

MINUTES OF THE REGULAR MEETING OF THE PLAN COMMISSION HELD ON WEDNESDAY, NOVEMBER 4, 2009, 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 James Baker, Robert DelSarto, Joseph Heery, William Remkus, James Soukup, Vice-Chairman Wagner and Chairman Kopp. Also present were Planner Sara Hage 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 October 7, 2009 (APPROVE)
- c. Minutes – Village Board Meetings – September 28 and October 12, 2009 (RECEIVE)

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

UNANIMOUS VOICE VOTE

MOTION DECLARED CARRIED

4. PLAN COMMISSION CONSIDERATION – Zoning Hearing Case 09-03: Willowbrook Town Center SUP Amendment #2 and SUP for Delicatessen/Food Store – Southeast Corner of Route 83 and Plainfield Road

Public Hearing

Chairman Kopp said this is Zoning Case 09-03. He said this is a public hearing of the Plan Commission of the Village of Willowbrook convened for the purpose of considering a request for an amended special use permit for a planned unit development (PUD) and a special use permit for a delicatessen and food store. The applicant is Willowbrook Town Center LLC. Specifically the applicants are seeking to amend the previously approved special use permit to allow for additional wall signage for Buffalo Wild Wings, a modification to the building façade and a new special use permit for Lassak Delicatessen. Notice of the public hearing on the matter to be considered was published in the doings on October 15, 2009. A copy of the certificate of publication shall be made a part of this hearing record as Village Exhibit “A”. Chairman Kopp asked the Plan Commission to consider rules of procedure for this evening’s public hearing and the further consideration of this matter. Chairman Kopp said a copy of such rules has previously been provided to each of you.

Chairman Kopp asked for a motion to adopt the rules.

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

UNANIMOUS VOICE VOTE

MOTION DECLARED CARRIED

Chairman Kopp asked is the staff ready to present the case.

Planner Hage stated that the application before the Commission tonight is for a special use permit to allow Lassak Delicatessen to operate within the shopping center. Currently a deli is a special use and not permitted by right in the B2 district. Harlem Irving would have to obtain a special use permit in order to operate. Planner Hage added the application also is for Buffalo Wild Wings to allow for additional wall signage over and above what our code currently allows and modify the front building facade. The original public hearing notice noted that they are also seeking approval of an additional monument sign. Harlem Irving has withdrawn that request at this time. They do plan to go forward with the sign, but they do not have a definite location identified. The special use permit for the delicatessen is somewhat perfunctory. It is not anticipated that it would add any more traffic impact than what the rest of the retail center has allowed for. There certainly is ample parking especially given there are two out lot buildings that have not been built yet and which are somewhat in flux. There is certainly an excess of parking on the site. As this relates to Buffalo Wild Wings, the building modification is to the entrance on the far south side. They are adding a parapet wall to which they would affix a sign. They are asking for approval for additional wall signage for a total of 210 square feet. Currently what is permitted by code is 120 square feet. Planner Hage said that she would take any questions.

Chairman Kopp asked if the applicants would like to speak or if they had a presentation.

Colleen Rolloff from Harlem Irving said that she is here to answer any questions.

Chairman Kopp asked the Plan Commissioners if they had any questions.

Vice-Chairman Wagner asked for clarification on the location of the parapet wall.

Planner Hage directed the Commission to the public hearing packet for clarification. She said the second page shows the west elevation. On the far right, that is the parapet wall. It is a bump out with a raised panel.

Commission Heery said that he had heard of Buffalo Wild Wings but not the deli. He then asked if they are in the Chicago area.

Planner Hage answered that the deli has another stores in Palos Hills.

Konrad Wilk, the owner of Lassak Delicatessen, said the Palos Hills store is on 103rd and Roberts Road.

Vice-Chairman Wagner asked if Lassak Delicatessen is a specialty deli.

Konrad Wilk answered it is a specialty deli, food store and fresh market with imported goods.

Commissioner DeSarto asked if the delicatessen is asking for any sign variations.

