

MINUTES OF THE REGULAR MEETING OF THE PLAN COMMISSION HELD ON WEDNESDAY, JULY 3, 2013, AT THE VILLAGE HALL, 7760 QUINCY STREET, WILLOWBROOK, DUPAGE COUNTY, ILLINOIS.

1. CALL TO ORDER

Vice-Chairman Wagner called the meeting to order at the hour of 7:00 p.m.

2. ROLL CALL

Those present at roll call were Commissioners Bernardo Lacayo, William Remkus, James Soukup, William Buckley, and Vice-Chairman Wagner. Also present were Village Planner Jo Ellen Charlton, Building Official Roy Giuntoli and Secretary Joanne Prible. ABSENT: Chairman Daniel Kopp, (at time of roll call) Commissioner James Baker.

3. OMNIBUS VOTE AGENDA

The items on the Omnibus Vote Agenda were as follows:

- A. Waive Reading of Minutes (APPROVE)
- B. Minutes – Regular Meeting May 1, 2013 (APPROVE)
- C. Minutes – Village Board Meeting May 13, May 28 and June 10, 2013

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

Note: Commissioner Baker arrived at 7:11.

4. PLAN COMMISSION CONSIDERATION: Zoning Hearing Case 13-04: Petition for a text amendment to add Madison Street to the list of streets where six foot (6') tall solid fences are allowed in corner side and rear yards for residentially zoned lots.

PUBLIC HEARING/DISCUSSION -- (SEE COURT REPORTER MINUTES)

RECOMMENDATION

MOTION: Made by Commissioner Soukup, seconded by Commissioner Buckley that based on the submitted petition and testimony presented, I move that the Plan Commission recommend approval of a text amendment to revise Section 9-12-4(D)2(f) in its entirety to read as follows:

“Notwithstanding the provisions contained in subsection (D)2(a) through (D)2(d) of this Section, an open or solid fence not greater than six feet (6') in height may be located on an exterior side or rear lot line of a residentially zoned lot where such lot line(s) are

coterminous with the right-of-way lines of the following streets:”; and that “Madison Street” be added to the list of streets as number 5.

ROLL CALL: AYES: Commissioners Lacayo, Remkus, Soukup, Baker, Buckley and Vice Chairman Wagner. ABSENT: Chairman Kopp.

MOTION DECLARED CARRIED

5. VISITOR’S BUSINESS

None.

6. COMMUNICATION

Planner Charlton shared with the Commission that Pete’s Fresh Market is planning on moving into the Kmart site.

7. ADJOURNMENT

MOTION: Made by Commissioner Remkus, seconded by Commissioner Baker, to adjourn the regular meeting of the Plan Commission at the hour of 7:45 p.m.

UNANIMOUS VOICE VOTE

MOTION DECLARED CARRIED

PRESENTED, READ AND APPROVED,

8 - 7, 2013

Minutes transcribed by Joanne Prible.


Chairman

1 (Whereupon the public meeting was
2 called to order at 7:02 p.m.)

