5(L)2(e), Off-Street Parking, Access Drive Spacing, to permit a reduction in the required minimum centerline spacing to one hundred and two feet (102').
- (D) Section 9-10-5(L)2(f), Off-Street Parking, Access Drive Separation, to permit a reduction in the required minimum distance from perimeter edge to adjacent street right-of-way on a corner lot to twenty-two feet (22').
- (E) Section 9-12-4(D)2(i), Accessory Uses, Fence Regulations, to permit an increase in the permitted maximum height of an ornamental fence located anywhere on a lot of an institutional use to eight feet (8') and elimination of the decorative design standard to permit chain link construction.
- (F) Section 9-12-4(D)2(n), Accessory Uses, Wall Regulations, to permit a reduction in the required minimum wall setback within a required interior side yard to seven feet (7').

**Ord. No. 16-O-33**

AN ORDINANCE AMENDING SPECIAL USE PERMIT NO. 02-143 AS APPROVED IN ORDINANCE NO. 02-O-06 AND GRANTING CERTAIN VARIATIONS FROM THE ZONING ORDINANCE - PC 16-10: 5800 SOUTH HOLMES AVENUE - HOLMES ELEMENTARY SCHOOL TEMPORARY MODULAR CLASSROOMS

- (A) That Section 9-10-5(B) of the Village Code of the Village of Willowbrook establishing the location of required accessory off street parking be varied to allow off-site parking on an adjacent lot with an existing use.
- (B) That Section 9-10-5(K) of the Village Code of the Village of Willowbrook establishing the minimum number of accessory off-street parking spaces for an elementary school be varied by reducing same from one (1) space per employee to sixteen (16) spaces.
- (C) That Section 9-10-5(J) of the Village Code of the Village of Willowbrook establishing parking of certain vehicles prohibited be varied to allow nine (9) overnight bus parking stalls on the subject property.

**Ord. No. 18-O-26**

AN ORDINANCE AMENDING SPECIAL USE PERMIT NO. 02-143 AS APPROVED IN ORDINANCE NO. 02-O-06 AND AMENDED IN ORDINANCE 16-O-33 AND GRANTING CERTAIN VARIATIONS FROM THE ZONING ORDINANCE - PC 18-07: 5800 SOUTH HOLMES AVENUE - HOLMES ELEMENTARY SCHOOL ADDITION

- (A) That Section 9-5A1-3(E) of the Village Code of the Village of Willowbrook providing a maximum lot coverage of 30% be varied to allow for a lot coverage of 39.7%.
- (B) That section 9-5A1-3(G) of the Village Code of the Village of Willowbrook providing a maximum floor area ratio of 0.30 be varied to allow for a floor area ratio of 0.48%.





## STAFF ANALYSIS

In each district there may be established those uses which are accessory to the permitted and special uses listed in the district regulations. The Zoning Code considers refuse bins as permitted accessory structures in rear yards and set forth the location and screening requirements. The applicable requirements regulating refusal disposal areas are summarized in the table below:

**Table 1: Applicable Requirements for Accessory Structures (Trash Enclosure)**

Permitted Accessory Buildings, Structures and Uses				
Item	Code Section	Code Requirement	Proposed	Variation
Maximum Size of Refuse Bins	9-12-2	The greater of 125 sq.ft. or 1% of Lot Area	280 sq.ft.	None
Permitted Encroachment in Rear Yard	9-12-2	Within 10' of lot line and 20' from principal structure on adjacent property	27' from southern lot line and 23' from principal structure	None
Bulk Regulations				
Maximum Height	9-12-4(C)	Not to exceed 15'	6'	None
Location And Screening Of Refuse Disposal Areas				
Screening	9-12-11(A)1	Screened on 3 sides by a solid masonry wall or equiv. material to a height of not less than 6' and no greater than 7' in height	Yes	None
Impervious Surface	9-12-11(A)3	Shall be located on an impervious surface	Concrete pavement	None
Location	9-12-11(A)4	A refuse disposal area shall not be located in front of a building	Within rear yard	None
Orientation	9-12-11(A)5	Open side of enclosure shall not face towards an abutting property or street	Enclosure faces 58 <sup>th</sup> Pl and residential homes	Yes (authorized)
Foundation Plantings	9-12-11(A)6	Along all exposed sides of the structure	Plantings on west and east sides	None
Location and Screening of Recycling Containers				
Impervious Surface	9-12-11(B)2(a)	Shall be located on an impervious surface	Concrete pavement	None
Screening	9-12-11(B)2(b)	Same as 9-12-11(A)1	Yes	None
Outside storage	9-12-11(B)2(c)	No outside storage of other materials	None	None
Location	9-12-11(B)2(d)	Shall not be located in front of a building	Located in rear yard	None
Orientation	9-12-11(B)2(e)	Same as 9-12-11(A)5	Enclosure faces 58 <sup>th</sup> Pl and residential homes	Yes (authorized)



## Bulk Requirements

The property is zoned R-1 (with a Special Use). The subject property is further governed by Ordinance No. 18-O-26, which provides in some instances, significant zoning relief from the R-1 bulk regulations. A detailed discussion of important bulk exceptions and variations as it relates to the installation of a trash enclosure is provided below.