Planner Hage answered no.

Vice-Chairman Wagner asked if the façades of A4 and A5 are to the right of the Buffalo Wild Wings entry.

Planner Hage responded that it was correct, A4, A5 and A6 and to the right of Buffalo Wild Wings.

Commissioner Heery asked if this would be a class B liquor license.

Planner Hage answered the liquor license is close to what the Kerry Piper has.

Vice-Chairman asked if this is a service liquor license or a package liquor license, is it a service with a meal or is it a bar.

Colleen Rolloff from Harlem Irving answered that Buffalo Wild Wings has food service.

Chairman Kopp said we will hear statements or testimony from anyone in the audience. This could include additional statements from the Village staff or additional questions from the Plan Commission. Also, if anyone in the audience would like to cross-examine any of the applicants or anyone that has testified or spoken.

Resident Marie Sticca asked exactly where the deli will be located.

Planner Hage said Lassak Deli will be right next to Michael's.

Resident Carol Lazinski asked what the proposed hours of operation for the deli are.

Konrad Wilk answered the deli operates from 7:00 am until 8:00 pm and Saturday 7:00 am to 6:00 pm and Sunday from 8:00 am until 5:00 pm.

Resident Carol Lazinski added that she drove through the shopping center mid-afternoon and the parking where the businesses are in operation, the parking lot is heavily used.

Planner Hage responded where the shopping center is vacant, the parking lot is not used.

Resident Marie Sticca asked will the Village put a stop light across from K-Mart.

Planner Hage responded that the traffic light will not go in until the bowling alley is redeveloped or K-Mart is redeveloped.

Resident Ralph Gaeto asked if Buffalo Wild Wings has a separate bar area or liquor service at the table and how late will they be open.

Colleen Rolloff answered that they do not have a bar area.

Planner Hage verified that Buffalo Wild Wings does have food service throughout the entire restaurant. There is not a separate bar area. There is food service in every seat.

Vice-Chairman Wagner asked if there is a separate bar, meaning that you can seat at a bar and have drinks without ordering food.

Colleen Rolloff said yes you can seat at the bar without ordering food.

Planner Hage clarified it is food service throughout. It is table service throughout except when you sit at the bar but in every seat you can order food and food is served during all of their open hours. They do not stop service nor is a customer denied food service at any seat.

Vice-Chairman Wagner asked do we have that type of license in the Village.

Planner Hage said yes the Kerry Piper, the Chicken Basket and Portillos.

Commissioner Baker asked when Buffalo Wild Wings will open.

Colleen Rolloff answered in early January.

Chairman Kopp asked Planner Hage and the Commissioners if they had any other comments or questions. No one had any comments or questions. He then added this will conclude the public portion of tonight's hearing. Next the Plan Commission will consider the recommendation during tonight's regular meeting.

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

UNANIMOUS VOICE VOTE

MOTION DECLARED CARRIED

Chairman Kopp said the next item on the agenda is the recommendation for Zoning Hearing Case 09-03. Chairman Kopp asked for a motion.

MOTION: Made by Commissioner DelSarto, seconded by Commissioner Remkus, to recommend to the President and Village Board adoption of the findings in the staff report dated November 4, 2009 and approval of the applicant's requests for waivers from the zoning ordinance, an amendment to the special use permit for a planned unit development and a new special use permit for a delicatessen and food store subject to the plans listed in staff's report dated November 4, 2009.

UNANIMOUS VOICE VOTE

MOTION DECLARED CARRIED

5. DISCUSSION – Willowbrook Sign Regulations

Chairman Kopp said the next item on the agenda is the discussion of the Sign Regulations.

Retail Wall Signs

Planner Hage recapped some of the discussion from the May 20, 2009 workshop. She said there was a proposal to consider amending the retail wall signage allowance and changing the SSA rate that is used to determine an overall allowed sign area for a particular building. Our point of reference was 1.50 and currently it is 1.0. Planner Hage added that she surveyed comparable communities, those which had similar development or are immediate neighbors. From that she found that the average is 1.50 and 1.50 is the multiplier used in the proposed language. Many communities had a maximum threshold. For most businesses in town, it is 120 square feet.

