

A G E N D A

REGULAR MEETING OF THE PLAN COMMISSION OF THE VILLAGE OF WILLOWBROOK TO BE HELD ON WEDNESDAY, OCTOBER 7, 2020 AT 7:00 P.M. AT THE WILLOWBROOK POLICE DEPARTMENT, TRAINING ROOM, 7760 QUINCY STREET, WILLOWBROOK, ILLINOIS.

DUE TO THE COVID 19 PANDEMIC, THE VILLAGE WILL BE UTILIZING A CONFERENCE CALL FOR THIS MEETING.

THE PUBLIC CAN UTILIZE THE FOLLOWING CALL IN NUMBER:

Dial in Phone Number: 312-626-6799

Meeting ID: 822 6176 5801

Password: 198530

Written public comments can be submitted by no later than 6:00pm on October 7, 2020 to planner@willowbrook.il.us.

1. CALL TO ORDER
2. ROLL CALL
3. OMNIBUS VOTE AGENDA
 - A. Waive Reading of Minutes (APPROVE)
 - B. Minutes - September 23, 2020
4. PLAN COMMISSION CONSIDERATION: Zoning Hearing Case 20-08: Petition for a text amendment to amend the fence code in Section 9-12-4(D)2 of Title 9 - Zoning Title of the Village of the Willowbrook Municipal Code.
 - A. PUBLIC HEARING
 - B. DISCUSSION/RECOMMENDATION
5. PLAN COMMISSION CONSIDERATION: Conceptual review and feedback for an Amendment to a Special Use for a Planned Unit Development (PUD) and Amendment to a PUD to allow for modifications to an inline tenant space at the southeast corner of the Hinsdale Lake Commons shopping center, including a drive-through window along the east side of the existing building in order to accommodate a quick-service/fast-casual restaurant use.
Location: 6300 Kingery Highway in Willowbrook, IL 60527
 - A. DISCUSSION/RECOMMENDATION
6. VISITOR'S BUSINESS
7. COMMUNICATIONS
8. ADJOURNMENT

MINUTES OF THE SPECIAL MEETING OF THE PLAN COMMISSION HELD ON WEDNESDAY, SEPTEMBER 23, 2020 AT THE WILLOWBROOK POLICE DEPARTMENT, TRAINING ROOM, 7760 QUINCY STREET, WILLOWBROOK, ILLINOIS

DUE TO THE COVID 19 PANDEMIC THE VILLAGE WILL BE UTILIZING A ZOOM CONFERENCE CALL FOR THIS MEETING.

1. CALL TO ORDER

Chairmen Kopp called the meeting to order at the hour of 7:14pm

2. ROLL CALL

Those present at roll call were Commissioners Remkus, Soukup, Kaczmarek, Kaucky, Vice Chairman Wagner, and Chairman Kopp

Also present were Planning Consultant Anne Choi, Building Official Roy Giuntoli, Recording Secretary Lisa Shemroske

Absent: Commissioner Walec

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 5,2020

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

All in Favor

MOTION DECLARED CARRIED

4. PLAN COMMISSION CONSIDERATION: Zoning Hearing Case 20-07: Petition for text amendments to amend Sections 9-2-2, 9-6B-1, 9-6C-1, 9-6D-2 and other relevant sections of Title 9- Zoning Title of the Village of the Willowbrook Municipal Code to define “Retail tobacco stores with smoking lounge”, to replace “Tobacco stores” and “Tobacco shops” with “Retail tobacco stores with smoking lounge” in the B-2 and B-3 zoning districts, and to add “Retail tobacco stores with smoking lounge” as a new special use in the B-4 Zoning District.

A. PUBLIC HEARING

Motion to close public hearing at 7:30pm

B. DISCUSSION/RECOMMENDATION

See Court Reporter Minutes for Discussion and Recommendation.

MOTION: The following motion made by Commissioner Remkus seconded by Vice Chairman Wagner

Based on the submitted petition and testimony presented, I move that the Plan Commission recommend approval of the text amendments presented on Page 2 through 6 of the Staff Report for PC Case Number 20-07 that add the definition of “Retail tobacco stores with smoking lounge”, replaces “Tobacco stores” and “Tobacco shops” with “Retail tobacco stores with smoking lounge” in the B-2 and B-3 zoning districts, and adds “Retail tobacco stores with smoking lounge” as a new special use in the B-4 Zoning District.

Roll Call Votes: AYES: Commissioner Remkus, Kaczmarek, Kaucky, Vice Chairman Wager and Chairman Kopp NAYES: Commissioner Soukup

MOTION DECLARED CARRIED

5. VISTOR'S BUSINESS

None

6. COMMUNICATIONS:

Chairman Kopp introduced and welcome new Commissioner Kaczmarek who was previously on Park and Rec. Committee. Planner Choi informed the Committee on items that will be discussed at the October 7th, 2020 meeting and November 4th meeting. Building Official Giuntoli informed Committee that the Beyond Storage have their Stock and Train approval and hope to be opened by the weekend of September 25,2020. Pulte Homes “Carrington Club” are finishing up two more houses and working on their finals for the area. Vice Chairman inquired about the light at 83 and Plainfield Road: Building Giuntoli informed him he has not heard anything on that project.

7. ADJOURNMENT

Motion to adjourn made at 7:45pm by Commissioner Soukup and second by Commissioner Remkus, all in favor

MOTION DECLARED CARRIED

PRESENTED, READ, AND APPROVED,

October 7, 2020

Chairman _____

Minutes transcribed by Building and Zoning Secretary Lisa J Shemroske

9/23/2020

CITY OF WILLOWBROOK

ROBIN HEJNAR

CITY OF WILLOWBROOK
PROCEEDINGS BEFORE THE
PLANNING & ZONING COMMISSION
OF THE CITY OF WILLOWBROOK

WEDNESDAY, SEPTEMBER 23, 2020

7:00 p.m.

RECORD OF THE PROCEEDINGS VIA ZOOM had at the meeting held before the Planning & Zoning Commission of Willowbrook, on Wednesday, the 23rd day of September 2020, commencing at 7:00 p.m., as reported by Robin Hejnar, a Certified Shorthand Reporter and Registered Professional Reporter and Notary Public in and for the County of DuPage and State of Illinois.

1 APPEARANCES:

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3 Daniel Kopp - Chairman

4 John Wagner - Vice-Chairman

5 Lisa Shemroske - Secretary

6 Commissioner Soukup - Member

7 Catherine Kaczmarek - Member

8 Leonard Kaucky - Member

9 William Remkus - Member

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Staff Also Present:

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Ann Choi - Planning Consultant

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Roy Giuntoli - Building Official

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1 CHAIRMAN KOPP: I call to order the special
2 meeting of the Plan Commission of the Village of
3 Willowbrook, and ask the Plan Commission Secretary to
4 call the roll.

5 MS. SHEMROSKE: Commissioner Remkus?

6 MR. REMKUS: Here.

7 MS. SHEMROSKE: Commissioner Soukup?

8 MR. SOUKUP: Here.

9 MS. SHEMROSKE: Commissioner Kaczmarek?

10 MS. KACZMAREK: Here.

11 MS. SHEMROSKE: Commissioner Kaucky?

12 MR. KAUCKY: Here.

13 MS. SHEMROSKE: Commissioner Walec?

14 Vice Chairman Wagner?

15 MR. WAGNER: Here.

16 MS. SHEMROSKE: Chairman Kopp?

17 CHAIRMAN KOPP: Here.

18 MS. SHEMROSKE: Planner, Ann Choi?

19 MS. CHOI: Here.

20 MS. SHEMROSKE: Building Official, Roy
21 Giuntoli?

22 MR. GIUNTOLI: Here.

23 MS. SHEMROSKE: And I'm Lisa Shemroske,
24 reporting secretary.

CHAIRMAN KOPP: Next item on the agenda is the omnibus bus vote agenda. Would anyone like an item removed from the omnibus bus vote agenda?

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

MR. REMKUS: So moved.

MR. WAGNER: 2nd.

CHAIRMAN KOPP: Motion passes.

9 Next item on the agenda is Zoning Hearing
10 Case 20-07. The purpose of this public hearing shall be
11 to consider a petition for text amendments to amend
12 Sections 9-2-2, 9-6B-1, 9-6C-1, 9-6D-2 and other
13 relevant sections of Title 9 Zoning Title of the Village
14 of Willowbrook Municipal Code to define retail tobacco
15 smoking stores with smoking lounge to replace tobacco
16 stores and tobacco shops with retail tobacco stores with
17 smoking lounge in the B-2 and B-3 zoning districts, and
18 to add retail tobacco stores with smoking lounge as a
19 new special use in the B-4 Zoning District.

20 The applicant for this petition is Roy
21 Dobrasinovich. A copy of this notice was published in
22 the September 8, 2020, Edition of the Chicago Sun Times
23 Newspaper.

24 Ann, would you like to make your

1 presentation, please?

2 MS. CHOI: Yes. Thank you, Chairman Kopp.

3 So as you had already stated, tonight's
4 presentation proposes a series of Text Amendments. The
5 primary focus is to introduce the retail tobacco store
6 with smoking lounge as a new special use in the B-4
7 Zoning District. The Village currently allows tobacco
8 stores and tobacco shops as permitted uses in the B-2
9 and B-3 Zoning Districts, and these terms would be
10 replaced by retail tobacco store with smoking lounge to
11 establish a use category that would be used consistently
12 in the zoning ordinance. The Text Amendment was
13 initiated by Roy Dobrasinovich, the petitioner, and the
14 new owner of the former Kerry Piper Restaurant to allow
15 a cigar lounge in the now vacant space.

16 The on-site consumption of tobacco products
17 is currently allowed in tobacco stores and shops in the
18 B-2 and B-3 Zoning District, and we do have one in town,
19 Stogies. It's currently located in a shopping strip
20 center, but under new state legislature -- well, I
21 wouldn't necessarily say it was new, but since 2008,
22 state law requires that these establishments be located
23 in a standalone building.

24 So planning staff researched zoning

1 ordinances from other communities to understand how
2 on-site consumption of tobacco and related products are
3 specifically regulated. As I stated in the staff
4 report, some communities, like Aurora, Downers Grove,
5 Naperville, consider tobacco stores as retail sales and
6 are permitted by right in their business districts.
7 Other communities, like Lombard and Homer Glen, make a
8 distinction between retail stores and smoking lounges,
9 and smoking lounges are permitted as special uses in
10 business districts.

11 In these cases a distinction is made between
12 the stores that vote the majority of the store's floor
13 area for the sale of tobacco products, with a small room
14 for smoking, and the lounges that devote the majority of
15 its floor area for the on-site consumption of tobacco
16 products.

17 Staff believes that the requirement of a
18 special use within the B-4 Zoning District to be the
19 most appropriate process for consideration. This
20 process would require a notification of surrounding
21 property owners, and a public hearing before the Plan
22 Commission, and the Plan Commission would be able to
23 recommend conditions to the proposed products before
24 forwarding their recommendation to the Village Board for

1 final approval; and then the Village Board would also
2 have some input on the type of conditions that can be
3 imposed.

4 The intent of the special use process is to
5 provide a transparent public review process for the land
6 uses that, because of their widely varying design and
7 operational characteristic, require case by case review
8 in order to determine whether they will be compatible
9 with surrounding uses and development patterns; and
10 staff is confident that this process will provide for
11 the most effective review and approval process.

12 Staff supports the proposed Text Amendment.
13 If the Plan Commission is supportive, a sample motion
14 can be found on seven, not three of the staff report.