3 VICE-CHAIRMAN WAGNER: I would call to order the
4 regular meeting of the Plan Commission for July
5 the 3rd, 2013.

6 Please call the roll call.

7 MS. PRIBLE: Commissioner Lacayo.

8 MR. LACAYO: Here.

9 MS. PRIBLE: Commissioner Remkus.

10 MR. REMKUS: Here.

11 MS. PRIBLE: Commissioner Soukup.

12 MR. SOUKUP: Here.

13 MS. PRIBLE: Commissioner Buckley.

14 MR. BUCKLEY: Here.

15 MS. PRIBLE: Commissioner Baker is absent.

16 Chairman Kopp is absent.

17 Vice-Chairman Wagner.

18 VICE-CHAIRMAN WAGNER: Here.

19 MS. PRIBLE: Village Planner, Jo Ellen Charlton.

20 MS. CHARLTON: Here.

21 MS. PRIBLE: Building Inspector, Roy Giuntoli.

22 MR. GIUNTOLI: Here.

23 VICE-CHAIRMAN WAGNER: Would anybody like to make
24 any changes to the omnibus vote agenda?

1 If not, I entertain a motion to approve
2 the omnibus vote agenda.

3 MR. REMKUS: So moved.

4 MR. SOUKUP: Second.

5 VICE-CHAIRMAN WAGNER: Thank you.

6 The first item on our agenda this
7 evening is a public hearing, which is --

8 MS. CHARLTON: Mr. Wagner, can we do a vote and a
9 first and a second for the omnibus --

10 VICE-CHAIRMAN WAGNER: I think we did, didn't we?

11 MS. CHARLTON: Was there a vote? Okay.

12 VICE-CHAIRMAN WAGNER: The public hearing this
13 evening is -- the purpose of the public hearing is to
14 consider a petition for a text amendment to
15 Section 9-12-4(D)2(f) for fences on Madison Street.

16 The applicant is the Village of
17 Willowbrook, 7760 Quincy Street in Willowbrook.

18 The information was published in the
19 Suburban Life Newspaper on June 14th of 2013.

20 Jo Ellen, would you present for staff?

21 MS. CHARLTON: Sure.

22 VICE-CHAIRMAN WAGNER: I believe we need to be
23 sworn.

24 (Ms. Charlton sworn.)

1 MS. CHARLTON: Thank you, Mr. Wagner.

2 The staff report was provided for your
3 review, but I just wanted to go through a few things
4 quickly.

5 Chapter 12 of the Zoning Ordinance
6 allows currently for six-foot tall solid fences on both
7 exterior side lot and rear lot lines for residentially
8 zoned properties that have access to one of four
9 streets that are listed within the ordinance, and those
10 streets include Route 83, Plainfield Road, 63rd, and
11 75th Street, and other than those streets within the
12 community, the Village has had a longstanding tradition
13 of not allowing solid or tall fences in rear and
14 exterior side property lines. Instead, we have lower
15 fences or, in many cases, most of them have to be
16 50 percent open.

17 I'm not really sure about the history of
18 that. I just know it's been something that's been in
19 place for quite a long time.

20 A couple of months ago we had a resident
21 along Sheffield, she's actually here in the audience
22 tonight, Cassie and her husband John Swieton, called
23 Village staff about getting a fence permit for their
24 rear lot line because their lot backs up to

1 Madison Street, and we explained to them that they
2 currently were not eligible to have that tall of a
3 fence. We talked about some options, one of which was
4 for her to be an applicant on a text amendment and come
5 forward.

6 As most of you know, it can be an
7 expensive and uncertain process because you're not
8 really sure what the outcome will be and she had
9 concerns about spending that money not knowing what the
10 outcome would be.

11 She did come to a Village Board meeting
12 a couple of meetings ago and asked the Board for their
13 help in consideration, and I think the consensus from
14 the Board at that point was that Madison Street traffic
15 may have grown to a point at this point that it made
16 sense to add it, so they've remanded that back to you
17 guys for your consideration of the text amendment.

18 You'll note that the amendment only
19 impacts residentially zoned properties on
20 Madison Street, so, basically, we're talking about
21 Madison Street only between 63rd and Plainfield because
22 everything south of there is nonresidential properties.

23 The map on Page 4 of the staff report
24 shows that there are 29 properties along Madison Street

1 that would be impacted by this ordinance if it's
2 approved. Almost all of the lots on the east side of
3 Madison are rear or corner side lot lines, so almost
4 all of those along the east side are impacted. There's
5 only eight properties on the west side of Madison that
6 have rear or exterior side lot lines adjoining the
7 street.

