

MINUTES OF THE SPECIAL MEETING OF THE PLAN COMMISSION HELD ON WEDNESDAY, APRIL 21, 2021 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 7:01p.m.

2. ROLL CALL

Those physically present at VOW Police station were Vice Chairman Wagner
Present Via Zoom COVID -19 Pandemic were Chairman Kopp, Commissioners Kaczmarek, Kaucky,
Walec, and Building Official Roy Giuntoli

Also, present Via Zoom were Planning Consultant Anne Choi and Recording Secretary Lisa Shemroske
from the Village Hall

ABSENT: Commissioner Remkus and Soukup

3. OMNIBUS VOTE AGENDA

The items on the Omnibus Vote Agenda were as follows:

- A. Waive Reading of Minutes (APPROVE)
- B. Minutes – Regular Meeting March 3, 2021

MOTION: Made by Vice Chairman Wagner seconded by Commissioner Walec approve the Omnibus Vote Agenda as presented.

Roll Call Votes AYES: Commissioner Kaczmarek, Kaucky, Walec, Vice Chairman Wagner and Chairman Kopp NAYS: None

MOTION DECLARED CARRIED

4. PLAN COMMISSION CONSIDERATION: Zoning Hearing Case 21-01:

Consideration of a petition requesting approval of a special use permit for a fast-food establishment and a special use permit for a drive-through in the B-2 Community Shopping District, including certain variations from Title 9 of the Village Code. The Applicant seeks to demolish the existing gas/service station and construct a one-story, 2,300 square foot building and drive-through with associated on- and off- site improvements. The Applicant is Hakim Yala of Panda Express, Inc., 1683 Walnut Grove Avenue, Rosemead CA 91770. The property owner is True North Energy, LLC 10346 Brecksville Road, Brecksville OH 44141.

A. PUBLIC HEARING

B. DISCUSSION/RECOMMENDATION

Planning Consultant Choi presented the project and explained that the Plan Commission last saw concepts for the subject property at their February 3, 2021 meeting. The Applicant had since submitted an amended application due to two reasons. The first reason was that the previously proposed location for the driveway on Route 83 was located too close to an existing Red Light Running (RLR) camera. The second reason was that the Route 83 driveway was within the right-of-way area in front of 7535 Kingery Highway (Red Roof Inn), the neighbor to the south. Planning Consultant Choi stated that these two reasons required some changes to the previously proposed site plan. A new public hearing was also required since the number of requested variations increased from thirteen (13) to fourteen (14) and changed the requested relief on three other variations.

Planning Consultant Choi highlighted the following changes to the site plan:

1. The 75th Street curb cut has been shifted twenty to twenty-five feet (20'-25') to the east.
2. The Route 83 curb cut has been shifted further to the south.
3. A cross access driveway has been proposed between the subject property and the property to the south (Red Roof Inn).
4. The proposed building has shifted to the east lightly (0.2 feet).
5. The interior parking spaces were reconfigured resulting in the loss of two (2) parking spaces from forty-six (46) parking spaces to forty-four (44) parking spaces.

Planning Consultant Choi explained that a review letter issued by IDOT on January 28, 2021 was received by planning staff on the date of the last public hearing on February 3, 2021. The IDOT review letter noted that the previously proposed driveway on Route 83 encroached within the right-of-way area in front of the Red Roof Inn property to the south. IDOT required that the Applicant provide a Lot Line Agreement with Red Roof Inn or shift the proposed Route 83 driveway to the north so that no part of the driveway, including the flares of the curb, were in the right-of-way area in front of Red Roof Inn. IDOT noted that an existing RLR was located in the previously proposed driveway.

Planning Consultant Choi indicated that the Applicant provided a revised site plan that included changes to the Route 83 driveway that was shifted further to the south to avoid impacts to the existing RLR camera. Planning Consultant Choi also stated that Village staff confirmed with the RLR camera vendor that the proposed location of the driveway would not require the RLR camera to be moved and that there would be no impacts to revenue for the Village. Planning Consultant Choi informed the Plan Commission that the revised site plan was reviewed with Red Roof Inn and a Lot Line Agreement and Cross Access Easement Agreement were executed by both parties, and currently under review by the Village attorney.

Planning Consultant Choi explained that the cross-access driveway was negotiated with Red Roof Inn in exchange for the Lot Line Agreement. Cross access would improve the on-site circulation on the Red Roof Inn property. Currently, Red Roof Inn's only vehicular access from Route 83 is via the Target property to the south. Cross access between the two properties

would provide direct access to 75th Street. Planning Consultant Choi pointed out that those wishing to travel westbound on 75th Street would require vehicles to cross into the Target property to the south, make a right-turn onto Route 83 and then make an immediate maneuver into the left-turn lanes by crossing two lanes of traffic on Route 83 to make the left turn onto 75th Street. Planning Consultant Choi also noted that the cross-access drive would act as a “frontage road” along the west side of both the subject property and the Red Roof Inn property and would help minimize impacts and conflicts on the adjacent roadway network.

Planning Consultant Choi concluded her presentation by stating that planning staff does not object to the proposed special use request for a fast-food establishment with drive-through, that the building meets the user’s needs, and the proposed site improvements create an improved situation than what exists on the subject property today even though variations are required.

Chairman Kopp asked the Plan Commissioners if they had any questions of the Applicant or of Planning Consultant Choi.