15 That concludes my presentation. I'm here
16 for any questions.

17 CHAIRMAN KOPP: Do any of the commissioners
18 have any questions for Ann?

19 If not, for the petitioner, is there
20 anything you would like to say with regard to this
21 matter?

22 (Whereupon, Randy King is duly sworn.)
23 MR. KING: This is Randy King speaking for
24 the petitioner. First, just a little explanation on the

1 facility.

2 I think you're all aware of the Kerry Piper
3 evolve, you've seen it, probably been in it. We are not
4 intending to add any square footage to the Kerry Piper
5 building, structure that is. We plan -- because of the
6 lack of an elevator to get to the upper level that is
7 pretty small, we plan to not allow -- well, will not be
8 any access from within the building to get to that.
9 We're calling it an attic. It will only be accessed
10 from the outside existing stairway, just used for
11 storage, not used for any patrons.

12 The goal of the establishment is to really
13 be -- let's call it a country club without golf. They
14 plan to have memberships. Part of their membership is
15 purchasing. You purchase -- to purchase products from
16 within the building, which in this case were cigars or
17 cigar material.

18 It's going to be set up for -- and I don't
19 know if you have documents that you can see, that were
20 supplied, but there is a lounge area where -- you know,
21 nice casual seating. There is a bar more for just kind
22 of sitting around and talking, lots of TVs, some areas
23 that can be private in case somebody wants to watch one
24 game and somebody else wants to watch another.

1 There's an outdoor area that already exists,
2 that will be maintained, but the goal is to basically
3 sell a membership to people that, in most cases, have
4 the wherewithal to afford a monthly membership, to spend
5 money within the facility, and because of some of the
6 rules, they do not plan to sell food within the
7 building.

8 They do not plan to make food within the
9 building. People can consume food, but it can't -- it
10 has to come from offsite, and, really, what they're
11 trying to do is to attract people to this facility, that
12 might also use their facility across the street, where
13 smoking cannot be done because it doesn't fit the rules
14 of the state.

15 We appreciate the work that staff has done
16 to put together the information here, including the Text
17 Amendments for the B-2, the B-3, and the B-4.

18 My client would like me to state that we
19 would like to be in the B-4 and not be a special use in
20 the B-4, and I guess the best way to describe this is,
21 if you can -- I know you guys know your zoning map, but
22 if you look at your zoning map, this location is far
23 away from any residential areas. It is drawing people
24 in. It is much less active than a restaurant would be,

1 less traffic, less people, and it's really tucked away;
2 and we would look at the B-2 and the B-3 zoning
3 districts, they're actually closer to all the
4 residential. So we don't quite understand why this
5 use -- I mean, this use and this zoning district would
6 be any different than the B-2 or the B-3, other than it
7 forces my client to spend a lot more money getting
8 approvals on a building that already exists, and, so,
9 they've asked me to ask you to, instead of making a
10 special use, to make it straight B-4.

11 And, again, when you look at the other
12 zoning districts and where they're located, we are next
13 to I-55 and Route 83, tucked in a corner, and I
14 guarantee you, we will have no effect on any of the
15 neighbors other than drawing -- well, I'm going to say
16 -- wealthy individuals to the area.

17 I think that's all I have to say at this
18 point. Mario, do you have anything you want to add?

19 (Whereupon, Mario Magliano is
20 duly sworn.)

21 MR. MAGLIANO: My name's Mario Magliano.
22 I'm Compass Real Estate Holding.

23 My concerns were going forward with the B-4
24 and the special use program is I'm looking down the

1 barrel of \$8,000 in fees, plus another 15- to \$20,000 in
2 professional fees that I'm going to have to spend in
3 order to document stuff that already exists; and when I
4 run down that list of stuff that I need to document, I
5 need to document total metrics, the light, that I
6 believe belongs to ComEd or the state, and they just
7 came down the road, and they re-did some sidewalks, and
8 they added some light poles.

9 They changed seven out of the eight lights
10 to LED lights. The parking is already there, the curbs
11 are there, the building is there. I have the documents
12 -- side setbacks, front setbacks. I'm trying to reopen
13 a shuttered business in Willowbrook, in the middle of an
14 industrial park that is blocks away from residential in
15 every direction.

16 My biggest neighborhood is I-55 and the
17 storage unit, and \$20,000 plus fees for an awful lot of
18 inventory, material. I don't know, I guess I don't
19 understand government enough to know how all that works
20 and what the structures are, but it just seems to be an
21 awful lot of money for me to throw at something when
22 it's in the middle of an industrial park, not to mention
23 time.

24 We're talking multiple documentation and

1 hurdles to go through, and I'm not really sure -- I
2 don't see the value in that, and I don't see it -- I
3 mean, somebody can give me a better explanation on it.

4 The other thing is, I got to say, I don't
5 understand government. I don't know how it works and
6 how it runs, and I understand the use of the words staff
7 recommends and staff recommends that. I don't even know
8 who staff is. Is staff counsel members? Are they the
9 mayors, the administrators, city attorneys, from the
10 building department? I don't know who staff is either.

11 I'm just kind of a little concerned there,
12 and I -- again, I'd appreciate any consideration on the
13 alleviation of some of these extensions and overburdens.
14 That's all I have.

15 CHAIRMAN KOPP: I'll answer your last
16 question. So the staff is the administration. So
17 that's Ann and the Village administrator. So those are
18 not the elected officials. Again, that's basically Ann
19 and the Village administrator.

20 And the way this process works is we're the
21 Plan Commission. So we are volunteers that are
22 appointed by the Village Board, and those are the
23 elected people, and we make a recommendation to them,
24 and they'll have a meeting -- whether we recommend yes

1 or no, they'll have a meeting, and then they're the ones
2 that make the ultimate decision. So that's how this
3 part of government works.

4 Ann, can you respond to the question about
5 why the staff is proposing that it would be allowed in
6 B-2 or B-3, but it would be a special use in B-4?

7 MS. CHOI: It's not unusual for -- when a
8 new use is contemplated in a zoning district that
9 doesn't permit this particular use, that it comes in a
10 special use. Of course, that's just my recommendation,
11 various consultations with administration and attorney,
12 legal counsel, but the Plan Commission, ultimately, can
13 make that recommendation to have this use come in as a
14 permitted use.

15 CHAIRMAN KOPP: Unfortunately, I didn't
16 bring a zoning map with me to look at where the B-4's
17 are.

18 MS. CHOI: I will pull one up. I'm sorry
19 for the callers who won't be able to see it if you're
20 calling in by phone, but let me see if I can...

21 I'll share my screen. Can everybody on the
22 Zoom call look at the zoning map?

23 CHAIRMAN KOPP: Yes.

24 MR. WAGNER: Yes.

1 CHAIRMAN KOPP: So what color is B-4?
2 MS. CHOI: It's the dark burgundy red, and
3 I'm hovering around this triangular property, and I can
4 Zoom in.

5 CHAIRMAN KOPP: So part of it is off of
6 Route 83?

7 MS. CHOI: It's actually along Joliet Road
8 and 79th Street.

9 CHAIRMAN KOPP: Yes. Okay.

10 MS. CHOI: So it's kiddy-corner to the
11 Chicken Basket and across the street from the storage
12 facility. It's the former Kerry Piper Restaurant.

13 CHAIRMAN KOPP: Right. I was just wondering
14 if we make the rule for all of B-4, I wanted to
15 understand what would be affected.

16 All right. Anybody -- any of the
17 commissioners have any questions for Ann, or the
18 petitioner, or the petitioner's architect?

19 It does look, from the state statute, it
20 looks like they cannot sell liquor in this
21 establishment, the cigar establishment.

22 MS. CHOI: That's correct.

23 CHAIRMAN KOPP: Is that correct? Yeah.

24 All right. If the commissioners don't have

1 any questions, does petitioner or petitioner's architect
2 have any questions of us or any further statements?

3 MR. MAGLIANO: We're good. I'm not sure
4 about Randy, but me and Maria, we're okay.

5 MR. KING: No, I think it's been explained
6 well.

7 CHAIRMAN KOPP: All right. So the procedure
8 is, I will close the public hearing, which means the
9 petitioner and the public will no longer speak, but then
10 we will have our discussion and then vote.

11 So I'm going to close the public hearing of
12 Zoning Hearing Case 20-07; and then the commissioners,
13 in the discussion, I typically lead off.

14 I am fine with this use, and I am very
15 sympathetic to what the petitioner said about having the
16 inconvenience of having it be a special use, so I would
17 actually be in favor of it being a permitted use in the
18 B-4 based on where that B-4 Zoning District is.

19 MR. REMKUS: I agree with them.

20 MS. KACZMAREK: I agree 100 percent.

21 MR. KAUCKY: I agree as well.

22 CHAIRMAN KOPP: I believe Mr. Soukup may
23 want to speak to this matter. You don't have to, but --
24 I'm going to move away from the screen so he can get

1 closer.

2 MR. SOUKUP: If it's going to be a smoking
3 lounge, such as this, and that -- to me that is just
4 opening up for the rest of Willowbrook to have --

5 THE REPORTER: To have what?

6 MR. SOUKUP: Many a years, and I'm suffering
7 from COPD. So anything you get into -- for smoking, I'm
8 against. I'm sorry, but that's the way I feel.

9 CHAIRMAN KOPP: Valid opinion. All right.

10 If commissioners don't have anything further
11 to say -- sorry, will someone make a motion, that based
12 on the submitted petition and presented testimony, I
13 move that the Plan Commission recommend approval of the
14 text amendments presented on pages 2 through 6 of the
15 staff report for PC Case No. 20-07, to add the
16 definition of retail tobacco stores with smoking lounge
17 replaces tobacco stores and tobacco shops with retail
18 tobacco stores with smoking lounge in the B-2, B-3, and
19 B-4 Zoning Districts?

20 MR. REMKUS: So moved.

21 MR. WAGNER: Second.

22 CHAIRMAN KOPP: I ask the Plan Commission
23 Secretary to call the vote.

24 MS. SHEMROSKE: Commissioner Remkus?

1 MR. REMKUS: Yes.

2 MS. SHEMROSKE: Commissioner Soukup?

3 MR. SOUKUP: No.

4 MS. SHEMROSKE: Commissioner Kaczmarek?

5 MS. KACZMAREK: Yes.

6 MS. SHEMROSKE: Commissioner Kaucky?

7 MR. KAUCKY: Yes.

8 MS. SHEMROSKE: Commissioner Walec?

9 I'm sorry, Vice Chairman Wagner?

10 MR. WAGNER: Yes.

11 MS. SHEMROSKE: Chairman Kopp?

12 CHAIRMAN KOPP: Yes.

13 So that's it for that matter.

14 For Mr. and Mrs. Dobrasinovich [sic] and Mr.

15 King. You're welcome to stay on, but you don't have to

16 as we conduct the rest of our business.

17 MR. KING: We appreciate your time and

18 efforts. We thank you so much.

19 (WHICH WERE ALL THE PROCEEDINGS HAD.)

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1 STATE OF ILLINOIS)
2) SS:
COUNTY OF DUPAGE)

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4 I, ROBIN HEJNAR, a certified shorthand reporter
5 and registered professional reporter do hereby certify:

6 That prior to being examined, the witnesses in
7 the foregoing proceeding were by me duly sworn to
8 testify to the truth, the whole truth, and nothing but
9 the truth;

10 That said proceedings were taken remotely
11 before me at the time and places therein set forth and
12 were taken down by me in shorthand and thereafter
13 transcribed into typewriting under my direction and
14 supervision;

15 I further certify that I am neither counsel
16 for, nor related to, any party to said proceedings, not
17 in anywise interested in the outcome thereof.