8 Some of the characteristics of the
9 property on the east side where all of the properties
10 are located are that the area has a lot of mature
11 landscaping, it's both evergreen and deciduous, and it
12 is located in the right-of-way. Technically, if people
13 put fences on their rear lot lines in that area, we're
14 probably not going to see them because the mature
15 landscaping is going to screen -- it's pretty heavy. I
16 think there's a picture in the staff report that shows
17 that. The concern I have about that is that most of
18 them are deciduous, so that screening in the summer may
19 not be as heavy in the wintertime.

20 The other thing to consider is that that
21 right-of-way is DuPage County, and if at some point in
22 the future they come forward and want to do a road
23 improvement project that requires or they need to
24 remove some or all of that landscaping, we may not have

1 that there and we may not have the ability to impact
2 what they need to do. Don't know what that case might
3 be, but that is something to be considered.

4 On Page 5 of the staff report shows how
5 the average daily traffic volumes along Madison Street
6 compare to some of the other streets that are currently
7 listed in the ordinance, and you can see that the
8 traffic volumes themselves haven't risen to the level
9 of the other streets, but those other streets are all
10 mostly four-lane divided traffic corridors, while
11 Madison is a two-lane, and I think that's really what
12 the problem is. It's two-lane traffic, the traffic at
13 Madison and Plainfield backs up at that signal,
14 especially during rush hour and especially if we ever
15 get a situation where the Opticomms are activated from
16 the emergency vehicles and that throws all the timing
17 of the signals out of whack. Oftentimes, it takes a
18 lot of time for it to get back in sync and the traffic
19 backs up even farther. I think their lot is well over
20 a thousand feet from that intersection and the backups
21 do occur well to that area.

22 So we feel that there have been enough
23 additional trips generated by the Town Center. We
24 probably will continue to see additional traffic

1 generated as the Kmart site undergoes its redevelopment
2 in the area.

3 So given that this road is an arterial
4 like the other streets, it's still only a two-lane road
5 instead of a four-lane, we do feel the backups that are
6 created do warrant additional consideration for people
7 along Madison and recommend that the Plan Commission
8 recommend approval to the Village Board to approve the
9 text amendment.

10 The only other thing that I will note is
11 that the existing text is a little bit unclear in how
12 we have been implementing it. It does talk about
13 exterior side and rear yards, and in confirming with
14 our building inspector, we have always interpreted it
15 to mean the lot line that is adjacent to the street;
16 otherwise, technically you could extend that fence
17 along the interior side lot line of the rear yard,
18 which we don't want to make -- we want to make sure
19 people understand and that it's clear that's not the
20 intent, so there is a little bit of a change to that
21 language as well.

22 The staff -- recommended -- staff
23 recommendation is included on Pages 5 and 6 of the
24 report. It adds Madison Street and makes those

1 suggested changes to the language, and we recommend
2 that you approve it.

3 If there's any questions, I'd be happy
4 to answer them, or I don't know if Cassie and John
5 might be available to answer some questions as well.

6 VICE-CHAIRMAN WAGNER: Does the Plan Commission
7 have any questions or comments?

8 MR. REMKUS: No. I think this is something we
9 should have done a long time ago as the traffic
10 increased on Madison. Nobody came and asked about it.

11 (Chairman Baker enters.)

12 VICE-CHAIRMAN WAGNER: Okay. Let the record show
13 that Commissioner Baker has joined our public hearing
14 this evening at approximately 7:11.

15 Good evening.

16 Is there anybody from the audience that
17 would like to speak?

18 Mr. and Mrs. Swieton, would you care to
19 say anything at the public hearing? If so, we'd need
20 to have you sworn, and if you could stand.

21 (Ms. Casimira Swieton sworn.)

