

MINUTES OF THE REGULAR MEETING OF THE PLAN COMMISSION HELD ON WEDNESDAY, APRIL 4, 2012, AT THE VILLAGE HALL, 7760 QUINCY STREET, WILLOWBROOK, DUPAGE COUNTY, ILLINOIS.

1. CALL TO ORDER

Chairman Daniel 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, William Buckley, Vice-Chairman Wagner and Chairman Kopp. Also present were Village 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 February 1, 2012 and February 15, 2012 (APPROVE)
- C. Minutes – Village Board Meeting March 12, 2012 and March 19, 2012

MOTION: Made by Commissioner DelSarto seconded by Commissioner Remkus, to approve the Omnibus Vote Agenda.

4. PLAN COMMISSION WORKSHOP: Discussion of Chapter 1 through Chapter 8 of the Zoning Ordinance update.

Planner Charlton opened the workshop discussion. She said at the last Plan Commission meeting the recommendation was to put the ordinance together in the current form. The code for section 1 through 8 is the existing code with the exception of anything that is underscored, indicating new text, and strike through indicating text that is to be removed. Planner Charlton said the uses in the residential section have not yet been modified. The papers distributed before the meeting show the use matrix and those uses are taken from the business districts. When the business uses are finalized they will be added to some of the single family uses and non residential uses in the residential zoning district.

One of the first discussion items is the modified front yard setback for residential uses. In residential districts, the ability to reduce a front yard setback is based on the average of the homes on a block, for those homes that are less than the required setback. There are several areas particularly on the far north end of town that were annexed in from the county that have very small lots. Therefore, the front yard setback is impossible to meet in those situations. If anyone wants to do an expansion to their home, or if they do a teardown rebuild, there is no way that they can meet the required front yard setback. The

provision in the code was originally put in there to accommodate those properties in town. There have been some issues where some of the areas on the south side of town that were built in the county have scattered front yard setbacks. In some cases, people want to do additions to their home and come forward and they are able to utilize this section of the code because other homes are closer. The existing language evaluates the whole block. Also the language says that the average is calculated only by looking at those homes that are less than the required setback, so it exclude in the average everything that needs or exceeds the setback, Planner Charlton said the proposed amendment provides that at a minimum, everything on the block should be included, so all homes on one block would be included in the average calculation. The alternative is to only look at those homes on either side of the proposed lot. On the north side of town almost all the homes are equally lined up on the front setbacks. They are so small that they all meet the minimum setback for whatever code they were built under. The proposed language would allow them to be rebuilt to their original position. If for some reason some of the areas on the south side of town wanted to take advantage of this setback, the homes could be different on either side. She added for example that someone may have concern if their house met the required setback and a neighbor was able to move forward because of what is happening three or four lots down.

Chairman Kopp liked the fact that this amendment addresses the issue that homeowners had to hire surveyors to survey the distance of every home on the block. Chairman Kopp said that he agreed that looking at the three houses would be easier to administer.

Vice-Chairman Wagner said that this comes out of an issue on 68th Street where most of the houses were built under the county regulations and they all have 35 feet setbacks. The district today is R1A and the lots on the north side of the street are all half acre and the lots on the south side of the street are almost all one acre. The current requirement is a setback of 50 ft. The neighborhood started to have tear downs and some people chose to build back of the 50 feet. With a 50 or 60 foot setback the front of some houses could essentially be at the back of a neighboring house. At the time, the Plan Commission was trying to create some method of allowing the new home to be brought forward slightly from the requirement because the district requirement is not fitting the district.

Planner Charlton said front yard setbacks are always worded as a minimum front yard setback, so even though someone is allowed to come forward, there could be a maximum front yard setback in some areas, if you do not want to allow someone in an existing established neighborhood to increase the setback.

Vice-Chairman Wagner added the other thing created is that three lots on 68th were subdivided about three years ago, the requirement for the front yard was 50 feet. Now they have a platted building line of 50 feet so the exception of averages of the front yard platted line superseded the zoning ordinance.

