

MINUTES OF THE REGULAR MEETING OF THE PLAN COMMISSION HELD ON WEDNESDAY, AUGUST 6, 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, James Soukup and Chairman Kopp. Also present were Village Administrator Phil Modaff, Planner Sara Hage and Secretary Joanne Prible. ABSENT: Commissioners Joseph Heery, James Baker and Vice-Chairman Wagner.

Commissioner Heery entered the meeting at 7:50.

3. OMNIBUS VOTE AGENDA

The items on the Omnibus Vote Agenda were as follows:

- a. Waive Reading of Minutes (APPROVE)
- b. Minutes – Regular Meeting 2, 2008 (APPROVE)
- c. Minutes – Village Board Meetings – June 23 and July 14, 2008 (RECEIVE)

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

UNANIMOUS VOICE VOTE

MOTION DECLARED CARRIED

4. PLAN COMMISSION CONSIDERATION – Zoning Hearing Case 08-02: One Hundred 75<sup>th</sup> Street, LLC, Consideration and Recommendation of a Petition for Rezoning to the B-2 District, Special Use Permits for a Drive-thru and Restaurant Use, Final Plat of Subdivision and other relief from the Zoning Ordinance

Chairman Kopp opened a public hearing for the purpose of considering rezoning, issuance of various special use permits and related subdivision, engineering, landscaping and other approvals regarding the property which is approximately 1.5 acres in area and located at 100 75<sup>th</sup> Street in Willowbrook. The applicant is One Hundred 75<sup>th</sup> Street LLC. The applicant is seeking zoning of the subject property to B-2 (community shopping district), final plat of subdivision approval, final subdivision, engineering and landscape plan approval, issuance of a special use permit for a drive-through that would include certain exceptions to the village's codes and ordinances and the issuance of a special use permit for a restaurant.

Chairman Kopp asked that the Plan Commission consider rules of procedure for the public hearing and further consideration of the matter.

MOTION: Made by Commissioner Soukup, seconded by Commissioner Remkus to adopt the rules of procedure for the hearing.

UNANIMOUS VOICE VOTE

MOTION DECLARED CARRIED

Chairman Kopp asked the staff to present the case. Planner Hage stated this is a request for a special use permit for a drive-through, restaurant and rezoning to the B-2 district and final plat of subdivision approval for the property at 100 75<sup>th</sup> Street. She stated this property is located on the north side of 75<sup>th</sup> immediately east of Hinsdale South High school and west of the Olsick Insurance building. (Planner Hage requested that the staff report and all attachments be entered into the record as Exhibit B). The request is for approval to construct an approximately 15,000 square foot multi-tenant retail building which would include approximately 1,200 square feet of restaurant (located at the west end of the property). The Comprehensive Plan identifies this parcel for community commercial uses that translate to the B-2 zoning; currently the property is zoned OR, which is the office research district. She added the proposed uses, including the special uses, are typical of what you might see on 75<sup>th</sup> street. The developer has proposed a curb cut on to 75<sup>th</sup> Street with a full median access from 75<sup>th</sup>. DuPage County has approval and reviewing responsibility for that median cut. The village staff provides them with a village position, which is that a full median access should have dual deceleration lanes for those turning lanes. The village has been informed by DuPage County that they intend to support that request and require the deceleration lanes. Also, staff is requesting that the developer provide curb and gutter and street lights. Staff provided the original application submittal to Metro Transportation Group and had them review the proposal for on-site circulation and site access. Metro Transportation Group indicated where the appropriate access should be for the site. They also reviewed the drive-through stacking and determined that there were an appropriate number of spaces. Planner Hage stated that when the developer revised the plan after Metro's initial review, she resubmitted it to Metro and they confirmed that there are sufficient stacking spaces for a restaurant drive-through.

The developer is proposing 69 parking spaces and they are required to provide 68, according to the uses. The developer is also seeking waivers from the landscaping requirements and as noted in the plan, there is a significant area to the west and northwest of the developed area that is going to remain undisturbed. They are going to add some additional plantings that will help support the native vegetation in that area. Planner Hage added she anticipates some concerns with the residential property to the northeast of the site and the landscape plan includes significant landscape buffers in that area. Dan Lynch of Christopher Burke Engineering has reviewed the stormwater management plan and has indicated that it complies with both the village code and DuPage County requirements. The developer is proposing underground detention which is located under the paved area outside the building footprint. The stormwater will drain into the pipes and drain through a catch basin into the buffer area and into the wetlands. Planner Hage added, as noted in the staff report, there are several waivers from the zoning ordinance. Many of the waivers are in line with other development on the north side of 75<sup>th</sup> street.

