

MINUTES OF THE REGULAR MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, AUGUST 14, 2006, AT THE VILLAGE HALL, 7760 QUINCY STREET, IN THE VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS.

1. CALL TO ORDER

The meeting was called to order at the hour of 7:36 p.m. by Village President Gary Pretzer.

2. ROLL CALL

Those present at roll call were Trustees Dennis Baker, Michael Mistele, Michael Brown, Robert Napoli, Paul Schoenbeck, Timothy McMahon and Village President Pretzer. ABSENT: None. Also present were Village Clerk Leroy Hansen, Village Attorney Thomas Good, Interim Village Administrator Alan Zordan, Chief of Police Edward Konstanty, Director of Finance Sue Stanish, Assistant Director of Municipal Services Timothy Halik and Village Engineer Daniel Lynch.

A QUORUM WAS DECLARED

3. PLEDGE OF ALLEGIANCE

President Pretzer asked everyone to join him in saying the Pledge of Allegiance.

3A. PUBLIC HEARING TO CONSIDER AN APPLICATION FOR A VARIANCE FROM THE STORM WATER ORDINANCE

President Pretzer called the public hearing to order. The purpose of the public hearing was to consider an application for the variance from Section 15-135.7 of the Countywide Stormwater Ordinance to allow for the mitigation of wetland areas outside of the Sawmill Creek Watershed for the property located at the southeast corner of Illinois Route 83 and Plainfield Road, legally described in the notice of public hear. The notice was published in the July 27, 2006 edition of The Doings Newspaper.

Jim Conroy, Director of Construction for the Harlem Irving Companies, commented on the need for the requested variance with regard to the Town Center Development.

Administrator Zordan provided the Village Board with an overview pertaining to the timeline with regard to the Town Center Development and the requested variance.

Clerk's Note: See the Court Reporter's transcripts for the entirety of the proceedings of the public hearing.

President Pretzer asked for a motion to conclude the public hearing.

MOTION: Made by Trustee McMahon, seconded Trustee Schoenbeck, to conclude the public hearing at the hour of 7:35 p.m.

ROLL CALL VOTE: AYES: Trustees Baker, Mistele, Brown, Napoli, Schoenbeck and McMahon; NAYS: None; ABSENT: None.

MOTION DECLARED CARRIED

4. OMNIBUS VOTE AGENDA
- a. Waive Reading of Minutes (APPROVE)
  - b. Minutes - Regular Board Meeting - July 24, 2006 (APPROVE)
  - c. Warrants - August 14, 2006 - \$186,050.44 (APPROVE)
  - d. Monthly Financial Report - July 31, 2006 - \$11,586,910.40 (ACCEPT)
  - e. Payout Request #2 - Final Payment - 64<sup>th</sup> & Thurlow Street Water Main Extension Project - John Rendina Construction Corporation - \$26,803.85 (APPROVE)
  - f. Application For License To Hold A Raffle - The Cass 63 Foundation For Education - September 23, 2006 (APPROVE)
  - g. Ordinance No. 06-O-24 - An Ordinance Rezoning Certain Territory - 367 W. 59<sup>th</sup> Street (PASS)

President Pretzer asked if any Board member wanted any item(s) removed from the Omnibus Vote Agenda. No Board member wanted any item(s) removed from the Omnibus Vote Agenda.

MOTION: Made by Trustee Napoli, seconded by Trustee Mistele, to approve the Omnibus Vote Agenda.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Mistele, Brown, Napoli, Schoenbeck and McMahon; NAYS: None; ABSENT: None.

MOTION DECLARED CARRIED

NEW BUSINESS

5. VISITOR'S BUSINESS (Public comment is limited to three minutes per person)

Phyllis Zimmer, of 6446 Tennessee Avenue, expressed her concern that her property is being used for stormwater runoff.

6. PLAN COMMISSION RECOMMENDATION - TEXT AMENDMENT - EXISTING SETBACKS IN OLDER NEIGHBORHOODS

Administrator Zordan informed the Village Board that the Plan Commission at its October 5, 2005 meeting discussed a proposed text amendment that would allow the existing building setbacks in older neighborhoods to apply under certain circumstances. In the older neighborhoods, the property owners as they redevelop their properties are required to push the setback further from the street or apply for a variation from the Village's front yard standard. The Plan Commission recommended that the Village Board approve the proposed text amendment. The Village Attorney reviewed the proposed text amendment and recommended that, should the Board wish to move forward, the text amendment be made to each of the four sections of the Village Code related to residential setbacks.