Planner Hage said to the Commission that we proposed a rate to consider during our discussion. One of the points that came up was whether it would be easier or perhaps better to use another means of calculating sign area using an overall percentage. Looking at the zoning ordinance as a whole and the sign code as a part, our charge was to take what we currently have, identify the distinct problems, and not necessarily rewrite the whole code or entire sections. If we were to look at changing the overall system that we use, to go from using a multiplier to using a straight percentage, it does create a whole new set of rules that would throw some of our businesses out of compliance.

Planner Hage said we are looking at the system that we have and how do we make it better. The question is would you like to change the system that we use to determine and allocate signage. Planner Hage said that samples were provided in the packet of rates used by surrounding communities and some of them had 10 percent. Many of our signs are at 6 percent or 3 percent. In the examples provided a 2.0 multiplier seemed to be completely out of line, 1.5 or 1.25 seemed a little bit more in line. That is the issue that we need to discuss.

Vice Chairman Wagner asked with the approval of the Buffalo Wild Wings sign where does it fall as a multiplier.

Planner Hage answered if you use a 1.5 multiplier for Buffalo Wild Wings they would be allowed 267 square feet and they requested 210.

Vice Chairman Wagner asked what does that include.

Planner Hage answered it includes the logo on the right and the sign around the corner. All three combined.

Vice Chairman Wagner asked all three combined could be 267 which is 1.5 and 210 is approximately 1.25.

Planner Hage answered it is approximately 1.18.

Commissioner Baker asked do we have any provision to get rid of signs that are noncompliant.

Planner Hage answered we do have an amortization provision in our code. But it has not been enforced and the previous village position and attorney position has been that it is somewhat unenforceable. Planner Hage said so the answer is yes, but it is not enforced.

Vice Chairman Wagner said has that change taken place when a building is vacated and takes over a new use and the new rules are applied to the new owner.

Planner Hage answered yes. That is one reason why, for example, Willowbrook Ford, they will not change their sign because they cannot get as much signage as they have.

Vice Chairman Wagner said if Willowbrook Ford went out of business and it became a new dealership then the Village would enforce a new set of rules on that sign.

Commissioner Remkus asked was that as low as Buffalo Wild Wings was willing to go or did they want higher and if that their standard signage.

Planner Hage said that she could not answer that. What was presented tonight was the largest submittal from Buffalo Wild Wings.

Vice Chairman Wagner said with the façade and the amount of area with the lettering, it seems reasonable. It goes back to the early parts of these meetings somewhere between the 1.25 and the 1.50 that was illustrated, it seems to work.

Commissioner Remkus asked are we deciding if it is going to 1.25 or 1.50.

Chairman Kopp clarified that the first question that Sara asked is whether it is an acceptable method to use the multiplier based on the linear square footage of the store front.

Commissioner Remkus said having this fresh in our minds gives us a better perspective on what we are looking at. He added that at first he would have said 1.5 but after looking at this and seeing 1.25 it gave them a lot of signage. I would rather go with something a little bit lower because we can always give a little more if it is needed.

Chairman Kopp said other than a PUD you will not have a retailer that is going to have a convincing argument that he should get a variation for an increase of signage.

Planner Hage said that retailer signs are controlled by two factors one is the rate whether we use is 10 percent or a 1.5 multiplier. The other factor is the cap for their particular building sign and our cap is very low. For example Buffalo Wild Wings, if that rate is 1.25 and they get an sign allowance that is somewhere around 215 square feet of sign surface area they can use all 215. Our current code will keep them at 120 regardless of what that rate is. This is true for many of our businesses. Buffalo Wild Wings has 178 linear feet of façade so they are limited at 120. They are not even getting 1 square foot per 1 linear foot.

