

MINUTES OF THE REGULAR MEETING OF THE PLAN COMMISSION HELD ON WEDNESDAY, NOVEMBER 4, 2020 AT THE WILLOWBROOK POLICE DEPARTMENT, TRAINING ROOM, 7760 QUINCY STREET, WILLOWBROOK, ILLINOIS

DUE TO THE COVID19 PANDEMIC THE VILLAGE WILL BE UTILIZING A ZOOM CONFERENCE CALL FOR THIS MEETING

1. CALL TO ORDER

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

2. ROLL CALL

Those physically present at roll call were Chairman Kopp and Commissioner Soukup
Present Via Zoom at VOW Police Station, due to COVID -19 Pandemic were Commissioners Remkus, Kaczmarek, Kaucky, Walec, Vice Chairman Wagner and Building Official Roy Giuntoli
Also, present Via Zoom were Planning Consultant Anne Choi and Lisa Shemroske from the Village Hall

3. OMNIBUS VOTE AGENDA

The items on the Omnibus Vote Agenda were as follows:

- A. Waive Reading of Minutes (APPROVE)
- B. Minutes – Regular Meeting, October 7,2020

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

MOTION DECLARED CARRIED

4. PLAN COMMISSION CONSIDERATION: Zoning Hearing Case 20-09:Consideration of a petition requesting approval of an Amendment to a Special Use for a Planned Unit Development and Amendment to a Planned Unit Development to allow for major changes under Section 9-13-4 (C) 6 (a) including certain relieve, exceptions and waivers from Title 9 of the Village Code (Carrington Club).

- A. PUBLIC HEARING
Closed public hearing at 7:23 pm
- B. DISCUSSION/RECOMMENDATION

See Court Reporter Minutes for Discussion and Recommendation

MOTION: The following motion made by Commissioner Remkus and second by Commissioner Soukup and all in favor

Based on the submitted petition and testimony presented, I move that the Plan Commission forward its findings of Fact for a Special Use and Findings of Fact for a Planned Unit Development reference in the Staff Report for PC 20-09 prepared for the November 4,2020 meeting and recommend approval of an Amendment to a Special Use for a Planned Unit Development and Amendment to the Planned Unit Development to allow for major changes under Section 9-13-4(C) 6(a)7 to allow for the construction of additional fixtures over the lot lines as presented on page 5 and 6 of the Staff Report for PC Case Number 20-09 with the exception that the words “or his Designee “are substituted with the words “the Village Engineer.”

Roll Call Vote: AYES: Commissioners Remkus, Soukup, Kaczmarek, Kaucky, Walec, Vice Chairman Wanger, and Chairman Kopp NAYS: None

MOTION DECLARED CARRIED

5. PLAN COMMISSION CONSIDERATION: Zoning Hearing Case 20-10: Consideration of a petition for a text amendment to amend Sections 9-6-1(B) and 9-12-10 of Title 9- Zoning Title of the Village of Willowbrook Municipal Code regarding the outdoor display of Merchandise.

A. PUBLIC HEARING
Closed public hearing at 8:21pm

B. DISCUSSION/RECOMMENDATION

See Court Reporter Minutes for Discussion and Recommendation.

MOTION: After much consideration Chairman Kopp motioned to table Zoning Hearing Case 20-10 until the December 2,2020 meeting and second by Commissioner Remkus. All in Favor

6. PLAN COMMISSION CONSIDERATION: Conceptual review and feedback on a planned unit development approval of an approximately 5,950 square foot food care wash, a 6,800 square foot financial institution, and a 2,200 square foot restaurant with drive-through, and consideration of other such relieve, exceptions, and variations from Title 9 and Title 10 of the Village Code. Location: 735 Plainfield Road in Willowbrook IL 60527

A. DISCUSSION/RECOMMENDATION.

- Planner Choi addresses the Commission that the applicant is asking for the Plan Commission to provide preliminary feedback during this informal conceptual plan review for the proposed Planned Unit Development (PUD). The subject property is located on the south side of Plainfield Road, between Illinois Route 83 to the west and Adams Street to the east. The site contains about 2.79 acres and is currently improved with one building, currently vacant but formerly occupied by the Willowbrook Bowling Alley. The existing bowling alley building on the subject property has non-conforming setbacks as it is situated at the far southeast end of the lot, not far from the south and east property lines. GW Properties, LLC, the applicant, intends to redevelop the property into a three-tenant mixed use development that will include a bank on the northwest portion of the property on Lot 1, a restaurant with drive-through on the northeast portion of the property on Lot 2, and a car wash on the southern portion of the property on Lot 3. Cross access and cross parking will be established throughout the overall property.
- In terms of traffic circulation, the subject property is currently served by an existing eastbound right-in, right-out only access along Plainfield Road. The subject property has an existing cross access agreement in place with the Willowbrook Town Center along the western portion of the lot since there is a shared driveway between the subject property and the WB Town Center. The proposed development requires the relocation of this existing driveway between the two properties to be shifted slightly to the south more than 20 feet. A two-way internal driveway serves as the main circulation path and runs between the proposed lots to provide separation and access to each of the three lots.
- The proposed development will require an additional cross access agreement since interior vehicular circulation is dependent upon shared access between all three lots. The proposed development also proposes an access drive between Lot 2 and the lot to the east of the property.

- The traffic engineer raised some areas of concern to be addressed:
 - a. The lack of appropriate wayfinding signage
 - b. Early coordination with DuDOT is needed to minimize conflicts and potential issues with the nearby signal WB Town Center
 - c. A queue (stacking) more than 10 vehicles at the Lot 2 drive-thru will block access to the car wash
 - d. Show pedestrian paths/crosswalk connecting to the adjacent shopping center
- In terms of uses, the subject property is zoned B-2 Community Shopping and is located within the Route 83/Plainfield Road Business District. The financial institution is a permitted use and the restaurant with drive-through and automobile washing, and cleaning facility uses are permitted as special uses in the B-2 Community Shopping District.

The proposed development presents some challenges as the site will need to accommodate three high intensity uses on less than three acres. Further studies will be required to evaluate impacts on circulation and site access. In addition to the preliminary comments provided by Tri-State, civil engineer and traffic engineer. The applicant is requested to address the following as part of their formal application to the Village

- a. Provide a traffic impact and parking analysis
- b. Town Center authorization to amend the Town Center PUD and the existing development agreement between both properties for the relocated driveway

This is a concept plan review; Staff has refrained from making a recommendation On the proposed sketch plan and will now defer to Plan Commission for their feedback.

Applicant GW Property Group, LLC presented some of their background and trying to work on this project at this location with the Village. Looking for any feedback and will answer any question the Commissioners may have.

Commissioners like the uses of the property but as always concerned about traffic patterns within the locations as well as on Plainfield Road.

Applicant explained traffic patterns within the property, and they have talked to DuDot about changing access into property with a right in and right out to help alleviate some congestion on Plainfield Road. They thank the Commissioners for their time and input and look forward to moving forward.

7. VISTOR'S BUSINESS.

None

8. COMMUNICATIONS

None.

9. ADJOURNMENT

MOTION: Made by Commissioner Remkus seconded by Commissioner Soukup, to adjourn the meeting of the Plan Commission at the hour of 9:00 p.m. all in favor

UNANIMOUS VOICE VOTE

MOTION DECLARED CARRIED

PRESENTED, READ, AND APPROVED,

December 2, 2020



Chairman

Minutes transcribed by Building and Zoning Secretary Lisa J Shemroske

11/4/2020

**CITY OF WILLOWBROOK PROCEEDINGS BEFORE THE
PLANNING & ZONING COMMISSION OF THE CITY OF
WILLOWBROOK**

ROBIN HEJNAR

CITY OF WILLOWBROOK
PROCEEDINGS BEFORE THE
PLANNING & ZONING COMMISSION
OF THE CITY OF WILLOWBROOK

WEDNESDAY, NOVEMBER 4, 2020

7:00 p.m.

RECORD OF THE PROCEEDINGS VIA ZOOM had at the meeting held before the Planning & Zoning Commission of Willowbrook, on Wednesday, the 4th day of November 2020, commencing at 7:00 p.m., as reported by Robin Hejnar, a Certified Shorthand Reporter and Registered Professional Reporter and Notary Public in and for the County of DuPage and State of Illinois.

