

MINUTES OF THE REGULAR MEETING OF THE PLAN COMMISSION HELD ON WEDNESDAY, AUGUST 7, 2013, 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 Bernardo Lacayo, William Remkus, William Buckley, Vice-Chairman John Wagner and Chairman Daniel Kopp. Also present were Village Planner Jo Ellen Charlton, Building Official Roy Giuntoli and Secretary Joanne Prible. ABSENT: Commissioners James Soukup and 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 July 3, 2013 (APPROVE)
- C. Minutes – Village Board Meeting July 8, 2013

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

4. PLAN COMMISSION CONSIDERATION: Zoning Hearing Case 13-05: Petition to rezone from R-1 to R-3. Applicant and owner Tao Duan and Yan Wang, 5805 S. Holmes, Clarendon Hills, Illinois 60514.

PUBLIC HEARING/DISCUSSION – (SEE COURT REPORTER MINUTES)

RECOMMENDATION

MOTION: Made by Commissioner Remkus, seconded by Vice-Chairman Wagner that based on the submitted petition and testimony presented, I move that the Plan Commission recommend to the Mayor and Village Board approval of a rezoning from R-1 to R-3 for the property legally described as part of ZBA Case Number 13-05, and commonly known as 5805 S. Holmes, Clarendon Hills, Illinois.

ROLL CALL: AYES: Commissioners Lacayo, Remkus, Buckley, Vice Chairman Wagner and Chairman Kopp; NAYS: None; ABSENT: Commissioner Soukup and Baker.

MOTION DECLARED CARRIED

5. VISITOR'S BUSINESS

None.

6. COMMUNICATION

Planner Charlton shared with the Commission that Pete's Fresh Market is moving forward with their plans at the K-Mart site.

Planner Charlton informed the Commission that there is an interest from the Board regarding information on LED and digital signs.

7. ADJOURNMENT

MOTION: Made by Commissioner Buckley, seconded by Vice-Chairman Wagner, 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,

September 4, 2013

Minutes transcribed by Joanne Prible.


Chairman

1 (Whereupon the public meeting was
2 called to order at 7:01 p.m.)

3 CHAIRMAN KOPP: I'd like to call the meeting to
4 order.

5 I'd like to get started tonight.

6 This is the regular meeting of the Plan
7 Commission of the Village of Willowbrook.

8 I'd ask the Plan Commission secretary to
9 call the roll.

10 MS. PRIBLE: Commissioner Lacayo.

11 MR. LACAYO: Here.

12 MS. PRIBLE: Commissioner Remkus.

13 MR. REMKUS: Here.

14 MS. PRIBLE: Commissioner Soukup is absent.

15 Vice-Chairman Wagner.

16 MR. WAGNER: Here.

17 MS. PRIBLE: Commissioner Buckley.

18 MR. BUCKLEY: Here.

19 MS. PRIBLE: Commissioner Baker is absent.

20 Chairman Kopp.

21 CHAIRMAN KOPP: Here.

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

23 MS. CHARLTON: Here.

24 MS. PRIBLE: Building Inspector, Roy Giuntoli.

1 MR. GIUNTOLI: Here.

2 CHAIRMAN KOPP: The next item on the agenda is the
3 omnibus vote agenda.

4 Would anybody like anything removed from
5 the omnibus vote agenda?

6 If not, would someone make a motion to
7 approve the omnibus vote agenda?

8 MR. REMKUS: So move.

9 MR. WAGNER: Second.

10 CHAIRMAN KOPP: All in favor say aye.

11 THE COMMISSION: Aye.

12 CHAIRMAN KOPP: Those opposed say nay.

13 That motion carries.

14 Next item on the agenda is Public
15 Hearing for Zoning Hearing Case No. 13-05.

16 The purpose of this public hearing shall
17 be to consider a petition to rezone from R1 to R3 the
18 property located at 5805 South Holmes with an address
19 of Clarendon Hills, Illinois.

20 The applicant of this petition -- please
21 excuse me if I mispronounce it -- is Tao Duan and
22 Yan Wang.

23 Notice of this public hearing was
24 published in the July 19, 2013, edition of the *Suburban*

1 *Life Newspaper.*

2 If there's someone from the applicant
3 that would like to speak, if you would please stand up
4 and you'll be sworn in.

5 MR. DUAN: Do I have to?

6 CHAIRMAN KOPP: You don't have to necessarily.

7 Jo Ellen, maybe you wanted to present
8 for the applicant?

9 MS. CHARLTON: Sure. I can go through the case.

10 The staff report is provided for you
11 tonight and shows that this property is located on the
12 east side of Holmes and it's two lots south of
13 58th Street, and it's just across from Holmes School.