Vice-Chairman Wagner said the disparity of the requirement in the current ordinance does not meet the requirement that those houses were built under DuPage County and they only require a 35 foot setback and the district does not recognize that setback.

Planner Charlton said a revision that acknowledges a required front yard setback in established neighborhoods should be made. That would require new platted subdivisions to adhere to the prior platted front setback line or the platted building line. Planner Charlton said we should understand where all the districts are located. Where the platted front yard setbacks do not comply with the existing, and write something into the general provisions or within each category about front yard setbacks that have exception and define the situation. She noted that language could be drafted so that variations would not be required if exceptions were identified in the Zoning Ordinance.

Chairman Kopp said he is not in favor of making someone comply with a minimum setback. It should not be mandatory and owners should be allowed to increase a front yard setback if they wish.

Vice-Chairman Wagner said he agreed with that position. If someone chooses to build a greater distance back from the front building line that is their choice. The other way is to change the required front yard setback in the R1 or R1A. Since there are many tear downs and building bigger, consideration should be made to change to 40 feet so that the disparity would only be between 5 and 10 feet.

Planner Charlton said that she needs to understand how many subdivisions and homes were built in Willowbrook under the greater setback.

Chairman Kopp cautioned that changes to bulk regulations that do not recognize what is currently there, may create non-conforming structures.

Planner Charlton said the other change that was made was that it will only apply to residential uses in residential districts. Right now it applies to all uses, included non-residential uses in residential district.

Planner Charlton explained that a provision referencing "specific setbacks" was going to be added to each zoning district. This existing provision is currently only listed once in the ordinance and is commonly missed. It refers to the larger setbacks that are required along the Village's major roadways.

Planner Charlton then discussed some specific questions about uses based on feedback from Tim and some elected officials. The first issue was a discussion on whether office uses should become special uses in B districts in order to restrict the number of non-sales tax revenue generating uses in the B district.

Vice-Chairman Wagner said it definitely should be tax generating. The exception is banks, although most of them are not in shopping centers but freestanding.

Chairman Kopp said he does not want to restrict the type of tenant based on the trouble owners are having filling vacant space. He added he does not like to impose restrictions on someone who owns property just to generate tax revenue for the village.

Planner Charlton added the thing about malls and large developments that make them so successful is a management company that pays attention to the mix of uses. Staff does not want to restrict them, but perhaps identify some of them as special uses. Some communities restrict sizes because some of the larger drug store chains will go dark and leave a 20,000 square foot space. The Village will end up getting non-retail users filling these larger spaces, which could significantly impact revenues.

Chairman Kopp said a landlord is going to find the person who is going to pay the most money. He said he would rather have the landlord make a go of it rather than have dark stores, which perpetuates the problem and then other stores go dark.

Planner Charlton said food stores are listed in the matrix. A lot of food-related uses are all special use except for candy, ice cream and bakery shops, which are permitted in B2. Bakeries are permitted in B1 and B3. Everything else is special use. All the restaurants, deli, fast food, grocery store, meat market are all special uses. Planner Charlton said it does not make sense to treat restaurants of all sizes the same by requiring all to obtain special use approval. Larger restaurants and drive-through should continue to be special uses so that parking can be checked to ensure there is adequate parking for those uses.

Chairman Kopp asked why we need a special use.

Planner Charlton said as long as a restaurant meets the requirement of parking on an out lot, it could be permitted. Drive-thru should always have a special use.

Chairman Kopp agreed as long as they meet the parking.

Planner Charlton said to do the parking requirement as a matter of policy.

Vice-Chairman Wagner said he agreed if they meet the parking requirements. Parking regulations should become the governing factor in that.

Planner Charlton clarified that the Commission was favorable to making all food related uses except for drive thru permitted uses.

Vice-Chairman Wagner said almost every one of the shopping centers is on a major street so they are all highways. He added he does not see the point in that.

Planner Charlton introduced a discussion about pawn shops and resale shops. Most codes restrict their use because it is supposed to be retail in nature only. She suggested that the Village may want to distinguish between resale and antique stores.

