

MINUTES OF THE REGULAR MEETING OF THE PLAN COMMISSION HELD ON WEDNESDAY, AUGUST 18, 2010, AT THE VILLAGE HALL, 7760 QUINCY STREET, WILLOWBROOK, DUPAGE COUNTY, ILLINOIS.

1. CALL TO ORDER

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

2. ROLL CALL

Those present at roll call were Commissioners Robert DelSarto, William Remkus, James Soukup, James Baker, Vice-Chairman Wagner and Chairman Kopp. Also present were Planner Jo Ellen Charlton, and Secretary Joanne Prible. ABSENT: None.

3. OMNIBUS VOTE AGENDA

The items on the Omnibus Vote Agenda were as follows:

- a. Waive Reading of Minutes (APPROVE)
- b. Minutes – Regular Meeting July 7 and August 4, 2010 (APPROVE)
- c. Minutes – Village Board Meetings – June 14, June 28 and July 12, 2010 (RECEIVE)

MOTION: Made by Vice-Chairman Wagner seconded by Commissioner DelSarto, to approve the Omnibus Vote Agenda.

UNANIMOUS VOICE VOTE

MOTION DECLARED CARRIED

4. PLAN COMMISSION WORKSHOP – Park and Open Space Expansion Workshop

DISCUSSION

Planner Charlton said this workshop discussion came out of a recent request by the Village Counsel to get some feedback from you with regard to park land expansion that originally was discussed in the comprehensive plan in 1993. For a number of reasons, they decided to revisit and ask for a recommendation from you to make sure that we are still all in agreement with the recommendation for the 1993 plan and to get some specific direction with regard to how staff should be evaluating property as it becomes available specifically Community Park and the Arabian Knights Horse farm.

The plan separates the Village into six open space service areas to identify open space supplies and shortages based on the National Park and Recreation Service standard of ten areas per 1,000 population.

Service Area 1 is the oldest area of town in the northwest corner. Because there are several larger properties within the R1 zoning district, another alternative would be for the Village to watch for times when two or more properties come on the market. The primary property in that area is the Arabian Knights Horse farm.

Service Area 2 is the most densely populated area in the community. While the actual acreage of designated parks in the areas is small relative to the population, there are common open space clusters and lakes that give the area a more open space feel.

Service Area 3 is adequately served by parks.

Service Area 4 is basically all commercial non-residential development.

Service Area 5 contains Community Park. The Comprehensive Plans talks about the narrowness of the park and makes recommendation about acquired property.

Service Area 6 contains properties that are all currently unincorporated.

Staff also decided to look at the zoning ordinance and look at what is included in those districts where park land would be potentially acquired.

Grant funding alternatives would be considered for financing the acquisition.

The Comprehensive Plan recommended selling Midway Park and using the proceeds to acquire more desirable land.

The Village Board is looking for your comment on the possible future acquisition of properties surrounding Community Park and the Arabian Knights Horse Farm.

Commission Remkus said what about some of the property that could be used for water retentions. Are there grants available for property that would provide a double use?

Planner Charlton said that is a good suggestion to evaluate possible funding.

Vice-Chairman Wagner suggested Midway Park be bought and used to subdivide.

Vice-Chairman Wagner said back in the 1980's he developed the land cash donation ordinance for the Burr Ridge Park District and Pleasantdale Park District. If the community wants to develop a new park district and does not have a tax base or a set of taxes that they use to acquire land, if a developer is going to make money off the development of the land, he has a responsibility to contribute to the community in either land or develop money for land that can be put into a fund. Willowbrook has never held the developer to accomplish that. The Village might consider a land cash donation ordinance of some kind to fund the future acquisition of parcels. Vice-Chairman Wagner also suggested that the Subdivision Regulations be reviewed to see that the policies of the Village would look at either contributions to rural cross sections or no sidewalks but consider a cash contribution that could be used for these types of things.

Planner Charlton said she would forward this feedback to the Village Board.

Chairman Kopp asked for a motion.