14 There's only three lots on this entire
15 block that are within the Village of Willowbrook, all
16 the others are unincorporated, as are all the
17 properties east of there that are on Sunrise, those are
18 unincorporated properties.

19 As you noted, Chairman Kopp, these
20 properties do have Clarendon Hills mailing addresses.

21 The applicant is requesting a rezoning
22 from R1, which the property was automatically rezoned
23 when they annexed in 2003 to get the Village's water.

24 It is a zoning classification for a

1 property this size to go to R3, and that's what they're
2 requesting.

3 It's apparent when you look at the
4 zoning map, as I showed on the second page of the staff
5 report, that we have a real patchwork of zoning
6 classifications between R1 and R3 of the -- on the map,
7 and that is typically because when they're annexed,
8 they come in at R1 and slowly, as properties want to do
9 improvements, they rezone to R3.

10 The table at the bottom of Page 2, the
11 staff report, compares the bulk requirements for R1 and
12 R3 with the existing conditions on the subject
13 property. The R3 classification is the closest single
14 family zoning classification we have that matches how
15 this property was developed in the County under their
16 zoning classification.

17 Our guess, based on the properties --
18 the unincorporated properties zoning of R4 is that it
19 was built in the County under the R4, so I also did
20 include those requirements and that table as well.

21 One of the things I want to point out is
22 that it's easy to see that the proposed rezoning
23 structure will be nonconforming because the 34.73
24 front yard setback is less than the required 40-foot

1 setback. That is to the garage area. The setback for
2 the main portion of the house does exceed the 40-foot
3 setback requirement. The side yards are fine. If they
4 rezone to R3, they will meet the minimum 8-foot side
5 yard setback.

6 In this particular case, the owner is
7 hoping to construct a second story addition on the
8 northern part of his house or the single-story portion
9 of his raised ranch home, and if he does that, both the
10 side yard and the front yard setbacks would be
11 conforming to the requirements of the Code.

12 When you go to the Code in the
13 nonconforming section, it tells you that you can expand
14 a nonconforming use as long as the expansion itself
15 meets those bulk requirements, so that's what he would
16 be proposing to do in this instance.

17 We have advised him because we don't
18 have a full set of plans, that he would be required to
19 meet all of the other bulk requirements, including lot
20 coverage, FAR, height, stories, all of that would have
21 to be evaluated upon his submittal of a petition for a
22 building permit. All he's requesting at this time is
23 simply the rezoning, no variations are included.

24 MR. BUCKLEY: He's not changing the footprint of

1 the building that's there now?

2 MS. CHARLTON: I don't know. We don't have any
3 plans at this point. He would have room to do some
4 expansion in the back of the property and still meet
5 the rear yard setback requirements, but, again, he
6 would need to meet that requirements as well.

7 Since this notice has been filed, I did
8 receive communications from various individuals of two
9 of the property owners within the area to the east in
10 unincorporated DuPage County. One of those is here
11 tonight.

12 One of the -- the first owner I talked
13 to mostly wanted to make sure that this action was not
14 impacting their property, it wasn't rezoning or
15 annexing their property, and I assured them that
16 they -- that it was not.

17 I also spoke to two owners, and Paul is
18 here representing he and his mother, and he adjoins
19 this property to the northeast. He faces Sunrise, so
20 he's on the southwest corner of Sunrise and 58.

21 He also wanted to make sure that this
22 action was just affecting this property and not his,
23 and he had additional comments and concerns regarding
24 what would be happening with any new grading or

1 drainage on the property, and I believe he's going to
2 make a statement here in a little bit.

3 One of the other comments that came up
4 was regarding a shed that's on the lot. The plat of
5 survey that was included with your packet does show a
6 shed that extends off of the east property line at the
7 rear of the property, and you might note a very unusual
8 situation for Willowbrook anyway, we actually have a
9 public alley platted at the east end of this property.
10 There's no alley there, it's just grassy area and
11 mostly just utilities running in that property.
12 Technically, that shed -- private shed should be on
13 their private property.

14 I did confirm through our building files
15 today that a separate permit was pulled for a new shed,
16 and as a requirement of getting the permit for that new
17 shed, this shed that's shown on the current plat is
18 coming out and the new shed will be placed in
19 compliance with our accessory structure requirements,
20 which is 10-foot off the rear property line and 5-foot
21 off of the side lot line, so that's -- that's good to
22 go.

23 MR. GIUNTOLI: And behind the house.

24 MS. CHARLTON: And behind the house.

1 Staff is recommending approval of this
2 rezoning. We believe it's consistent with the section
3 or the actions on similar properties in the
4 neighborhood, and it is also consistent with our
5 comprehensive plan.