22 MS. SWIETON: I've been a resident of Willowbrook
23 for, oh, my gosh, like 17 years. We actually bought
24 our house from my mother, so when we bought it -- you

1 know, I've seen Madison go through its changes. When
2 my mom purchased the property back when I was in high
3 school in '94, Madison was still a two-lane street, it
4 was so slow, they didn't have the sidewalks in or
5 anything like that. Gradually, over time with the
6 promenade put in down the street, a lot of traffic has
7 increased, probably coming from Hinsdale for some of
8 the fast food restaurants and whatnot. Also, with the
9 sidewalk, there's a lot of people, bike riders, people
10 just walking, and I have a 1- and a 4-year-old child,
11 so, you know, they -- they're always out in the yard,
12 and I just want the privacy so that if somebody is
13 driving by or traffic stopped, of course, it's so
14 often, you know, I don't want anybody looking at my
15 kids, and also, you know, we found things that kids
16 walking on the sidewalk, we've found things in our yard
17 that were just tossed in there from the street, so we
18 basically just want the privacy.

19 When these regulations for the fence
20 were put in effect, at least back in 1990, obviously,
21 there wasn't that kind of traffic that there is
22 nowadays.

23 Does the Board have any questions for
24 me?

1 I know some of my neighbors, you know,
2 they feel the same way with us. Everybody agrees, yes,
3 we definitely at our house -- they mostly live in our
4 subdivision but they are across the street from us, and
5 when they come over and they hear the noise from
6 Madison and see the traffic, they feel that definitely
7 we need, for the safety of our children, privacy fences
8 in the backyard.

9 VICE-CHAIRMAN WAGNER: Thank you very much.

10 MS. SWIETON: Okay. Anybody have any questions
11 for me?

12 VICE-CHAIRMAN WAGNER: No, we're good.

13 MR. LACAYO: I have a technical question for
14 Jo Ellen.

15 The existing ordinance is only for the
16 rear yard and the side yard. We are -- what we're
17 changing doesn't mean somebody can put a fence in the
18 front yard of the house?

19 MS. CHARLTON: No. That still stands.

20 VICE-CHAIRMAN WAGNER: One question I have, and I
21 think you've answered it, the corner side yard or the
22 exterior corner side yard of a home would also be
23 allowed to put up an 8-foot fence.

24 The question would be: At what point

1 would it stop in a direction headed toward the public
2 right-of-way that is the other street involved?

3 My question would relate to the property
4 on the corner of Madison and Ridgemoor Drive on the
5 southwest corner, that house faces Ridgemoor, so its
6 exterior corner side is Madison Street, so they could
7 put up an 8-foot fence on the Madison Street frontage,
8 but where would it stop in relationship to the house
9 and Ridgemoor?

10 MS. CHARLTON: One thing I want to say is it's
11 6-foot, not 8-foot is the restriction in the height, so
12 I wanted to make that point clear.

13 The other thing, and I'm going to defer
14 to Roy a little bit here, because you mentioned that
15 the house faces Ridgemoor --

16 VICE-CHAIRMAN WAGNER: Correct.

17 MS. CHARLTON: -- but the lot actually faces their
18 street.

19 MR. GIUNTOLI: The side yard.

20 VICE-CHAIRMAN WAGNER: But the side yard or the
21 exterior side yard abuts Madison Street.

22 MR. GIUNTOLI: Yes.

23 VICE-CHAIRMAN WAGNER: So it would seem to me that
24 this would be allowed on the side yard, which faces

1 Madison, but Ridgemoor is over here, so how far from
2 the rear line of the property down Madison Street as
3 it's approaching Ridgemoor, how far back would we stop
4 the 6-foot fence?

5 MR. REMKUS: Back of the back of the house, I
6 would think.

7 MR. GIUNTOLI: You would take the front yard
8 setback and create a line from that point to the rear
9 yard lot line would be allowed. From the point front
10 yard forward, the rules change.

11 VICE-CHAIRMAN WAGNER: Correct.

12 MR. GIUNTOLI: Actually, being that's a corner
13 lot, they drop drastically down in what they're allowed
14 to do. 3-foot, 80 percent open. It would go 6-foot
15 solid, stop, down to 3-foot down and 80 percent open at
16 the front yard setback.