Commissioner Kaucky asked Planning Consultant Choi if the route of traffic could be highlighted from the cross-access driveway for Red Roof Inn customers to get to the 75th Street exit. Planning Consultant Choi highlighted the route of traffic on the site plan. Commissioner Kaucky asked if cars would be able to make a left turn onto 75th Street. Planning Consultant Choi referred to the Traffic Control Plan and noted that as proposed, vehicles would be restricted to making a right-turn only onto 75th Street. A stop sign and right-turn only sign were proposed at the 75th Street driveway. Planning Consultant Choi asked if someone from the Applicant’s team could confirm that this would be restricted to right-turn only.

Mr. Styck, the Applicant’s engineer, confirmed that the restriction to right-turn only was one of the first traffic review comments from the Village traffic consultant. Otherwise, vehicles would be crossing two lanes of eastbound traffic and into three additional westbound lanes of traffic.

Commissioner Kaucky then asked if on-site signage such as “TO 75TH STREET, EAST-BOUND ONLY” or something to that effect that directs patrons to 75th Street from the cross-access driveway would be provided on the Red Roof Inn property. Planning Consultant Choi responded that she did not believe there was any signage of that nature proposed on the Red Roof Inn site but if the Plan Commission would like to recommend such signage, then this can be added as a condition of approval. Commissioner Kaucky pointed out that if patrons wanted to go eastbound on 75th Street they would need to use the cross access, but if patrons wished to go westbound on 75th Street, they would need to use the cross access shared with the Target property. Commissioner Kaucky noted that if patrons wanted to go westbound on 75th Street, they would drive through the Wingren Plaza and turnaround within the shopping center to travel westbound on 75th Street due to the right-out only restriction.

Commissioner Wagner stated that it would seem appropriate for hotel patrons using the cross-access driveway between the subject property and the Red Roof Inn property to have the ability

to turn left when exiting onto 75th Street. Planning Consultant Choi concurred and pointed out that vehicles who wish to make a left turn onto 75th Street would be making that left turn regardless of the right-out only restriction. Commissioner Wagner agreed.

Mr. Maurides, attorney for the Applicant, indicated that for many years, vehicles wishing to go westbound on 75th Street have crossed the traffic on Route 83 and worked their way over to the left-turn signal since this was the only option they have had. Mr. Maurides pointed out that currently the subject property provides two existing curb cuts on 75th Street and there are no restrictions on making a left turn. The Applicant therefore moved the driveway further away from the intersection and closed the westernmost curb cut. This would allow vehicles who are entering the site from 75th Street to enter directly into the parking area, provides additional stacking for the drive-through, and for those vehicles coming from Red Roof Inn would have access to eastbound 75th Street so they were not caught up at the traffic light on northbound Route 83. Mr. Maurides clarified that Red Roof Inn requested the cross-access driveway so their customers could go eastbound, not westbound, onto 75th Street. Mr. Maurides agreed it might be a good idea to add a sign that notifies patrons of the access to 75th Street at the mouth of the driveway on the Red Roof Inn property but indicated that this is Red Roof Inn's private property, and it should be left up to Red Roof Inn if they wanted to add this sign as the Applicant could not add signs onto the Red Roof Inn property. If the Plan Commission asked the Applicant to add directional signs onto the subject property, the Applicant was open to that.

Commissioner Wagner clarified his earlier statement that he did not want to put any type of restriction for those wishing to make a left turn onto 75th Street and suggested to remove any signs that restricted movement to eastbound only. Mr. Maurides believed that most hotel patrons would be exiting in the mornings and did not know what the traffic would be like during this time but stated that the Applicant would be amenable to removing or keeping the eastbound only restriction.

Commissioner Kaucky reiterated that he preferred that patrons have the ability to make a left and right-turn onto the 75th Street driveway. Mr. Maurides stated that the left-turn movement has functioned in this way for twenty-five years.

Chairman Kopp asked the Applicant if they wished to make a presentation. Mr. Maurides stated that Panda Express is a family-owned and operated business with over 2,300 restaurants around the world in eleven different countries and in 1,100 hundred different cities, with over 40,000 employees. The Applicant is requesting fourteen variations because the subject property is a substandard lot in the B-2 zoning district, and many of the variations for setbacks have been in existence since the Shell gas station. The project is requesting a couple of new variations. Mr. Maurides highlighted the changes: the parking count went down from forty-six (46) to forty-four (44) cars, and other than that there were some requests from staff enhanced landscaping. Mr. Maurides pointed out that the Plan Commission recommended unanimous approval on the previous site plan and no significant changes were made since the last Plan Commission meeting. The existing use is a dilapidated Shell gas station at the corner and the project is

hoping to go in there and clean it up. Mr. Maurides indicated that he believes they have all the easements necessary from Red Roof Inn which were sent to the Village.

Chairman Kopp asked the Applicant if they were okay with the twenty (20) recommended conditions of approval listed in the staff report. Mr. Maurides pointed stated that Planning consultant Choi separated Condition Nos. 18 and 19 for the requirement of the recording two different easements. One is the Cross Access Easement Agreement and the other is the Plat of Easement. Mr. Maurides stated that the way the documents were drafted, the Plat of Easement was attached to the Cross Access Agreement as an exhibit so both would be recorded simultaneously and are not two separate agreements.

The Plan Commission did not have any further questions. No questions were posed by the public. Chairman Kopp closed the public comment period and opened the discussion between the Plan Commissioners.

Plan Commission Discussion

Chairman Kopp expressed support in favor of the project and agreed with the other Plan Commissioners on making the exit onto 75th Street go both directions (left-turn/right-turn out).

