

MINUTES OF THE JOINT MEETING OF THE MAYOR AND BOARD OF TRUSTEES AND PLAN COMMISSION OF THE VILLAGE OF WILLOWBROOK TO BE HELD ON TUESDAY, OCTOBER 25, 2022, AT 5:30 P.M. AT THE WILLOWBROOK POLICE DEPARTMENT TRAINING ROOM, 7760 QUINCY STREET, WILLOWBROOK, DUPAGE COUNTY, ILLINOIS.

DUE TO THE COVID 19 PANDEMIC, THE VILLAGE WILL BE UTILIZING A ZOOM CONFERENCE CALL FOR THIS MEETING.

1. CALL TO ORDER

The meeting was called to order at 5:30 p.m. by Mayor Frank Trilla.

2. ROLL CALL

Those physically present at roll call were Mayor Frank Trilla, Village Clerk Deborah Hahn, Village Trustees Mark Astrella, Sue Berglund, Gayle Neal, and Greg Ruffolo, Village Administrator Sean Halloran, Assistant to the Village Administrator Alex Arteaga and Director of Community Development Michael Krol.

Members of the Plan Commission physically present: Chairman Daniel Kopp, Vice-Chairman John Wagner and Commissioners Zoltan Baksay, Ron Kanaverskis, Leonard Kaucky and Mike Walec.

Also present were Reuben Shell, Planner and Jackie Wells, Project Manager, from Houseal Lavigne.

Present via conference call, due to the COVID-19 pandemic: Trustee Umberto Davi.

Absent: Trustee Michael Mistele and Commissioner Cathy Kaczmarek

MOTION: Made by Trustee Neal and seconded by Trustee Ruffolo to allow Trustee Davi to attend the meeting remotely.

ROLL CALL VOTE: AYES: Trustees Astrella, Berglund, Davi, Neal and Ruffolo. NAYS: None. ABSENT: Mistele.

MOTION DECLARED CARRIED

A QUORUM WAS DECLARED

3. VISITOR'S BUSINESS

None present and no written comments were received.

4. DISCUSSION - Zoning Code Update

Village Administrator Halloran introduced the topic and provided a recap of the progress to date as of this the fifth joint meeting. This meeting is to review the actual language to be used in the new zoning code. This is a review of the final four chapters of eleven total as well as a review of the changes made to Fences based on the prior meeting.

The last chapter that will be presented to the Board is the Definitions. Staff is asking the Board and Commissioners for feedback and direction from the Trustees and Commissioners. He indicated there would be a final joint meeting in mid-November with a public hearing with the Plan Commission in early December and final Board approval on December 12th (*Note: December Board meeting December 12, 2022.*) He then turned the floor over to Ms. Jackie Wells from Houseal Lavigne.

Ms. Wells indicated that tonight they would be presenting the revisions to the final four chapters, Chapter 7: Subdivision Standards and Procedures, Chapter 8: Planned Unit Development Procedures, Chapter 9: Zoning Procedures, Chapter 10: Nonconformities, providing an overview of the main changes and structure being proposed.

Ms. Wells opened her presentation with a review of the updates to the Fences section based on feedback from the last meeting. She began with clarification of the definitions previously provided for front setback, rear setback, interior side setback, and side setback adjoining street, with a drawing. She also provided photographic examples to more clearly illustrate fence "opacity" of 100%, 80% and 50%.

Houseal Lavigne also provided input regarding the issue raised in the previous meeting of fence heights allowed in the surrounding communities.

Darien:

- Front yard: all fences prohibited
- Corner side yard (exterior side): 6 feet, provided fence does not extend beyond front yard line
- Interior side and rear yards: 6 feet
- In a yard abutting Route 83, Cass Avenue, Plainfield Road and 75th Street: 8 feet, provided fence does not extend beyond front yard line

Burr Ridge:

- Front yard: all fences prohibited

- Corner side yard (exterior side): 5 feet, provided fence does not extend beyond the rear wall of the principal building
- Interior side and rear yards: 5 feet, provided fence does not extend beyond the rear wall of the principal building
- All fences may be up to 50% opaque

Hinsdale:

- Front and corner side (exterior) yard: 4 feet if 50% opaque, 2 feet if 100% opaque, except for fences in yards adjacent to nonresidential uses or adjacent to the Illinois Tri-State Toll Road, Route 83, 55th Street, or Ogden Avenue which may be up to 8 feet
- Interior side and rear yards: 6 feet, except for fences in yards adjacent to nonresidential uses or adjacent to the Illinois Tri-State Toll Road, Route 83, 55th Street, or Ogden Avenue which may be up to 8 feet

Westmont:

- Between the building line and the street: 3 feet
- Not between the building line and the street: 6 feet

Ms. Wells then reviewed the proposals for Willowbrook's code:

Current Regulations

Front Yard:

- *3 ft max*
- *80% max opacity*

Exterior Side Yard

- *3 ft max*
- *80% max opacity*

Interior Side Yard

- *5 ft max*
- *100% max opacity*

Rear Yard

- *5 ft max*
- *100% max opacity*
-

Proposed Regulations

Front Yard:

- *4 ft max*
- *50% max opacity*

Exterior Side Yard - at property line

- *4 ft max*
- *50% max opacity*

Exterior Side Yard - 7 ft from property line

6 ft max

100% max opacity

Interior Side Yard

6 ft max

100% max opacity

Rear Yard

6 ft max

100% max opacity

The Trustees and Commissioners discussed the various proposed options, seeking clarification on yard locations of fencing and the opacity factors. Concern was expressed over visibility at corners, based on the restrictions for the exterior side yard locations.

Ms. Wells recapped the consensus of the group:

For front yards - a 4-foot maximum, with up to a 50% opacity factor, add a 7-foot setback restriction and no chain link fencing allowed

For exterior side yard with a 7-foot setback - a 6-foot maximum with up to a 100% opacity

For exterior side yards with the fencing located at the property line - a 4-foot maximum, with 50% opacity

Chapter 7: Subdivision Standards and Procedures

Establishment of Subdivision Procedures into Major and Minor Subdivision process.

Minor Subdivision Process - easier process

Minor Subdivision: Any subdivision that meets any of the following conditions exist:

- Subdivisions creating fewer than five (5) or fewer lots and the entire property to be subdivided is ten (10) acres or less,
- Subdivision solely for the creation of public right of way or other public tracts,
- Consolidation of two (2) or more lots into fewer lots on an approved final plat,

5. - Lot line or boundary adjustments to an approved final plat, or

6. - Correction of errors or omissions on an approved final plat, such as legal description errors, typographical and mapping errors, lot identification errors, and surveyor corrections.

Table 9-7-06 Minor Subdivision Procedures Outline				
Step	Village Administrator	Plan Commission	Village Board	
Minor Subdivision Plat				
1	Pre-Application Conference	A		
2	Minor Subdivision Plat Submittal	A		
3	Village Administrator Report	R		
4	Revised Minor Subdivision Plat Submittal	A		
5	Plan Commission Hearing and Recommendation		R*	
6	Village Board Action			D
Key:				
A = Administrative Body				
R = Recommending Body				
D = Decision Making Body				
* = Public Hearing Required				

Procedures outline:

Proce

dures outline:

7. **Major Subdivision Process:** Any subdivision that does not meet minor subdivision criteria

Procedures outline:

Table 9-7-05 Major Subdivision Procedures Outline

Step		Village Administrator	Committee of the Whole	Plan Commission	Village Board
Sketch Plan					
1	Pre-Application Conference	A			
2	Sketch Plan Submittal	A			
3	Sketch Plan Review	A			
4	Sketch Plan Recommendation		R		
Preliminary Plat					
1	Pre-Application Conference	A			
2	Preliminary Plat Submittal	A			
3	Village Administrator Report	A			
4	Revised Preliminary Plat Submittal	A			
5	Committee of the Whole Recommendation		R		
6	Plan Commission Hearing and Recommendation			R*	
7	Village Board Hearing and Action				D*
Final Plat					
1	Final Plat Submittal	A			
2	Village Administrator Report	A			
3	Committee of the Whole Recommendation		R		
4	Village Board Action				D
5	Post Approval Actions	A			
6	Final Plat Recordation	A			
Key:					
A = Administrative Body					
R = Recommending Body					
D = Decision Making Body					
* = Public Hearing Required					