1 APPEARANCES:

3 Daniel Kopp - Chairman
4 John Wagner - Vice-Chairman
5 Lisa Shemroske - Secretary
6 Commissioner Soukup - Member
7 Maciej Walec - Member
8 Catherine Kaczmarek - Member
9 Leonard Kaucky - Member
10 William Remkus - Member

17 Staff Also Present:

18 Ann Choi - Planning Consultant
19 Roy Giuntoli - Building Official

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

5 MS. SHEMROSKE: Commissioner Remkus?

6 MR. REMKUS: Here.

7 MS. SHEMROSKE: Commissioner Soukup?

8 MR. SOUKUP: Here.

9 MS. SHEMROSKE: Commissioner Kaczmarek?

10 MS. KACZMAREK: Here.

11 MS. SHEMROSKE: Commissioner Kaucky?

12 MR. KAUCKY: Here.

13 MS. SHEMROSKE: Commissioner Walec?

14 MR. WALEC: Here.

15 MS. SHEMROSKE: Commissioner -- Vice
16 Chairman Wagner?

17 MR. WAGNER: Here.

18 MS. SHEMROSKE: Chairman Kopp?

19 CHAIRMAN KOPP: Here.

20 MS. SHEMROSKE: Planner Ann?

21 MS. CHOI: Here.

22 MS. SHEMROSKE: Building official Roy
23 Giuntoli?

24 MR. GIUNTOLI: Present via Zoom.

1 MS. SHEMROSKE: And I am recording
2 secretary, Lisa Shemroske.

3 CHAIRMAN KOPP: Next item on the agenda is
4 the omnibus vote agenda. Would any of the commissioners
5 like an item removed from the omnibus agenda? If not,
6 would someone make a motion to approve the omnibus vote
7 agenda?

8 MR. REMKUS: So moved.

9 CHAIRMAN KOPP: Someone second?

10 MR. WAGNER: So second.

11 CHAIRMAN KOPP: All right. Next item on the
12 Plan Commission is public hearing for Zoning Hearing
13 Case No. 20-09.

14 The purpose of this public hearing shall be
15 to consider a petition requesting approval of an
16 amendment to a special use for a Planned Unit
17 Development, and amendment to a Planned Unit Development
18 to allow for major changes under Section 9-13-4 (c) 6 (a),
19 including certain relief exceptions and waivers from
20 Title 9 of the Village Code on property with various
21 addresses on Arabian Circle, and Palomino Trail in
22 Willowbrook, Illinois.

23 The applicant for this petition is the
24 Village of Willowbrook. Notice of this public hearing

1 was published in the October 19, 2020, edition of the
2 Chicago Sun Times Newspaper.

3 Ann, would you like to make your
4 presentation?

5 MS. CHOI: Yes. Thank you, Chairman Kopp.

6 So I'm just going to switch over and share
7 my screen so everyone can see the agenda packet. Let me
8 know if everyone -- pardon me.

9 So it looks like we have two callers with
10 area code (630) 272-4177. Can you identify yourself,
11 please?

12 MR. TRACH: Robert Trach from 327 Arabian
13 Circle.

14 THE REPORTER: Can you spell that?

15 MR. TRACH: T-r-a-c-h.

16 MS. CHOI: And then we have another caller,
17 (630) 373-8822. Could you please identify yourself.

18 MS. BERG: Lisa Berg.

19 MS. CHOI: B-u-r-g-h?

20 MS. BERG: No, B-e-r-g.

21 MS. CHOI: I'm sorry. And is this for item
22 No. 20-09, Carrington Club PUD amendment?

23 MS. BERG: It is.

24 MS. CHOI: Okay. Can everyone see my screen

1 aside from the people --

2 CHAIRMAN KOPP: Yes.

3 MS. CHOI: Okay. Great.

4 So the Planned Unit Development amendment --
5 and I know we have a few callers on the line because of
6 the vagueness of the public hearing notice, but this PUD
7 amendment was requested by the Village of Woodridge on
8 behalf of the Carrington Club Homeowners Association and
9 the Pulte Home Corporation.

10 We would like to amend the original PUD to
11 allow fixtures that were never contemplated in the 2016
12 approving ordinance, which is ordinance No. 16-0-40, and
13 it's attached to the end of the staff report.

14 As you may recall, ordinance 16-0-40 granted
15 a special use for a Planned Unit Development, including
16 a final plat of PUD, certain waivers from the zoning
17 ordinance, certain variations from the subdivision
18 regulations, approval of a final plat of subdivision,
19 and other related matters for the Carrington Club; and
20 this is for the construction of 29 use single-family
21 homes on over eight acres. All 29 homes are constructed
22 almost right up to their lot lines, otherwise known as
23 zero lot construction.

24 So under this ordinance, rear patios not

1 exceeded 100 square feet are allowed to be constructed
2 over any rear lot line of lots 1 through 29 and into the
3 common area, provided they are not constructed over any
4 easement, they do not effect approved grading, and are
5 not constructed at grade and utilize only concrete or
6 other similar masonry products.

7 Additionally, the ordinance allowed front
8 steps and un-include non-inhabited porches only, not
9 extending more than 30 inches from the front wall, not
10 greater than 15 feet in width, across the front wall of
11 any home. These lots -- they were approved for lots 1
12 through 3, 6, 7, 10 through 15, 17 through 21, and 26
13 through 29.

14 So what we're doing tonight is proposing
15 changes to the original PUD to include, allowing
16 additional fixtures such as window wells, air
17 conditioning units, concrete walkways, concrete slabs,
18 gas generators that are permanently affixed, hard wired,
19 and powered by natural gas, and other fixtures over the
20 lot lines of lots 1 through 29 and into the common area,
21 as long as these fixtures do not effect the approved
22 grading and/or drainage.

23 So as part of this PUD amendment, these
24 fixtures will also be required to be reviewed and

1 approved by the Building Department, our Village
2 engineer, and the homeowners association; and the
3 changes are largely consistent with the previously
4 approved Planned Unit Development.

5 So per Section 9-13-4(c)6(a) of the zoning
6 ordinance, major changes require a new application for
7 preliminary and final plat of Planned Unit Development,
8 and would be approved by the Village Board by ordinance
9 after a public hearing and consideration and
10 recommendation by the Plan Commission.

11 This proposed PUD amendment is classified as
12 a major change, and would be categorized as an increased
13 deviation under Subsection (c)6(a)7; and that concludes
14 my presentation. I'm available for any questions.

15 CHAIRMAN KOPP: The concern I have with this
16 is that the things they want to do seem very reasonable,
17 but if they want to put in a four-foot x four-foot pad
18 for a generator, they have to get it approved by two
19 people from the Village, including the Village engineer,
20 and I've heard complaints from numerous people that the
21 Village engineer is very extensive.

22 I'm wondering if -- do we really need to
23 have those levels of approval? Can't we rely on the
24 homeowners association to protect itself from people

1 putting in unsightly things on the property? Because I
2 think they're going to do a better job than anybody at
3 that.

4 If they wanted to do the patios, they don't
5 have to, right? The things that we had talked about
6 before, they didn't have to get those approvals, and
7 that's my concern with this, is that, for reasonable
8 things they want to add to their homes, we're making
9 this big rigmarole that most people in the Village don't
10 have to do, right? I understand it's a PUD, but that's
11 my concern with it.

12 MS. CHOI: I see that, Roy, you have your
13 hand up?

14 MR. GIUNTOLI: Yes, I could comment on that
15 if you would like, Ann.

16 MS. CHOI: Sure.

17 MR. GIUNTOLI: Thank you, Chairman Kopp.

18 So we put that in there because -- we put
19 that line that the Village engineer would need to
20 approve this -- basically it's just a way to verify that
21 this doesn't have a negative effect on any flow of storm
22 water.

23 Now, for the record, there's a couple of
24 places throughout the subdivision where, if a generator,

1 let's say for example, was placed, could be a potential
2 problem for water flow. Generally speaking, the
3 locations between the houses, for the most part, that
4 won't come into play, it won't come into effect. It's
5 not like there's a full review that will have to be done
6 by our civil engineer.

7 We met with a representative from Chris &
8 Herbert Engineering; Bruce Arfken was there when we met,
9 and, basically, staff is aware of the problematic areas,
10 and, yes, if one does come into play, of where it could
11 negatively impact the drainage, water drainage, water
12 flow, storm water flow, we would ask for input from the
13 engineer, but the fees that would be forwarded on to an
14 applicant for this matter would probably be very low,
15 along the lines of a telephone call to the engineer,
16 rather than a full blown sending of engineering plans, a
17 report, and follow-up.