Planning Consultant Choi asked the Plan Commission to clarify Commissioner Kaucky's comment about the addition of directional on-site signage on the Red Roof Inn property to direct hotel patrons to the 75th Street exit. Chairman Kopp responded that he personally liked Mr. Maurides' suggestion that Red Roof Inn should decide if their patrons would need on-site directional signage. Commissioner Kaucky agreed.

The following motion made by Kaucky was seconded by Wagner and approved unanimously, a 5-0 roll call vote of the members present:

MOTION: The following motion made by Commissioner Kaucky and second by Vice Chairman Wager

I move that the Plan Commission approve and adopt the Findings of Fact submitted in response to the Standards for Special Use Permits and Standards for Variations outlined in Attachments 3 and 4, respectively, of the staff report prepared for PC 21-01 for the April 21, 2021 Plan Commission meeting; and that the Plan Commission recommend to the Village Board approval of a special use for a fast food establishment with a drive-through, including the list of variations as outlined in the staff report prepared for PC 21-01 for the April 21, 2021 Plan Commission meeting, and as deliberated by the Plan Commission, according to the plans listed in the Staff Report for PC 21-01 for the April 21, 2021 Plan Commission meeting, and subject to the following conditions, and as modified below:

Conditions of Approval:

1. Improvements shall be in substantial compliance with all plans described in Attachment 2 of the staff report prepared for PC 21-01 except as may be modified in response to compliance with Village Codes or conditions recommended by the Plan Commission and as approved by the Village.
2. The special use permit shall be null and void if construction for the proposed use is not commenced within eighteen (18) months of the date of any approval of the special use by the Village Board.
3. Approved signage is limited to two hundred ninety square feet (290 SF) of signage including one monument sign and four wall signs in substantial conformance with the sign package included in Attachment 2 of the staff report.
4. The Landscape Plan shall be revised, resubmitted, and approved by the Village in compliance with Village Codes prior to final zoning approval from the Village Board.
5. Plans shall be revised prior to being considered by the Village Board in compliance with the planning comments outlined in Attachment 7 of the staff report prepared for PC 21-01 for the April 21, 2021 Plan Commission meeting.
6. The trash enclosure shall be constructed to look like masonry and shall appear similar to the color and style of the building.
7. All landscaped areas shall be constructed, and landscape material installed prior to the issuance of any permanent occupancy permit for the subject realty, or such earlier time, as is reasonably practical.
8. The Red Maple tree (or any other tree proposed in that location) located to the northeast of the cross-access drive shall be maintained so that its leaves and/or foliage are higher than three and five tenths' feet (3.5') from grade to maintain the sight distances at the proposed access driveway on Kingery Highway and 75th Street and internal site intersections.
9. A separate sign permit shall be obtained for the proposed building signage, pursuant to the Village Code.
10. Construction on the subject realty is subject to the issuance of building permits, which shall not be authorized by the Village until the Applicant submits an executed "Traffic and Regulation Enforcement Agreement" attached hereto as Attachment 6, together with satisfactory evidence to the Village that the subject realty was conveyed by the current property owner (True North Energy LLC) to the Applicant (Panda Express, Inc.).
11. Prior to the issuance of any site/civil engineering/grading and or new building permits, the Applicant shall obtain approval of the site plan for the subject realty by the Illinois Department of Transportation (IDOT) relative to access to Route 83.
12. A permit is required from IDOT prior to any work in the IL Route 83 right of way.
13. A permit is required from the Du Page County Public Works Department for the sanitary sewer connection.

14. Prior to the start of construction, the Applicant shall file a Notice of Intent with the Illinois Environmental Protection Agency (IEPA).
15. Prior to issuance of a building permit, the Applicant shall provide the Village with a letter of No Further Remediation (NFR) from the IEPA.
16. Prior to issuance of a building permit, the Village will require a Plat of Easement to grant access to the B-Box at the building. This can be a 10-foot-wide non-exclusive easement over the water service from 75th Street to the building.
17. Prior to issuance of a building permit, the Applicant shall provide a roadway impact statement from Du Page County Department of Transportation (DuDOT) for the 75th Street driveway.
18. Prior to issuance of a building permit, the Applicant shall enter, and record, a cross access agreement with the property owner of 7535 Kingery Highway (Red Roof Inn) in a form to be approved by the Village Attorney.
19. Prior to issuance of a building permit, the Applicant shall record a Plat of Easement granting cross access between the subject property and the property to the south (7535 Kingery Highway) in a form acceptable to the Village.
20. All plans and documents shall be revised and resubmitted as required by Village staff and the Plan Commission as indicated in the staff report or as discussed during the April 21, 2021 meeting and approved by staff prior to being forwarded to the Village Board for final consideration.

Added by the Plan Commission at the April 21, 2021 Plan Commission meeting (public hearing):

1. Condition Nos. 18 and 19 can be accomplished through one agreement.
2. The Plan Commission recommends that the exit onto 75th Street should be allowed to go both directions.

Roll call votes: AYES: Commissioners Kaczmarek, Kaucky, Walec, Vice Chairman Wanger and Chairman Kopp NAYS: None

MOTION DECLARED CARRIED

5. VISTOR'S BUSINESS.

None

6. COMMUNICATIONS

Planner Choi informed the Commissioners that the project at 735 Plainfield Road was denied at the Village Board meeting. April 12, 2021 pud denied. Developer is looking at other options. Reason, too many things on the site, and traffic and too many waivers that they brought up. May 5, 2021 Public Hearing is on a minor sub-division request.