Mayor
Trilla

questioned the use of bringing the project before the Committee of the Whole. He felt it was more appropriate for the Plan Commission to review before presenting to the full Board of Trustees. Ms. Wells, with input from various Commissioners and Trustees, indicated the usefulness of the process in getting preliminary answers. Mayor Trilla understood but felt it might be a useful for a commercial project, but a bit much for a residential project. Ms. Wells clarified that this process only applies to major subdivision projects rather than the development of a single lot. Mayor Trilla reiterated that he prefers a more streamlined process.

The consensus of the group is to continue to use the current process whereby the Village Administrator or designee, in conjunction with the Mayor and a representative of the Building and/Zoning (*now Community Development*), reviews the initial application and recommends it proceed to the Plan Commission if it is deemed a worthwhile and/or feasible project.

Trustee Neal brought up the point that with the new TIF district, there may be some new, larger developments, that may need to go before the Plan Commission or Committee of the Whole, during the Sketch Plan step of the project, during the preliminary presentation to the Village.

Mayor Trilla made the suggestion that perhaps a member of the Plan Commission could be involved in the earlier sketch plan steps with the Village Administrator, Mayor and Community Development. The consensus was to remove the step for Committee of the Whole Recommendations in each step of the procedure, but rather use the process above as information.

Commissioner Kopp had additional questions on the content of Chapter 7. Subdivision Standards and Procedures:

Sidewalks: Requiring sidewalks has always been a very big issue. In a subdivision, not as much of an issue. As you are developing, you are creating sidewalks, as well as curbs and gutters, for the entire area. An issue arises with a new construction on a vacant lot; if there are no existing sidewalks in the area, should the builder be required to install one at his property.

One option would be to charge the builder, if not installing a sidewalk during construction, the cost of the sidewalk, the amount of which is placed in reserve for the day when sidewalks, curbs and gutters may be a more practical consideration.

The discussion continued with the Mayor, Commissioners and Trustees offering the pros and cons of various scenarios. Ms. Wells indicated that one common practice was to require sidewalks but offer the ability to petition to pay a fee in lieu of installation.

A consensus was reached that the Village policy should be to promote sidewalks, and if it's possible to put one in, do it. If sidewalk installation is not practical in a particular area, charge the developer a fee for future installation.

Lot Sizes and Shapes: In the proposed code, item Chapter 7, Section 9-7-03 Design and Layout Standards, Item B.4.a.ii refers to a lot depth to width ration of three to one (3:1) as a maximum norm. Ms. Wells indicated that this was not a common requirement in zoning codes, but rather was part of the existing code that was carried forward in the update.

The Mayor asked what standard was set for the minimum lot width. Ms. Wells indicated it varied by district and could be looked up. The R-1 district was used as an example with a minimum width of 90 feet, which would require a maximum depth of 270 feet.

Chapter 8: Planned Development (PD, also identified as PUD) Standards and Procedures

For the proposed update, the consultant had several questions that would affect the General Provisions section of the code:

2. General Provisions

Should any development be required to go through the Planned Development (PD) process?

- Many communities require all development over a certain size (10,000 sq ft-40 acres) to go through the PD process.
- Many communities require all development with more than 1 principal building per lot to go through the PD process.
- Many communities require all development within certain areas (TIF districts, Downtowns) to go through the PD process.

Ms. Wells asked for the Trustees and Commissioners thoughts on the above. Based on current ordinances, no project is required to go through the PD process. The Commissioners felt any project over a 2-acre size who does not meet the current ordinance should go through the PD process. If less than two acres, should request a waiver rather than use

the PD process. The group's consensus was that anyone can go through the PD process if their project is too big.

Should any development be prohibited from going through the PD process?

- Many communities do not allow development with only single-family detached homes to go through the PD process.

Here again the Commissioners felt that any project under 2-acres is prohibited from going through the PD process.