MOTION: Made by Vice-Chairman Wagner seconded by Commissioner Soukup to recommend to the President and Village Board support for the Village's efforts to work with the following property owners to secure interest in their properties as they become available in an effort to enhance the Village's open space opportunities:

First Priority Parcels, in no particular order:

- The Arabian Knights Horse Farm property.
- The seven (7) R-1 properties located west of Community Park.
- Any listed R-1 and R-1A property in Service Area Number 1.

Second Priority Parcels, in no particular order:

- The five (5) R-2 properties located east of Community Park.
- The four (4) properties located east of Willow Pond Park.

Long Range Priorities:

- Properties in Service Area 4.
- Service Area 6 properties (when annexed).

Further, that the Village direct staff to continue to identify and evaluate possible grants and funding alternatives to purchase property as opportunities arise including possible grants for wetlands, further that the President and Village Board consider amending the subdivision ordinance to implement land/cash donations in connection with subdivisions.

UNANIMOUS VOICE VOTE

MOTION DECLARED CARRIED

5. PLAN COMMISSION CONSIDERATION – Zoning Hearing Case 10-06: Text Amendment Title 9, Chapters 5A and 5A1.

Chairman Kopp said the next item on the agenda is the public hearing for zoning hearing case 10-06. The purpose of this public hearing shall be to consider proposed amendments to the zoning ordinance specifically but not limited to Section 9-5A-2 and 9-5A1-2 entitled R-1 Residential District Special Uses and R-1A Residential District Special Uses respectively, to remove the following listed used from the text in both Sections. "Churches, convents, rectories, parsonages and schools (elementary, junior high and high schools), provided that such uses may only be permitted along the following roadways: Madison Street, Clarendon Hills Road, Route 83, 63rd Street, 75th Street or Plainfield Road." The application for this public hearing is the Village of Willowbrook. Notice of this public hearing was published in the July 15, 2010 edition of The Doings Newspaper.

Planner Charlton said the petitioner is the Village of Willowbrook. Exhibit 1 is the copy of a letter and application dated June 3, from President Napoli. Exhibit 2 is a copy of the notice of the public hearing that was published July 15, 2010 providing notice that the meeting was to be held on August 4, at the Village Hall at 7:00 pm and Exhibit 3 shows the agenda for that meeting. That meeting however did not have a quorum so Exhibit 4 is the minutes that you approved earlier this evening stating that as a result of not having a quorum a motion was made to continue the meeting to the public hearing tonight August 18 at 7:00 p.m. in the Village Hall. Also Exhibit 5 is provided as the agenda for tonight's meeting. Planner Charlton added that she wanted to enter as Exhibit 6 the staff report that was prepared for the meeting tonight and

reference to case number 10-06. Also staff report includes Exhibit 1, the staff report that was prepared for the workshop earlier this meeting. The reason is it all tied together as indicated in the last hearing.

As part of the open discussion, as part of our analysis we decided that it was important to evaluate the zoning ordinance and the requirements in each category to ensure that we could achieve the objectives with the requirements that are there. In both the R-1 and R-1A district the following are listed under “permitted uses”. Parks and other recreational areas owned by the Village of Willowbrook or other governmental units or private homeowner’s association.

Similarly in both the R-1 and R-1A district the following uses is listed under “special uses”. Churches, convents, rectories, parsonages and schools (elementary, junior high and high school) provided that such uses may only be permitted along the following roadways: Madison Street, Clarendon Hills Road, Route 83, 63rd Street, 75th Street or Plainfield Road.

Staff is recommending that the category of uses be removed as special use in both the R1 and R-1A district. The developments of these large uses have changed over time. With today’s development standards they bring a lot of cars and parking spaces, traffic concerns, flooding concerns.

It is important to note that staff is only suggesting that they be removed from the R-1 and R-1A categories. At this time we are not recommending that it be removed from the R-2, R-3, R-4 and R-5 zoning districts. We still need to provide for a reasonable place for these facilities to occur. Staff believes that while those uses might have been appropriate many years ago when neighborhood churches and schools were smaller and did not generate parking and traffic, they are not appropriate in these lower density districts today and should be retained for the higher density residential district in R-2, R-3, R-4 and R-5. Staff recommends that the Plan Commission approve the sample motion provided.