7. ADJOURNMENT

MOTION: Made by Commissioner Walec seconded by Vice Chairman Wagner to adjourn the meeting of the Plan Commission at the hour of 7:30 p.m.

Roll call votes AYES: Commissioners, Kaczmarek, Kaucky, Walec, Vice Chairman Wanger, and Chairman Kopp NAYS: None

MOTION DECLARED CARRIED

PRESENTED, READ, AND APPROVED,

May 5, 2021



Chairman

Minutes transcribed by Building and Zoning Secretary Lisa J Shemroske

5/4/2021

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

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PLANNING & ZONING COMMISSION
OF THE VILLAGE OF WILLOWBROOK

WEDNESDAY, APRIL 21, 2021

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 21st day of April 2021, 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.

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3 APPEARANCES:

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5 Daniel Kopp - Chairman

6 John Wagner - Vice-Chairman

7 Lisa Shemroske - Recording Secretary

8 Maciej Walec - Member

9 Catherine Kaczmarek - Member

10 Leonard Kaucky - Member

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18 Staff Also Present:

19 Ann Choi - Planning Consultant

20 Roy Giuntoli - Building Official and interim acting
21 Secretary

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5 CHAIRMAN KOPP: I open up the special
6 meeting of the Plan Commission of the Village of
7 Willowbrook, and ask the Plan Commission Secretary to
8 call the role.

9 MS. SHEMROSKE: Commissioner Remkus?
10 Commissioner Soukup? Commissioner Kaczmarek?

11 MS. KACZMAREK: Here.

12 MS. SHEMROSKE: Commissioner Kaucky?

13 MR. KAUCKY: Here.

14 MS. SHEMROSKE: Commissioner Walec?

15 MR. WALEC: Here.

16 MS. SHEMROSKE: Vice Chairman Wagner?

17 MR. WAGNER: Here.

18 MS. SHEMROSKE: And Chairman Kopp?

19 CHAIRMAN KOPP: Here.

20 MS. SHEMROSKE: Planner Ann Choi?

21 MS. CHOI: Present via Zoom.

22 MS. SHEMROSKE: Building Official Roy

1 Giuntoli?

2 MR. GIUNTOLI: Present via Zoom.

3 MS. SHEMROSKE: And I'm Recording Secretary
4 Lisa Shemroske.

5 CHAIRMAN KOPP: I want to announce that, due
6 to the COVID 19 pandemic, we are utilizing a conference
7 call for this meeting.

8 Next item on the agenda for the
9 commissioners is the omnibus vote agenda. Would any of
10 the commissioners like an item removed from the omnibus
11 vote agenda? If not, would someone make a motion to
12 approve the omnibus vote agenda?

13 MR. WAGNER: So moved, Wagner.

14 MR. WALEC: Walec, second.

15 CHAIRMAN KOPP: All right. Next item --

16 MS. SHEMROSKE: Excuse me, Dan, do we have
17 to do a role call each time?

18 CHAIRMAN KOPP: I'm sorry, you're right. He
19 did tell us that. Thank you for reminding me.

20 MS. SHEMROSKE: That everybody approves?

21 Commissioner Kaczmarek, do you approve? All
22 in favor?

1 MS. KACZMAREK: Yes, even though I wasn't in
2 attendance.

3 MS. SHEMROSKE: Correct. Okay.
4 Commissioner Kaucky?

5 MR. KAUCKY: Yes.

6 MS. SHEMROSKE: Commissioner Walec?

7 MR. WALEC: Yes.

8 MS. SHEMROSKE: Vice Chairman Wagner?

9 MR. WAGNER: Yes.

10 MS. SHEMROSKE: And Chairman Kopp?

11 CHAIRMAN KOPP: Yes.

12 MS. SHEMROSKE: All in favor. Okay.

13 CHAIRMAN KOPP: Next item on the agenda is
14 Zoning Hearing Case 21-01, consideration of a petition
15 requesting approval of a special use permit for a
16 fast-food establishment, and a special use permit for a
17 drive-through in the B2 community shopping district,
18 including certain variations from Title 9 of the Village
19 Code. The applicant seeks to demolish the existing
20 gas/service station, construct a one-story 2,300 square
21 foot building and drive-through with associated
22 on-and-off site improvements.

1 The applicant is Hakim Yala of Panda Express
2 of Rosemead, California. The property owner is True
3 North Energy of Brecksville Ohio, and notice of this
4 public meeting was published -- I don't have that in
5 front of me.

6 MS. SHEMROSKE: I thought I gave that in
7 that folder.

8 CHAIRMAN KOPP: You probably did.

9 MS. SHEMROSKE: Oh, I'm sorry.

10 CHAIRMAN KOPP: I'll come back to that when
11 we find it, or when I find it.

12 Ann, would you like to make your
13 presentation?

14 MS. CHOI: So it was published in the
15 April 5th Edition of the Chicago Sun Times Newspaper.

16 CHAIRMAN KOPP: Great.

17 MS. SHEMROSKE: Thank you.

18 MS. CHOI: All right. So I'm going to,
19 actually, share my screen, and let me know if everyone
20 can see the screen.

21 So, thank you, Chairman Kopp. The
22 petitioner, again, is requesting approval of this

1 special use permit, including certain relief from Title
2 9 of the Village Code, to demolish the existing Shell
3 Gas Station, and replace it with the construction of a
4 one-story, 2,300 square foot fast-food establishment
5 with associated drive-through and on-and-off site
6 improvements.