1. Minimum Lot Area. The minimum lot area for a public or private Elementary School is five (5) acres plus one acre per one hundred (100) students designed enrollment capacity. The site was annexed into the Village with only 4.13 acres.
2. Minimum Lot Width. For all other uses: One hundred fifty feet (150'). The subject property meets this requirement at two-hundred and sixty-four feet (264').
3. Minimum Lot Depth. For all uses: One hundred fifty feet (150'). The subject property meets this requirement at six-hundred and three feet (603').
4. Building Setbacks. The required and proposed minimum setbacks are shown in Table 2 below. The proposed trash enclosure is in conformance with the Village's required R-1 District front, interior side, and rear yard setback requirements.

**Table 2: Building Setbacks**

Yard	Description	Required	Provided	Variance
Front	From Holmes Avenue	Min. 60'	More than 60'	None
Interior Side	From Christian Church of CH	Min. 15'	More than 15'	None
Exterior Side	From 58th Place	Min. 27' (Ord. 02-O-06)	27'	None
Rear	From unincorporated residential	Min. 50'	182.4'	None

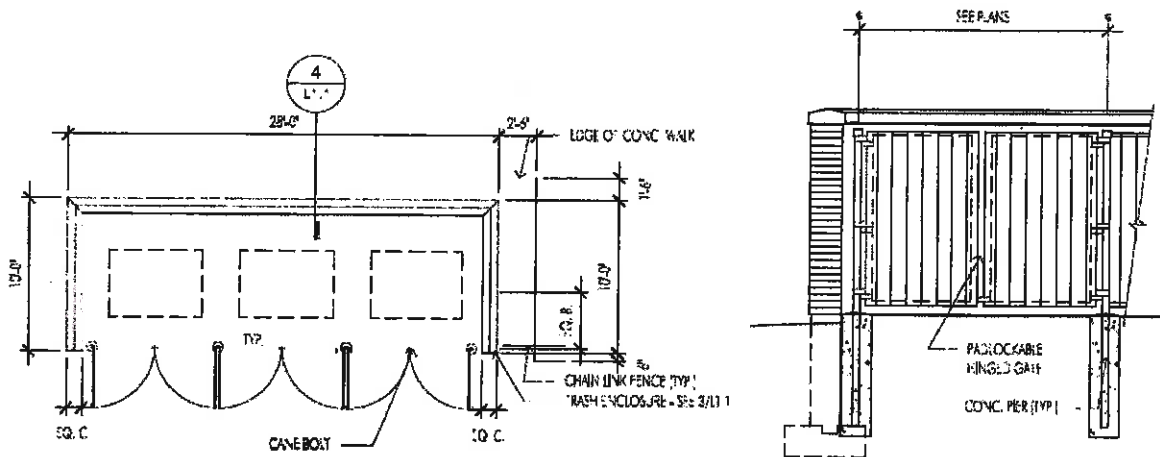
5. Maximum Lot Coverage. Maximum lot coverage in the R-1 zoning district is 30%. The 71,255 square foot are of the total building footprint after the addition equates to 39.7% coverage, or 9.7% over the maximum. A variation to allow for a lot coverage of 39.7% was approved under Ordinance No. 18-O-26. The 280 square-foot trash enclosure does not count towards this lot coverage.
6. Maximum Floor Area Ratio. Maximum FAR is 0.3 or 30% of the total site area. The subject property is 4.13 acres, or 179,902.8 SF. A variation to allow for a FAR of 0.48% was approved under Ordinance No. 18-O-26. The 280 square-foot trash enclosure does not count towards FAR.