18 In witness whereof, I have hereunto subscribed
19 my name.

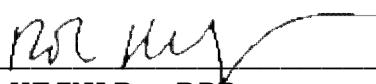
20 Dated: October 7, 2020

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ROBIN HEJNAR, RPR
CSR No. 084-004689





Village of Willowbrook

Staff Report to the Plan Commission

Public Hearing Date:	October 7, 2020
Prepared By:	Ann Choi, Planning Consultant
Case Title:	PC 20-08: A text amendment to amend the fence code in Section 9-12-4(D)2 of Title 9 – Zoning Title of the Village of the Willowbrook Municipal Code.
Petitioner:	Village of Willowbrook
Action Requested by Petitioner:	Consideration and recommendation of text amendments to the Zoning Ordinance of the Village of Willowbrook.
Code Sections to be Amended:	Title 9 – Zoning Sections: 9-12-4(D)2 Fences and Walls
Document(s) Attached:	<i>Attachment 1: Fence Height Requirements Before & After Exhibits</i> <i>Attachment 2: Comparison of Nearby Municipalities' Fence Ordinances</i> <i>Attachment 3: Village of Willowbrook Current Fence Code</i> <i>Attachment 4: Village of Willowbrook Proposed Fence Code (Clean Version)</i>

Necessary Action by Plan Commission: Make a recommendation to the Mayor and Village Board regarding approval of the proposed text amendment.

A sample motion can be found on page 6.

Description of Request

The purpose of this text amendment is to allow the following within residential zoning districts:

1. A solid 5' fence anywhere on a lot except in a required front or exterior side yard.
2. A 4' fence that is at least 50% open within the exterior side yard of a lot where an exterior side yard abuts the front yard of an adjoining lot on streets other than Illinois Route 83, Plainfield Road, 63rd Street, 75th Street or Madison Street.
3. An open or solid fence not greater than eight feet (8') in height on an exterior side or rear lot line of a residentially zoned lot where such line(s) are conterminous with the right of way lines of the Illinois Route 83.

History and Background

Previous Text Amendments

On September 12, 2016, the Village Board approved Ordinance No. 16-O-42, an Ordinance Amending Title 9, Chapter 12, Section 9-12-4(D)(2)(d) of the Village Code – Bulk Regulations: Fences And Walls. The purpose of this text amendment was to allow a 5' fence in an exterior side yard of a corner lot that abuts the front yard of an adjacent lot, where the subject corner lot is along Illinois Route 83, Plainfield Road, 63rd Street, 75th Street, or Madison Street. Planning staff finds this section of the code to be inconsistent and confusing and therefore proposes to revise this section again and is discussed in further detail under the section "Discussion of Request".

Route 83 Corridor Plan Update

As the primary north/south corridor through the Village, Illinois Route 83 consists of numerous land uses ranging from highway-oriented /general businesses to the south, transitioning to community-oriented commercial and eventually residential uses towards the north. Prior to 1990, plans by the State identified Route 83 as a target for widening to alleviate congestions generated by freight transportation in the region. The Village completed the original Route 83 Corridor Study and Plan as a means for guiding the design of the eventual widening. Over the course of the last 30 years, plans for that widening were never implemented but concerns related to congestion, particularly on I-80 and I-55 were only compounded. Traffic and congestion are the Corridor's major weakness including issues with timely snow plowing, noise abatement for adjacent residential properties, pollution, poor lighting, speeding, a lack of signal coordination, driver and pedestrian safety, lack of streetscaping, lack pf pedestrian crossings, garbage in the medians, lack of sidewalks, visually unappealing, and a lack of sense of community. Part of the proposed text amendment intends to address the noise and illumination issues faced by Route 83-adjacent residential properties by increasing the fence height and decreasing the openness requirement.

Discussion of Request

Currently, the Village Code limits fence heights to 5' and at least 50% open in a required interior side or rear yard. The fence height limitation is illustrated in Examples 1 and 2 of **Attachment 1**. As shown, property owners for interior and corner lots will be allowed to install a solid fence that is 5' in height under the proposed text amendment.

Because solid fences 5' in height are proposed anywhere on a lot except within the front and exterior side yards, this conflicts with Section 9-12-4(D)2(d) where fences not greater than four foot (4') tall and at least fifty percent (50%) open fence are allowed anywhere on a lot except in a required front yard, or a required exterior side yard where such exterior side yard abuts the front yard of an adjoining lot. Planning staff has consulted with the building department and the building department has indicated that historically, the 4' tall and 50% open fences have been allowed in the exterior side yards of reverse corner lots. This is best illustrated in Examples 3 and 4 of **Attachment 1**, for reverse corner lot conditions.

For properties along Plainfield Road, 63rd Street, 75th Street and Madison Streets, a six foot (6') tall solid fence is currently permitted on the exterior side yard or rear yard pursuant to Section 9-12-4(D)2(f). This section will largely remain unchanged, with the exception of Route 83. A five foot (5') tall fence that is at least 50% open will be allowed in the exterior side yard where the exterior side yard is located along Illinois Route 83, Plainfield Road, 63rd Street, 75th Street and Madison Street. This is best illustrated in Example 4 of **Attachment 1**.

For properties along Illinois Route 83, the text amendment proposes an eight foot (8') tall solid fence to be allowed on the exterior side or rear lot line of a residentially zoned lot in lieu of a six foot (6') tall solid fence which is currently allowed under the zoning ordinance. This scenario is illustrated in Examples 5 and 6 of **Attachment 1**, for corner lots, through and interior lots with a rear yard along Kingery, which are most common conditions for residential properties along Illinois Route 83.

Comparisons of Nearby Municipalities

Village staff researched Zoning Ordinances from other nearby communities of Burr Ridge, Clarendon Hills, Darien and Hinsdale. A summary containing the results from this research are attached for review (Refer to **Attachment 2**). Research has shown that many communities in the surrounding area have fence codes that range in complexity and different interpretations lot configurations. The Village of Burr Ridge appears to have the most restrictive regulations as Burr Ridge requires a maximum height of five feet (5') and at least fifty percent (50%) open fences that cannot extend further than the rear wall of the principal building. Hinsdale, Darien and Clarendon Hills allow fences up to six feet (6') in height anywhere on the lot, except in the front yard. Darien does not appear to require a minimum percentage of openness and fences are prohibited in the front yard. In comparison, Willowbrook appears to fall somewhere in the middle, and allows solid fences that are six feet (6') in height within the buildable area of the lot, fences up to five feet (5') in height and at least 50% open to be located anywhere on the lot except for the front yards, and exterior side yards for corner lots.

On arterial streets, Willowbrook allows fences with a maximum height of six feet (6') along its arterials: Illinois Route 83, Plainfield Road, 63rd Street, 75th Street and Madison Street. In comparison, Darien and Hinsdale permit fences with a maximum height of eight feet (8') along their major arterials. Hinsdale requires these fences to be greater than thirty-three percent (33%) open.

On September 14, 2020, amendments to the fence code were briefly discussed at the Law & Ordinance Committee, and there was consensus that Village staff should prepare text amendments for Plan Commission and Village Board consideration.

Proposed Text Amendment

The following sections are to be amended. New language is highlighted in the color **red**. Language to be eliminated is indicated with a ~~strike-through~~.

2. Fences And Walls: Fences and walls are permitted subject to the following conditions:

- (a) Fences not greater than three feet (3') in height and at least eighty percent (80%) open may be located anywhere on a lot.
- (b) Fences not greater than five feet (5') in height ~~and at least fifty percent (50%) open~~ may be located anywhere on a lot, except in a required front or exterior side yard, **and as specifically regulated hereinafter in subsection 9-12-4(D)2(d).**

(c) Fences not greater than six feet (6') in height may be located anywhere on a lot except within a required front, exterior side, interior side or rear yard. (Ord. 97-O-05, 1-27-1997)

(d) **Where an exterior side yard abuts the front yard of an adjoining lot, fences** Fences not greater than four~~five~~five feet (4')~~(5')~~ in height and at least fifty percent (50%) open may be located anywhere on a lot except in **the following areas:** a required front yard, or a required exterior side yard where such exterior side yard abuts the front yard of an adjoining lot **within any portion of the subject lot abutting the front yard of an adjoining lot. Where any portion of the lot abuts the front yard of an adjoining lot, a four feet (4') in height and at least fifty percent (50%) open fence may be allowed in the exterior side yard of that subject lot.** Where an exterior side yard abuts the front yard of an adjoining lot and the subject lot is located along a street listed in subsections (D)2(f)(1) through (D)2(f)~~(5)~~(4) of this section, a five feet (5') in height and at least fifty percent (50%) open fence may be allowed in the exterior side yard of that subject lot. Notwithstanding any provision hereinafter to the contrary, no such fence shall be located within fifty feet (50') of the lot corner formed by the intersection of any two (2) street right-of-way lines. (Ord. 16-O-42, 9-12-2016)

(e) Notwithstanding the provisions contained in subsections (D)2(a), (D)2(b), (D)2(c) and (D)2(d) of this section, an open or solid fence not greater than eight feet (8') in height may be located to within a minimum of ten feet (10') from a rear or interior side lot line where such lot line represents the boundary between a nonresidential district and a residential district.

Any such fence shall be buffered with berming and/or evergreens so that not more than fifty percent (50%) of the surface area of such fence shall be visible from the adjoining district. (Ord. 97-O-05, 1-27-1997)

(f) Notwithstanding the provisions contained in subsections (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 conterminous with the right-of-way lines of the following streets:

(1) Illinois Route 83 (Robert Kingery Highway).
(1)(2) Plainfield Road.
(2)(3) 63rd Street.
(3)(4) 75th Street.
(4)(5) Madison Street. (Ord. 13-O-26, 7-8-2013)

(g) Notwithstanding the provisions contained in subsections (D)2(a) through (D)2(d) of this section, an open or solid fence not greater than eight feet (8') in height may be located on an exterior side or rear lot line of a residentially zoned lot where such lot line(s) are conterminous with the right-of-way lines of Illinois Route 83. Where an exterior side yard abuts the front yard of an adjoining lot and the subject lot is located along Illinois Route 83, a five feet (5') in height and at least fifty percent (50%) open fence may be allowed in the exterior side yard of that subject lot. Notwithstanding any provision hereinafter to the contrary, no such fence shall be located within fifty feet (50') of the lot corner formed by the intersection of any two (2) street right-of-way lines. (Ord. 16-O-42, 9-12-2016)

(h)(g) Notwithstanding the provisions contained in subsections (D)2(a) through (D)2(d) of this section, a fence not greater than eight feet (8') in height may be located anywhere on a lot in the M-1 Light Manufacturing District, the B-4 Highway and Service Business District, or the L-O-R Limited Office and Research District, except that no fence greater than three feet (3') in height may be located in a required front or exterior side yard without site plan approval by the Plan Commission.

Any such fence greater than four and one-half feet (41/2') in height located within forty feet (40') of any residential district boundary (exclusive of ROW) shall be buffered with berming and/or evergreens so that no more than fifty percent (50%) of the surface area of such fence shall be visible from said adjoining residential district.