7 The proposed single-story building is
8 situated towards the northwest portion of the subject
9 property, and will require several variations because
10 the building will not meet required setbacks, minimum
11 required lot area for the proposed uses, and certain
12 landscape requirements.

13 The property is a total of one acre, located
14 at the southwest corner of Route 83 and 75th Street.
15 Property is zoned B2 community shopping, and is
16 surrounded by the Willowbrook Wingren Shopping Center to
17 the north, Potbelly's Restaurant to the west,
18 Willowbrook Wingren -- I'm sorry, Willowbrook Key Light
19 Manufacturing to the east, and the Red Roof Inn to the
20 south.

21 So this may look very familiar, because the
22 Plan Commission last saw concepts for this site back at

1 their February 3rd, 2021, meeting; and the reason for
2 why we're back here, is that there was an amended
3 application that was submitted.

4 There were two major issues identified with
5 the previous site plan. The first issue, since the last
6 review, was that an existing red light camera was
7 located too close to the proposed Route 83 driveway.
8 The red light camera is right here. I'm going to switch
9 over to another exhibit, and just highlight the changes
10 that were made.

11 So what you see in the red dot is the
12 previous site plan that the Plan Commission made a
13 recommendation on. There was an existing red light
14 camera that was within the proposed driveway, and then
15 the Village did not wish to relocate this red light
16 camera.

17 The second issue was that the Route 83 curb
18 cut within the right-of-way area of the property to the
19 south, here and here, it was within the right-of-way
20 area of Red Roof Inn, which IDOT would not approve
21 without a lot-line agreement in place with that property
22 owner.

1 So these two issues necessitated some
2 changes to the site plan, which will be discussed in
3 greater length; but, in short, these issues required a
4 new public hearing, because the variations increased
5 from 13 to 14, and change the request of relief on three
6 other variations.

7 So, as you can see on the following PDFs,
8 the major changes to this site plan include -- and this
9 was the site plan that was previously recommended for
10 approval. The 75th curb cut has been shifted further to
11 the east. This was the previous site plan. This is the
12 new site plan, and the Route 83 curb cut has been
13 shifted further to the south. This is the old plan
14 again. This is the new plan, and a cross-access
15 driveway has been established between the subject
16 property and the property to the south.

17 The proposed restaurant also shifted very
18 slightly, less than one foot to the east, and some of
19 the parking -- interior parking spaces were
20 reconfigured, resulting in the loss of two parking
21 spaces, from 46 to 44, but the site is well overparked.
22 I think the requirement is 23 parking spaces.

1 So just, first, some background, and I
2 believe we did touch upon this at the last public
3 hearing. There was a review letter issued by IDOT on
4 January 28th. It was received by the Village on the
5 date of the public hearing, which was February 3rd,
6 2021, and this is included as attachment eight of the
7 Staff Report.

8 IDOT noted that the previously proposed curb
9 cut on Route 83 encroached within the right-of-way area
10 in front of the Red Roof Inn property. IDOT required
11 that the applicant provide a lot-line agreement with Red
12 Roof Inn, or shift the proposed driveway on Route 83 to
13 the north, so that no part of the proposed driveway,
14 including the flares of the curbs, were within that
15 right-of-way in front of Red Roof Inn. IDOT also noted
16 that there was a red light running camera located in the
17 previously proposed driveway on Route 83.

18 So the applicant provided a revised site
19 plan that included changes to the driveway. It was
20 shifted south, as mentioned previously, to avoid impacts
21 to the camera. Village staff confirmed with the camera
22 vendor, that the proposed location of the driveway would

1 not require that camera to be moved, and there would be
2 no impacts to revenue for Willowbrook.

3 The revised site plan was also reviewed with
4 Red Roof Inn, and Red Roof Inn was agreeable to the
5 lot-line agreement; and in exchange, requested that
6 Panda Express provide cross access between the two lots
7 to improve the on-site circulation on the hotel
8 property. So let me pull up a map. I'm just going to
9 look at the issues, why that cross access was requested
10 by Red Roof Inn.

11 So, currently -- this is Red Roof Inn here,
12 as you know, and this is the existing Shell Gas Station.
13 Red Roof Inn's only vehicular access is -- from
14 Route 83, is via the Target parcel to the south. A
15 cross access between Red Roof Inn and Panda Express
16 would provide Red Roof Inn patrons direct access to 75th
17 Street, through here, through the site. For those
18 wishing, currently, to travel westbound on 75th Street
19 from the hotel property, this would require vehicles to
20 cross the Target property to the south, make an
21 immediate right, and then cross two lanes of traffic to
22 make that left onto 75th Street.

1 The cross access drive would act as a
2 frontage road -- let me go back to the site plan here --
3 and this would help minimize conflicts and impacts on
4 the adjacent roadway network. The response from Red
5 Roof Inn has been positive, and it appears full
6 cooperation is achieved.

7 The Village has required that, as part of
8 the special use permit approval, the applicant shall
9 enter into record a cross-access agreement with the
10 property owner of 7535 Kingery Highway, in a form to be
11 approved by the Village attorney. Also, there's a
12 condition that, prior to issuance of a building permit,
13 the applicant shall record a Plat of Easement granting
14 cross access between the subject property and Red Roof
15 Inn.

16 So both parties have executed a lot-line
17 agreement and a cross-access easement agreement. That
18 was received today by the Village, and it's -- they're
19 both currently under review by the Village attorney; and
20 the Village also received an email from Panda --
21 today -- or the Panda team today, that indicated IDOT's
22 confirmation, that IDOT does not have an issue with the

1 proposed driveway layout, the geometry, or the lot-line
2 agreement.