18 So, again, it's really in there just to be a
19 double check, as a service to the people of Carrington
20 Club, that nobody negatively effects the flow of storm
21 water. So that's why that's in there, Chairman Kopp.

22 MR. REMKUS: My question to that is, isn't
23 that something that can be done by the staff, by the
24 building official? You, Roy, I mean, you have quite a

1 bit of knowledge, and I know you're not always going to
2 be there and somebody else eventually will take your
3 place. So I mean, I don't have so much of a problem
4 with the review, but it seems like every time we turn
5 around, we create more and more bureaucracy for
6 everybody who tries to do something.

7 I know when I first started doing building
8 additions in this town, and my house and everything, it
9 was very straightforward, very easy to do. Now it's
10 like, you know, I need a letter from the President of
11 the United States before I can do anything, and it's got
12 to pass 15 different engineers, and firms, and
13 everything else that I think, at some point in time -- I
14 agree with Chairman Kopp -- you know, we start to get
15 out of hand on this stuff. That's just my opinion.

16 MR. GIUNTOLI: I understand your opinion.
17 However, it would be one engineer, if one was involved,
18 and like I just said to Chairman Kopp, I know of the
19 areas that are problematic. So, yes, I would be --
20 staff would be able to determine whether or not an
21 obstruction would be -- would occur if somebody
22 installed something. So you are correct.

23 But you also understand that we live in an
24 environment that -- I don't want to sign off on

1 something that I am not schooled in or trained in, in
2 civil engineering. So, again, we put that comment in
3 there strictly for something that is above and beyond
4 this staff person's ability to make a judgment call on
5 something.

6 We certainly -- the Building Department,
7 Zoning Department, our intention is not to make anything
8 duly difficult for anybody who applies for permits for,
9 but we do have a responsibility to make sure it's done
10 correctly.

11 CHAIRMAN KOPP: Let me ask one question,
12 point something out. The thing I'll point out is, the
13 way this is worded, Roy, is different than you
14 described.

15 This says it must be approved by the Village
16 engineer. So you described it as more of up to your
17 discretion whether to involve the Village engineer, but
18 this means -- the way it's written, everything would
19 have to go through -- it's a check -- something that
20 would have been checked off, that the Village engineer
21 would have to check it off.

22 MR. GIUNTOLI: So, as I was saying, the
23 Village engineer has pretty much already checked things
24 off with me. So I know he would be okay with certain

1 installations as I know it. There is -- like I said,
2 there's only really one or two places throughout the
3 subdivision that, if one does come in there, it would
4 require additional review by the civil engineer.

5 So, again, I'm not sure how it's worded, and
6 I apologize for not having the exact verbiage right in
7 front of me, looking at the "must" word, but if you want
8 to change that to "may," and I would be okay with that.

9 CHAIRMAN KOPP: And then my question was, if
10 there is a drainage issue that arises, does it effect
11 just the Carrington Club, or would it effect other
12 properties adjoining the Carrington Club?

13 MR. GIUNTOLI: Strictly within the
14 Carrington Club.

15 MS. CHOI: Well, Roy, I've been getting a
16 lot of calls on this public hearing notice from
17 Nantucket Holdings across the street, and Lake Hinsdale
18 Village who are worried about flooding from this
19 property.

20 MR. GIUNTOLI: Yeah, these installations
21 will not effect anything outside of the subdivision.
22 It's literally -- it would literally maybe dam something
23 up in between a couple of houses, but it wouldn't be
24 beyond any of the property line.

1 CHAIRMAN KOPP: So I'm wondering if the
2 homeowners association would be the best person -- best
3 entity to police this. I bring this up. I'm not saying
4 I feel overly strongly, but, yes, as Commissioner Remkus
5 mentioned, it's just -- we're just putting up barriers
6 for somebody to do something that most of us should have
7 the right to do.

8 MR. GIUNTOLI: So the one wording in there,
9 Chairman Kopp, it would have to be by the building
10 official, civil engineer and homeowners association.

11 We have stated to the homeowners association
12 that they would need to contact a civil engineer on
13 their end to first verify that it's not going to do the
14 impact. So I'm just really going to be verifying that
15 it's not going to have a negative impact. We're not
16 even going to physically be burdened with verifying it.

17 When the application comes to us, it's
18 already going to be looked at by the homeowners
19 association's engineer to verify this won't have a
20 negative impact.

21 MR. KOPP: So it seems, then, that we just
22 delete the reference to the Village engineer from the
23 amendment to the ordinance, because then, you, as the
24 building official, or your successor, will then get

1 comfortable with whatever the applicant, the homeowners
2 association gives them.

3 MR. GIUNTOLI: I'm just going to say off --
4 not off the record, but off the cuff, if it was, say,
5 the building official or his designee, would you be
6 happy with that? The designee could be the civil
7 engineer, but it won't say civil engineer.

8 CHAIRMAN KOPP: I think it should be the
9 governmental employee.

10 MR. GIUNTOLI: Well, very often, throughout
11 our code, the term building official or his or her
12 designee occurs in many places throughout our
13 ordinances.

14 CHAIRMAN KOPP: I was not aware of that.
15 Okay.

16 MR. GIUNTOLI: Yeah, it's pretty much all
17 over the place. So if that were put in here, I would be
18 comfortable with that.

19 MS. CHOI: Roy, I just want to clarify the
20 process, I guess.

21 So someone inside the Carrington Club would
22 like to install a gas generator, just say, in between
23 the ten-foot separation between the homes. So they
24 would come to the homeowners association, present a plan

1 where the HOA would have to hire a civil engineer to
2 verify that there are no impacts to drainage or grading,
3 and then they would come to the Village -- I would say
4 to you -- for approval, and if something is --

5 MR. GIUNTOLI: To apply for the permit, yes.

6 MS. CHOI: -- and if something is not --
7 there's a red flag for you, then you would give our
8 Village engineer a call, or email him, which is -- the
9 process that we do a lot is electronically, just to get
10 input from our Village engineer, and then he would give
11 you the okay?

12 MR. GIUNTOLI: Correct. If there was a red
13 flag issue regarding the engineering that I couldn't
14 solve on my own, I would correspond with the Village
15 engineer to verify that it was okay.

16 MS. CHOI: Okay.

17 CHAIRMAN KOPP: All right. Any other
18 commissioners have any questions or comments, or think
19 that I'm being too obsessive about this?

20 All right. At this point is there anyone in
21 the public who's called in that would like to ask any
22 questions or make any statements about this? Anyone
23 that speaks will need to be sworn in by the court
24 reporter.

1 MS. KNAACK: Yes, this is Susan Knaack.
2 (Whereupon, Susan Knaack is duly
3 sworn.)

4 MS. KNAACK: I would just like to ask, a
5 four-foot pad that the generator sits on is right up
6 against the house, so I don't understand why a civil
7 engineer would need to be necessary to contain any
8 flooding because the swale between the house doesn't
9 start in that area at all.

10 MR. GIUNTOLI: I can respond to that, Susan.
11 Most generators actually need to be a
12 minimum of 18 inches away from the house. It's not up
13 against the house like an air conditioner is.

14 So depending on the size and the dimensions
15 of generators, which do vary, it can start to protrude
16 out into an area that is a drainage swale.

17 MS. KNAACK: Okay.

18 MR. GIUNTOLI: If you take that 18 inches
19 into consideration, and the width of a generator pad
20 isn't usually four-feet wide. It may be four-foot long,
21 but a generator is anywhere between 18 and 24 to maybe
22 30 inches wide, again, depending on the size that
23 somebody decides to install, but, again, it's not up
24 against the house.

1 MS. KNAACK: What I meant is, it's not in
2 the middle, out in the middle.

3 MR. GIUNTOLI: Sure.

4 MS. KNAACK: And then the cost of a civil
5 engineer is something that we'd have to pay through the
6 homeowners association?

7 MR. GIUNTOLI: I'm assuming so. I'm not
8 sure how your association's going to work it. I'm not
9 privy to that information, I'm sorry.