Vice Chairman Wagner asked about the yellow square with the logo in it and the black and white checkers coming down on the Buffalo Wild Wings sign. He asked Planner Hage if she could tell him how much of that is square footage that was counted or was the whole thing counted.

Planner Hage answered if you take the part that distinctly looks like the logo, the yellow balloon with the flying buffalo and the banner with the name under it says Buffalo Wild Wings, those two combined are the sign. The for the bounding box, draw a rectangle around the furthest

extent, that rectangle is the sign surface area. So if you have a logo that is a circle, like Starbucks, put a box around the circle and that is your area.

Vice Chairman Wagner said so the black and white checkered line is an architectural accent. Is that black and white checker part of Buffalo Wild Wings logo.

Planner Hage answered no it is not part of their logo, it is part of their color scheme.

Vice Chairman Wagner said the conclusion he has is that they came to us at 1.18 multiplier and they could have come in slightly larger, and if we had our limit at 1.25 certainly everything here could have been approved and they actually could add a little more to it.

Planner Hage said they could go up by about 12 square feet.

Vice Chairman Wagner said there is a little moveable percentage.

Chairman Kopp said that I do not like to use one store as a determining factor because the strip malls are completely different. They do not have big facades like this example.

Vice Chairman Wagner said the numbers that came out, the comparison between 1 and 1.5, in some cases 1.5 was a little too much and came to the conclusion that the 1.25 seems to be close to a number that seems reasonable. It is a little bit more than what we have but some of the examples of 1.5 seem to be a bit overwhelming especially on some of the smaller store fronts.

Commissioner Remkus said that 1.25 is a lot more because our current code would have allowed 120 (square feet).

Planner Hage said if you raise the max you actually give them the full latitude. If your building is 120 feet long then it is a 25 percent (increase) but if the building is 200 feet long it ends up being a larger multiplier

Commissioner Baker asked did they come to you and you came to that sign dimension.

Planner Hage said yes, Buffalo Wild Wings came to us.

Commissioner Baker said did you give them these dimensions.

Planner Hage answered no. They came to us and staff said this does not comply with our code, here is what are code is, you go back and see what is your most desired situation that fits our code.

Commissioner Baker said did you give them feedback.

Planner Hage said that yes we did give them feedback. We did say we are proposing an increase to 350 square feet or a multiplier by 2. We are looking at amending our code and this could be in line with what is amended, but we have no way of guaranteeing signage.

Vice Chairman Wagner said there is a little scenario. This is a planned unit development and if this is approved for what they submitted and we discussed, it does not necessarily have to follow the ordinance because the PUD has its own set of rules.

Planner Hage that is true the PUD gives them the latitude to come back and apply to the Village for a waiver from the code to allow that particular signage.

Vice Chairman Wagner said that is essentially what we did tonight.

Planner Hage said that is exactly what we did. No one else has the authority (to apply for a sign variation), unless their property is a PUD. By ordinance we do not allow sign variations. That is one of the questions that we raised for discussion. We do not allow this. If Baker's Square came to us and said we want more signage than your code allows and can we get a variation, the answer is no. There is no process for a variation.

Commissioner Remkus commented that will still stay the same even if we increase the allowable percentage of sign.

Planner Hage responded as it stands at this moment yes.

Chairman Kopp said I do not want to change that because every month we would get these.

Planner Hage said if you want to give that feedback now that is fine.

Commissioner Remkus said that would open up a whole new can of worms if we start allowing variations on that. I am not for that. That is my feedback.

Vice Chairman Wagner said I follow that, and would go one step further that assuming we come to some conclusion on the square footage, even though it is a PUD, and in some respects could be variable through request, and study and possible approval, I think that even the people within the PUD would be steered toward saying that the ordinance allows this in all other districts, you better have a pretty good reason to have something other than that within the PUD.

Planner Hage clarified that if you allow for (additional) signage it hopefully cuts down on the requests from PUDs for additional signage. Is that what you are saying?