## Elevation and Aesthetics

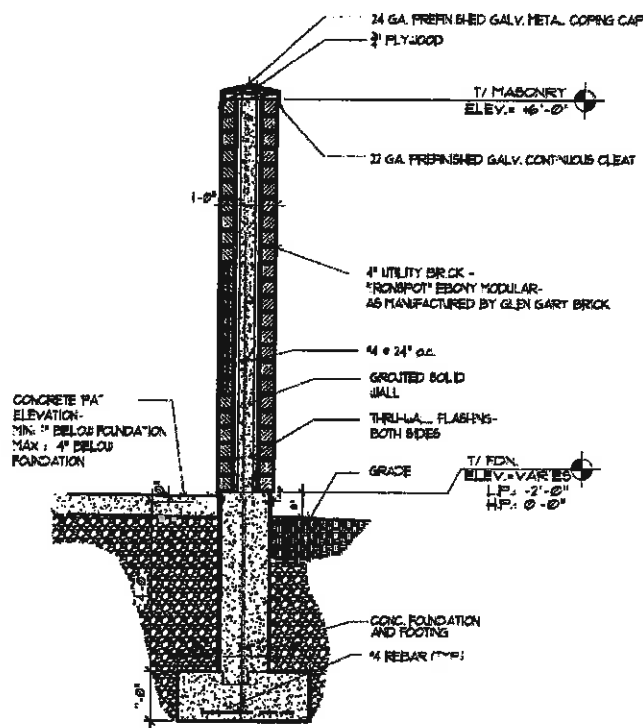
The trash enclosure can accommodate up to three refuse bins and will be constructed of solid masonry walls on three sides. Although the architectural elevation does not specify any colors, the enclosure in the proposed rendering, as depicted in **Exhibit 8**, appears to match the colors and materials of the existing school and new addition. Staff recommends that the architectural drawing be revised to include a full, colored elevation of the enclosure and that specifies the colors and materials of the enclosure.

**Exhibit 10:** Proposed Enclosure Plan, Partial Elevation and Section



**Trash Enclosure Plan**

**Partial Elevation**

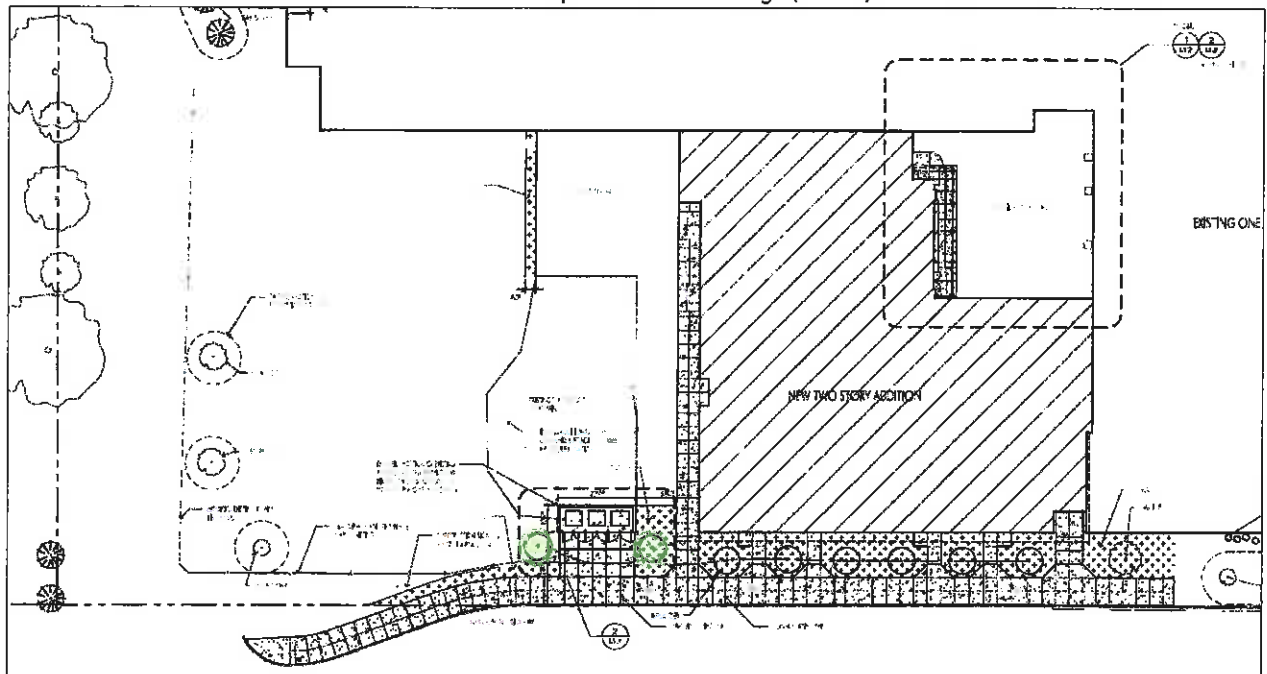


**Section**

### Landscaping

The construction and installation of the Holmes School trash enclosure will result in the addition of two (2) new trees. Staff recommends as a condition of approval that these two trees be replaced by a row of slender evergreen trees on both sides of the trash enclosure. This will ensure improved year-round screening and decreased visibility of the enclosure from the residential properties on 58<sup>th</sup> Place.