10 MS. KNAACK: Okay. Thank you.

11 MR. GIUNTOLI: You're welcome.

12 CHAIRMAN KOPP: Anyone else?

13 Again, commissioners, any final comments
14 before I close this public hearing?

15 All right. Oh, I now close public hearing
16 20-09; and for the commissioner discussion, will someone
17 make a motion, that based on the submitted petition and
18 testimony presented, I move that the Plan Commissioner
19 forward its finding of fact for a special use and
20 findings of fact for a Planned Unit Development
21 referenced in the staff report for PC 20-09 prepared for
22 the November 4, 2020, meeting, and recommend approval of
23 an amendment to a special use for a Planned Unit
24 Development, an amendment to the Planned Unit

1 Development to allow for a major change under Section
2 9-13-4(c) 6(a)7 to allow for the construction of
3 additional fixtures over the lot lines as presented on
4 pages 5 and 6 of the staff report for PC Case No. 20-09
5 with the exception that the words, "or his designee,"
6 are substituted for the words, "the Village engineer."

7 Will someone make that motion?

8 MR. KAUCKY: So moved.

9 MR. REMKUS: Second.

10 MS. SHEMROSKE: Second.

11 CHAIRMAN KOPP: I heard Mr. Soukup second
12 it.

13 MS. SHEMROSKE: Thank you.

14 CHAIRMAN KOPP: I ask the Plan Commission
15 Secretary to call the vote.

16 MS. SHEMROSKE: Commissioner Remkus?

17 MR. REMKUS: Yes.

18 MS. SHEMROSKE: Commissioner Soukup?

19 MR. SOUKUP: Yes.

20 MS. SHEMROSKE: Commissioner Kaczmarek?

21 MS. KACZMAREK: Yes.

22 MS. SHEMROSKE: Commissioner Kaucky?

23 MR. KAUCKY: Yes.

24 MS. SHEMROSKE: Commissioner Walec?

1 MR. WALEC: Yes.

2 MS. SHEMROSKE: Vice Chairman Wagner?

3 MR. WAGNER: Yes.

4 MS. SHEMROSKE: Chairman Kopp?

5 CHAIRMAN KOPP: Yes.

6 All right. Next item on the agenda, No. 5,

7 is Zoning Hearing Case 20-10. The purpose of this
8 public hearing shall be to consider a petition for a
9 text amendment to amend Sections 961B and 91210 of Title
10 9 zoning title of the Village of Willowbrook concerning
11 the outdoor display of merchandise. The applicant for
12 this petition is the Village of Willowbrook. Public
13 notice of this hearing was published in the October 19,
14 2020, edition of the Chicago Sun Times Newspaper.

15 Ann, would you like to make the presentation
16 for the Village?

17 MS. CHOI: Yes, thank you. I'm going to
18 share my screen again. Okay. Thank you, Chairman Kopp.

19 In response to a recent inquiry by a local
20 business owner of a gas station, the Village of
21 Willowbrook initiated this text amendment before you,
22 which would allow the outdoor display of merchandise at
23 automobile service stations and at drugstores with a
24 minimum gross floor area of 13,500 square feet.

1 The Village of Willowbrook has traditionally
2 prohibited the outdoor display of merchandise at gas
3 stations to prevent these businesses from having large
4 unattractive displays, and the Village would have little
5 control over the amount of merchandise displayed, the
6 display's location on the site, and the height of the
7 displays. These speak primarily to the aesthetic and
8 safety impacts for prohibiting these displays.

9 It was brought to the attention of the
10 village that the fuel industry has changed over the
11 years, and they're now expected to sell a much broader
12 variety of items, including windshield washer fluid,
13 antifreeze, melting salt, oil products, gas drying
14 agents, propane, fire wood and mulch. Having these
15 items visible to the traveling public would potentially
16 bring in more foot traffic and increase retail sales for
17 these businesses, and in turn, increase the retail tax
18 for the Village.

19 So on page two of the staff report for the
20 zoning case, I've listed the six gas stations in town.
21 Village -- we also researched the zoning ordinances from
22 other nearby communities of Burr Ridge, Clarendon Hills,
23 Darien, Downers Grove, Hinsdale, Lombard and Westmont,
24 and a summary containing these results are attached as

attachment one.

Research has shown that many communities in the surrounding area have ordinances that range in complexity and offer different approaches to the outdoor display of merchandise. Communities such as Downers Grove and Hinsdale allow the outdoor display of merchandise through a temporary use permit with several conditions. Downers Grove restricts the area to 50 square feet in size in their downtown business districts, and Hinsdale requires prior approval of the Village Board to establish a minimum duration of every temporary use approved.

Other communities like Burr Ridge and Lombard permit the use as a special use permit, which would require a public hearing; and lastly, Darien allows the outdoor display of merchandize by right without any discretionary zoning review.

This petition is to consider allowing the outdoor display of merchandize as a temporary use in Willowbrook's business districts, and this permit would need to be applied annually, much like a business would need to apply for outdoor dining, outdoor Christmas tree sales, outdoor garden supply sales, or outdoor display of merchandise in conjunction with the retail grocery

1 store. The only exception to the annual temporary use
2 permit is if a business is a part of the Planned Unit
3 Development and a waiver from this section is approved
4 permanently.

5 So on page 4 and 5 of the staff report --
6 let me head back here. If you can just maybe follow
7 along in your staff reports.

8 Planning staff has provided the following
9 conditions that would be applied for the commissioners
10 review. All outdoor displays and attractions shall be
11 located immediately adjoining the side or front facade
12 of the principal building, or underneath the canopy, but
13 not within a required yard. This just ensures that we
14 won't have large displays in exterior side yards or
15 front yards of properties.

16 Such outdoor display of merchandize shall be
17 incidental to the primary business and shall be located
18 only on private property. Merchandize shall not be
19 located within required parking spaces for those spaces
20 designated for disabled persons. At least three feet of
21 walkway shall be maintained at all times for pedestrian
22 traffic, and if applicable, such as if there is a
23 sidewalk and you have to turn on that sidewalk, that
24 walkway width might need to be increased to five feet

1 under the Illinois Accessibility Code.

2 No individual item or stack of items may
3 exceed six feet in height, unless an exception to this
4 provision has been granted by the Village administrator
5 or his or her designee.

6 Staff supports the proposed text amendment
7 to allow the outdoor display of merchandize through a
8 temporary use permit. If the Plan Commission is
9 supportive, a sample motion can be found on page five of
10 the staff report; and that concludes my report. I am
11 available for any questions.

12 CHAIRMAN KOPP: For example, Whole Foods, do
13 they just get one permit per year, and then they put out
14 the pumpkins, and they put the flowers and whatever, or
15 do they have to get a permit for each thing they do?

16 MS. CHOI: The Whole Foods is located in the
17 Hinsdale Commons, which is a Planned Unit Development,
18 and I believe they already have a waiver. Roy, correct
19 me if I'm wrong.

20 MR. GIUNTOLI: No, that is correct, yes.

21 CHAIRMAN KOPP: And, so -- and they probably
22 don't have to pay that fee that I saw in here -- what
23 was that -- 300 to 400. But, okay. So forgetting Whole
24 Foods -- they were a poor example.

1 So some other store, do they just do it once
2 a year, and then they're allowed to put whatever they
3 want in front of their store, or do they have to keep
4 coming back when they change the displays?

5 MS. CHOI: I believe all of the grocery
6 stores in town -- because now we have Pete's Fresh
7 Market and then the Whole Foods -- they're all part of
8 PUDs. I believe Lassak, which is now closed down, is
9 also part of the town center PUD, and then there are
10 individual stores inside the town center, like the
11 flower store, which seem to have year round displays.

12 CHAIRMAN KOPP: And do we have any control
13 over those, or putting these prohibitions on some
14 businesses in the Village, but not others?

15 MS. CHOI: I don't believe we have any
16 prohibitions on those in terms of the height or the
17 square footage, but since our zoning code has been
18 criticized as being very archaic, going forward, we did
19 look at other zoning ordinances from other progressive
20 communities who did have these types of restrictions.

21 CHAIRMAN KOPP: Well -- and that was very
22 helpful. I definitely -- we don't want to do the --
23 well, I wouldn't think we would want to do the Hinsdale
24 thing where the Village Board has to approve these

1 things, or even special use permits.

2 So what I'm struggling with, should it be a
3 temporary use permit where they have to pay, or should
4 it be by right and subject to -- I like all of your
5 restrictions 1 through 5, but do we really need to have
6 the Village administrator approve all these things,
7 especially when he does them for all the grocery stores
8 in town, or she?