MOTION: Made by Trustee Mistele, seconded by Trustee Napoli, to instruct the Village Attorney to prepare the necessary documents.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Mistele, Brown, Napoli, Schoenbeck and McMahan; NAYS: None; ABSENT: None.

MOTION DECLARED CARRIED

7. PLAN COMMISSION RECOMMENDATION - TEXT AMENDMENTS - CHAPTER 11, SIGNS, OF THE WILLOWBROOK ZONING ORDINANCE THAT AFFECT PROPERTIES IN THE B-1, B-2, B-3, AND B-4 BUSINESS DISTRICTS

Administrator Zordan advised the Village Board that several months ago the Municipal Services Committee heard concerns from businesses regarding the strict nature of the Village's sign code. After surveying surrounding communities, it was determined that the Village's sign code is more restrictive. JoEllen Charlton, Village Planning Consultant, prepared a summary of potential areas the Village Board may want to address concerning

this issue. The Plan Commission discussed this issue on July 5, 2006. A public hearing was conducted on August 2, 2006 regarding the proposed changes to the sign regulations. The Plan Commission recommended, and the Staff concurred, that the Village Board approve the proposed changes. It was noted that the changes would only affect the business zoned properties. Administrator Zordan highlighted the proposed changes for the Village Board.

Village Attorney Good suggested that the Village Board list the additional changes they would like made to the sign regulations and give them to Administrator Zordan to forward to him for review to determine if another public hearing would be required prior to approval.

This item was deferred for further discussion or action to the next meeting of August 28, 2006.

8. ORDINANCE - AN ORDINANCE REZONING CERTAIN TERRITORY, GRANTING CERTAIN SPECIAL USE PERMITS, GRANTING CERTAIN WAIVERS FROM THE ZONING ORDINANCE, GRANTING CERTAIN VARIATIONS FROM THE SUBDIVISION REGULATIONS, GRANTING APPROVAL OF A PRELIMINARY PLAT OF SUBDIVISION, GRANTING APPROVAL OF A PRELIMINARY PLANNED UNIT DEVELOPMENT AND RELATED MATTERS - ROUTE 83 AND PLAINFIELD ROAD - WILLOWBROOK TOWN CENTER

President Pretzer noted that with the Village Board's consent and at the request of the developer, this item would be for discussion only this evening and to defer any action with regard to the final Ordinance for a few weeks.

Rick Filler of the Harlem Irving Companies commented that they were hoping to finalize the Ordinance this evening; however, upon review of the Ordinance there were several issues that they thought needed clarification. Harlem Irving had presented Portillo's as one of their tenant and had shown associated architectural plans throughout all their presentation and felt they had an approved architecture plan for their signage. Mr. Filler noted that it was their understanding that the Plan Commission and the Board had approved certain monument signs and pylon signs. The proposed Ordinance is suggesting that the monument signs be put at 4-feet instead of the 8-feet that were initially approved by the Plan Commission. The Village Board and Harlem Irving had agreed the pylon signs would be 24 feet in height. The proposed Ordinance indicates that the background and lettering on the pylon signs should be all the same, which would be a problem for the tenants. Mr. Filler suggested that the

Ordinance be amended to note that the pylon signs have a consistent background but to allow the tenants to put their logo in the panels on the pylon signs.

Mr. Filler noted that there seems to have been some confusion with regard to what was approved by the Plan Commission and the Village Board with regard to the design of the Portillo's Restaurant.

Jeff Atkins, construction design consultant, provided the historical relevance of the rendering for the proposed Portillo's Restaurant.

Dick Portillo, owner of the Portillo's Restaurant, informed the Village Board that he chose the diner car motif against an old warehouse building to go along with the history of Chicago. Mr. Portillo indicated he was excited about building in Willowbrook. He wanted dining at Portillos to be an experience and not people just sitting under an umbrella on plastic chairs. Mr. Portillo expressed his disappointment that he was of the understanding that the design rendering for the restaurant was approved and he felt he was blindsided about four hours earlier when he heard the Village Board did not like his design.

Trustee Baker thanked Mr. Portillo for explaining the intent of the design of the proposed Portillo's.