6 One of the concerns that comes up in
7 situations like this is whether or not this is
8 considered spot zoning, and if we can show through the
9 recommendations of our comprehensive plan that it's
10 consistent with that plan, we can make a case that
11 this -- in this case it is not spot zoning and is
12 consistent with other actions in the area.

13 The rezoning will allow the owner to
14 make a reasonable modification to their home that is
15 not out of character with the neighborhood. We have
16 seen similar types of improvements made on nearby lots.

17 The owner has been advised that this is
18 just a rezoning and no variations were granted so that
19 his permits will need to comply with all our other
20 regulations.

21 If there's any questions at this point,
22 I would be happy to answer them.

23 CHAIRMAN KOPP: Commissioners have any questions
24 for Jo Ellen?

1 MR. LACAYO: If this home was built in Willowbrook
2 today, would it qualify for a R3 zoning?

3 MS. CHARLTON: A couple of issues with that. The
4 lot itself would -- we wouldn't allow a lot this size
5 under the R3 zoning, it's too small of a lot, and the
6 front yard setback where that garage is located
7 wouldn't be allowed. Otherwise, it meets all the other
8 requirements in terms of lot coverage, FAR, and height
9 and everything else.

10 MR. LACAYO: How do we handle historically these
11 properties that we have annexed?

12 Is it similar to what we've done in the
13 past?

14 MS. CHARLTON: Yes. In almost all situations when
15 somebody annexes to get water, they don't pay and go
16 through the process to rezone because it's a public
17 hearing and time. Usually they can just do a petition
18 and annex at the next Council meeting, so they do that,
19 they get the water. By state law in those instances if
20 you don't zone, it goes to your most restrictive zoning
21 classification, which for us is R1. Then everybody
22 sits there until they need to do something. In that
23 case, we put them in the closest zoning classification
24 that matches their conditions.

1 MR. LACAYO: And that's what we've done here?

2 MS. CHARLTON: Uh-huh.

3 MR. LACAYO: Thank you.

4 CHAIRMAN KOPP: Any other questions by the plan
5 commissioners?

6 The applicant, do you want to say
7 anything? Again, you don't have to.

8 MR. DUAN: Thank you.

9 CHAIRMAN KOPP: If anyone in the audience would
10 like to say something or ask any questions, you need to
11 be sworn in and state your name.

12 (Mr. Zaremba sworn.)

13 MR. ZAREMBA: Paul A. Zaremba, Z-a-r-e-m-b-a.

14 I just want to make sure we're happy
15 neighbors. I want to make sure that footprint is going
16 to stay the same.

17 You know, if there's a bit of expansion
18 outside of the footprint of the house a little bit,
19 that's fine. And that there's not going to be any
20 tearing down of the house, bringing in, you know --
21 re-terracing the back, and, you know, virtually putting
22 up a berm and raising the property up 3 or 4 or 5 feet
23 to that back lot and so -- so that it's going to affect
24 the runoff, you know, coming over to my property.

1 The other thing is there's currently --
2 the previous owner had taken the sump drainage and had
3 run a pipe all the way from their sump all the way to
4 the back corner of the lot, so when the sump goes off,
5 especially when it's raining a lot, that floodwater --
6 that water coming out of the sump drains through this
7 alley and into my yard, and all the other water coming
8 off of the hill -- because it's on a bit of a hill and
9 we're on the corner, so everything ends up going to
10 that north, northeasterly towards Sunrise and 58th,
11 it's like a river actually where that alleyway is and
12 into my yard, and so if the owners could truncate that
13 somewhere in their yard so the water at least has a
14 chance to migrate through the grass and into their
15 grass and their plants and things, but right now, it
16 travels that hundred feet or so down the north -- the
17 north property line and ends at the northeast corner of
18 the property line. It's very easy to see. And that's
19 the most important thing is to get that taken care of.

20 As far as raising the property or
21 putting, you know, a second level on it, I don't have
22 any problem with that. Again, like I said, I'm going
23 to make sure that, you know, a berming with railroad
24 ties or bricks or whatever bringing up the level of the

1 property 3 or 4 feet in the back end, that's not going
2 to happen.

3 Also, wanting to keep it single family
4 and no opportunity to create an apartment or that kind
5 of a situation, a rental.

6 Thank you.

7 CHAIRMAN KOPP: I can answer two of those.

8 The R3 -- sort of in reverse order.

9 The R3 won't allow it --

10 MR. ZAREMBA: I don't know. I'm putting it on the
11 record. I don't know. This is my first town meeting.
12 I'm not very familiar with it.