Commissioner DelSarto said for the record Holmes School is R-1.

Chairman Kopp said it is already non-conforming because it is not on one of the streets mentioned.

Commissioner Remkus said Holmes School already expanded and cannot expand on that size property.

Commissioner Baker asked what that means if they are going to be grandfathered.

Planner Charlton said the non-conforming provisions of the code give them rights.

Commissioner Baker said what if the school got bigger.

Planner Charlton answered they would not be able to get bigger without seeking some kind of relief from the village.

Chairman Kopp said the same would apply to the Jehovah Witness, if we make this change they could not expand or change the use. Chairman Kopp asked could they change from a church to a school.

Planner Charlton said they have to stay the same use that they are and there are provisions in the code that if they left for some reason another church or school or religious institution can go in its place as long as it happened within six months.

Commission Remkus asked if they wanted to expand they would have to come before the Plan Commission.

Planner Charlton answered yes they would seek relief from the village by a variation to allow expansion to a non-conforming structure.

Vice-Chairman Wagner asked if we allow a variation for non-conforming use.

Chairman Kopp said the variation lists certain things that cannot be varied.

Planner Charlton said you can request variations to that requirement.

Chairman Kopp said that would be problematic if you start.

Vice-Chairman Wagner said I agree that special uses should not be allowed within the residential districts but there should be some variation process that could be evaluated and then granted or denied based on that merit. Rather than a statement in the zoning ordinance that says you cannot and the only way something can be done is with a text amendment which is a large hurdle. Most communities do not like modifying their ordinances to a text amendment for one purpose.

Planner Charlton said I think the answer to someone who wanted to expand would be our code does not provide for it. There are no provisions to allow expansions to a non-conforming use.

Vice-Chairman Wagner said if it is a use then relief would be available through text amendment.

Chairman Kopp said if it is a non-conforming use and it ceases for six months is the property grandfathered in. If a school closes after six months it cannot be reopened for a school.

Planner Charlton said from Section 9-16-9 b, if a non-conforming use of a building or structure is discontinued or abandoned for a period of six months, it shall not be renewed and any subsequent use of such building or structure shall conform to the use of the regulations of the district in which it is located.

Vice-Chairman Wagner said a school that would close for a year would then be a non-conforming use that could not be reopened and the only use for the property is a permitted use residential.

Chairman Kopp said that is really harsh. If a church closes for six months and another church wants to buy the property basically they are out of luck. Chairman Kopp added we are harming

the value of the property of the school and Jehovah Witness by doing this. I support what we are doing but I do not like what we are doing with these existing properties.

Commissioner DelSarto asked is there a way to change the section to read that it would be allowed.

Chairman Kopp we are dramatically affecting the value of these properties because the structures are designed for a specific use and we are causing them to be non-conforming and if they stop that use for six months the structures are worthless.

Commissioner Remkus said if the property is not used as a school then you cannot sell it.

Commissioner DelSarto added the property goes back to non-conforming.

Vice-Chairman Wagner said if the use was terminated the underlying zoning is residential and the school building cannot be used as a residence, the only relief is to rezone into another district.

Planner Charlton responded that Willowbrook is a newer community so we do not deal with a lot of non-conforming issues on a day to day basis. A lot of the older communities deal with this all the time. The important thing is that if we make this amendment we are making an overriding finding that there is a greater good for the community in rezoning this property. The whole purpose of a non-conforming section is to make sure that the changes you make will ultimately be realized with the community. I think that what I am hearing you suggest is that we ask the attorney to see if there is some way to accommodate these two parcels. Staff could ask for some alternatives for adding some changes that would accommodate an expansion or use of the property after six months with specific direction.