**Exhibit 11: Proposed Tree Plantings (2 total)**



### Visibility, Access and Safety

A major priority that was considered was the safety and security of the children within the school. The enclosure is located as far away as possible from the entrances of the school, and the access doors are faced away from the playground to minimize access into the refuse enclosure. Lines of sight are maintained for all play areas from hardscape, play equipment, and open fields to allow for proper supervision and threat detection for teachers and staff.

### Appropriateness of Use

The current use on the subject property is Holmes Elementary School, the proposed use is not changing. The special use amendment requested is only to install a trash enclosure south of the existing playground.

### Recommended Conditions for Approval

Staff recommends the following conditions for approval of the Special Use Amendment and request for variations:

1. The proposed trash enclosure shall comply with the existing 27' exterior side yard setback.



2. The partial architectural elevation shall be revised to include the full, colored elevation of the enclosure. The revised elevation shall specify the materials and colors of the trash enclosure. The trash enclosure shall match the materials and colors of the existing school and addition.
3. The composite landscape plan shall be revised to replace the two deciduous trees on both sides of the trash enclosure with a row of slender evergreen trees on both sides of the trash enclosure for improved year-round screening and decreased visibility of the enclosure from the residential properties on 58<sup>th</sup> Place. The landscape plan shall include the species name and quantity of the proposed trees.
4. Final engineering plans shall be reviewed and approved by the Village Engineer prior to issuance of a Site Development Permit by the Village of Willowbrook.
5. The enclosure shall be used strictly for the confinement of refuse and recycling and shall not be used for the outside storage of any other materials or equipment.
6. The doors of the trash enclosure shall remain closed and locked at all times except when the refuse bins are unloaded and loaded.
7. The amendment to the special use shall apply only to the trash enclosure, proposed landscaping surrounding the trash enclosure, and the associated paving only. No other improvements shown on the plans shall be approved as part of this review.

#### **Standards for Special Use Permit**

Section 9-14-5(B) of the Willowbrook Zoning Ordinance establishes seven (7) standards for a Special Use Permit that must be evaluated by the Plan Commission and Village Board. Recommendations may include conditions of approval if appropriate to mitigate any negative impacts created by the special use permit. The applicant's responses are provided in Attachment (1).

#### **Standards for Variations**

Section 9-14-4(E) of the Willowbrook Zoning Ordinance establishes seven (7) standards for variations that must be evaluated by the Plan Commission and Village Board. Recommendations may include conditions of approval if appropriate to mitigate any negative impacts created by the variations. The applicant's responses are provided in Attachment (2).



### **Staff Recommendation**

Staff supports the requested special use amendment and variations and recommends the Plan Commission approve the following sample motion:

**Based on the submitted petition and testimony presented, I move that the Plan Commission forward its findings of fact to the Mayor and Village Board for special uses and variations as shown in Attachments 1 and 2 of the staff report prepared for the September 5, 2018 Plan Commission for PC 18-06, and recommend approval of an amendment to the existing special use to allow a variation from section 9-5A1-3(E) to allow for a lot coverage of 39.7% and from section 9-5A1-3(G) to allow for a maximum floor area ratio of 0.48%, subject to the following conditions:**

- 1. The proposed trash enclosure shall comply with the existing 27' exterior side yard setback.**
- 2. The partial architectural elevation shall be revised to include the full, colored elevation of the enclosure. The revised elevation shall specify the materials and colors of the trash enclosure. The trash enclosure shall match the materials and colors of the existing school and addition.**
- 3. The composite landscape plan shall be revised to replace the two deciduous trees on both sides of the trash enclosure with a row of slender evergreen trees on both sides of the trash enclosure for improved year-round screening and decreased visibility of the enclosure from the residential properties on 58<sup>th</sup> Place. The landscape plan shall include the species name and quantity of the proposed trees.**
- 4. Final engineering plans shall be reviewed and approved by the Village Engineer prior to issuance of a Site Development Permit by the Village of Willowbrook.**
- 5. The enclosure shall be used strictly for the confinement of refuse and recycling and shall not be used for the outside storage of any other materials or equipment.**
- 6. The doors of the trash enclosure shall remain closed and locked at all times except when the refuse bins are unloaded and loaded.**
- 7. The amendment to the special use shall apply only to the trash enclosure, proposed landscaping surrounding the trash enclosure, and the associated paving only. No other improvements shown on the plans shall be approved as part of this review.**



Attachment 1

Special Use Standards and Findings for PC 19-07 Holmes School Trash Enclosure

**9-14-4(B): Standards for Special Use**

The Plan Commission shall not recommend and the Board of Trustees shall not grant a Special Use Permit from the regulation of this title unless affirmative findings of fact shall be made as to all of the standards hereinafter set forth, which findings of fact shall be based upon evidence adduced upon the hearing held thereon, that:

**(A) 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.**

**Finding:** The establishment is an existing school facility in which the operation will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare. The enclosure helps screen the sight of these garbage bins from the neighboring residence and creates a landscaped buffer between those elements and the street.