(i)(h) An additional one foot (1') high extension of barbed wire fencing may be affixed to the top of any fence located within the M-1 Light Manufacturing District, B-4 Highway and Service Business District or L-O-R Limited Office and Research District which is not less than seven feet (7') in height, provided, that in no event shall the total height of such fence, including any barbed wire exceed eight feet (8') in height, and further provided, that barbed wire fencing is prohibited in any yard adjoining a residential district. Except as otherwise provided herein, barbed wire fencing shall be prohibited in any district within the Village. (Ord. 97-O-05, 1-27-1997)

(i)(i) Notwithstanding the provisions contained in subsections (D)2(a) through (D)2(d) of this section, a fence not greater than six feet (6') in height and at least eighty percent (80%) open may be located anywhere on a lot whereupon the principal use is institutional, provided that such fence shall utilize a decorative design, such as wrought iron. (Ord. 99-O-10, 5-24-1999)

(k)(i) All pools having side walls less than four feet (4') above grade, including all pools constructed below grade, shall be required to be completely enclosed by a fence. All fence openings or points of entry into pool area enclosures shall be equipped with gates. The fence and gates shall be no less than four feet (4') in height above the grade level and shall be constructed of a minimum 9-gauge, woven mesh, corrosion resistant material or solid vertical or nonsolid decay resistant material, so constructed that it will protect persons, children or animals from danger or harm by entering the swimming pool area. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate. Fence posts shall be decay or corrosion resistant and shall be set in concrete bases. All such fences required pursuant to this chapter shall further comply with all other provisions of this subsection (D).

(l)(i) Heights of all fences shall be measured from the grade immediately adjoining such fence at all points along said fence.

(m)(i) All fence posts and support framework shall face the interior of the property upon which such fence is located. All fence materials shall be erected such that the finished side faces adjoining properties.

(n)(m) All fences totally enclosing a yard shall have a minimum of one gate allowing ingress/egress.

(o)(i) Walls not greater than six feet (6') in height may be located anywhere on a lot, except within a required front, exterior side, interior side, or rear yard. Walls shall be intermittently landscaped with appropriately sized plant material to provide an aesthetically pleasing effect and interrupt long monotonous expanses.

(p)(e) The owner of every fence constructed within the Village shall cause said fence(s) to be maintained in a safe, presentable, neat, attractive and sound structural condition at all times, including the replacement of defective parts or pickets, repainting, cleaning and other acts required for the maintenance of said fence. (Ord. 97-O-05, 1-27-1997)

(q)(p) In no case shall any fence or wall be located on public right-of-way. (Ord. 99-O-10, 5-24-1999)



Staff Recommendation

As the Village of Willowbrook does not allow variations from the fence regulations except in the case of planned unit developments, the proposed text amendment would address the numerous complaints made to the Village's building and planning departments over the Village's restrictive fence regulations and the absence of a variation process to apply for relief.

Staff supports the proposed text amendment. If the Plan Commission concurs, the following sample recommendation is offered for consideration.

Sample Motion

Based on the submitted petition and testimony presented, I move that the Plan Commission recommend to the Village Board approval of the text amendment presented on Pages 2 to 5 of the Staff Report for PC Case Number 20-08 to amend the fence code of Section 9-12-4(D)2 of the Zoning Ordinance.

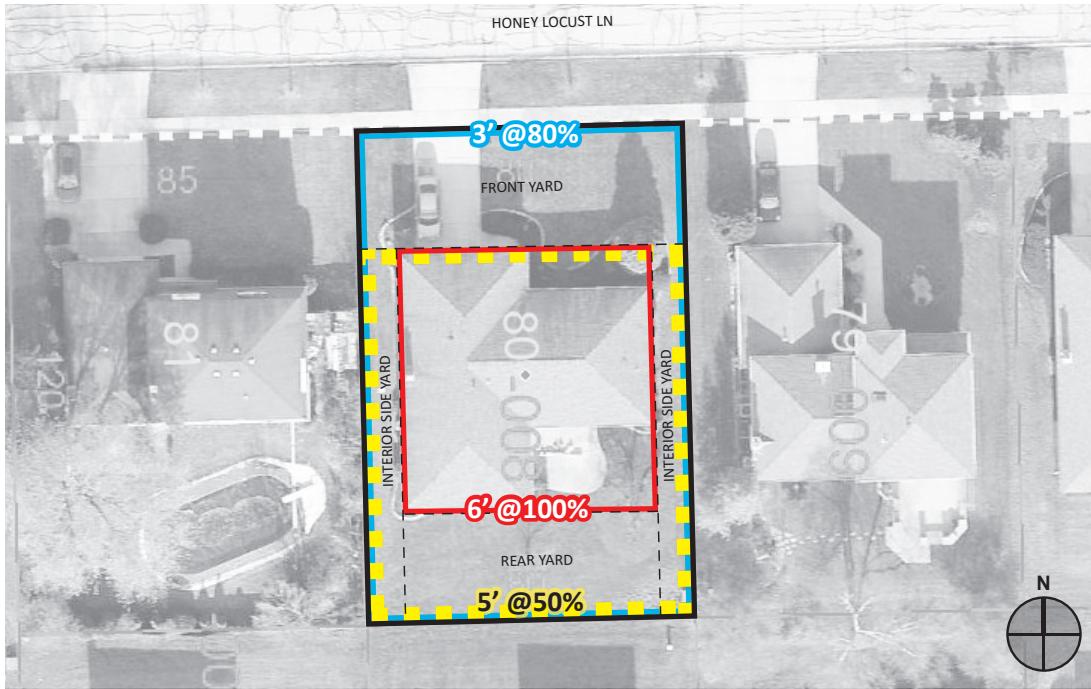
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Attachment 1
Fence Height Requirements Before & After Exhibits
(6 pages)

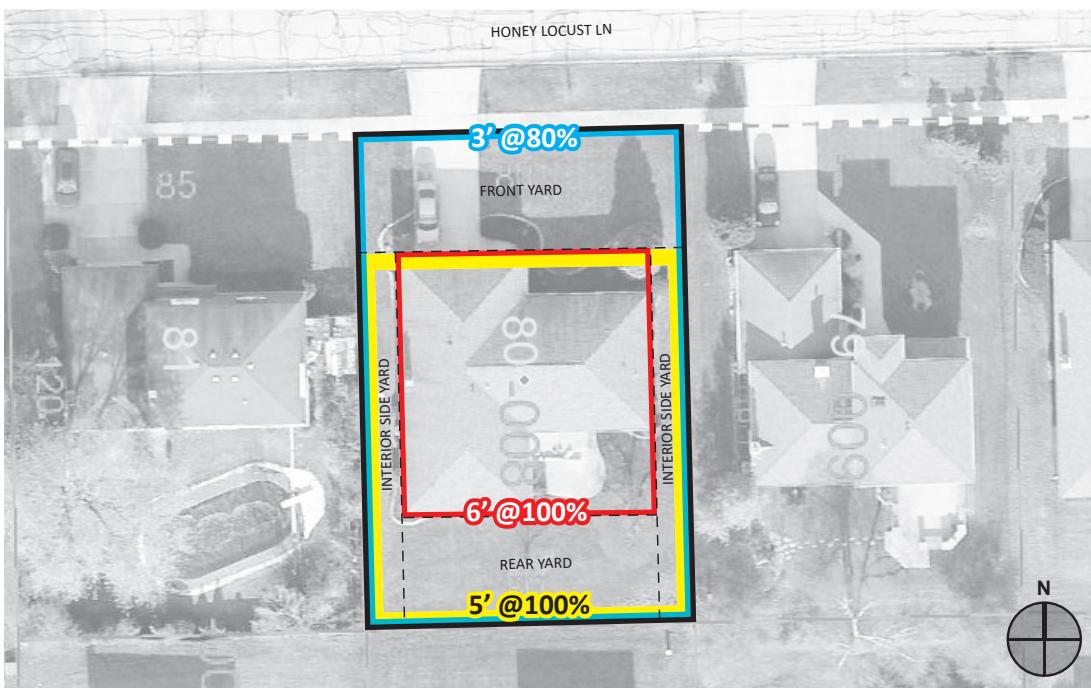
Example 1: Interior Residential Lot

421 Honey Locust Lane

Fence Height Requirements Before Text Amendment



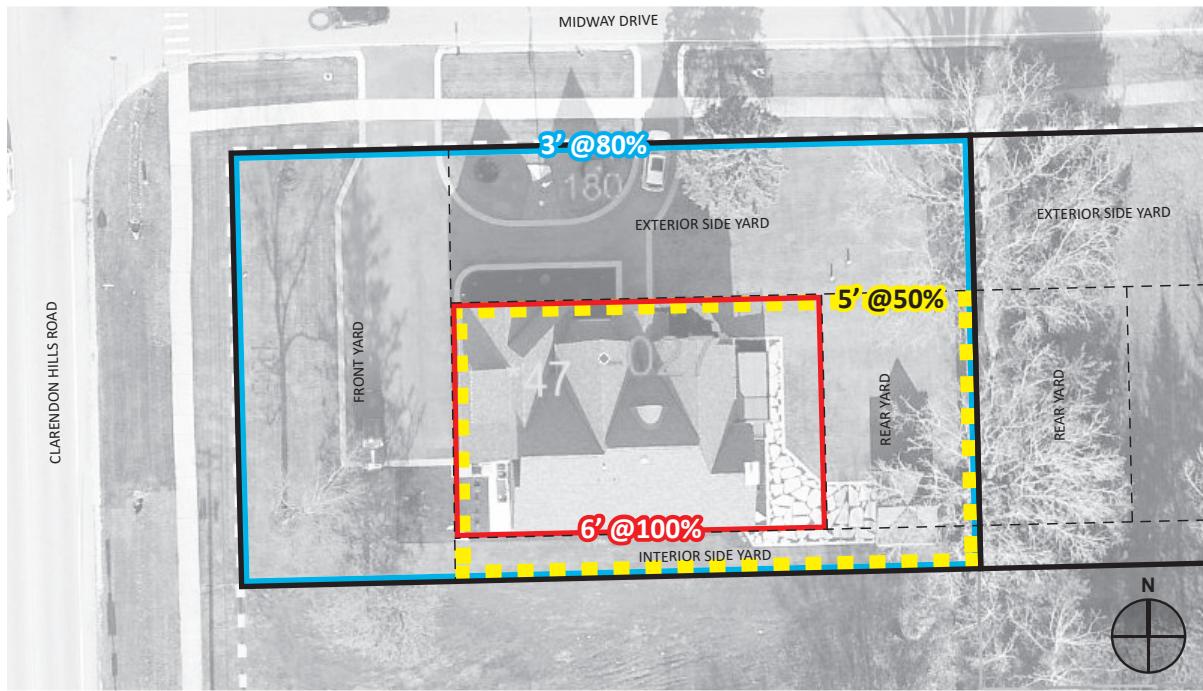
Fence Height Requirements After Text Amendment