3 So that, basically, summarizes all of the
4 changes made since the last site plan was reviewed.
5 Staff does not have any objections to the proposed
6 special use for this fast-food establishment with a
7 drive-through. The building meets the users' needs,
8 site improvements create an improved situation that
9 would exist there today, and staff would also recommend
10 acceptance of the written findings of fact in response
11 to the standards for special use permits and standards
12 for variations, which are included as attachments three
13 and four of this report.

14 So a sample motion can be found on pages 16
15 and 17 of the Staff Report, and that concludes my
16 presentation. I am here for any questions, as well as
17 the applicant's team.

18 CHAIRMAN KOPP: Do any of the commissioners
19 have any questions for Ann about her presentation?

20 MR. KAUCKY: Yes -- this is Len Kaucky -- I
21 do.

22 Ann, if you could, with your mouse, can you

1 show me, on your diagram that you have there, the route
2 of traffic for that special access for the Red Roof Inn
3 customers to get to the 75th Street -- where is that --

4 MS. CHOI: Right. Can you see the mouse
5 arrow?

6 MR. KAUCKY: Yes.

7 MS. CHOI: So there is a north arrow going
8 up that way, and then the southbound arrow. So you
9 would either come in from the parking here, or you would
10 come from this driveway here. So you would go
11 northbound, you would make a right, and then you could
12 either turn here, or you could turn here, and go
13 straight out on to 75th Street.

14 MR. KAUCKY: And where the arrow's now,
15 they're allowed to make a left-hand turn there then?

16 MS. CHOI: Yes.

17 MR. KAUCKY: And I'm assuming, all along the
18 route, is there going to be a sign saying, "To 75th
19 Street," or how does that work, or will it be obvious?

20 MS. CHOI: Let me pull up the traffic plan.

21 Okay. So towards the end of your packet --
22 and it says, "Traffic Plan Sheet DX-02." Let me try to

1 find it on here, my apologies. Let me just go through
2 this really quickly. Here we go.

3 So there's, actually, a stop sign proposed
4 in the traffic control plan. Sorry, it looks like
5 there's a right-turn only on there. I'm not sure if
6 someone from the applicant's team can state if this is
7 restricted to right-turn only.

8 MR. STYCK: This is Brian Styck with Atwell.

9 I think that was one of the first traffic
10 review comments from the Village traffic reviewer, was
11 to make that a right-turn only. There's -- otherwise,
12 they would be turning across two lanes of traffic, and
13 into three more lanes, which that would be a left turn,
14 a straight turn, and a right turn.

15 CHAIRMAN KOPP: I'm sorry to interrupt. We
16 should have had you sworn in before you testified.

17 (Whereupon, Brian Styck is duly
18 sworn.)

19 MR. STYCK: Thank you.

20 MS. CHOI: Okay. Then that was my mistake,
21 then. I think those are restricted to right-turn only.

22 MR. KAUCKY: I guess, my question is, if I'm

1 a Red Roof patron, and I want to go to 75th Street, and
2 I elect to take that driveway that you had just shown us
3 with your mouse, is it going to say, "To 75th Street,
4 eastbound only," or something to that effect, so they
5 know?

6 MS. CHOI: I don't believe we had any of
7 that type of signage on there.

8 MR. KAUCKY: I see. Okay. I was just
9 curious, that's all.

10 MS. CHOI: But if the Plan Commission thinks
11 that's a good idea, we can always add that as a
12 condition of approval here at the hearing.

13 MR. KAUCKY: It sounds to me that that's the
14 only route that they can go, and it will only be
15 eastbound on 75th. Now, if they want to go westbound,
16 they'll have to use the other drive that we mentioned.
17 You know what I'm saying?

18 MS. CHOI: Yes.

19 MR. KAUCKY: What you're going to have, is
20 people going in that Wingren Plaza, pulling in there,
21 and turning around -- you know what I'm saying? -- if
22 they want to go west on 75th Street. I live right

1 there, so I know exactly how this is going to work. I
2 can tell, you know.

3 MR. WAGNER: It seems to me that the
4 discussion earlier was that it was a dangerous move to
5 leave the Red Roof Inn property, to cross many lanes
6 across 83 to go westbound on 75th Street. It seems to
7 me that if we're going to have this cross access for Red
8 Roof Inn, to go through the property, to exit onto 75th
9 Street, it would be appropriate for them to be allowed
10 to turn left, to exit onto 75th Street in a westbound
11 manner.

12 MS. CHOI: Yes, and I feel as if people who
13 really wanted to make that left turn, would be making
14 that left turn regardless of -- if it was restricted.

15 MR. WAGNER: I would agree with that.

16 MR. MAURIDES: Commissioner Wagner?

17 MR. WAGNER: Yes.

18 MR. MAURIDES: My name's George Maurides.
19 We spoke with you last time. I'm the attorney for the
20 Group, and --

21 COMMISSIONER WAGNER: Yes, sir.

22 MR. MAURIDES: It's pretty obvious, that for

1 years, and years, and years, people going westbound on
2 75th Street out of Red Roof Inn have crossed the traffic
3 and worked their way over with a turn signal. That's
4 the only way they've had to go. And, also, as far as
5 the gas station goes, on 75th Street, there were two
6 curb cuts, and there was no restrictions on people
7 leaving and going left out of the gas station.