13 CHAIRMAN KOPP: That's fine. I'm trying to
14 reassure you.

15 MR. ZAREMBA: I appreciate that. Thank you.

16 CHAIRMAN KOPP: And then the issue about expanding
17 the footprint, he really doesn't have a lot of
18 opportunity to do that because it's -- he can slightly
19 to the rear, as I look at these numbers, but that's it.

20 MR. ZAREMBA: That's fine for me.

21 CHAIRMAN KOPP: The sump pump issue, Roy, you can
22 speak to that, and I'm assuming you're not allowed to
23 do that.

24 MR. ZAREMBA: Well, there is a DuPage County law,

1 but Jo Ellen was explaining to me some of the caveats
2 to doing that, but one of the possible solutions would
3 be to truncate it in and let it go out just 6 or 7 feet
4 out into the yard and spill out to the yard instead of
5 piping it all the way down.

6 That alleyway will flood right from --
7 right from the power line in, like, the last few rains
8 that we had.

9 Thank you.

10 MR. GIUNTOLI: Want me to explain that?

11 Sump pump discharge, basically, it comes
12 down to if it's a nuisance, we get involved with it.
13 There isn't a code currently on the book that somebody
14 is doing something correctly or incorrectly. Whenever
15 water discharge becomes an nuisance, we get involved in
16 it.

17 The general rule of thumb is a sump pump
18 should not be discharged within 10 feet of a property
19 line, so it's allowed to dissipate on the property, at
20 least a little bit, before it gets out past the
21 property line.

22 When somebody discharges something
23 either at or beyond a property line --

24 MR. ZAREMBA: It's at the alleyway.

1 MR. GIUNTOLI: -- and somebody brings this to our
2 attention, I, you know, I knock on that person's door
3 and ask them to pull it back X amount of feet and go
4 from there.

5 We'll make that part of the -- if it's
6 possible, part of the redevelopment just that the
7 discharge gets pulled back at least to that 10 feet.
8 That's what we hold all new residential properties to,
9 and we would do that for this.

10 MR. ZAREMBA: It's not even a matter of truncating
11 it at the property line because you're at the property
12 line with the house that's just to the north, they just
13 sold --

14 MR. GIUNTOLI: It has to be 10 feet from any
15 property line.

16 MR. ZAREMBA: I appreciate that.

17 MR. GIUNTOLI: If there's a stormwater catch basin
18 in the area they can tie into, we've allowed people to
19 do that as well. It would require a permit, but we've
20 allowed people to tie into a storm sewer catch basin if
21 that's available, but not all properties have that.

22 MR. ZAREMBA: The DuPage County Code was all sumps
23 get discharged to a culvert to the front of the
24 property, but in this case, you can't do that because

1 there's no culvert there, it's going uphill, and as
2 Jo Ellen explained, there's putting the sewer, again,
3 that would be -- that's not doable.

4 MS. CHARLTON: Going uphill.

5 MR. ZAREMBA: Yeah. Thank you.

6 MR. GIUNTOLI: You're welcome.

7 CHAIRMAN KOPP: Anything else from the audience?

8 Anything else from Jo Ellen?

9 MR. BUCKLEY: That water going down the sewer,
10 that's not going to bother anybody a couple lots down
11 from you? Is it possible?

12 MR. ZAREMBA: No. It's not going -- it's going --
13 what's that, the water?

14 MR. BUCKLEY: Down the alley.

15 MR. ZAREMBA: It goes down the alley and there's
16 a -- I'm the only one really affected by it there.

17 MR. BUCKLEY: I meant, isn't your backyard up a
18 little bit?

19 MR. ZAREMBA: It comes into my backyard or spills
20 over and goes to my garage, I guess. Is that your
21 question?

22 MR. BUCKLEY: Yep.

23 MR. ZAREMBA: Okay.

24 CHAIRMAN KOPP: All right. I think we can

1 conclude the public hearing.

2 Would someone make a motion to close the
3 public hearing?

4 MR. REMKUS: So moved.

5 MR. WAGNER: Second.

6 CHAIRMAN KOPP: All in favor say aye.

7 THE COMMISSION: Aye.

8 CHAIRMAN KOPP: All opposed say nay.

9 We will close the public hearing.

10 (Whereupon the hearing was closed
11 at 7:21 p.m.)

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

4 I, NICOLE M. BREYTSPPRAAK, a Certified
5 Shorthand reporter of the State of Illinois, do hereby
6 certify that I reported in shorthand the proceedings
7 had at the hearing aforesaid and that the foregoing is
8 a true, complete, and correct transcript of the
9 proceedings of said hearing as appears from my
10 stenographic notes so taken and transcribed by me.

11 IN WITNESS WHEREOF, I do hereunto set my hand
12 at Aurora, Illinois, this 27th day of August, 2013.

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