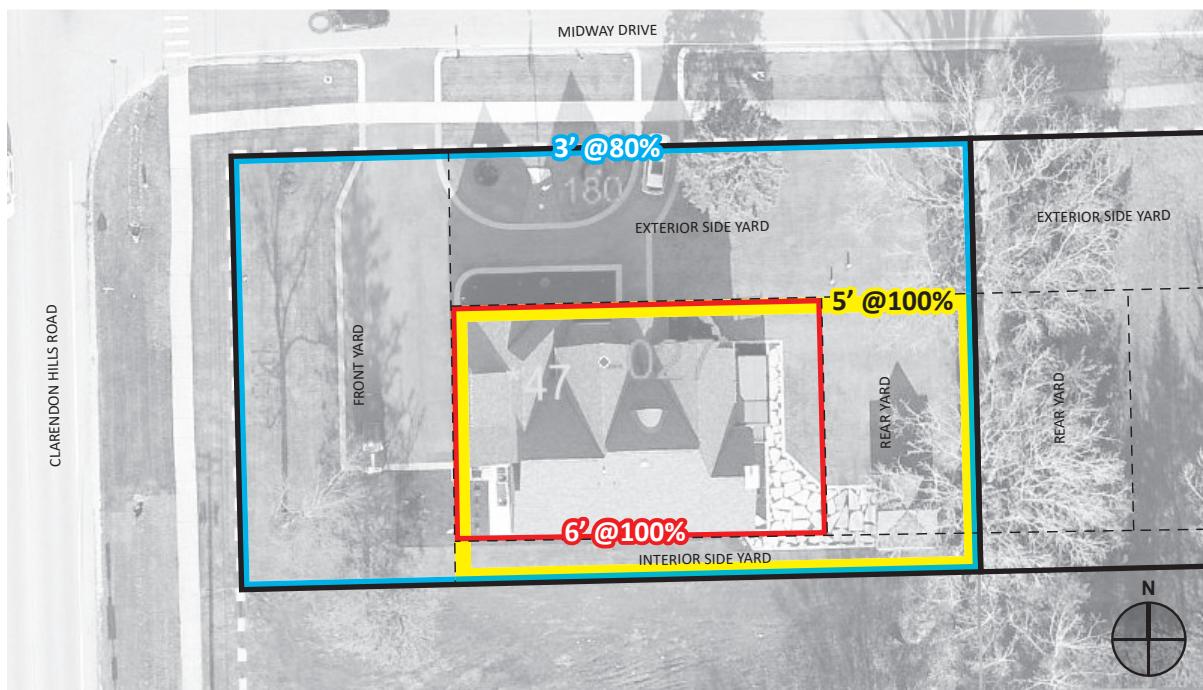
Example 2: Corner Residential Lot

7701 Clarendon Hills Road

Fence Height Requirements Before Text Amendment



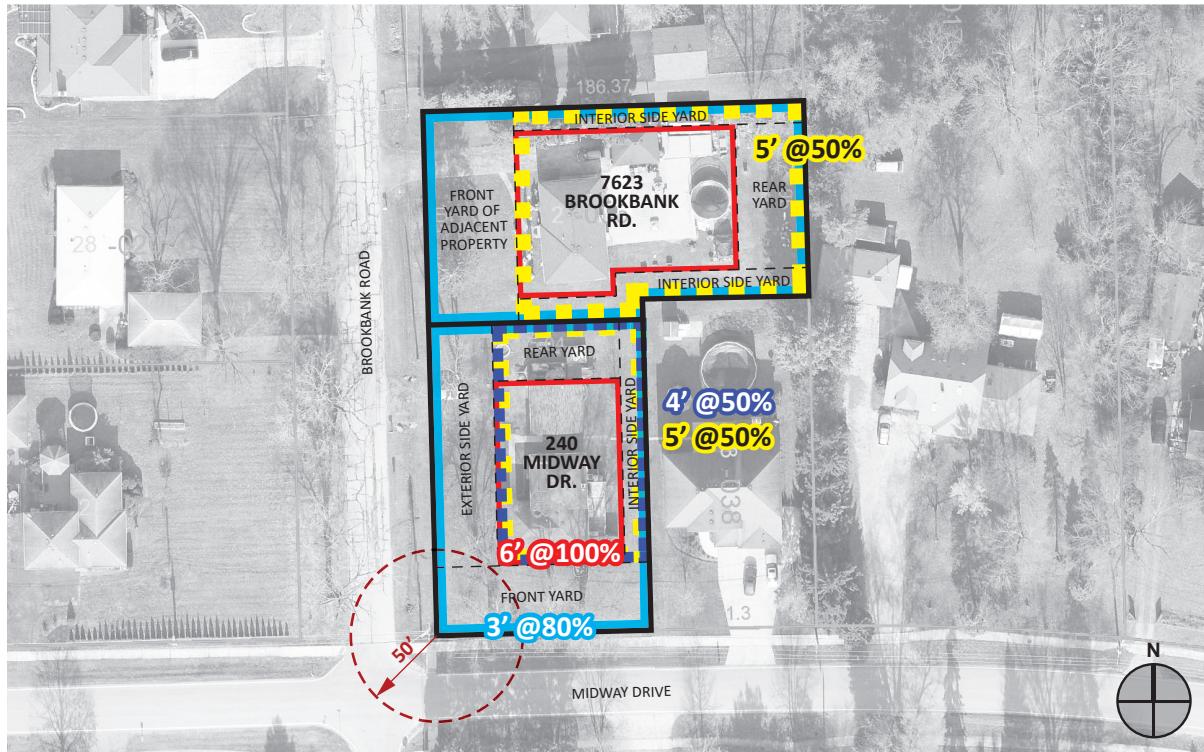
Fence Height Requirements After Text Amendment



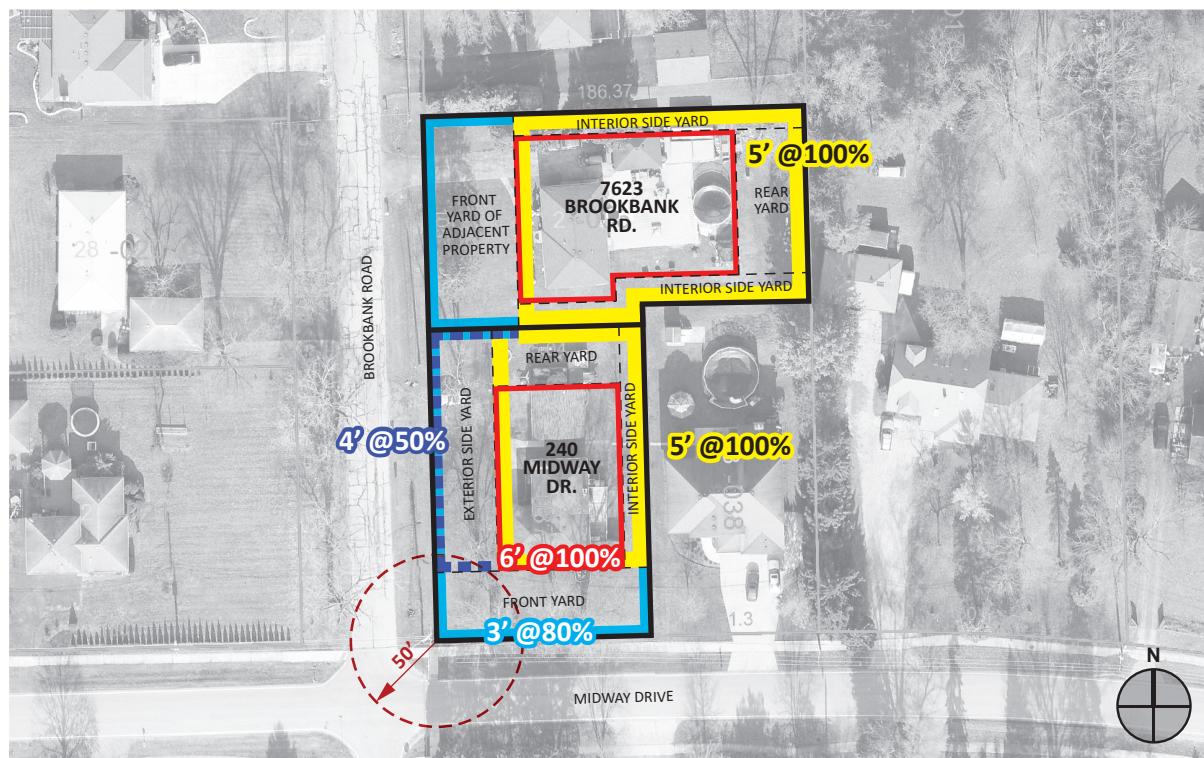
Example 3: Reverse Corner Residential Lot Located on Local Street

7623 Brookbank Road and 240 Midway Drive

Fence Height Requirements Before Text Amendment



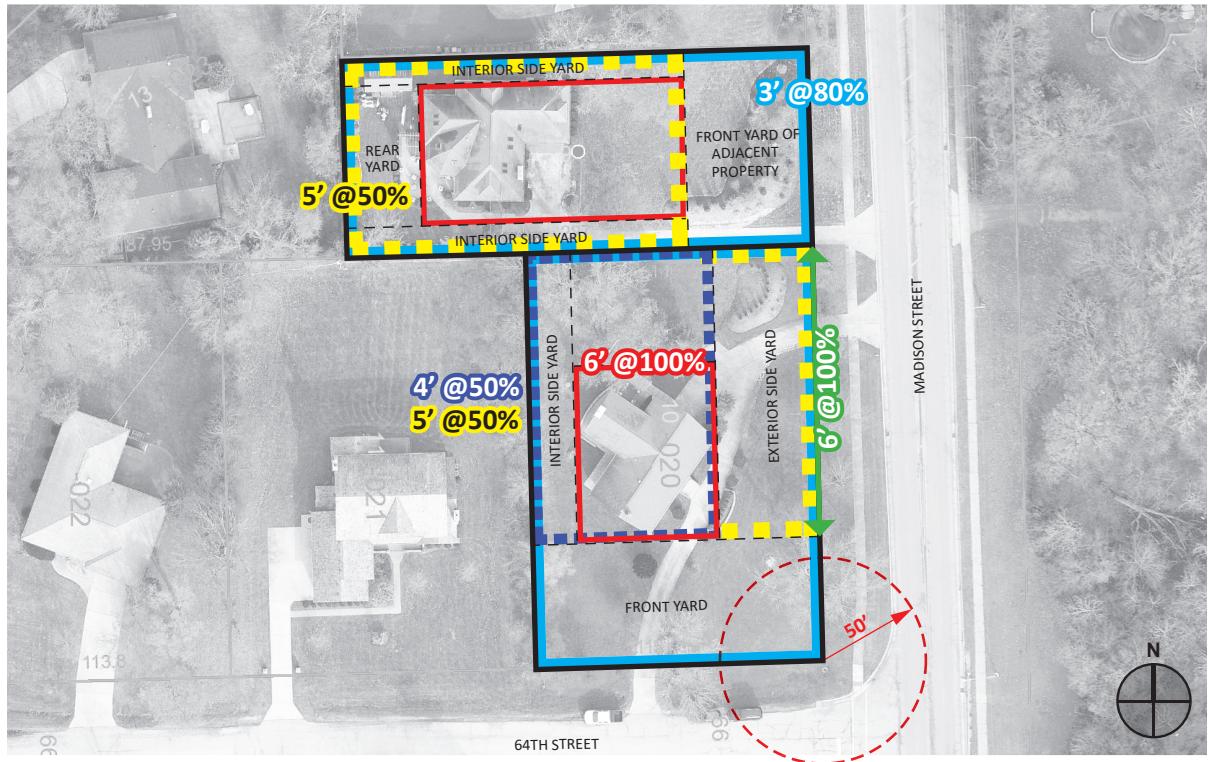
Fence Height Requirements After Text Amendment