3. Planned Development Relation to Base District Standards

The proposed changes in this area of the code are:

Base district designations are the starting point

Modifications to base district standards may be approved - referred to as site development allowances

All requests for site development allowances must be identified and:

- compatible with surrounding development;
- necessary for proper development of the site; and
- aligned with a minimum of one of the modification standards

4. Proposed Modification Standards

Landscape Conservation and Visual Enhancement

Sustainable Design

Public Gathering Space

Placemaking

Affordability

Universal Design

High Quality Building Materials

The consultant wanted to know if these standards are appropriate for Willowbrook. These standards should be very locally specific, as they provide a negotiating tool when receiving Planned Development requests.

The question was raised on how these standards are quantified. The response was rather than specific restrictions, when a developer is requesting a variation, these standards could be adapted and used as a negotiating point. Definitions of these standards are defined at different points within Chapter 8. The Board and Commissioners asked that the affordability standard be removed.

6. Procedures

Pre-Application and Sketch Plan Stage

- Village Administrator and other appropriate Village officials

Preliminary Plan and Plat Stage

- Plan Commission Public Hearing and Recommendation
- Village Board Decision

Final Plan of Development and Plat Stage

- Plan Commission Recommendation
- Village Board Decisions

The Board and Commissioners were satisfied with the basic Procedures.

Procedures if changes in the Recorded Final Plan of Development and Final Plat are needed:

Major Changes: Reviewed and decided upon like new PD

- A greater than five (5) percent increase in density, gross floor area or building height.
- A greater than five (5) percent decrease in the number of parking spaces, landscaped area, or open space.
- Changes in the location of points of ingress or egress.
- A greater than twenty (20) foot change in the location of principal buildings, roadways or parking areas.
- Changes in the types of permitted land use.
- Changes in the approved development schedule.
- Increases in the approved deviations.

Minor Changes: Reviewed and decided upon by Village Administrator (can be referred to Plan Commission and/or Village Board for approval as appropriate)

- Any change that does not qualify as a major change

A suggestion was made that changes in height not be allowed after the recorded final plan of development and final plat are approved. Ms. Wells clarified that any of these changes would require the developer to go through the PD process again. The objection to changes in height would be if the given height has been approved, the Commission or Board would not entertain any additional variances to height; that any change to height must go back to the full PD procedure.

The consensus was to change the first point as follows:

- A greater than five (5) percent increase in density, gross floor area or any increase in building height.

Chapter 9: Zoning Procedures

No major changes, but some changes to the administrative review and approval procedures and reorganizing the chapter to make it more user friendly.

2. Administrative Review and Approval Procedures

These are items that can be reviewed and approved by the Village Administrator and/or his designee, without Board approval:

Site Plan Review - those not needing variances

Zoning Compliance Permit

Administrative Exception

- A maximum ten (10) percent reduction of the interior side and/or rear yard setback standard for a new principal or accessory building/structure, or an addition to an existing principal or accessory building/structure in any district,
- A maximum ten (10) percent increase of the height standard for a new principal or accessory building/structure in any district,

The above "height" point will be removed based on feedback from the Commissioners and the Trustees.

- A waiver of the requirement for additional parking when the intensity of a use of any building, structure, or premises increases or when the use of an existing building, structure, or premises changes.
- A waiver of the requirement for cross access (*between parking lots, a driveway between them*).
- The approval of additional parking spaces beyond the maximum parking restriction.

Trustee Neal asked for clarifications in the agenda handout to Chapter 9, Section C Zoning Compliance Permit. Commissioner Wagner also wanted a clarification of the "zoning compliance permit application" process. Ms. Wells read the purpose of that section and provided clarification.

Sign Permit - must have an approved permit before installation

Fence Permit - must have an approved permit before installation

Temporary Use Permit - example, a pop-up shop

Special Event Permit - park events, block parties, carnivals, events where additional parking or signage required

4. Variation

5. Special Use Permit

6. Text / Map Amendment

Proposed Approval Process

- a. Presentation to the Committee of the Whole
- b. Plan Commission Hearing and Recommendation
- c. Village Board Action

Based on the group's consensus, presentation to the Committee of the Whole to be removed.