**(B) 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 and impair property values within the neighborhood.**

**Finding:** The project shall create a better visual barrier between the neighboring properties and the school's existing dumpsters. Current conditions leave the dumpsters out in the open so this would create a better environment for the neighboring properties. The enclosure abides by zoning regulations in having three walls constructed of masonry, and is 6'-0" tall. The masonry matches the existing building to give the same aesthetic of the building. Landscape plantings shall also be provided on either side of the enclosure to abide by zoning regulations as well.

**(C) 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.**

**Finding:** The establishment of the special use shall not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district. Pick-up times shall be exactly as they were before so there will be no change in operation as has been established with this existing site.

**(D) That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided.**

**Finding:** All engineering has been designed to create code compliant utilities, access roads, drainage and all ancillary public works requirements as exhibited in the attached plans.



- (E) 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.**

**Finding:** The project is designed to simplify staff operations and pick-up operations for all trash removal.

- (F) 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.**

**Finding:** The special use shall in all other respects conform to the applicable regulations of the district in which it is located. As mentioned in the opening paragraph the new refuse enclosure complies by all the stipulations within the zoning ordinance, and is located at the approved variation setback requirements that were established in the previous year's request.

- (G) Conditions in the area have substantially changed, and at least one year has elapsed since any denial by the Village Board of any prior application for a special use permit that would have authorized substantially the same use of all or part of the site. (Ord. 97-O-05, 1-27-1997).**

**Finding:** More than one year has elapsed since any denial by the Village Board of any prior application for a special use permit has been made as part of this site.





## Attachment 2

### Variation Standards and Findings for PC 19-07 Holmes School Trash Enclosure

#### **9-14-4(E): Standards for Variations**

The Plan Commission shall not recommend and the Board of Trustees shall not grant variations from the regulation of this title unless affirmative findings of fact shall be made as to all of the standards hereinafter set forth, which findings of fact shall be based upon evidence adduced upon the hearing held thereon, that:

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

**Finding:** The property in question wouldn't be able to yield a safe and reasonable return for the community in which it serves if the trash bins were left out in the open on the playground. A major priority is the safety and security of the children within the school. Keeping the refuse enclosure far enough away, and with the access doors facing away from the playground, this minimizes any students from trying to access the refuse enclosure. It also keeps lines of sight for all play areas from hardscape, play equipment, and open fields to allow for proper supervision and threat detection for teachers and staff.

- (B) The proposed variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship which will result if the strict letter of the regulations were carried out and which is not generally applicable to property within the same district.**

**Finding:** The proposed variation will not merely serve as a convenience to the applicant but will alleviate a safety concern as listed above. It will also better serve the community by shielding the open trash bins from the street and neighboring homes.

- (C) The alleged hardship has not been created by any person presently having a proprietary interest in the premises.**

**Finding:** The alleged hardship has not been created by any person presently having a proprietary interest in the premises. It is a hardship established by the site limitations of the school location which has heavy grade changes, an unusable side yard, and is located on a corner lot.

- (D) The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood.**

**Finding:** The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood. In fact it will remedy an existing condition that is less desirable, and the aesthetics shall match the rest of the facility.



- (E) The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, or endanger the public safety.**

**Finding:** The proposed variation will not impair an adequate supply of light and air to the adjacent property. It shall only be 6'-0" and will maintain the existing conditions for quantity of refuse storage that has been used by the school district for many years.

- (F) The proposed variation will not alter the essential character of the locality. (Ord. 77-O-4, 2-14-1977)**

**Finding:** The proposed variation will not alter the essential character of the locality. The refuse enclosure is designed to match the vocabulary of the site in material.

- (G) The proposed variation is in harmony with the spirit and intent of this title. (Ord. 97-O-05, 1-27-1997)**

**Finding:** The proposed variation is in harmony with the spirit and intent of Title 9 of this Code. All of the above comments depict the harmony and intent of Title 9 of this Code.