Michael Roth attorney for the petitioner Joe Bakhos stated that he would answer any questions from the Plan Commission. He said the property is zoned OR and is vacant because it is a tough site to work with, not only the physical restraints but also the inability to develop sections of the property because of the access to the site. He further stated that the developer moved the access to the middle of the site so that they would not have to do the deceleration lanes if the access

point lined up with Eleanor; however staff suggested there is a benefit to the public in having it line up with Eleanor to provide a left turn lane.

Joe Bakhos the petitioner and managing member of the LLC spoke and said that they originally purchased this property over 15 years ago in May of 1993.

The engineer for the petitioner, Nicholas Christie, stated that originally there was a driveway in the middle, but as the Village requested, they are putting the driveway on the west side of the property for better traffic flow and also to line up with Eleanor. He added that with respect to the detention, they are within the requirements of DuPage County and the village.

Jarrett Jensen of Jensen and Jensen, architects, engineers, stated the petitioner is proposing roughly twelve units in the building with a drive-through and restaurant.

Attorney Roth added that they are asking for rezoning and think that it is consistent with the surrounding area. This will meet the village standards for rezoning and is consistent with the comprehensive plan. The rezoning will not impose any hardship on any other property owners in the surrounding area.

Commissioner Remkus asked the petitioner if they have committed tenants.

Joe Bakhos responded that they have not publically started marketing the site. They are waiting for approval before they market it as a retail development.

Commissioner DelSarto asked if unit one is 1,200 square feet and requires eleven parking spaces, do they intend to provide the parking spaces.

Planner Hage answered that it will be up to the petitioner to balance their tenant load with the available parking.

Commissioner DelSarto asked will the applicant pay for all the construction for the left turn lanes.

Planner Hage answered yes the applicant will pay for the construction.

Chairman Kopp said the property immediately to the north is zoned residential but it is vacant. This property is not likely to be developed.

Planner Hage said the property on the north side is detention and will remain detention.

Chairman Kopp asked if there were any statements or testimony from other persons who wished to support the applicants. If not, he said he would permit questions of the applicant.

A resident from Darien stated he does not have any problem with the property being developed. However, the one concern he had is the parking for the southeast baseball field at Hinsdale South.

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A resident from Willowbrook stated he is concerned with the parking and the litter from the retail center and that employees will park on Eleanor, on the south side of 75<sup>th</sup> Street.

Chairman Kopp said that the Plan Commission will consider its recommendation during the course of the night's regular meeting. That part of the meeting is not a public hearing and no further statements or testimony would be permitted once the public hearing is closed. Chairman Kopp asked for a motion to close the public hearing.

MOTION: Made by Commissioner Remkus, seconded by Commissioner Soukup to close the public hearing.

Chairman Kopp asked if there was any further discussion on the public hearing or were the members of the commission prepared to vote.

Commissioner DelSarto said that his concern is the parking with two and three units combined.

Planner Hage responded that the Village does regulate the parking and verifies that each particular use has the required parking or they do not receive an occupancy permit.

Chairman Kopp said it is an attractive project and fits. He added that he likes that the property to the north will never be residential so the impact on residential will be minimal.

MOTION: Made by Commissioner Heery, seconded by Commissioner Soukup, to recommend to the President and Village Board adoption of the findings of fact and approval of the request for rezoning to the B-2 district, final plat of subdivision, special use permits for restaurant uses and a drive-through and other relief as permitted by Section 9-13-6 of the zoning ordinance on the condition that the drive-through not be used in conjunction with a bank and subject to the plans listed in staff's report dated August 1, 2008 and staff's letter dated July 31, 2008.

UNANIMOUS VOICE VOTE

MOTION DECLARED CARRIED

Chairman Kopp added that Commissioner Heery was not here for the entire meeting but there was a quorum that voted yes.

