

MINUTES OF THE REGULAR MEETING OF THE PLAN COMMISSION HELD ON WEDNESDAY, DECEMBER 8, 2008, 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 7:30 p.m.

2. ROLL CALL

Those present at roll call were Commissioners Robert DelSarto, William Remkus, Joseph Heery, James Baker and Chairman Kopp. Also present were Village Administrator Phil Modaff, Planner Sara Hage and Secretary Joanne Prible. ABSENT: Commissioner James Soukup and Vice-Chairman Wagner.

3. OMNIBUS VOTE AGENDA

The items on the Omnibus Vote Agenda were as follows:

- a. Waive Reading of Minutes (APPROVE)
- b. Minutes – Regular Meeting August 6, 2008 (APPROVE)
- c. Minutes – Village Board Meetings - July 28, August 11, August 25, September 8 and 22, 2008 (RECEIVE)

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

UNANIMOUS VOICE VOTE

MOTION DECLARED CARRIED

4. PLAN COMMISSION CONSIDERATION – Zoning Hearing Case 08-04: Patio Retail Center Special Use Permit for a Fast Food Establishment, 7444 – 7450 South Kingery Highway

Public Hearing

Chairman Kopp opened the Public Hearing for Zoning Hearing case 08-04, convened for the purpose of considering a Special Use Permit for a fast food establishment for the Patio Retail Center at 7444-7450 South Kingery Highway. The applicant is John Koliopoulos for JEK Development. The applicant is seeking approval of the issuance of a special use permit in the B-2 district for a fast food establishment. He noted that the notice of the public hearing on the matter was published in *The Doings* on November 13, 2008 and made a copy of the certificate of publication a part of this hearing record as Village Exhibit "A". Chairman Kopp asked the Plan Commission to consider Rules of Procedure and entertained a motion to adopt the rules.

MOTION: Made by Commissioner DelSarto, seconded by Commissioner Heery, to adopt the Rules of Procedure.

Chairman Kopp asked is staff ready to present the case.

Planner Hage stated this is an application for a Special Use Permit for a fast food establishment in the Patio Retail Center which is the retail establishment at the corner of 75th Street and Route 83, which the Plan Commission approved at the end of 2006 and later also approved a drive-thru for the retail center. She added there are two vacant spaces in the retail center and that restaurants and fast food establishments are special uses under the zoning regulations and need approval for the special use. Planner Hage said the primary concern that staff has with such uses is the traffic and parking. When the building was first designed and constructed, the owner anticipated that they would have a heavier user that would require more additional spaces and traffic demand. The owner provided adequate parking to address any type of fast food establishment. Planner Hage stated that she provided the Plan Commission with a breakdown of the parking calculations. The requirement is 19 spaces and there is an adequate number for this restaurant plus additional spaces for the other tenants. Staff is satisfied that they have met the parking requirement and that the location of the shopping center at the corner of Route 83 and 75th Street makes it appropriate for this type of use. Planner Hage added that Mr. Koliopoulos and the representative of Jimmy John's are here tonight.

Mr. Koliopoulos said that he is happy with the Jimmy John's concept. He stated that he thinks it will bring people to the area and will be a plus for Willowbrook.

Commissioner DelSarto asked if there will be enough space for handicapped parking.

Planner Hage explained that the number of handicapped parking is based on the total number of provided spaces and is included in the overall figure.

Commissioner DelSarto asked about the signage for the building.

Planner Hage answered that signage is handled by Tim Halik's department. She added they will be under the same regulations that all other retail centers are which is one square foot of signage for one linear foot of building frontage.

Chairman Kopp asked if anyone in the audience would like to speak to this matter. Otherwise, the Plan Commission will consider this recommendation during the course of tonight's regular meeting which is not a public hearing.

Planner Hage asked that the staff report be entered into the record as Exhibit B.

Chairman Kopp asked for a motion to close the Public Hearing.

MOTION: Made by Commissioner Remkus, seconded by Commissioner Baker, to close the Public Hearing.

Recommendation

Chairman Kopp asked for a motion to approve.

MOTION: Made by Commissioner Heery, seconded by Commissioner Remkus, to recommend to the President and Village Board adoption of the Findings of Fact and approval of a Special Use Permit for a fast food establishment for the Patio Retail Center.

UNANIMOUS VOICE VOTE

MOTION DECLARED CARRIED

5. PLAN COMMISSION CONSIDERATION – Zoning Hearing Case 08-05: Fotino Subdivision: Final Plat of Subdivision for a Lot Consolidation, Rezoning to the R-3 District and Other Relief from the Zoning Ordinance, 209 W. 58th Place

Public Hearing

Chairman Kopp opened the Public Hearing for Zoning Hearing case 08-05 convened for the purpose of considering a final plat of subdivision for a lot consolidation, rezoning to the R-3 district and other relief from the zoning ordinance for the property at 209 W. 58th Place. The applicant is Mario Fotino, 209 W. 58th Place. The applicant is seeking approval of a final plat of subdivision for a lot consolidation, rezoning to the R-3 district and other relief from the zoning ordinance. Notice of the public hearing on the matter to be considered was published in *The Doings* on November 13, 2008. A copy of the certificate of publication shall be made a part of this hearing record as Village Exhibit A. Chairman Kopp added, at this time I would ask the Plan Commission to consider Rules of Procedure for this evening's Public Hearing and entertained a motion to adopt the rules.