### Attachment 3

#### Legal Description of Subject Property

LOTS 2 THROUGH 25, BOTH INCLUSIVE, TOGETHER WITH THE SOUTH HALF OF VACATED 58TH STREET WHICH LIES NORTH AND ADJOINING SAID LOTS, TOGETHER WITH THE NORTH HALF OF THE VACATED ALLEY LYING SOUTH AND ADJOINING SAID LOTS 2 THROUGH 25, BOTH INCLUSIVE, AND LOTS 78 THROUGH 101, BOTH INCLUSIVE, TOGETHER WITH THE SOUTH HALF OF THE VACATED ALLEY LYING NORTH AND ADJOINING SAID LOTS 78 THROUGH 101, BOTH INCLUSIVE, ALL IN THE WOMAN'S SUBDIVISION OF LOT 7 IN HALL'S SUBDIVISION OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 12, 1892 AS DOCUMENT 48190, IN DUPAGE COUNTY, ILLINOIS.



#### Attachment 4

Land Title Survey, prepared by Sean T. Krisch, dated 6/15/2018





Attachment 5

Site Plan, prepared by CAGE Civil Engineering, dated 7/10/19



## ADDITIONS AND REMODELING

HOLMES SCHOOL  
 5000 Holmes Ave.  
 Cleveland 18, OH 44114

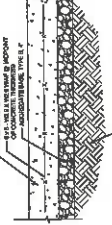
for the  
BOARD OF EDUCATION  
Meeting 10 10  
1 S. Cass, Suite 202  
St. Louis, MO 63103

## ZONING DOCUMENTS

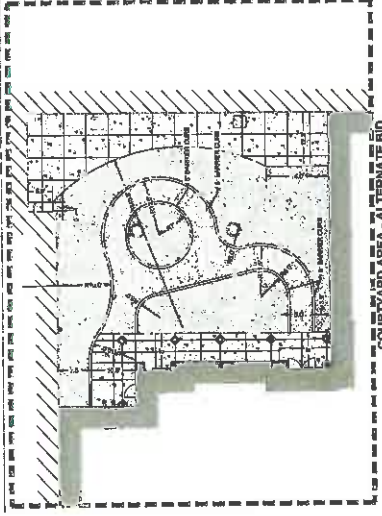
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**Project Number:** 150294  
**Date:** JULY 10, 2019  
**Drawn by:** AMS  
**Sheet Title:** SITE LAYOUT PLAN

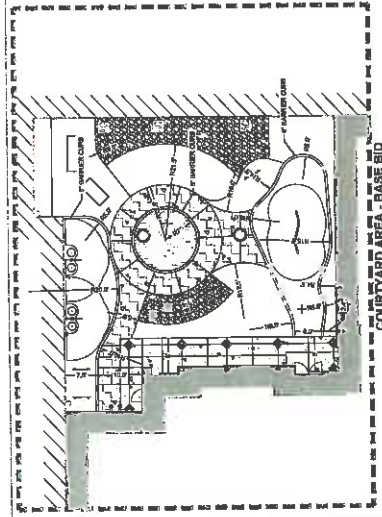
## C1.2



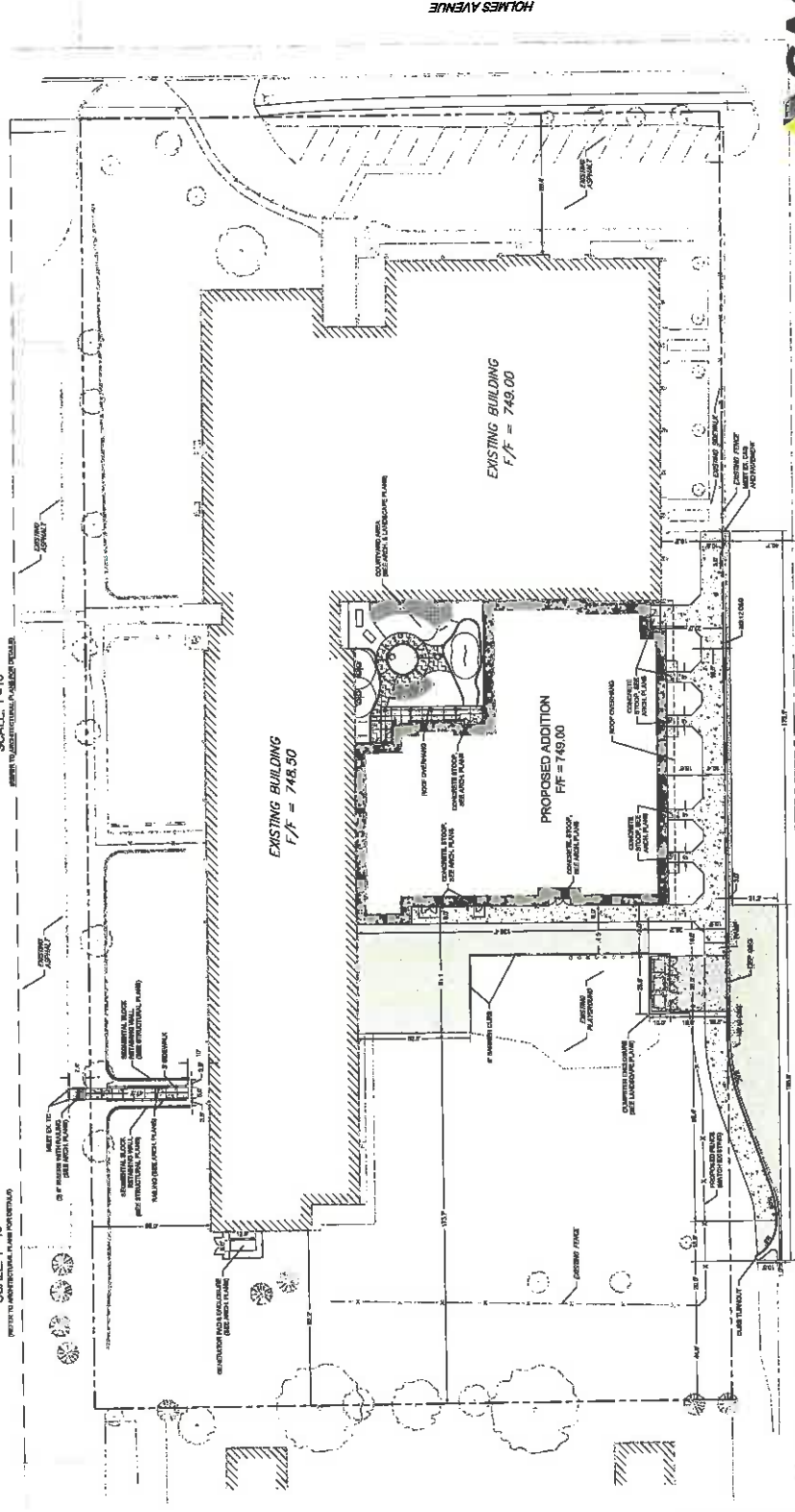
**HEAVY DUTY CONCRETE DETAIL**  
 Scales: N.Y.G.