8 So what we did was, we moved it a little bit
9 further away from the intersection; this one here,
10 closed the other entranceway here, so that people can --
11 first of all, have -- when they're coming in, they can
12 run into a parking aisle; and, secondly, it gets
13 additional stacking that won't stack up on the site;
14 and, thirdly, it gave people coming out of Red Roof
15 Inn -- and I think the reason they wanted it was more
16 for people going eastbound, so they didn't have to slug
17 through the traffic light there on their way out,
18 because I think, for years -- like I said, the only way
19 they had to go westbound was to exit down there by
20 Target, which everybody from Target leaves that exit,
21 and goes north, and then cuts left if they want to go
22 left.

1 THE REPORTER: So at this time I will swear
2 in anyone who intends on speaking. Raise your right
3 hand.

4 (Whereupon, George Maurides is duly
5 sworn.)

6 MR. MAURIDES: From this drawing, it ensures
7 one driveway with Target down here at the bottom, and
8 anybody leaving Red Roof Inn has to use that driveway;
9 and I think the main -- I think the main reason Red Roof
10 Inn -- they were the ones who requested this cross
11 access, not us; and the reason they wanted it, was they
12 wanted an easier way for their people to go to the east,
13 not to go to the west. They may end up that they'll go
14 to the west, because it's not prohibited, and nothing in
15 the traffic studies, from anybody, indicated that it
16 should be, but I really think that that's what their
17 thought process was, and that's why, when we went to
18 them to ask for the lot-line agreement, they said, "Oh,
19 by the way, can we get cross access easement," and we
20 said, "Fine, let's design something," which is what we
21 did, and then we gave it back to staff, and they looked
22 through it, and nobody raised that issue.

1 I would think that it would be a smart idea,
2 if I owned the Red Roof Inn, to put a sign there that
3 says, "Exit to 75th Street," right at the mouth of that
4 easement, but that's up to them. That's their property.
5 We can't put signs on their property.

6 If you wanted us to put directional signs on
7 our property, we could do that.

8 MR. WAGNER: This is Vice Chairman Wagner.
9 Maybe I wasn't clear. I was not suggesting that there
10 was any restriction along the -- Route 83 at all.

11 MR. MAURIDES: Right.

12 MR. WAGNER: I was questioning whether there
13 should be a left hand out of the 75th Street entrance,
14 to turn left, to go west on 75th Street, because the
15 drawing suggested it was right-turn out only eastbound.
16 I would think it would be something that people will do
17 anyway, and I also think it's a safer move for people to
18 come out of a Red Roof Inn.

19 So I would suggest we remove the sign that
20 says eastbound only. That was my question.

21 MR. MAURIDES: Brian, do you know how that
22 sign got put on there? Was that a suggestion from the

1 Village traffic engineer or what?

2 MR. STYCK: I though it was. I was looking
3 through the -- while we were discussing it, I was trying
4 to find out where that came from, because I thought it
5 was feedback from the traffic reviewer, why that was
6 added.

7 MR. MAURIDES: I think we're amenable either
8 way. Like I said, these entranceways here, on 75th
9 Street, have functioned as a left and a right turn for
10 as long as that gas station's been there, since 1994. I
11 don't know, personally, because I don't live there, how
12 much traffic there is.

13 I don't think most people from the Red Roof
14 Inn are going to be leaving in the morning. You know,
15 you go to a hotel, you get up, check out 10, 11 o'clock,
16 and then you exit. I don't know what the traffic is
17 like on 75th then, but if you wanted to have a
18 restriction to right only, we could do that, or if you
19 wanted it unrestricted, we could do that.

20 CHAIRMAN KOPP: Okay.

21 MR. MAURIDES: Ann, do you know where that
22 suggestion for that sign came?

1 MS. CHOI: I would have to go back through
2 all the planning review letters.

3 MR. MAURIDES: We could do it either way,
4 and I think we were just trying to do what the traffic
5 consultants wanted, David Hamilton.

6 CHAIRMAN KOPP: Okay. Any other
7 commissioners have any questions; or Commissioner
8 Kaucky, or Vice Chairman Wagner, are you satisfied with
9 the responses?

10 MR. KAUCKY: This is Commissioner Kaucky. I
11 do like the idea of it not being defined as a right
12 only. Like, let them turn left or right. That's my
13 opinion.

14 MR. MAURIDES: That's fine with us.

15 MR. KAUCKY: That's my opinion, so.

16 CHAIRMAN KOPP: All right.

17 MR. MAURIDES: It functioned that way for
18 25 years.

19 MR. KAUCKY: Right.

20 CHAIRMAN KOPP: So for the applicant, do you
21 have anything that you want to -- do you have anything
22 you want to present? You don't have to, but, of course,

1 you have the opportunity.

2 MR. MAURIDES: Well, we gave a presentation
3 last time, and I gave you the background on the company.
4 I don't know if anybody remembers it, but as Chairman
5 Kopp said, this company is based in Rosemead,
6 California. It's a family-owned and operated business.
7 They have 2,300 restaurants around the world, in 11
8 different countries, and 1,100 different cities. They
9 have about 40,000 employees.

10 This site has a lot of variations that are
11 required because it's a substandard lot in the B2 zoning
12 district, and most of these variations, and setbacks and
13 everything, were already in place because of the gas
14 station that was on there, with the canopy, and, so,
15 these variations have been in existence for a long time.