President Pretzer explained in previous discussions he had with Mr. Filler that a lot of the things the Board had seen was the other brick façade and the renderings certainly lend a different perspective than he thought the Board had in their mind. He felt it was critically important for the Board to be totally aware of the architecture proposed for Portillo's before the Board decided on this issue.

Trustee McMahon commented that the design presented this evening was so far, at least the west and south façade, from anything the Board had seen from the beginning of this project that the Board was as equally surprised, thus my objection to the design. He disagreed with the presentation that the "dining car" design fits the facility. Although Trustee McMahon appreciated the historical aspect of the design he did not think it fits, at least that particular section.

Mr. Portillo expressed his concern that because of the time restrictions he was not sure he could commit to waiting another year to redesign the building and to go through the meeting process.

Trustee McMahon felt that the renderings were sort of an eleventh hour where the Board is being surprised with something that really does not fit this particular site.

Mr. Filler noted that the rendering was the exact design presented to the Plan Commission and the Village Board in February and March. The black and white drawing was on the very first presentation on February 1 and switched to colored renderings in March and April. After discussions with the Village President, it may be the fact that people did not focus on the design. Mr. Filler indicated they are responding to the section of the Ordinance that highlighted the issue that Portillo's would have to come back for reapproval of their design.

Trustee Mistele noted that the confusion seems to be regarding the renderings that the Board had been provided and then what we are seeing this evening. He felt the design would look great with relation to the town center.

President Pretzer commented that the Board needed to have this issue reviewed and understood.

Mr. Filler asked if the Board could do a straw vote with regard to the proposed Ordinance so he could be assured before closing on the property, that he has Portillo's as a tenant and he can be assured that he can deliver certain representations that I felt were approved to his retailers.

President Pretzer thought it was more appropriate for the Board members to digest the renderings that were presented this evening of the proposed Portillo's Restaurant before giving their opinion with regard to the façade.

Trustee Napoli asked if Harlem Irving had met with the Fire Department.

Mr. Filler stated they had been unable to meet with the Fire Department with regard to the gate issue to Lake Willoway although there are options as to where to go with the gate either 72nd Court or Cherrywood and Tanglewood Lane.

Trustee Napoli inquired if the Traffic Agreement had been worked out with the Police Department.

Mr. Filler responded that their Attorney has already reviewed it and does have a few issues he would like to look at with respect

to indemnification, but otherwise it appears as a reasonable agreement.

Village Attorney Good responded that traffic regulation agreements are standard for every development. Indemnification comes with it and other than the standards the Police Department wishes to enforce is really not a negotiable agreement.

President Pretzer noted that the 24 foot pylon signs were approved along with the three monument signs along Route 83.

Mr. Filler noted that in the original proposal, the monument signs were denoted as being 8 feet in height. He asked that the Board allow the signs at 5 feet in height so landscaping could be added to the base. The Board had no objection to allowing the monument signs at 5 feet high.

This item was deferred to the next meeting for further discussion and action.

#### OLD BUSINESS

#### 9. COMMITTEE REPORTS

Trustee Napoli noted that the minutes of the Finance/Administration Committee meeting were in the packet for information only.

Trustee Schoenbeck had no report.

Trustee McMahon had no report.

Trustee Baker had no report.

Trustee Mistele had no report.

Trustee Brown had no report.

#### 10. ATTORNEY'S REPORT

Village Attorney Good had no report.

#### 11. CLERK'S REPORT

Village Clerk Hansen had no report.

12. ADMINISTRATOR'S REPORT

Administrator Zordan informed the Village Board that Clarke Mosquito will be doing a special spraying for mosquitoes throughout the Village the following evening due to the West Niles Virus showing up in DuPage County.

13. ADJOURNMENT

President Pretzer asked for a motion to adjourn the regular meeting.

MOTION: Made by Trustee Brown, seconded by Trustee Schoenbeck, to adjourn the meeting at the hour of 9:25 p.m.

ROLL CALL VOTE: AYES: Trustees Baker, Mistele, Brown, Napoli, Schoenbeck and McMahon; NAYS: None; ABSENT: None.

MOTION DECLARED CARRIED

PRESENTED, READ and APPROVED,

\_\_\_\_\_, 2006

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Village President

Minutes transcribed by Mary Partyka.