9 MS. CHOI: So I'm looking at my condition
10 No. 5, and the Village administrator would only get
11 involved if certain heights exceeded the six feet, which
12 is how it's worded. It says, "No individual or item or
13 stack of items may exceed six feet in height unless an
14 exception to this provision has been granted by the
15 Village administrator."

16 CHAIRMAN KOPP: But you're proposing a
17 temporary use permit be required, and that is subject to
18 the approval of the Village administrator, or his or her
19 designee?

20 MS. CHOI: Only if they exceed the six-foot
21 height limitation.

22 CHAIRMAN KOPP: I don't think that's true.
23 If you look at the very first paragraph of the -- keep
24 going -- go back up. At A -- I'm trying to point out,

1 like you can see, that first paragraph that follows the
2 red A, I think to get the temporary outdoor permit, the
3 Village administrator has to approve the issuance of
4 that permit.

5 MS. CHOI: Or his or her designee, which
6 usually our building official acts in that capacity.

7 CHAIRMAN KOPP: Right. So the issue I'm
8 raising is, should these retailers have to get Roy's
9 approval for this and pay 3- to \$400 when a bunch of
10 other retailers in the Village don't have to do that,
11 and don't even have those restrictions in B1 through 5?

12 MR. GIUNTOLI: Ann, can I say a few things?

13 CHAIRMAN KOPP: Of course.

14 MS. CHOI: Sure.

15 MR. GIUNTOLI: Yeah. Okay. One thing I
16 want to note here, and perhaps it's a miscommunication
17 between myself and Ann, is when Whole Foods came
18 through, their plan showed outdoor sales, and that was
19 approved as part of their PUD amendment.

20 When Pete's Market came through, same thing,
21 their plan right off the bat -- because it was a PUD --
22 showed outdoor sales. So they were able to do those
23 outdoor sales lock, stock and barrel.

24 The town center -- and this is my opinion;

1 and, again, I don't mean to contradict anything you
2 said, Ann. Anyone in the town center who stores outside
3 needs to come in for one of these permits. They
4 don't -- they're not grandfathered in just because
5 they're a PUD.

6 Back then, the restriction, when the PUD
7 came through, as far as I can remember -- again, correct
8 me if I'm wrong. If we need to do some research,
9 obviously, I'll work with you on this.

10 I don't believe any outdoor storage occurred
11 in any application for the town center; and this is one
12 of the issues, why this came up, because several stores
13 in the town center tend to clutter sidewalks up so much
14 so that people can't walk by, and then other people in
15 town see that, other retailers see, "They're doing it,
16 how come I can't?" So this was a way for everyone to
17 balance the playing field, for people who don't have
18 worked into their initial PUD to allow for outdoor
19 storage.

20 Now, can the town center come back and amend
21 their PUD to allow for outdoor storage so they don't
22 have to -- each individual store -- come through and get
23 this special use permit? I guess that's possible, but
24 let's face it, there's only a few stores in there that

1 do this, so I don't see that happening.

2 But there's other retailers in town that
3 have busy street frontage that want this, and, again,
4 this was a way for us to level the playing field for
5 everybody across the board; and, yes, there is a fee
6 included, because staff is going to have to take this
7 plan, do a review, approve it, and do an inspection.

8 So the fees are really just to cover the
9 staff time that's involved in this process. That's
10 really what it's all about. So, again, it wasn't to
11 cause undo burdensome to the other retailers in town, it
12 was actually to fairly give them a level playing field,
13 because, currently, the code doesn't allow anyone to
14 have outside storage; and every now and then, myself or
15 my designee, goes to these places and says, "You got to
16 get rid of those." And there's always a -- well, for
17 lack of a better term -- fight that ensues because of
18 that. I don't mean physical, but along the lines of,
19 you know, verbal and emails, and calls to officials,
20 Village officials and such.

21 So, again, the thought process behind this
22 was to level the playing field and staff has fees, and
23 that's where the fees come in.

24 CHAIRMAN KOPP: I agree 100 percent --

1 right -- that we should level the playing field. It's
2 kind of analogous when we re-did the sign ordinance. We
3 looked at the signs that we had approved for some of the
4 large PUDs, and I think, if my memory serves me right,
5 we liberalized our sign ordinance so that our existing
6 retailers weren't at a disadvantage.

7 So I agree 100 percent with extending the
8 people that can have outside displays. My only question
9 is, do we make it as of right or have it through a
10 temporary permit, because all these people with PUDs
11 don't have to go through the trouble to get a temporary
12 permit, and really have no control over what they put
13 out there.

14 I mean, maybe the most important question
15 is, I don't particularly care when I see washer fluid
16 and stuff in the gas station, and maybe I'm alone, and
17 maybe other people think that that's an eye sore. I
18 guess that's the seminal question here.

19 MR. GIUNTOLI: So, again, yes, I agree, the
20 occasional outside or outdoor display of washer fluid in
21 the midst of snowstorms -- we're not heartless in the
22 Village, you know, staff isn't, and we've allowed it.
23 We haven't gone by and given them a hard time, again,
24 unless -- usually it's only brought to our attention if

1 somebody is inconvenienced by it, blocking a walkway,
2 blocking a ramp, blocking a way into the building.

3 As far as the ones who received their
4 outdoor approval through a PUD, they could argue that
5 they paid large amounts of funds, and fees to the
6 Village to get their own set of zoning ordinances, and
7 in those plans they get certain areas of display. They
8 don't get carte blanche to do whatever they want; and
9 once, again, we're kind of a reactionary department. We
10 don't have the staff to drive around to see if anyone's
11 stepping off that dime that we let them stand on, but,
12 again, if somebody complains, we go out and we compare
13 it to the approved plans, and I don't even recall -- in
14 the recent past at least -- a complaint that the PUD
15 people were expanding their areas of outdoor storage and
16 it impeding pedestrian traffic or vehicle traffic, but
17 it can happen and it does happen.

18 At these smaller places -- and I don't mean
19 to single out a gas station, or a service station, or a
20 little mini-mart, but those places are -- that's a small
21 location, and every inch of real estate was sought out
22 for initially, specifically for service locks and access
23 to parking lots, and suddenly somebody wants to put
24 something out there, and that is going to chew up that

access real estate, access to the building's real estate; and, again, not wanting to be heartless we said, fine, let's let them do this, but I don't want to get calls left and right, and running out there telling people they can't do something -- that they can't do. How about we give them a parameter to do something with, with some rules and regulations, and we'll verify it, and let them do it.

So, again, we thought this was a really happy medium. I hope that answered your question, Chairman Kopp.

CHAIRMAN KOPP: It did, and, actually, you did raise an excellent point about the PUD owners did pay fees well in excess. That's an excellent point. Well, in excess of \$300. I didn't mean to monopolize this discussion.

MR. GIUNTOLI: Oh, no.

CHAIRMAN KOPP: Does anyone want to ask any question or comment on this?

MR. WAGNER: The question I had was -- and I believe you are correct, we need a set of rules, if you will, to govern this, and I was going to refer to the first picture that you had up displayed, Ann.

There was a stack of what appeared to be

1 mulch along a curb line. I guess all of the other
2 pictures -- I guess I would say -- I've either seen an
3 example of, or typically you would see this type of
4 thing at a gas station, such as washer fluid and so
5 forth.

6 I guess the question I have is, is our rules
7 -- the rules going to stop this row of mulch at the curb
8 line which appears to be a bit unsightly, if you will?

9 I guess that would be my only concern. Is
10 that up against a street, or -- I guess it's a little
11 unsightly, and I would be concerned that it appears to
12 be maybe higher than six feet. Out of all those
13 photographs, that would be my concern, that I would hope
14 that we wouldn't see that.

15 MR. GIUNTOLI: Do you want me to take that,
16 Ann?

17 MS. CHOI: Well, I just wanted to state
18 that -- I don't know if you can see it, but this image
19 is just a generic image that I got off of Getty Images.
20 I have no idea where this was taken, but it was just to
21 illustrate what we don't want to happen, because all of
22 our six gas stations are located on Kingery Highway --
23 actually, one of them is located on Joliet Road. So we
24 did have two conditions that said it has to be

1 located -- not in any required yards, and it needs to be
2 near the side or front facade of the principal building
3 or underneath the canopy.

4 MR. WAGNER: Thank you. I think that
5 answers my question.

6 MR. GIUNTOLI: And, again, one of the
7 reasons why we're doing this is because it is unsightly,
8 and if we just let people do what they want to do when
9 they want to do it, we would get something like that,
10 and we would have to chase our tail to get them to clear
11 it out.