Vice-Chairman Wagner said we have a conflict with that because Goodwill was approved in a major shopping center.

Planner Charlton asked if that was approved as a special use.

Vice-Chairman Wagner said it is a retail store.

Planner Charlton said we will keep that special or conditional uses so we have an opportunity to review.

Chairman Kopp said he thinks they should be a permitted use.

Vice-Chairman Wagner said he does not see any reason to restrict as long as it meets all the other requirements of the code.

Vice-Chairman Wagner said that Cash for Gold is not a resale shop. It is not even a pawn shop, it is a service. That should be in a separate category.

In describing the use matrix, Planner Charlton said she pulled all uses from the business districts into a spreadsheet. It was hard to go through each of the uses and insert them into a format because there were uses that were defined a little different in all the districts. For example, one district lists “professional office” and in another district it would be listed as “offices” or a variation on the same type of use. She said she went through and pulled them all into a spread sheet and sorted them by the first letter of the word and sorted them by association with other similar uses, and then broke them down into categories. She took all the retails uses and broke them down by “general merchandise”, “food categories”, “auto related categories” in order to see what the relationships were and how these uses were referred to between all the districts. The goal was to create one way to list the same use in all districts. Also certain uses were combined. Planner Charlton asked the Commissioners to look at the list and make comments in terms of changing permitted to special use or special to permitted or expanding them into additional categories. It will be an easier way to reincorporate all these back into each district. The Commissioners will provide these comments at the next meeting.

Planner Charlton asked the commission for questions.

Vice-Chairman Wagner stated that the provision for trailers, boats, etc in Chapter 3, general provisions 9-3-6 specific uses, was very convoluted. Boats are licensed, trailers are licensed and most cars are licensed. He asked whether these items need to meet the setback requirements of the principle building or the accessory building. In most cases people store boats and trailers probably within 5 feet of the property line as that is where the driveway might be.

Planner Charlton said currently, these items must meet the setback requirements of the principal structure. There are many codes that are written to require they meet minimum

setbacks of the principal structure, with the intent that they not be allowed except on larger properties that have larger setbacks. There are two questions. One is what is happening now and if they meet all their side yard setbacks, do you really want a boat coming right up to the property line.

Vice-Chairman Wagner said usually a detached garage is within 3 or 5 feet of a property line. Typically there is a pad next to a detached garage or some type of storage. Most applications with a boat in the back yard would have been within 5 feet of the property line. There are numerous campers that are stored on lots and usually they are in back yards. The issue is unlicensed vehicles such as cars that have not been licensed in years sitting on parcels.

Planner Charlton said the issue of unlicensed vehicles is probably regulated by code enforcement through the property maintenance code. If it is a violation, staff should be following through on this. Planner Charlton asked the commission what they would like to see in town and what is reasonable in terms of someone who owns a boat or a trailer being stored it on their property.

Vice-Chairman Wagner said he always thought they should be behind the structure as opposed to in the front yard or side yard. These things should meet the minimum requirement of an accessory building as opposed to a principle structure.

Vice-Chairman Wagner asked do we get into home occupancy in general provisions or is that another part of the ordinance.

Planner Charlton said it is another part of the ordinance.

Planner Charlton said before changes are made to this section she will do some research and a report to see what we did in the past and what issues code enforcement might be able to educate us on.

5. VISITOR'S BUSINESS

Chairman Kopp mentioned there are Boy Scouts in audience working on their citizenship in the community merit badge.

6. COMMUNICATION

Chairman Kopp introduced and welcomed the new Plan Commission William Buckley.

7. ADJOURNMENT

MOTION: Made by Commissioner DeSarto, seconded by Commissioner Remkus, to adjourn the regular meeting of the Plan Commission at the hour of 8:00 p.m.

UNANIMOUS VOICE VOTE

MOTION DECLARED CARRIED

PRESENTED, READ AND APPROVED,

_____, 2012

Minutes transcribed by Joanne Prible.

Chairman