Variation applicability proposed to be eliminated

An applicant may apply for a variation to any standard/requirement

No restriction on level/amount of variation

New review criteria proposed to ensure variation is necessary due to a physical hardship and will not be detrimental to the community

The Mayor expressed concern, based on previous issues, that the number of or types of variations being requested should be limited. Commissioner Kopp indicated that reclassifying a project as a Planned Unit Development can eliminate the number of variations needed. Suggestion was made to lower the standard for a commercial PUD to 1-acre from 2-acres to reduce the number of variations required. Another suggestion was to change it to properties at a minimum of 10,000 square feet excluding residential properties. This maintains the 2-acre requirement for residential projects. The group reached consensus on the standards for variations as a PD for residential applies only for 2+ acres, and for commercial, 10,000 square feet or more.

7. Comprehensive Sign Plan

Alternative procedure for the approval of signs

Review criteria

- Placement
- Quantity
- Size

Reviewed and decided upon by Village Board

The Commissioners and Trustees felt the approval should go before the Plan Commission for review and recommendation, as well as a public hearing, then the Village Board for final approval.

Chapter 10: Nonconformities

No major changes proposed - text revised for consistency and compliance with state law.

1. Purpose
2. Authority to Continue Nonconforming Buildings, Structures, and Uses
3. Repairs and Alterations
4. Additions and Enlargements
5. Moving
6. Restoration of Damaged Nonconforming Buildings or Structures
7. Discontinuance of Use of Nonconforming Buildings or Structures
8. Elimination of Nonconforming Buildings, Structures, and Uses
9. Nonconforming Use of Conforming Buildings or Structures
10. Nonconforming Use of Land

A Commissioner expressed a concern with renovations to existing properties, for example, after a disaster such as fire or tornado, and the changes made to requirements, such as setback, since the original property was built. His concern was whether the rebuilding of the property would need to meet the new restrictions or could previous restrictions be used. The consensus was that the property would be grandfathered into previous zoning codes.

Ms. Wells indicated that one of the proposed changes was in Section 9-10-09: Elimination of Nonconforming Buildings, Structures, and Uses, the use of the amortization provisions to permit non-conforming structures to remain based on specific criteria. This helps move the Village toward an eventual elimination of non-compliant structures. After some discussion, Ms. Wells also noted that in the event of hardship, e.g., natural disaster, a variation or, better, special-use permit or rebuild letter, an administrative process, could be requested that negated the amortization provisions and allowed the structure to remain non-conforming, whether commercial or residential.

As Ms. Wells concluded her presentation, she asked for final questions. The question was raised whether the establishment of a Plan Commission or Zoning Board of Appeals was determined by this ordinance, and whether both would be required. Ms. Wells was unsure whether these types of committees were required by state law or whether it needed to be included in the ordinance, but indicated she would look into the issue. She also noted that in many communities the Zoning Board of Appeals and the Plan Commission were one in the same.

Administrator Halloran and Trustee Neal indicated that the Plan Commission was established in another section of the Village Code of Ordinances.

Ms. Wells explained that the next steps would be to incorporate all of the comments received from the Commissioners and Trustees into the document, insert all tables and diagrams into the text, and complete the definitions. At the next meeting, Houseal Lavigne would provide the complete text of the ordinance and the presentation would cover the final chapter, Definitions. Also covered at the next meeting will be a review of all of the items covered in the various meetings and how the information was incorporated into the ordinance.

After that meeting, any final additions and revisions will be made, and the final draft will be brought to the Plan Commission for a Public Hearing, then to the Village Board for final approval, hopefully before the end of the year.

The Mayor reminded the group that this undertaking is necessary and important. The code has not been reviewed for 60 years; it's not easy and it's not fun. He thanked the participants for their efforts.

8. ADJOURNMENT

MOTION: Made by Trustee Ruffolo and seconded by Trustee Berglund to adjourn the Joint Meeting at the hour of 7:26 p.m.

ROLL CALL VOTE: AYES: Trustees Astrella, Berglund, Davi, Neal and Ruffolo. NAYS: None. ABSENT: Mistele.

MOTION DECLARED CARRIED

PRESENTED, READ, and APPROVED.

_____, 2022.

Frank A. Trilla, Mayor

Minutes transcribed by Deputy Clerk Christine Mardegan.