12 So, again, we thought by setting some
13 guidelines and regulations we could have some outdoor
14 storage and not have it look like that, or an unsafe
15 condition like that, because you're absolutely right, as
16 far as I'm concerned, that mulch is sitting right on a
17 service walk. So that's the exact reason why we're
18 talking.

19 MR. KOPP: Is there any members of the
20 public that would like to ask a question or speak to
21 this matter?

22 All right. Any commissioners have any final
23 questions or comments?

24 MS. KACZMAREK: Yes, Commissioner Kaczmarek.

1 On page five, the last No. 5 that's in red,
2 what would be the exception to the provision if someone
3 wanted to have the permit -- if it exceeds six feet? Do
4 we know what that would be?

5 MS. CHOI: Yes, I think that would probably
6 have to be evaluated on a case-by-case basis.

7 MS. KACZMAREK: Okay.

8 MS. CHOI: If there is enough, maybe, width,
9 if the building inspector notices that something is tied
10 back at the top, I think we would just have to evaluate
11 that once that application comes in.

12 MS. KACZMAREK: Okay. Sure. Thank you.

13 CHAIRMAN KOPP: All right. I think I can
14 close public hearing Case No. 20-10, and then we'll have
15 our discussion.

16 So I'm all in favor of this. I'm all in
17 favor of the five restrictions. So, for me, the only
18 question is whether people should have to get a
19 temporary use permit or not. I'm inclined to say no,
20 but I don't feel too strongly. Could I hear how other
21 people feel?

22 MR. KAUCKY: Yes, this is Len Kaucky.

23 If I was a business owner, I would take
24 advantage over Willowbrook business because I won't have

1 to pay that 3- to \$400 every year I decide to store
2 product outside. That's my only comment, that I just
3 wonder how competitive we're allowing our Willowbrook
4 business owners to be with that fee.

5 MR. WAGNER: Commissioner Wagner. I agree
6 with you. I think we do need the rules.

7 The problem I see, though, unless there's
8 some way it can be done, the cost of the temporary
9 permit -- I understand the concern, but how would, then,
10 the business owner know what the rules were unless they
11 were issued along with the permit?

12 MS. CHOI: That is an excellent question.
13 I'm trying to figure out, if we do allow it by right, I
14 believe our B2 zoning district permits -- I just popped
15 up the zoning ordinance, and this is just the
16 regulations under the B2 zoning, which is what most of
17 our commercial is. I believe the automobile service
18 stations are actually in B3 and B4 and B2.

19 I'm wondering if we could just add it as a
20 line item, outdoor display of merchandize associated
21 with automobile service stations as a permitted use, and
22 then we list all of the restrictions this way, but I
23 think this is a discussion I will probably need to have
24 with our Village attorney to see where to place it. I'm

1 just sort of thinking on the fly right now; or we have
2 another section under general condition, under B, which
3 I'll just read it here, this highlighted portion.

4 "All business establishments shall be retail
5 trade or service establishments dealing directly with
6 consumers, and all goods produced on the premises shall
7 be sold on the premises where produced, and all business
8 service storage merchandise display, and where
9 permitted, repair and processing shall be conducted
10 wholly within a completely enclosed building, except for
11 automobiles off street, automobile parking, off street
12 loading, open sales lots, drive-in facilities, and
13 outdoor activities authorized by Section 9-12-10 of the
14 Village Code in districts where they are permitted."

15 I could potentially write something in this
16 section that would allow the outdoor display of
17 merchandise associated with gas stations and then list
18 all the conditions here. There's just a couple of
19 options, so that those conditions are codified.

20 CHAIRMAN KOPP: So I think three of us have
21 spoken in favor, I believe, of having this as of right
22 instead of a temporary use permit. Would the other
23 commissioners let us know their thoughts?

24 MS. KACZMAREK: This is Kaczmarek. I also

1 agree with the temporary permit, but, again, with the
2 fee as well -- I don't know. That I don't really have
3 an opinion on as much, but I do believe we need
4 guidelines.

5 MR. REMKUS: How much are these permits
6 going to cost a business?

7 MS. CHOI: It's estimated anywhere between
8 300- to \$400 a year, and that includes the time it takes
9 Roy to review a plan, and then the cost that an
10 inspector would have to go out and inspect it after it's
11 been installed.

12 MR. REMKUS: That seems awful high; and I
13 understand, it's labor and somebody has to do that, but
14 I think sometimes we're just creating more work.

15 It seems like, when we do this stuff -- and
16 I know you're trying to clean up some of this stuff, but
17 it's just like we're creating more work for the Village
18 official to review plans, go out and do an inspection.
19 You know, they hire an inspection company -- if we're
20 just doing this to keep the inspection company busy, I'm
21 really not in favor of it.

22 I just think that the more that we do to
23 promote businesses here, and help them be successful, I
24 think the more money that flows into our Village from

1 sales tax and everything else, and I think to try to --
2 every time a business wants to do something, there's a
3 permit for this, a permit for that, and it has to be
4 inspected, it has to be reviewed, it's just more
5 bureaucracy of what I was talking about before.

6 MR. GIUNTOLI: Can I speak?

7 MS. CHOI: Yes, Roy.

8 CHAIRMAN KOPP: Sure.

9 MR. GIUNTOLI: So the intent here is not to
10 keep our inspection -- third-party inspection company
11 busy. Quite honestly, I have intentions of reducing
12 their involvement in things, and that's something I'm
13 working on on the side.

14 So I'm a building guy. I'm all about
15 safety. I'm all about accessibility, and when somebody
16 tells me they want to put a display in an area that's
17 going to be a potential problem to a passerby, I'm
18 sorry, I react to that. I don't just go, "Yeah, let
19 them do what they want to do, and let the chips fall
20 where they may. If somebody gets hurt, we'll deal with
21 it then."

22 I'm trying to be proactive about this, and
23 being proactive doesn't -- isn't free. It doesn't come
24 cheap for that matter. Now, I will admit that that fee

1 that Ann said does sound high. Well, I gave her the
2 worst case scenario of an applicant coming to us,
3 refusing to give us the information we need upfront;
4 worst case scenario, having to do a couple of reviews,
5 and having to go back and forth, and staff spending
6 time, you know, listening to a song and dance on why
7 they don't want to give us what they want.

8 They finally give to us, we give them the
9 permit, staff process the permit, including Lisa, gives
10 a permit out, we send out inspection. An inspection
11 should take moments. There's no doubt about that. Very
12 little, however, there's a minimum fee to pretty much
13 all of our inspections. So, again, I'm worst case
14 scenarioing it; and then we get out there, and they did
15 everything they wanted to do it anyways, they didn't do
16 it according to plan. So we fail them, and we end up
17 going back.

18 So that fee includes the absolute worst case
19 scenario, I will admit that, but I didn't want to give
20 you a cherry, rosy little -- tiny little number, and
21 then have it be more later, and then hear, "But you told
22 me it was only going to be 40 hours, and now it's 310."

23 So I'd rather tell you it's going to be
24 pricey, when, actually -- in all honestly, the first

1 time around, it should be expensive, and what we're
2 going to put in our wording is say, "Listen, save all
3 this documentation for next year once we approve it,"
4 and all they have to do is -- if they want to do it
5 again the next year, at the next annual meeting, just
6 resubmit everything that you did if you want to keep
7 your plan the same. We'll be able to review it and
8 approve it on the first round, and do an inspection on
9 the first round, and it will be a lot cheaper.

10 The first year could be a little bit
11 challenging, but I think, as time goes on, and people
12 understand what we're looking for, they could be cheaper
13 in the future, but, again, that price is the worst case
14 scenario of me being paranoid that people are going to
15 stack stuff to the rafters, and winds going to come by
16 and take somebody out, or they have to step off of a
17 curb and get hit by a car. So, again, I'm just being
18 proactive as your building official for this Village of
19 Willowbrook to keep everybody that comes in town safe.

20 So I get it that it's overburdensome, but at
21 the same time, I'm just doing my job. So, again, you
22 guys can decide however you want to do it. I think
23 if -- it's my opinion, if it's a permitted use, it's
24 going to be the wild-wild west, and we're going to be

1 reacting to it left and right, and -- you know, great.
2 It's not the end of the world. We'll send staff out to
3 remediate. That's not the end of the world. I was just
4 trying to be proactive about it.