Vice-Chairman Wagner suggested we should create a district. An institutional building district that could be classified schools, public building and make a district that makes those facilities conforming in some manner for use and if there is a change in the future they come before the Plan Commission and meet certain requirements.

Planner Charlton said there are communities that have separate zoning classifications for those and that is something that we could follow up on a separate text amendment. She added staff will note your concerns and suggest that the approval of any recommendation that would be forwarded would also make a recommendation that we follow up with some text amendments to address this issue.

Commissioner DelSarto asked if staff went in that direction and a new congregation comes in, could they make a request before us to be zoned in that particular district.

Vice-Chairman Wagner answered yes if they meet all the requirements.

Planner Charlton suggested that be a separate text amendment and suggest that the counsel provide direction to Staff.

Chairman Kopp said if there are no other comments, zoning hearing case 10-06 is closed and asked for a motion.

MOTION: Made by Commissioner Remkus seconded by Commissioner DelSarto to recommend to the President and Village Board approval of the text amendments associated with Case Number 10-06 to remove the following use classification in both the R-1 and R-1A zoning districts (Title 9, Chapters 5A and 5A1): “Churches, convents, rectories, parsonages and schools (elementary, junior high and high schools), provided that such uses may only be permitted along the following roadways: Madison Street, Clarendon Hills Road, Route 83, 63rd Street, 75th Street or Plainfield Road” and include a suggestion to the President and Village Board that they consider changes to the zoning ordinance to lessen the impact on three properties that would become nonconforming uses by virtue of this change in the zoning ordinance.

UNANIMOUS VOICE VOTE

MOTION DECLARED CARRIED

6. VISITOR’S BUSINESS

Park and Recreation Commissioner Carol Lazarski said I am not representing the Parks and Rec Commission because we were not notified of this item on the agenda. Commissioner Lazarski said I noticed it on the website. Park and Recreation Commissioners are very interested in this discussion and would like to be invited to future workshops or made aware of the workshops.

Planner Charlton said this workshop was for direction and ratification of where the 1993 comp plan started with your work. The intent, after we have direction, is to meet with the Parks Commission and share what we are trying to accomplish and how we are going to do that.

7. COMMUNICATIONS

Planner Charlton I attended a meeting on August 12 at DuPage County, which was a public hearing in unincorporated DuPage County at 16W560 91st for conditional use permit and site plan for the development, construction, operation and maintenance of a religious institutional use. The plan provides for the use of 20 percent of the interior side yard for accessory off street parking subject to site plan review and approval.

The petition does not include any variations at this point, so the only reason they are holding a public hearing is because of the conditional use.

There are several aspects to that property which do not meet the requirements of our zoning ordinance and it is within our mile and a half planning jurisdiction. In those cases we have an opportunity to raise objections and concerns to the board with the hopes that they would either make different decisions or at least attach conditions to their approval, which would help make it more in conformance with our code or be less of an impact on the surrounding areas.

Staff is spending some time on that project. The Village Board on Monday will be considering a resolution objecting to the process. The County has provided us with a short notice time period and did not give us access to any of the information until it was presented at the hearing.

Since then we have requested all the documentation and we are reviewing it and preparing a case to go back before the next continued meeting. Their continued meeting was set for August 30, which still does not give us appropriate time to review all the documents. Staff is hoping

through that resolution to continue the meeting to a time that would give us a chance to review it and bring it to a future Plan Commission meeting for your review and recommendation and forward that to the council and through that action either support it or prepare a resolution of objection to any specific items that we would like to be on the record when the County Board Panel considers it.

Right after this petition was filed, the county is amending their zoning ordinance to remove these larger institutional uses from their lower density residential categories.

8. ADJOURNMENT

MOTION: Made by Commissioner Baker, seconded by Commissioner Soukup, to adjourn the regular meeting of the Plan Commission at the hour of 8:30 p.m.

UNANIMOUS VOICE VOTE

MOTION DECLARED CARRIED

PRESENTED, READ AND APPROVED,

_____, 2010

Minutes transcribed by Joanne Prible.

Chairman