16 A couple new ones that had changed from the
17 last time is, the parking count went from 46 to 42; and
18 other than that, there's been some requests from staff
19 for some beefed up landscaping which we've put on this
20 site also, but I don't know if you recall, the last time
21 you recommended this unanimously, and we don't think
22 there's anything to really change. It's a good use for

1 this corner, which is kind of a dilapidated, old Shell
2 Gas Station, so we're hoping to go in there and clean it
3 up; and we've gotten, I think, all of the easements that
4 are necessary from Red Roof Inn, and they've been -- and
5 I think signed copies were sent to Ann, so we're ready
6 to go.

7 CHAIRMAN KOPP: And, so, in the Staff
8 Report, there were conditions. They had 20 conditions.
9 Is the applicant okay with those conditions?

10 MR. MAURIDES: Yes, the other thing I would
11 point out to you is, she separated them in -- and I
12 think they're items 18 and 19 -- the recording of two
13 different easements. One is the Cross-Access Easement
14 Agreement, and the other one is the Plat of Easement;
15 and the way the documents were drafted, the Plat of
16 Easement was attached to the Cross-Access Agreement as
17 an exhibit. So there's -- they'll both be recorded
18 simultaneously. It's not two separate agreements.

19 CHAIRMAN KOPP: All right. Understood.

20 So do any of the commissioners have any
21 questions of the applicant?

22 All right. Are there any members of the

1 public that have questions of either the Village staff
2 or the applicant?

3 All right. With that being said -- not
4 being said, I close the public hearing on Zoning Hearing
5 case 21-01.

6 I'm, of course, still in favor of this, I
7 assume the rest of the commissioners are. I agree with
8 --

9 MS. CHOI: I'm sorry, Chairman Kopp, this is
10 Ann. Are you closing the public hearing, or are you
11 closing the public comment period?

12 CHAIRMAN KOPP: I'm sorry, you're right.
13 Closing public comment on the public hearing.

14 So I agree with the other commissioners
15 about the -- making the exit onto 75th Street go both
16 directions. I don't know if anybody else has anything
17 to say, or any other questions before I ask for a vote
18 on the motion.

19 MS. CHOI: There was a comment, I think, by
20 Commissioner Kaucky, that would recommend adding
21 directional signs on this property, to state that
22 directing patrons of Red Roof Inn to go to 75th Street.

1 MR. KAUCKY: I guess --

2 Mr. Maurides' suggestion, that, let's let Red Roof Inn
3 decide if they think their patrons need that.

4 MS. CHOI: Okay.

5 CHAIRMAN KOPP: Do you agree, Len?

6 MR. KAUCKY: That's fine. I agree.

7 CHAIRMAN KOPP: All right. Will someone
8 make a motion, that based on the submitted petition and
9 testimony presented, I move that the Plan Commission
10 approve and adopt the findings of fact submitted in
11 response to the standards for special use permits and
12 standards for variations outlined in the attachments
13 three and four, respectively, of the Staff Report
14 prepared for PC21-01 for the April 21, 2021, Plan
15 Commission meeting, and that the Plan Commission
16 recommend to the Village Board approval of a special use
17 for a fast-food establishment with a drive-through,
18 including the list of variations as outlined in the
19 Staff Report prepared for PC21-01 for the April 21,
20 2021, Plan Commission meeting, and as deliberated by the
21 Plan Commission according to the plans listed in the
22 Staff Report for PC21-01, for April 21, 2021, Plan

1 Commission meeting, and subject to the conditions set
2 forth in the Staff Report prepared for PC21-01 for the
3 April 21, 2021, Plan Commission meeting, with the
4 following changes: Conditions 18 and 19 can be
5 accomplished through one agreement, and then and, an
6 additional commission, that the Plan Commission
7 recommends that the exit onto 75th Street should be
8 allowed to go both directions.

9 Will someone make that motion?

10 MR. KAUCKY: So moved, Len Kaucky.

11 MR. WAGNER: So moved.

12 CHAIRMAN KOPP: I'll ask the Plan Commission
13 Secretary to call the vote.

14 MS. SHEMROSKE: Commissioner Kaczmarek?

15 MS. KACZMAREK: Yes.

16 MS. SHEMROSKE: Commissioner Kaucky?

17 MR. KAUCKY: Yes.

18 MS. SHEMROSKE: Commissioner Walec?

19 MR. WALEC: Yes.

20 MS. SHEMROSKE: Vice Chairman Wagner?

21 MR. WAGNER: So moved.

22 MS. SHEMROSKE: And Chairman Kopp?

1 CHAIRMAN KOPP: Yes.

2 MR. MAURIDES: Thank you very much, and we
3 thank you for having this special meeting for us.

4 CHAIRMAN KOPP: Looking forward to it.

5 (WHICH WERE ALL THE PROCEEDINGS HAD.)

6 STATE OF ILLINOIS)

7) SS:

8 COUNTY OF DUPAGE)

9

10 I, ROBIN HEJNAR, a certified shorthand reporter
11 and registered professional reporter do hereby certify:

12 That prior to being examined, the speakers in
13 the foregoing proceeding were, by me, duly sworn to
14 testify to the truth, the whole truth, and nothing but
15 the truth;

16 That said proceedings were taken remotely
17 before me at the time and places therein set forth and
18 were taken down by me in shorthand and thereafter
19 transcribed into typewriting under my direction and
20 supervision;

21 I further certify that I am neither counsel
22 for, nor related to, any party to said proceedings, not

1 in anywise interested in the outcome thereof.

2 In witness whereof, I have hereunto subscribed
3 my name.

4 Dated: May 5, 2021



5
6 RH
7 ROBIN HEJNAR, RPR

8 CSR No. 084-004689

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