5 CHAIRMAN KOPP: Roy, so maybe the provisions
6 in B need to be expanded, but it does say -- it says,
7 one, you have to have three feet of walkway, it can't be
8 higher than six feet, and it can't be in the required
9 yards.

10 So getting to something that Mr. Remkus said
11 so eloquently -- so every year these folks have to come
12 in and get a permit, and they have to pay -- even if
13 it's just \$40, it's something they have to do, and the
14 way this is written, they don't know that the Village is
15 going to say, "Well, we don't really want you to stack
16 up firewood up there."

17 There's no standards for what the Village
18 will approve to be displayed or not. So that's why I
19 was suggesting to be as of right with whatever
20 safeguards need to be added. That's my personal view.

21 MR. GIUNTOLI: We -- I wasn't going -- staff
22 was not going to restrict what they could or couldn't
23 put out there to be honest with you.

24 CHAIRMAN KOPP: But the ordinance doesn't

1 say that. The ordinance says the Village administrator
2 has to approve it. So the Village advocate could ask,
3 "What are you going to put out there?"

4 MS. CHOI: It's very rare that the Village
5 administrator gets involved at this level.

6 CHAIRMAN KOPP: Or his designee.

7 MS. CHOI: Which is Roy.

8 MR. GIUNTOLI: And, again, just like John
9 Wagner said, you know, some of those photographs were
10 unattractive and could be construed as unsafe.

11 CHAIRMAN KOPP: But none of those would have
12 been allowed because they weren't -- they were over six
13 feet, they were on the property line, so they were
14 clearly in the yards.

15 MR. GIUNTOLI: Yeah, you're right. We just
16 want to make sure that doesn't happen, correct.

17 CHAIRMAN KOPP: But, Roy, how is that any
18 different from what you do nowadays if they do it --
19 just like you were describing in town center? I mean,
20 you guys drive around, and you see somebody that's -- or
21 you get a call that somebody's got stuff, and it's not
22 supposed to be there, then you cite them. I don't see
23 how this is any different than them cutting their
24 landscaping, that they're supposed to keep up or

1 anything else that compliance does.

2 MR. GIUNTOLI: It's not property maintenance
3 per se. It's the sale of items -- I'm sorry, sale items
4 displayed at the exterior of the building. It's not
5 really property maintenance. Again, it's your call.

6 CHAIRMAN KOPP: Isn't this making more work
7 for you? Because then you have to make sure everybody
8 who's doing this has their temporary permit for that
9 year.

10 MR. GIUNTOLI: Yes, it is making more work
11 for us, you're correct, but it's not making no work for
12 us if we let them do it unregulated, and we won't be
13 paid for it if we have to go out there and chase it.

14 CHAIRMAN KOPP: I think there's a disconnect
15 here. No one is suggesting it to be unregulated. All
16 of these restrictions in B are great. I don't think
17 anybody's arguing with that; and if these aren't enough,
18 maybe there can be more. Again, maybe -- I know it's an
19 item I'm monopolizing.

20 MR. GIUNTOLI: No, it's been my
21 experience --

22 CHAIRMAN KOPP: I'm just one vote on this
23 commission.

24 MR. GIUNTOLI: It's been my experience, if

1 we give them six feet, they're going to put it up to
2 eight feet. If we tell them to keep it down to three
3 feet, they're going to push it down to two feet; and
4 again, that's just been my experience.

5 CHAIRMAN KOPP: So that's not -- nothing
6 we're talking about effects that, whether it's as of
7 right, or with a special permit, or a temporary use
8 license.

9 MR. GIUNTOLI: Well, we would inspect it
10 before we give them approval. We would review it,
11 inspect it before we give them approval to put the stuff
12 out there. If we give it to them as a permitted use,
13 again, we're just going to react to it, but you're
14 absolutely right, we'll react to it along those same
15 lines as if a property maintenance issue comes up,
16 you're correct.

17 MR. WAGNER: A suggestion, Commissioner
18 Wagner?

19 MR. GIUNTOLI: Yes.

20 MR. WAGNER: I still think we need the rules
21 as Chairman Kopp suggested. Maybe you were expressing
22 the fees were a worst case scenario. Well, if we
23 have -- let's assume there's one bad one and five good
24 ones. Maybe the fee could be reduced substantially, but

1 then if there's a violation, there's a fine. That way,
2 if there's a problem, or someone calls in a concern and
3 you find that an entire eight-foot stack of mulch has
4 fallen on somebody, within those rules, couldn't there
5 be a specific statement, that if there is a violation or
6 a safety problem, the fine is X, and then the fine
7 covers the enforcement?

8 MR. GIUNTOLI: So, yes, that's certainly a
9 possibility, if we put that in the rules, but we're
10 adding more rules to something that you don't want rules
11 to begin with, and you should know --

12 MR. WAGNER: No, no, that is not true. We
13 want the rules.

14 CHAIRMAN KOPP: We want the rules, and if
15 you do think there should be five more, tell Ann and
16 then we'll add them.

17 MR. WAGNER: I just think.

18 MR. GIUNTOLI: So, I'm sorry, I didn't mean
19 to say it that way. I didn't mean you, personally. I
20 just meant, generally, what I was hearing -- and I
21 apologize if I misheard it -- that this process is
22 creating a burden on the sales -- on the business
23 owners.

24 But, listen, the due process, if we get a

1 complaint, we don't go out there guns ablazing. We go
2 out there and speak to the manager, and tell them,
3 "Listen, this isn't according to the rules and regs, so
4 please reduce the height, please pull it back a few
5 feet." We don't go out there, standing like a policeman
6 does if he pulls you over for a ticket.

7 These rules won't be written up like that.
8 You don't get a ticket the first time you do something
9 wrong. So that's generally how even property
10 maintenance goes.

11 If we go to somebody's house and they --
12 their grass is 14 inches, we don't hand them a fine.
13 The first thing we do is, you know, we knock on the
14 door, we let them know. The second thing we do is, we
15 write them a letter saying, "Okay, you didn't respond to
16 our verbal, shame on you, so here's the letter." If we
17 give a letter, we give them another X amount of days to
18 do it.

19 Now, the third time we go back to something,
20 generally that's where we issue a citation. So, just so
21 you know, the first shot across the bout is not usually
22 a paid citation.

23 Now, again if you want to work that into the
24 ordinance, fine, then -- but right now I'm the only

1 person that can write a citation outside of Karen Berg.
2 Our third-party inspector's can't write citations. So
3 that would pull me away from the office, and I would
4 rather not have to do that every time somebody steps off
5 that dime, but by all means, if you feel the need for
6 doing that, that's your purview.

7 MR. KAUCKY: You mentioned earlier which
8 kind of sounded interesting. You said the first year
9 fee could be, let's say, 2- to 300, or 300 to 400,
10 whatever that figure is. However, the second year, you
11 said based on the performance of that retailer, if they
12 met all your expectations that first year, you would
13 drastically reduce that fee for them the second year.

14 Now, can you go in a little more detail on
15 that type of scenario?

16 MR. GIUNTOLI: Well, sure. Again, when I
17 said the initial worst case scenario, that was staff
18 spending a lot of time on the telephone or face to face
19 with the applicant to obtain documentation to obtain
20 compliance for the design of what they're going to do,
21 and once we approve something, they know that
22 documentation is approvable, all they need to do is
23 submit that the next year. Staff time, face time with
24 these people is going to be considerably less. So

1 probably cutting the review fee in half.

2 And the same thing would go for the
3 inspection. If we go out to the field, and they know
4 what we're going to allow in the field, they -- if we
5 don't have to come back to do a re-inspection, same
6 thing, the re-inspection fee won't apply to them, again,
7 cutting that fee in half. So it could conceivably be
8 less -- half to less than half of it.

9 You should know that Clovers over there in
10 front of the bowling alley property, they come in four
11 times a year with a variation on their plan every now
12 and then, but four times a year they come into the
13 Village Hall, apply for a permit to do just that, to
14 have an outdoor display. They've streamlined their
15 application to us down to -- every now and then they
16 miss a document that they know they were supposed to
17 submit, and it's a quick phone call, or I've taken it
18 out of the instance prior's file, because I know it
19 applies, and just slip it into the file, and don't do
20 that.

21 Now, I don't generally do that, but let's
22 face it, Clovers is coming to town four times a year for
23 the 16 years I've been here. So, I mean, you want to be
24 nice to our retailers.