5. PLAN COMMISSION CONSIDERATION – Zoning Hearing Case 08-03: Title 9 Zoning Ordinance Text Amendments – Planned Unit Developments

Chairman Kopp opened the public hearing for the purpose of considering Title 9 zoning ordinance text amendments related to planned unit developments. The applicant is the Village of Willowbrook. The applicant is seeking an amendment to the provisions of section 9-13-4 of the zoning ordinance to allow for major and minor changes to planned unit developments. Chairman Kopp asked the Plan Commission to consider rules of procedure for the public hearing and the further consideration of the matter.

MOTION: Made by Commissioner Soukup, seconded by Commissioner Remkus to adopt the rules of procedure for the public hearing.

UNANIMOUS VOICE VOTE

MOTION DECLARED CARRIED

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

Planner Hage explained that the village staff is proposing a text amendment to the zoning ordinance to address changes to final plats of PUD and provide a mechanism for the efficient approval of minor development changes. Staff experienced some challenges with the Town Center development and, as our code is currently written, it requires any and all changes to go through the entire approval process, which includes having a public hearing. Staff believes that this process is onerous and expensive and could potentially be a detriment to the further completion of the Town Center, additional development in the village and the community's economic development. Planner Hage added that through discussions at a staff level and with the village attorney, staff has outlined and defined a process where a developer could submit some changes to their property that would be allowed to be handled in a much more expedient manner.

Staff is proposing that we add language to the zoning ordinance that would define two types of changes to PUDs: a major change and a minor change. Staff chose to go the route of defining major changes and outlining what constitutes a major change as opposed to defining and identifying all the types of minor changes. Planner Hage stated staff did this so that we could focus on those items that we know would have the greatest impact on both the development plan and the site and the adjacent property.

The staff report states the seven items that constitute a major change. Staff knows that there will be some changes to building footprints because our PUD regulations require every structure, every piece of pavement, to be recorded on that plat. For example, if you want to add a window to a façade it needs to be reflected in the documents. That is not always the easiest change to approve. Staff is trying to create a method where reasonable requests can be handled in a timely manner.

Planner Hage said as noted in the report, staff does have the prerogative to require that the developer go before the Plan Commission, but would not be required to have a public hearing. She added what staff is trying to avoid is going through the entire PUD process and all the requirements for public hearing and studies and significant plat changes. Planner Hage said there is a process which gives you the heads up on various development issues. Staff is open to conversations about those issues and if there are minor changes that the Commission would like to review, staff can bring them to the Plan Commission. Staff is trying to avoid a lengthy and onerous process of going through the entire PUD process and all of the requirements for a public hearing, special studies and significant plat changes.

Village Administrator Modaff added that they need to be proactive to help retain the businesses that want to expand or to attract businesses that want to move here. Administrator Modaff further added that by this process, staff did not think they would sacrifice the quality of decision making but will offer something that could not be offered before.

Chairman Kopp said that the Plan Commission will consider its recommendation during the course of the night's regular meeting. That part of the meeting is not a public hearing and no

further statements or testimony would be permitted once the public hearing is closed. Chairman Kopp asked for a motion to close the public hearing.

MOTION: Made by Commissioner Remkus, seconded by Commissioner Soukup to close the public hearing.

MOTION: Made by Commissioner Heery, seconded by Commissioner Soukup to recommend to the President and Village Board approval of the Title 9 zoning ordinance text amendments for procedures for planned unit developments as listed in attachment #1 of staff's report to the Plan Commission dated August 6, 2008.

UNANIMOUS VOICE VOTE

MOTION DECLARED CARRIED

6. VISITOR'S BUSINESS

None.

7. COMMUNICATIONS

None.

8. ADJOURNMENT

MOTION: Made by Commissioner Soukup, seconded by Commissioner Remkus, to adjourn the regular meeting of the Plan Commission at the hour of 8:45 p.m.

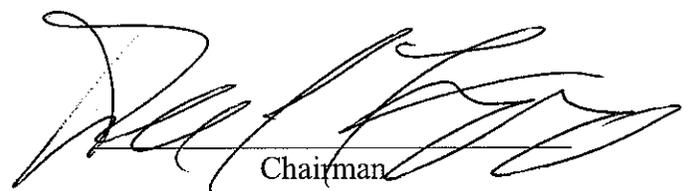
UNANIMOUS VOICE VOTE

MOTION DECLARED CARRIED

PRESENTED, READ AND APPROVED,

October 1, 2008

Minutes transcribed by Joanne Prible.

  
Chairman