Vice Chairman Wagner said yes that and it eliminates the variation process completely for anyone else, but it would give the Plan Commission and the Village and the Board the latitude on a large PUD to look at all aspects of a change within that PUD and not expose the ordinance to a change that could be interpreted for use somewhere else.

Planner Hage said correct.

Commissioner DelSarto asked how many other shopping centers are PUDs.

Planner Hage said Hinsdale Lake Common, Willowbrook Square, Town Center and the rest are strip centers that are not PUDs.

Chairman Kopp said they would not request more if we had 1.25 in our ordinance. They do not have to have permission for signage in a PUD unless they want a variation.

Planner Hage said the Village has a smaller number of businesses that are standalone or in shopping centers that are not a PUD. That does not mean that they should not have the right to signage that other businesses have, but those businesses tend to be closer to the road.

Vice Chairman Wagner asked what additional direction you are asking us for at this point.

Planner Hage answered, one, if you want to stick with the multiplier rate (whatever that rate is). Two, what is the rate and do you like the idea of lifting the maximums, which would set an equalizing bar at 350 square feet for all businesses under 35,000 square feet and then up to 450 and then 550. I would add in at this point, there is also the opportunity to look at the particular businesses in the B4 district, which includes our hotels and Willowbrook Ford, which are uses concentrated around the exit and interchange of 55 and whether to allow for any added signage there. So there are several questions to be answered: method, rate, threshold and any special exceptions.

Chairman Kopp said that we think the method is ok. I think the rate is going to be 1.25 or 1.50. Chairman Kopp said that he is in favor of 1.50 but thinks most of the Commissioners are in favor of 1.25. He added that for the maximums, he thinks we should increase them and likes the idea that our car dealer and truck dealer that generate a lot of taxes, that we help them especially since they are next to the highway and the hotels.

Vice Chairman Wagner said that he would go along with Chairman Kopp but would like the 1.25 for the multiplier.

Chairman Kopp said that he thinks most of Commissioners would like the 1.25 so we will take a vote. Is anyone other than me in favor of 1.50. (There were no votes for 1.50). So it is 1.25.

Chairman Kopp asked does anyone have an objection to the maximums that Sara proposed previously. Now it is 120. Chairman Kopp asked Planner Hage what are the proposed maximums.

Planner Hage answered 350, 450 and 550.

Commissioner Remkus said those are reasonable.

Vice Chairman Wagner said the Commission is going with staff suggestion.

Chairman Kopp said the next item is a new item discussion about the B4 district.

Planner Hage said the thresholds apply to all the B districts (B1, B2, B3 and B4). Essentially in the Village we only have B2 and B4. There are very few B3. There are gas stations and the Radio Shack shopping Center. Those are really the only B3. So it is B2 for all of our retail centers. The one that is B3, staff has encouraged multiple times to rezone to B2 because of the uses. And B4 is Willowbrook Ford and Holiday Inn, Super 8, LaQuinta, House of Trucks all of those Route 83 and I-55 orientated businesses. You might want to consider allowing them to go

straight to the 550. If they can meet whatever their lot width is, if it is 200 feet and Willowbrook Ford has upwards of 700 feet, but they do not have 90,000 square feet of floor area, it would open that up. If you are in a B4 district use the multiplier and you can get up to 550 square feet. Vice Chairman Wagner asked what that code requirement would do to Ford if it was a new business. Compared to what they have now, what would the new code do for them.

Planner Hage said it would be about half of what they have. But half of what they have is on 73rd and it is a directional sign to their auto body shop. It would pretty much allow them to have what they have.

Vice Chairman Wagner added that she meant without the directional body shop sign.

Planner Hage said it would impact Holiday Inn positively.

Vice Chairman Wagner said he did not have any objection to what was discussed.

Chairman Kopp agreed.

Planner Hage said what I heard thus far is using an SSA rate of 1.25 and supporting the SSA maximum as suggested in staff's summary report with the exception of allowing for B4 districts to go straight to the 550 square foot maximum. This is totally based on the SSA rate and then what their property dimensions are, so just the fact that you are a B4 property you would not automatically get 550. Similar to that was if you wanted to make a similar allowance for B4 monument signs so that the property in the B4 district could have a sign similar to what is in the Town Center. In our last discussion you thought it would be appropriate for others similar in size to the shopping center. My question is if you also want to give that (monument signage) to B4 (district uses).