MOTION: Made by Commissioner DelSarto, seconded by Commissioner Baker, to adopt the Rules of Procedure.

Chairman Kopp asked if staff was ready to present the case.

Planner Hage stated that this is an application for 209 W. 58th Place. The application is for a final plat of subdivision for a lot consolidation, rezoning to the R-3 district and variations from the zoning ordinance. Currently the property is zoned R-1, which was the original designation when annexed to Willowbrook. However, the property is surrounded by similar sized parcels that are zoned R-3. The Comprehensive Plan for the area calls for low to medium density residential. The current zoning of R-1 does not allow the applicant to build a new home or remodel and add on to the existing home without violating some of the R-1 district regulations. Staff asked the applicant to seek a rezoning to the R-3 district, which is the more appropriate district based on the Comprehensive Plan and also the surrounding neighborhood zoning districts, and seek a plat of subdivision. Planner Hage explained the property consists of four individual parcels of 25 feet wide, but for tax purposes the parcels are considered one lot. When the applicant consolidates through a plat of subdivision, it cleans up the zoning and county tax records.

The last item has to do with the variations. The applicant Mario Fotino and his father Dominic Fotino, who is the builder, came to staff and said they want to build an addition onto the house. The addition would be in violation of the various setbacks in the R-1 district and the front yard setback in the R-3 district. Within the R-3, there is an alternative option of the average setback that allows the resident to calculate all the setbacks on their block and use that as their average setback. Planner Hage added as long as the new construction will meet the average setback of the addition the building would not be in violation of the zoning ordinance even though the existing home exceeds our setback regulations. As a remodeling and addition project, there

would be no way for the resident to be able to build onto their home and not violate either the average setback or the 40 foot setback. The applicant and builder determined that it is not in their best interest to add on to the house, but instead to demolish the house and rebuild. Planner Hage continued that this changes the application a bit. At this point, the variation is only for lot depth. The property is 132 feet and the R-3 district requires 150 feet. The applicant does not need the front yard setback because any new construction would be required to comply with the R-3 setback regulations, either at 40 feet or the average setback of 30 feet. The request has changed and Planner Hage stated she included a revised page three of staff's report to reflect that the request is for one variation for lot depth and removed the site plan. She added because the applicant is not going to build the addition, but is building a new house, the site plan is not valid; we do not want to bind the approvals to that plan.

Chairman Kopp asked is this the one variation.

Commissioner Baker said that the Commission is trying to get things a little more uniform. This will fit.

Planner Hage said that one of the purposes of the average setback provision is that it gives a specified setback or allows for an alternative.

Commissioner DelSarto asked the applicant if there was any input from the neighbors.

The applicant, Mario Fotino, answered that he did not receive any input from the neighbors.

Planner Hage stated that she received calls including a call from the Holmes School staff. The basic concern was that this was not a proposal for multi-family or townhomes or condos. She said when the callers found out that it was a single-family remodel most were satisfied, with the exception of the property owner to the south. Her concern was that rezoning to the R-3 district would result in a reduced rear yard setback, which would allow the applicant to build a house closer to her house. Planner Hage said that when she explained to the resident that the R-1 zoning only allows her house to be 20 feet deep and she would also be limited to the setbacks of the R-1 and the regulations of the R-1, the resident was satisfied with the explanation.

Chairman Kopp asked if anyone in the audience would like to speak to this matter, otherwise, the Plan Commission will consider this recommendation during the course of tonight's regular meeting, which is not a public hearing.

Chairman Kopp asked for a motion to close the Public Hearing.

MOTION: Made by Commissioner Remkus, seconded by Commissioner DelSarto, to close the Public Hearing.

Recommendation

Chairman Kopp asked for a motion to approve.

MOTION: Made by Commissioner Remkus, seconded by Commissioner Heery, to recommend to the President and Village Board adoption of the Findings of Fact and approval of a final plat

of subdivision, rezoning to the R-3 district and variation of the lot depth requirement for the property at 209 W. 58th Place.

UNANIMOUS VOICE VOTE

MOTION DECLARED CARRIED

6. VISITOR'S BUSINESS

None.

7. COMMUNICATIONS

None.

8. ADJOURNMENT

MOTION: Made by Commissioner Heery, seconded by Commissioner Baker, 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,

May 6, 2008

Minutes transcribed by Joanne Prible.


Chairman