**COURTYARD AREA - ALTERNATE BID**  
SCALE: 1"=10'



**COURTYARD AREA - BASE BID**  
SCALE: 1"=10'



58TH PLACE

C1.2



Attachment 6

Grading Plan, prepared by CAGE Civil Engineering, dated 7/10/19





## Attachment 7

Composite Landscape and Architectural Drawing, prepared by ARCON, dated 5/8/19







Attachment 8

Engineering Review Letter, prepared by Christopher B. Burke Engineering, Ltd., dated 7/22/19



**CHRISTOPHER B. BURKE ENGINEERING, LTD.**

9575 West Higgins Road Suite 600 Rosemont, Illinois 60018 TEL (847) 823-0500 FAX (847) 823-0520

July 22, 2019

Village of Willowbrook  
835 Midway Drive  
Willowbrook, IL 60527

Attention: Ann Choi

Subject: Holmes Elementary School  
Dumpster Enclosure  
(CBBEL Project No. 90-144.H184)

Dear Ann:

As requested on July 19, 2019, we have reviewed the final engineering plans for the above property prepared by Cage Civil Engineering and dated July 10, 2019. We have no objection to a permit being issued for the project, and note the following:

1. Our review of this plan set was for the dumpster enclosure and associated paving only. No other improvements shown on the plans have been considered as part of this review. The proposed addition was previously reviewed, and we have not verified that the plans remain the same.
2. The proposed work is all on the school property, outside of the public right of way.
3. We have not reviewed the plans with respect to the zoning code and understand that is being completed by you and/or Village staff.
4. We understand the proposed dumpster enclosure will likely be moved 6" – 12" north for zoning compliance. We have no objection and it will not change our review.

If you have any questions, please feel free to contact me.

Sincerely,

Daniel L. Lynch, PE, CFM  
Head, Municipal Engineering Department

cc: Roy Giuntoli



Attachment 9

Special Use and Variation Request Letter, prepared by ARCON, dated 7/15/19



July 15, 2019

Village of Willowbrook  
835 Midway Drive  
Willowbrook IL 60527

RE:     **ADDITION AT HOLMES ELEMENTARY SCHOOL  
MAERCKER SCHOOL DISTRICT 60  
5800 HOLMES AVENUE  
CLARENDON HILLS, IL 60514  
PROJECT NO. 18024**

#### **REQUEST FOR SPECIAL USE**

Below is the request for special use and variation amendments for the project at Holmes Elementary School. The scope is to build a new refuse enclosure on site to screen and protect the existing dumpsters that are used by the district. The proposed design abides by all zoning codes regarding setbacks, construction, and size for the associated work. Per zoning ordinance, the refuse disposal areas should have (3) sides constructed of solid masonry walls, which this design matches. The enclosure is only to be used for the confinement of refuse and recycling containers, which it shall. The refuse shall be located on an impervious surface: Concrete. The open of said enclosure shall be oriented so that, to the greatest extent possible, it does not face toward the abutting property or street. The district worked through countless options with the primary focus on the safety of the students and minimizing the impact on the neighborhood. Their existing refuse enclosure was completely open to the street and neighborhood and we believe this design helps better screen the refuse than it did previously, while still allowing for proper supervision of all the students on site in the play areas. No other location works on the tight property line, and therefore we believe this solution is the 'greatest extent possible'. Lastly, the foundation landscape shall be placed on either side of the enclosure.