Chairman Kopp commented that Ford has it.

Planner Hage replied the Holiday Inn as well, and LaQuinta, Super 8 and Red Roof Inn.

Vice Chairman Wagner said that is B4 and those are the properties along 83 near I-55. He asked if there were any other properties that are in the B4 that he was missing.

Planner Hage said that she does not believe so.

Vice Chairman Wagner asked if most of the smaller strip centers are B2.

Planner Hage agreed with Vice Chairman Wagner. She added that B4 does not go farther north than Willowbrook Ford. (Willowbrook Ford, Super 8, Holiday Inn, LaQuinta, Red Roof Inn and House of Trucks)

Vice Chairman Wagner said that he thinks the signage is appropriate for those larger establishments in that highway corridor, and as long as they are not coming north of Willowbrook Ford then that is reasonable.

Planner Hage said that in looking at it that way it does help to underscore that the purpose of having different zoning districts. The B4 is intended to serve businesses near the highway, intense high speed auto-oriented use and (has a) relationship with the interstate. We do not want to start extending B4 districts up Kingery and down 63rd.

Chairman Kopp and the Commissioners said that sounds good.

Planner Hage said the next item is the paper window sign.

Vice Chairman Wagner said he does not understand why we are regulating all the signs and yet owners can fill the glass with whatever sign they want.

Chairman Kopp said most of the restaurants use paper signs. Most of them are professionally printed. He asked the Commissioners if they are worried about signs in the windows. I believe we are all ok with the 40% as an appropriate threshold.

Vice Chairman Wagner asked does that include the "open" sign.

Planner Hage said yes it does.

Vice Chairman Wagner asked did we put a number on that at the last meeting.

Planner Hage said four square feet.

Vice Chairman Wagner said then we are fine.

Planner Hage said one of the questions on the next discussion was whether you supported opening up the variation process on signage but what I heard from you is no. So that is the general concensus. I will not bring that issue back to our next discussion.

Planner Hage said that is all we have on the sign discussion.

Vice Chairman Wagner asked where we are headed in the sign discussion.

Planner Hage said at the next meeting we will work on office/warehouse. We will begin to work on formalizing this into code language and we will pick up with the January meeting and talk about other issues in the ordinance.

Commissioner DelSarto said upon entering the Dominick's store you come across interior signs. Is that regulated in any way.

Planner Hage said it is counted as directional signage. She added she believes it is a provision of their PUD.

6. VISITOR'S BUSINESS

None.

7. COMMUNICATIONS

Planner Hage said there is a Committee that has been meeting to organize events to celebrate the 50th Anniversary of the Village which is January 18, 2010. She added the Committee is looking for volunteers. If you have any memorabilia the Anniversary Committee is very interested in that. Commissioner Remkus said that he has memorabilia from the plane crash. Planner Hage said there will be a display window at the library that it could be used in.

Planner Hage said the December meeting will also have a public hearing for a special use for Dance Duo.

Planner Hage said the Village is ready to launch a new website. It will be presented to the Finance Administration Committee next Monday and the Board next Monday. She added there is another week of changes to make and the website should go live by the end of the month.

The Village hired a part-time Village Administrator. The company is Sikich, our auditors for the past 10 years (they will no longer be our auditors). The Acting Village Administrators are Larry Maholland and Megan Pierce.

8. ADJOURNMENT

MOTION: Made by Commissioner Heery, seconded by Commissioner Remkus, to adjourn the regular meeting of the Plan Commission at the hour of 8:30 p.m.

UNANIMOUS VOICE VOTE

MOTION DECLARED CARRIED

PRESENTED, READ AND APPROVED,

_____, 2009

Minutes transcribed by Joanne Prible.

Chairman