1 So could this eventually happen with these,
2 we have a file for each one, and we could go pluck
3 something out that they forgot to submit? Absolutely.
4 Where we won't be tieing staff up, or tieing people up,
5 or making things overburdensome on them, absolutely,
6 that's absolutely the case, but, again, they do it to us
7 four times a year, let alone once a year, and they put
8 up a sign, and they pay a sign fee. So they have
9 considerable fees assessed to them four times a year,
10 and, again, they come back willingly every couple of
11 months.

12 MR. KAUCKY: That's interesting. I know who
13 you're talking about.

14 I just want to make sure that we're as
15 business friendly as we can be to our retailers, because
16 they're under a lot of pressure, and I'm even looking at
17 what just happened yesterday with the tax proposal that
18 the governor lost via the vote, but he's going to turn
19 around and re-assess his taxing abilities, so everyone's
20 going to be under a lot of pressure now. I just want to
21 make sure we're really sensitive to that.

22 MR. GIUNTOLI: You should know that we've
23 been -- pretty much been given directive from management
24 and the Village Hall to -- especially at these times --

1 especially at these times be as gracious as we can to
2 any business owner in the Village of Willowbrook.

3 First of all, that's always been the
4 attitude of at least this department, but, again,
5 there's rules and there's regulations. We hold people
6 to them, and we try not to be overburdensome, but at the
7 same time we absolutely understand that they're a
8 benefit to the Village.

9 Now, you did mention a little bit earlier --
10 I think it was you, Len, I apologize. I put a note
11 down. Maybe it was you, maybe it was Walec, I can't
12 remember, but -- how if a business in Darien -- I don't
13 know -- I'm not a tax expert here, but you mentioned the
14 word tax.

15 So I think Darien has a property tax where
16 we don't -- so, again, we're always looking for ways to
17 just make sure we're not out-of-pocket when staff does
18 something for anybody out there, whether it's a
19 homeowner or a business owner, and, so, yes, sometimes
20 there is a little bit more of a fee here as compared to
21 maybe an adjacent community that has a property tax,
22 but, again, we don't have a property tax, and fees have
23 to be paid from somewhere, so there you are with that
24 comment.

1 MR. KAUCKY: I kind of like your thoughts
2 about that second year application being less. I really
3 think that's the right way to go, if you're going to
4 assess anything.

5 CHAIRMAN KOPP: I think that we're not in a
6 position to do the motion yet, because I don't know that
7 we have an agreement, so as I see it, here's the issue.

8 Do we require a temporary use permit every
9 year with the Village administrator's approval and with
10 the restrictions, or do we make it as of right with the
11 restrictions? We've got six commissioners here. I'm in
12 favor of the latter, that we make it as of right with
13 the restrictions, but if the majority of people would
14 rather have it as a temporary use permit, that's fine,
15 and that's the motion Ann wrote.

16 We've got to decide how we're going to --
17 we're either going to have to decide one or the other,
18 or we're going to have to table it.

19 MR. REMKUS: I like the right idea. I like
20 that. The less expense on the business, especially at
21 this time. Maybe at a future date, if we see this is
22 costing the Village a lot of money and stuff like that,
23 we could impose fees, but I think getting it started,
24 and getting these rules out there, making it a right,

1 and then -- that gives us an opportunity to see, is it
2 costing the Village money to do this, or are we doing
3 okay? Are we helping our businesses bringing in more
4 business? We can always add fees on.

5 MR. GIUNTOLI: Bill, to respond to that, I
6 think you're absolutely correct. At this time we've
7 been directed by management to waive any fees for the
8 outdoor eating permits for restaurants. So basically
9 the Building Department is eating -- no pun intended --
10 the fees to all outdoor restaurants, and staff is
11 spending an incredible amount of time on processing
12 those permits.

13 So, correct, there is a possibility that
14 maybe that could be brought forth too, temporarily,
15 during COVID. Those rules apply to this as well. I'm a
16 little worried that if we start rolling down this road,
17 where's it going to end, especially if COVID doesn't
18 end? And eventually we're doing everything for free to
19 help businesses? I'm not sure. It's going to send us
20 down a path of -- whatever, you know, no fees all
21 around, but that's an absolutely good point.

22 MR. KOPP: Other commissioners?

23 MR. WALEC: I have a comment. Since we're
24 towards the end of the year right now, so if these six

1 gas stations wanted to come in and pull a permit for --
2 to go ahead and put displays outside, I would maybe
3 waive that fee, and then re-inspect it next year, and
4 charge them a smaller fee if they're in compliance.

5 As far as this whole thing, I would like
6 this also to be by right, and just with these five
7 different rules to be attached to it.

8 MR. GIUNTOLI: Staff doesn't have the right
9 to waive fees. I think that happens at a board level,
10 correct, Ann?

11 MS. CHOI: Yes.

12 CHAIRMAN KOPP: But if it's as of right,
13 there are no fees?

14 MS. CHOI: That's correct.

15 CHAIRMAN KOPP: There's no fees and no
16 annual --

17 MR. GIUNTOLI: You are correct, sir.

18 MR. KAUCKY: We're just recommending to the
19 Village board anyway, so we know we can't make the
20 decision. We're just discussing this and recommending
21 how we feel.

22 MR. GIUNTOLI: You're correct, being a
23 permitted use there would be no associated fees. You
24 are correct.

1 CHAIRMAN KOPP: All right.

2 MR. WALEC: It's only six businesses that
3 would be involved in this.

4 MR. GIUNTOLI: No, it could conceivably be
5 anybody in the town center that wants to put something
6 out on the sidewalk. There could be --

7 CHAIRMAN KOPP: Roy, that's not what we're
8 talking about here.

9 MS. CHOI: No. Roy, this text amendment is
10 only for gas stations and drugstores, and the only
11 drugstore we have in town right now is Walgreen's.

12 MR. GIUNTOLI: I apologize. I'm sorry.

13 CHAIRMAN KOPP: So that's three of the six.
14 Anyone else?

15 MR. KAUCKY: This is, again, Len Kaucky. I
16 want to make sure I'm in that camp where it's allowed,
17 no fees. That would be my preference.

18 CHAIRMAN KOPP: So I think that means the
19 majority of us are in favor of that.

20 So, Ann, I would think what we would do is
21 table this, and you would talk to the mayor, the
22 administrator, and then -- as you mentioned before --
23 look at a different way to incorporate that into the
24 statute?

1 MS. CHOI: Okay. Could we -- so we're going
2 to continue the public hearing on this matter, let's
3 say, for next month?

4 CHAIRMAN KOPP: Sure.

5 MS. CHOI: So then I don't have to send out
6 another public hearing notice.

7 So is everyone available on December 2nd?
8 That's a Wednesday of the first week.

9 MR. REMKUS: Yes.

10 MR. WALEC: Sure.

11 CHAIRMAN KOPP: I'm not sure of the
12 parliamentary procedure. I make a motion that we table
13 this public hearing -- or this discussion on Zoning
14 Hearing Case PC 20-10 until the next public meeting of
15 the Plan Commission.

16 MR. REMKUS: I'll second.

17 CHAIRMAN KOPP: All in favor say, Aye.

18 ALL MEMBERS: Aye.

19 CHAIRMAN KOPP: Any nays?

20 MS. CHOI: I'm sorry, was that seconded
21 by Remkus?

22 MR. REMKUS: Yes.

23 (WHICH WERE ALL THE PROCEEDINGS HAD.)

1 STATE OF ILLINOIS)
2 COUNTY OF DUPAGE) SS:
3

4 I, ROBIN HEJNAR, a certified shorthand reporter
5 and registered professional reporter do hereby certify:

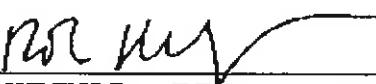
6 That prior to being examined, the witness in
7 the foregoing proceeding was by me duly sworn to testify
8 to the truth, the whole truth, and nothing but the
9 truth;

10 That said proceedings were taken remotely
11 before me at the time and places therein set forth and
12 were taken down by me in shorthand and thereafter
13 transcribed into typewriting under my direction and
14 supervision;

15 I further certify that I am neither counsel
16 for, nor related to, any party to said proceedings, not
17 in anywise interested in the outcome thereof.

18 In witness whereof, I have hereunto subscribed
19 my name.

20 Dated: November 18, 2020

21
22
23 
24 ROBIN HEJNAR, RPR
CSR No. 084-004689