17 MS. CHARLTON: If they wanted a fence.

18 MR. REMKUS: I thought with that -- the 6-foot
19 fence doesn't extend passed the front of the house.

20 VICE-CHAIRMAN WAGNER: That's my concern because
21 if I remember correctly, we've had variations and
22 requests on Ridgemoor before, and I think the front
23 yard setback on Ridgemoor is 40 feet, and I don't know
24 what the zoning requirement is.

1 We went through this in a recent
2 variation, and I have experience where we've done these
3 types of things where we've stopped the fence, as
4 you've said, at the line equal to the front of the
5 house, which may or may not be equal to the setback
6 requirement. I'm afraid it could go too far forward.

7 MR. GIUNTOLI: It could conceivably go a little
8 bit farther forward than where the front furthest most
9 forward point of the house is, it could conceivably go
10 there. Again, I don't have the zoning map of what --
11 is that our ...

12 MS. CHARLTON: No, it's --

13 MR. GIUNTOLI: 1A. I'm going to look at our 1A
14 here.

15 Whatever that front yard setback, it
16 could conceivably be --

17 VICE-CHAIRMAN WAGNER: 50 feet.

18 MS. CHARLTON: 50 feet.

19 VICE-CHAIRMAN WAGNER: Where some of this stuff
20 has been built in the County under a different set of
21 regulations, we apply our setback line, I'm wondering
22 if we need clarification on that.

23 MS. CHARLTON: Technically the ordinance would
24 require it to be set back as identified in the

1 ordinance, even if the existing home is farther
2 forward, I guess, that --

3 MR. GIUNTOLI: That's how I would interpret it as.
4 Somebody will say, Well, my front yard was so-and-so.
5 Well, your setbacks are that.

6 I want to say if Gallagher and Henry at
7 one point had all of those front yard setbacks altered
8 to 30 feet, let's say, and then somebody produces a
9 document that says it is 30 feet, well, then that's
10 where it's going to end up going if that's what an
11 amendment to that Code was at one time. If that
12 document doesn't exist, we would defer to the
13 regulations out of the Code Book, but I don't know
14 what's applicable to that house, let's say.

15 Conceivably, it would still be around
16 that area of the front of the house, it wouldn't go
17 beyond it.

18 MS. CHARLTON: Wouldn't go into the front yard.

19 MR. GIUNTOLI: Certainly not go passed the front
20 of the house.

21 VICE-CHAIRMAN WAGNER: Thank you.

22 Any questions or comments from the Plan
23 Commission?

24 Do we make a motion first?

1 MS. CHARLTON: Close the public hearing.

2 VICE-CHAIRMAN WAGNER: I would then close the
3 Public Hearing 13-04 for text amendment for fences in
4 Section 9-12-4 on Madison Street.

5 (Whereupon the hearing was closed
6 at 7:21 p.m.)

7 *****

8 ///

9 ///

10 ///

11 ///

12 ///

13 ///

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

1 STATE OF ILLINOIS)
) SS:
2 COUNTY OF K A N E)
3

4 I, NICOLE M. BREYTSPPRAAK, a Certified
5 Shorthand Reporter within and for the State of
6 Illinois, do hereby certify:

7 That previous to the commencement of the
8 examination of the witness, the witness was duly sworn
9 to testify the whole truth concerning the matters
10 herein;

11 That the foregoing deposition was reported
12 stenographically by me, was thereafter reduced to a
13 printed transcript by me, and constitutes a true record
14 of the testimony given and the proceedings had;

15 That the said deposition was taken before me
16 at the time and place specified;

17 That the reading and signing by the witness
18 of the deposition transcript was agreed upon as stated
19 herein;

20 That I am not a relative or employee or
21 attorney or counsel, nor a relative or employee of such
22 attorney or counsel for any of the parties hereto, nor
23 interested directly or indirectly in the outcome of
24 this action.

IN WITNESS WHEREOF, I do hereunto set my hand
at Aurora, Illinois, this 24th day of July, 2013.

Certified Shorthand Reporter
State of Illinois

CSR License No. 084-003835.