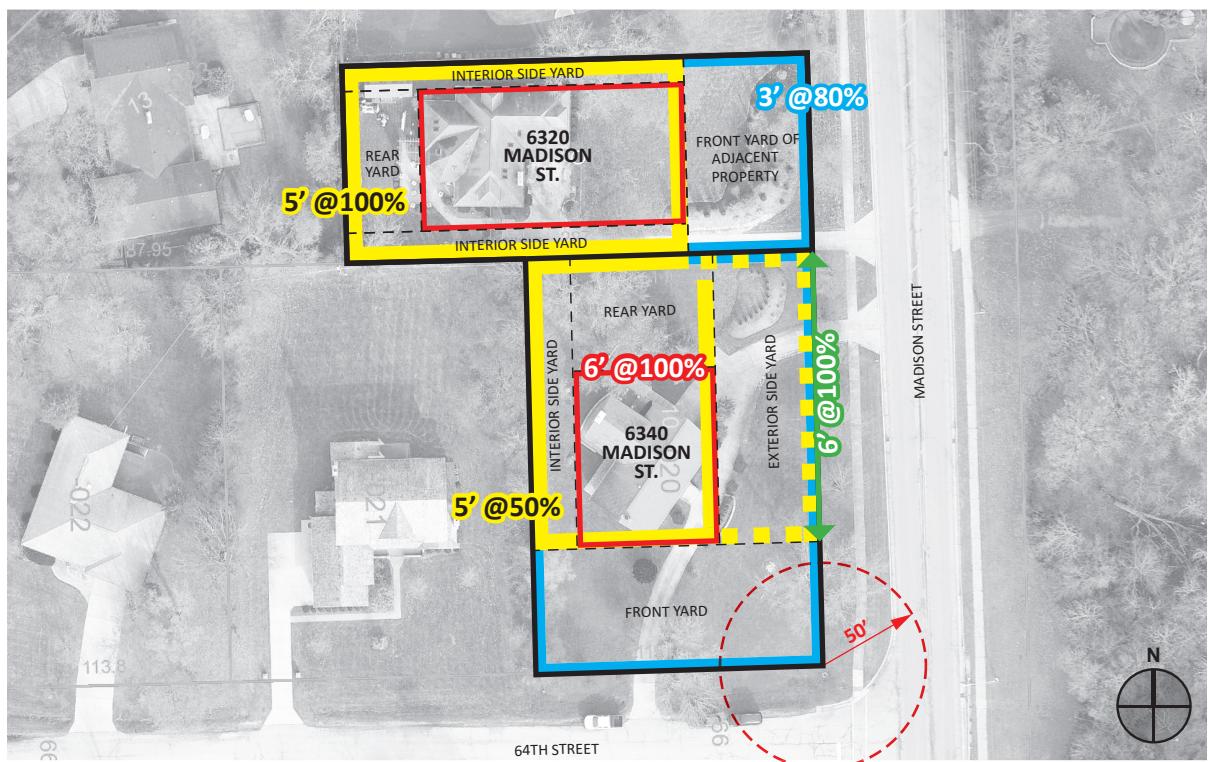
Example 4: Reverse Corner Residential Lot Located on Major Arterial

6320 & 6340 Madison Street

Fence Height Requirements Before Text Amendment



Fence Height Requirements After Text Amendment



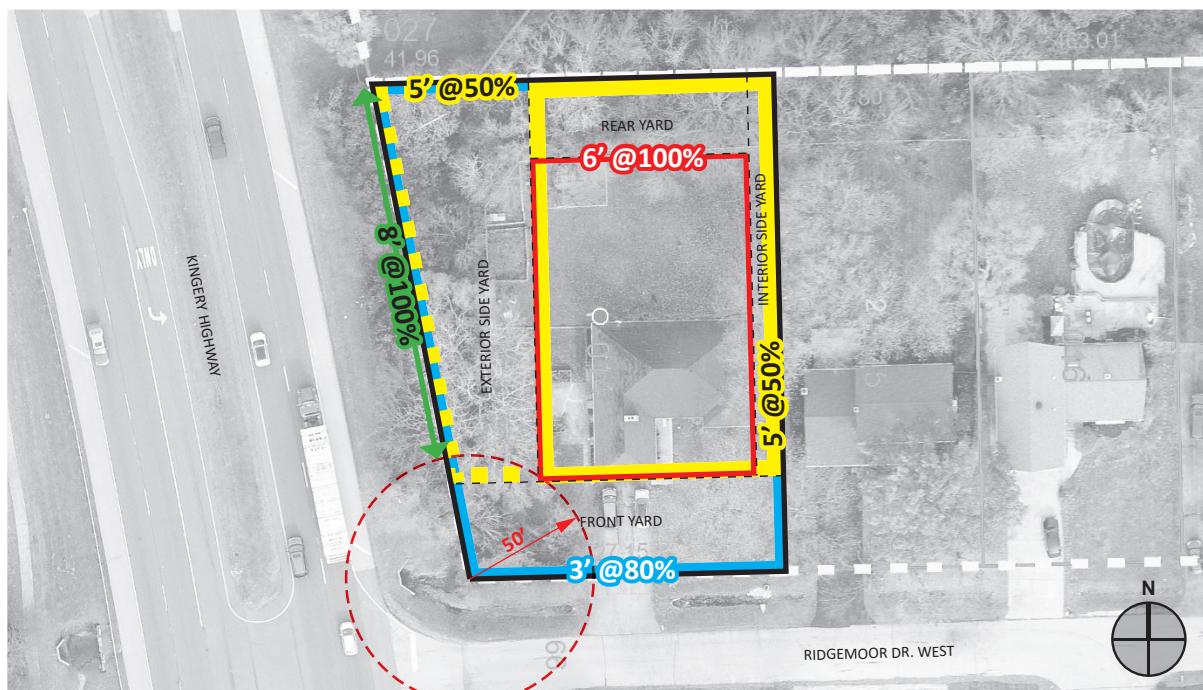
Example 5: Corner Lot, Exterior Side Yard on Kingery Highway

848 Ridgemoor Drive West

Fence Height Requirements Before Text Amendment



Fence Height Requirements After Text Amendment



Affected Properties:

848 Ridgemoor Dr West, 873 Willow Ln, 843 Cramer Ct, 10 Midway Dr, 9 Midway Dr, 58 79th St

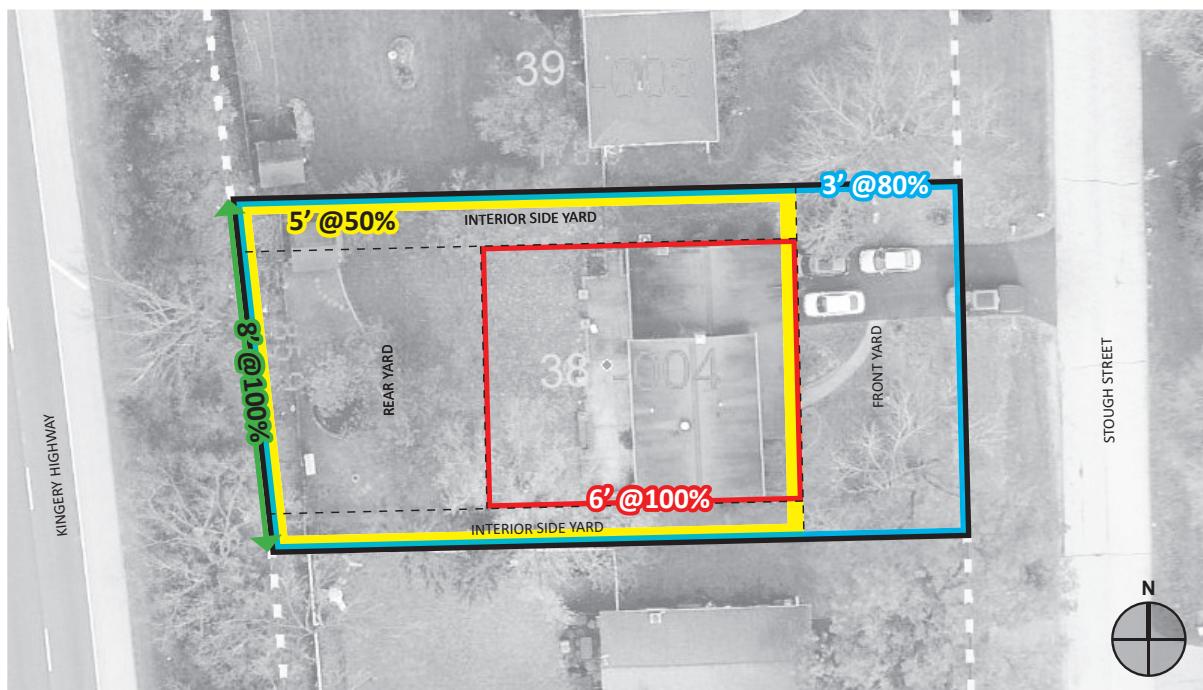
Example 6: Through Lot, Rear Lot on Kingery Highway

6542 Stough Street

Fence Height Requirements Before Text Amendment



Fence Height Requirements After Text Amendment



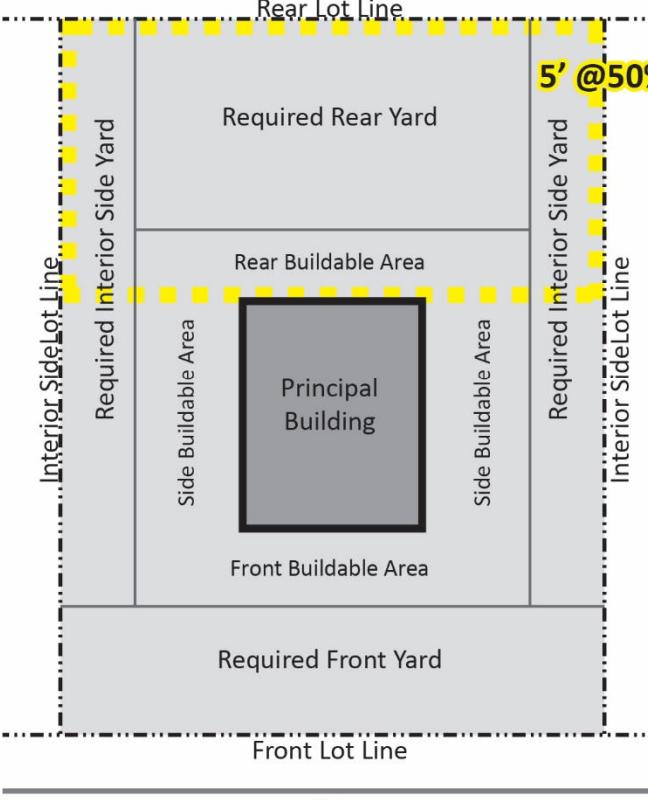
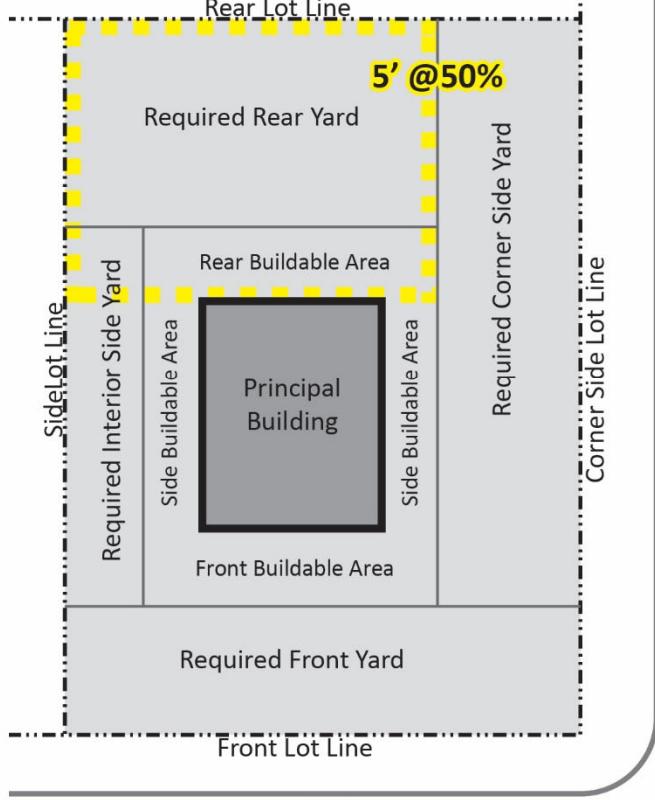
Affected Properties:

6530 Stough St, 6536 Stough St, 6542 Stough St,
7505-7619 Arlene Ave, 7711-7823 Eleanor Pl

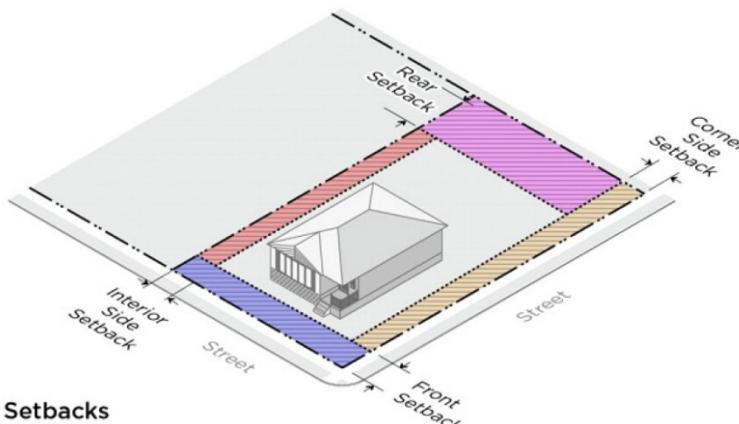
Attachment 2
Comparison of Nearby Municipalities' Fence Ordinances
(11 pages)

Municipality	Fences Permitted - Interior Lot and Corner Lot Configurations	
Burr Ridge	<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>Interior Lot</p> </div> <div style="text-align: center;"> <p>Corner Lot</p> </div> </div>	
Clarendon Hills	<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>Interior Lot</p> </div> <div style="text-align: center;"> <p>Corner Lot</p> </div> </div>	
Darien	<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>Interior Lot</p> </div> <div style="text-align: center;"> <p>Corner Lot</p> </div> </div>	
Hinsdale	<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>Interior Lot</p> </div> <div style="text-align: center;"> <p>Corner Lot</p> </div> </div>	
Willowbrook	<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>Interior Lot</p> </div> <div style="text-align: center;"> <p>Corner Lot</p> </div> </div>	

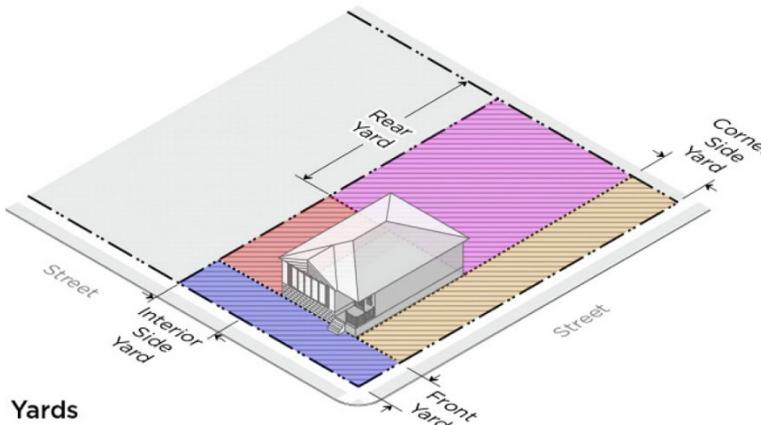
Municipality	Front Yard	Corner Side/ Exterior Side Yard	Interior Side Yard	Rear Yard
Burr Ridge	<p>Prohibited</p> <p>More restrictive than WB. WB allows fences that are 3' and 80% open in the front yard.</p>	<p>5' not nearer to the corner side lot line than the required corner side yard setback (see exhibit below)</p> <p>More restrictive than WB. WB allows fences to extend up to the front wall of the principal building.</p>	<p>5' along interior side lot lines extending no further toward the front of the lot than the rear wall of the principal building on the lot</p> <p>More restrictive than WB. WB allows 5' fences to extend up to the front wall of the principal building.</p>	<p>5' along rear lot line</p> <p>Same as WB.</p>
<p>All fences in residential districts shall be open fences. Open fences are defined as a fence, including gates, which has, for each one foot wide segment extending over the entire length and height of the fence, 50 percent of the surface in open spaces which afford direct views through the fence. More restrictive than WB.</p> <p>Fences in residential districts shall be not more than 5' in height measured from the ground level at the lowest grade level within five feet of either side of the fence. More restrictive than WB.</p>				

Municipality	Front Yard	Corner Side/ Exterior Side Yard	Interior Side Yard	Rear Yard
Burr Ridge (cont'd)	<p>Interior Lot</p>  <p>Required Interior Side Yard</p> <p>Required Rear Yard</p> <p>5' @50%</p> <p>Required Interior Side Yard</p> <p>Interior Side Lot Line</p> <p>Rear Lot Line</p> <p>Required Front Yard</p> <p>Front Lot Line</p> <p>Street</p>	<p>Corner Lot</p>  <p>Required Interior Side Yard</p> <p>Required Rear Yard</p> <p>5' @50%</p> <p>Required Interior Side Yard</p> <p>Required Side Lot Line</p> <p>Rear Lot Line</p> <p>Required Front Yard</p> <p>Front Lot Line</p> <p>Street</p>		

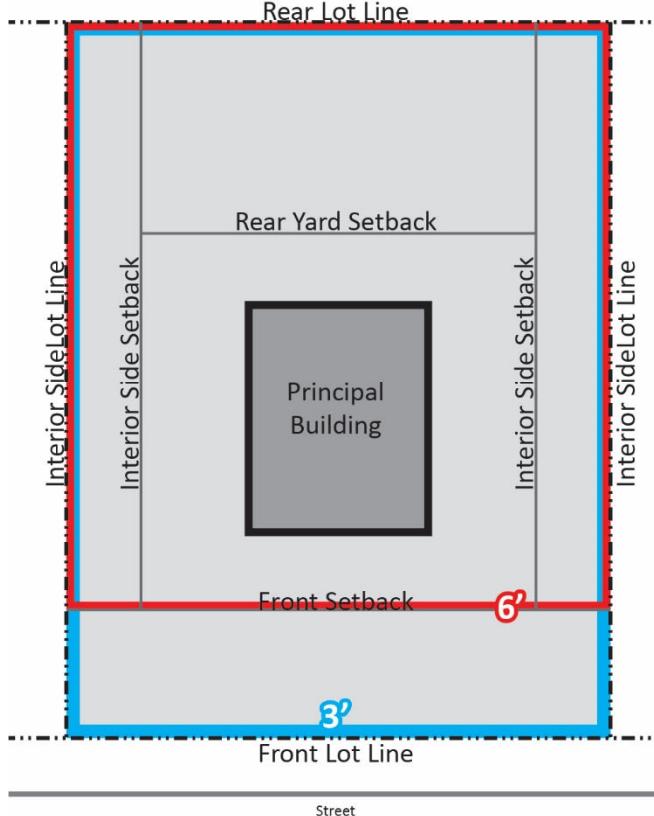
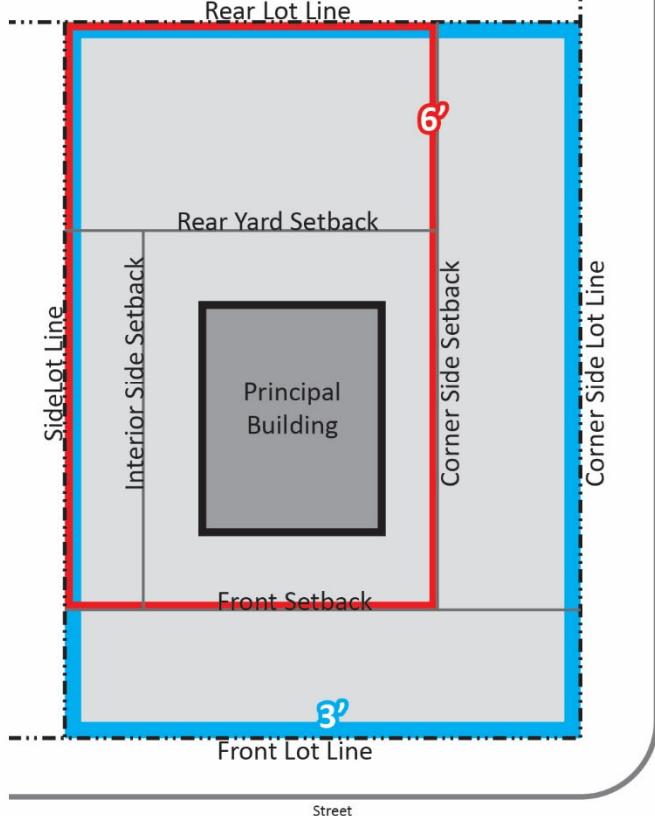
Municipality	Front Yard	Corner Side/ Exterior Side Yard	Interior Side Yard	Rear Yard
Clarendon Hills	<p>3'</p> <p>Less restrictive than WB. WB requires 3' fence to be at least 80% open.</p>	<p>No fence, wall or hedge or other similar obstruction shall be placed so as to interfere with clear vision from one street to the other across such corner and in no event shall any such fence, wall hedge or other similar obstruction exceed, or be allowed to exceed 3' in height above the grade at the center line of the street nearest thereto within 50' of the center line of the intersection of any street or street lines projected.</p> <p>Same as WB except that WB requires 3' fences to be at least 80% open.</p>		<p>6'</p> <p>Less restrictive than WB. WB permits 5' and 50% open fences.</p>



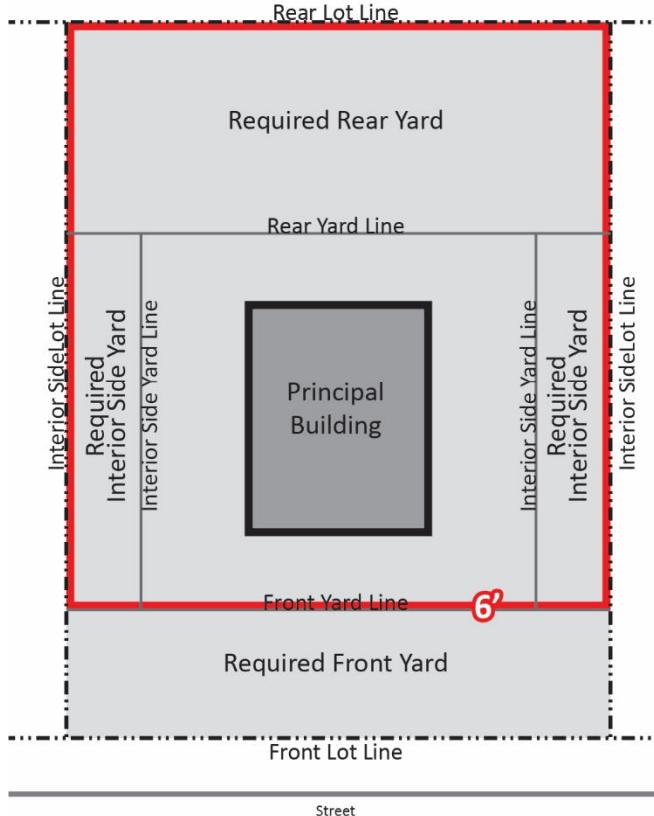
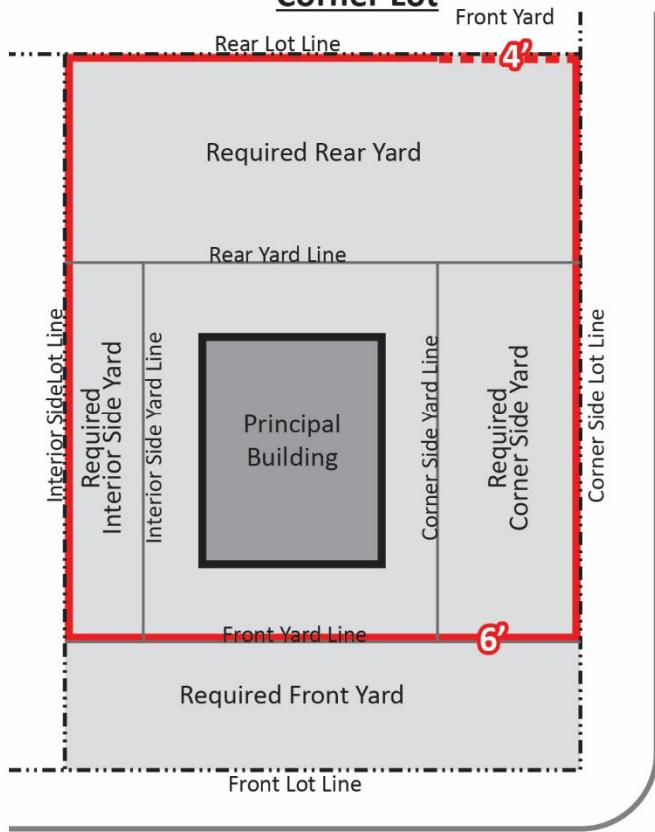
Setbacks