The proposed design meets the Standards for Special Use by addressing the following:

- A. The establishment is an existing school facility in which the operation will not be detrimental to or endanger the public health, safety, morals comfort or general welfare. The enclosure helps screen the sight of these garbage bins from the neighboring residence and creates a landscaped buffer between those elements and the street.
- B. The project shall create a better visual barrier between the neighboring properties and the school's existing dumpsters. Current conditions leave the dumpsters out in the open so this would create a better environment for the neighboring properties. The enclosure abides by zoning regulations in having three walls constructed of masonry, and is 6'-0" tall. The masonry matches the existing building to give the same aesthetic of the building. Landscape plantings shall also be provided on either side of the enclosure to abide by zoning regulations as well.
- C. The establishment of the special use shall not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district. Pick-up times shall be exactly as they were before so there will be no change in operation as has been established with this existing site.
- D. All engineering has been designed to create code compliant utilities, access roads, drainage and all ancillary public works requirements. See attached plans.

RE: ADDITION AT HOLME ELEMENTARY SCHOOL  
MAERCKER SCHOOL DISTRICT 60  
5800 HOLMES AVENUE  
CLARENDON HILLS, IL 60514  
PROJECT NO. 18024

## PAGE TWO

E. The project is designed to simplify staff operations and pick-up operations for all trash removal.

F. The special use shall in all other respects conform to the applicable regulations of the district in which it is located. As mentioned in the opening paragraph the new refuse enclosure complies by all the stipulations within the zoning ordinance, and is located at the approved variation setback requirements that were established in the previous year's request.

G. More than one year has elapsed since any denial by the Village Board of any prior application for a special use permit has been made as part of this site.

## REQUEST FOR VARIATION

The proposed design meets the Standards for Variations by addressing the following:

The proposed special use relates to a school that has been in operation for decades, and in an effort to retain such an important asset to the community is being updated to better suit the community needs and daily operations of the building. Safety of both the students and community are a priority and creating this trash enclosure will help maintain safer precautions, better operations, and a more pleasant aesthetic than what currently existed. This will remove the hardship created due to a constrained site with limited access and steep grade changes. Working with the school district, we believe the proposed design is in harmony with the spirit and intent of Title 9 of this code.

A. The property in question wouldn't be able to yield a safe and reasonable return for the community in which it serves if the trash bins were left out in the open on the playground. A major priority is the safety and security of the children within the school. Keeping the refuse enclosure far enough away, and with the access doors facing away from the playground, this minimizes any students from trying to access the refuse enclosure. It also keeps lines of sight for all play areas from hardscape, play equipment, and open fields to allow for proper supervision and threat detection for teachers and staff.

B. The proposed variation will not merely serve as a convenience to the applicant but will alleviate a safety concern as listed above. It will also better serve the community by shielding the open trash bins from the street and neighboring homes.

C. The alleged hardship has not been created by any person presently having a proprietary interest in the premises. It is a hardship established by the site limitations of the school location which has heavy grade changes, an unusable side yard, and is located on a corner lot.

D. The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood. In fact it will remedy an existing condition that is less desirable, and the aesthetics shall match the rest of the facility.

RE: ADDITION AT HOLME ELEMENTARY SCHOOL  
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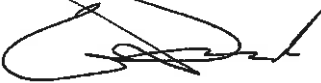
PAGE THREE

E. The proposed variation will not impair an adequate supply of light and air to the adjacent property. It shall only be 6'-0" and will maintain the existing conditions for quantity of refuse storage that has been used by the school district for many years.

F. The proposed variation will not alter the essential character of the locality. The refuse enclosure is designed to match the vocabulary of the site in material.

G. The proposed variation is in harmony with the spirit and intent of Title 9 of this Code. All of the above comments depict the harmony and intent of Title 9 of this Code.

Sincerely,  
ARCON Associates, Inc.



George Demarakis  
Associate Principal

GDD/gs

J:\1 D60M\18024 Additions & Remodeling @ Holmes School\1 Docs\Corr\18024C006.wpd