Yards

Municipality	Front Yard	Corner Side/ Exterior Side Yard	Interior Side Yard	Rear Yard
Clarendon Hills (cont'd)	<p>Interior Lot</p>  <p>The diagram illustrates an interior lot. The lot is bounded by a red 'Rear Lot Line' at the top and a blue 'Front Lot Line' at the bottom. A 'Principal Building' is centered within the lot. The distance from the 'Front Lot Line' to the building is labeled 'Front Setback' with a value of '6'. The distance from the 'Front Lot Line' to the 'Rear Yard Setback' is labeled '3'. The distance from the 'Rear Yard Setback' to the building is labeled 'Rear Yard Setback'. The distance from the 'Rear Lot Line' to the building is labeled 'Interior Side Setback'. The distance from the 'Rear Lot Line' to the 'Interior Side Setback' is labeled 'Interior Side Lot Line'.</p> <p>Corner Lot</p>  <p>The diagram illustrates a corner lot. The lot is bounded by a red 'Rear Lot Line' at the top and a blue 'Front Lot Line' at the bottom. A 'Principal Building' is centered within the lot. The distance from the 'Front Lot Line' to the building is labeled 'Front Setback' with a value of '6'. The distance from the 'Front Lot Line' to the 'Rear Yard Setback' is labeled '3'. The distance from the 'Rear Yard Setback' to the building is labeled 'Rear Yard Setback'. The distance from the 'Rear Lot Line' to the building is labeled 'Interior Side Setback'. The distance from the 'Rear Lot Line' to the 'Interior Side Setback' is labeled 'Interior Side Lot Line'. The distance from the 'Rear Lot Line' to the 'Corner Side Setback' is labeled 'Corner Side Setback'. The distance from the 'Corner Side Setback' to the building is labeled 'Corner Side Lot Line'. The 'Corner Side Lot Line' is shown as a curved line along the right edge of the lot, ending at the 'Street'.</p>			

Municipality	Front Yard	Corner Side/ Exterior Side Yard	Interior Side Yard	Rear Yard
Darien	<p>Fences are prohibited in the front yard.</p> <p>More restrictive than WB. WB allows 3' and 80% open fences in the front yard.</p> <p>However, 3' fence type structures such as landscape fences and less than 25' in length, and not used as a means of confinement, shall not be considered as fences. Location, height, type of material and construction technique shall be approved by the zoning enforcement officer.</p> <p>More restrictive than WB.</p>	<p>6' fences in the corner side yard setback, provided that the fence does not extend beyond the front yard line. Same as WB.</p> <p>8' fences along Route 83, Cass Ave, Plainfield Rd and 75th St, provided the fence does not extend beyond the front yard line.</p> <p>Less restrictive than WB. WB allows 6' fence on exterior side lot line along its arterials.</p>	<p>6' fences, provided it does not extend beyond the front yard line.</p> <p>Less restrictive than WB. WB allows 5' and 50% open fences in the interior side yard.</p>	<p>6' fences, provided that the height of the fence shall not exceed 4' in that part of the actual rear yard abutting a front yard of another lot.</p> <p>More restrictive than WB. WB allows 5' and 50% open fences in the same area.</p> <p>8' fence in any rear yard extending along Route 83, Cass Ave, Plainfield Rd and 75th St.</p> <p>Less restrictive than WB. WB allows 6' fence along its arterials.</p> <p>6' fences along other major arterial, minor arterial, and collector streets.</p> <p>Less restrictive than WB. WB allows 6' fence along its arterials.</p>
No restrictions on % openness.				

Municipality	Front Yard	Corner Side/ Exterior Side Yard	Interior Side Yard	Rear Yard
Darien (cont'd)	<p>Interior Lot</p>  <p>Corner Lot</p> 			

Municipality	Front Yard	Corner Side/ Exterior Side Yard	Interior Side Yard	Rear Yard
Hinsdale	<p>2' solid fences and 4' non-solid fences.</p> <p>Exceptions: E1d, E1e, E1f</p>	<p>4'</p> <p>Exceptions: E1d, E1e</p>		<p>6'</p> <p>Exceptions: E1d, E1e</p>

Driveway entry gates, and any parapet or column utilized in a fence design: **8'**

No "solid fence", as defined herein, shall be permitted that exceeds 24" in height as measured from the natural grade in any front yard or any corner side yard. A "solid fence" is a fence in which the open spaces, when viewed at a right angle to the vertical fence plane, constitute less than one-third (1/3) of the total fence contour. The "total fence contour" is the entire square foot area within and between the outside vertical outline of the fence. The "open spaces" are areas within the "total fence contour", which, when viewed at right angles to the vertical fence plane, allow clear visibility through said fence plane.

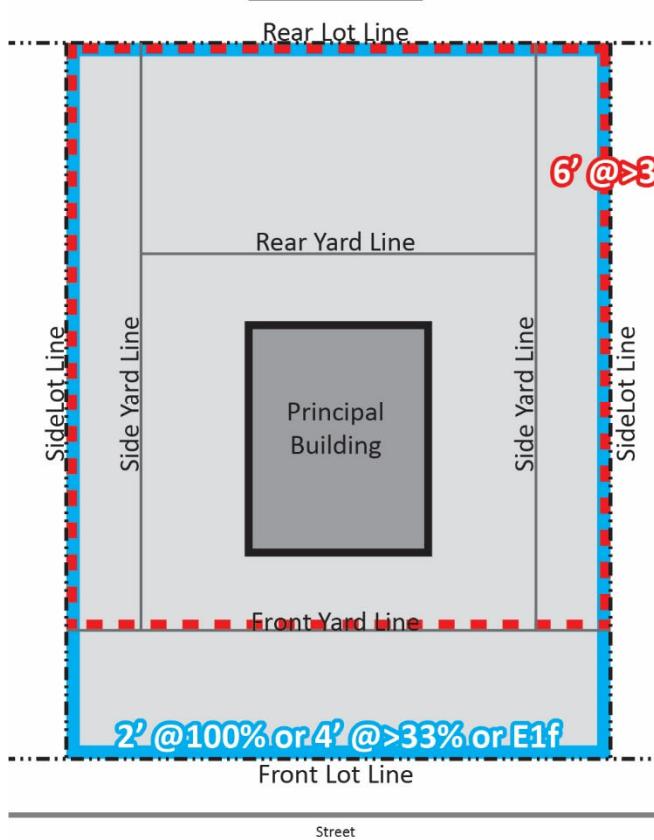
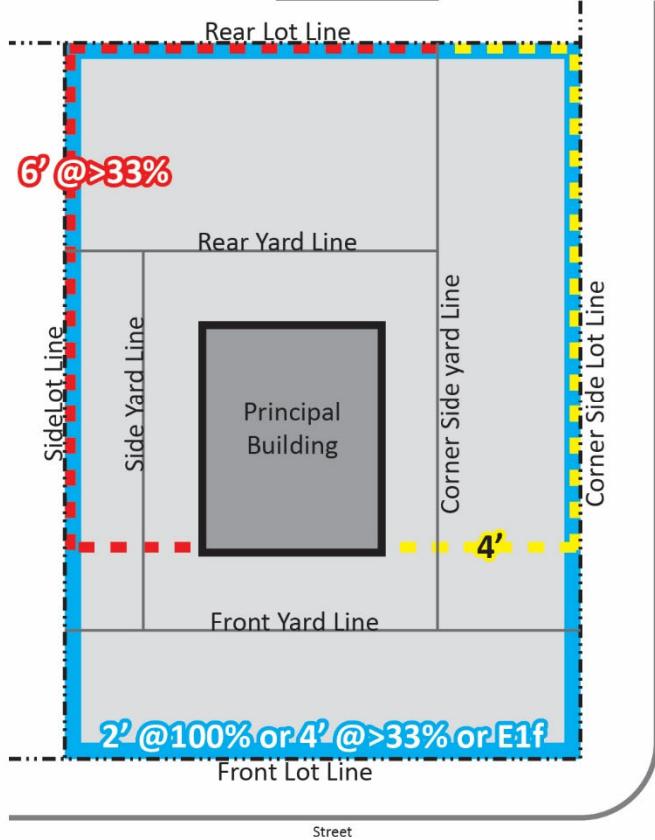
E1d: Within ten feet (10') of and parallel to a lot line of any lot used for nonresidential purposes: Eight feet (8'). **Same as WB.**

E1e: Within 10' of and parallel to a lot line abutting the Illinois Tri-State Toll Rd, Route 83, 55th St, or Ogden Avenue rights of way: Eight feet (8').
Less restrictive than WB. WB allows 6' fence along its arterials.

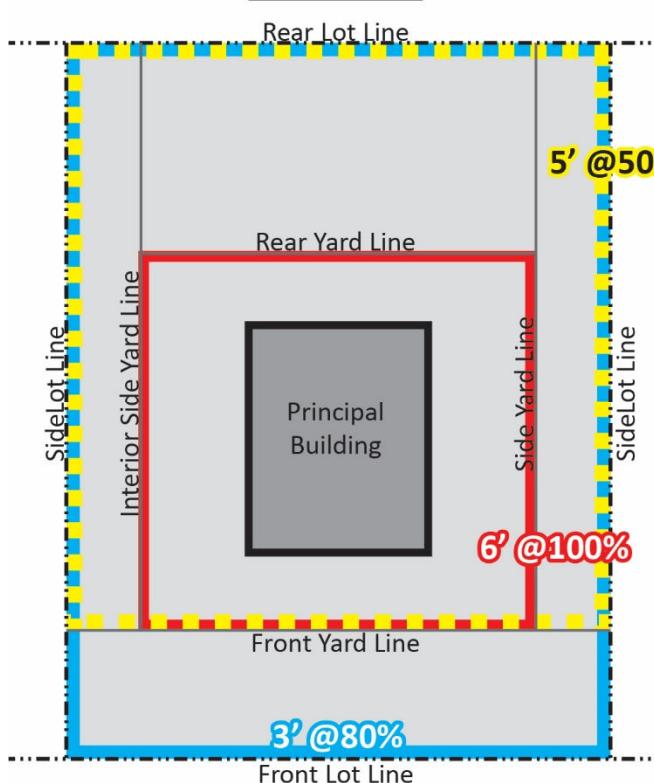
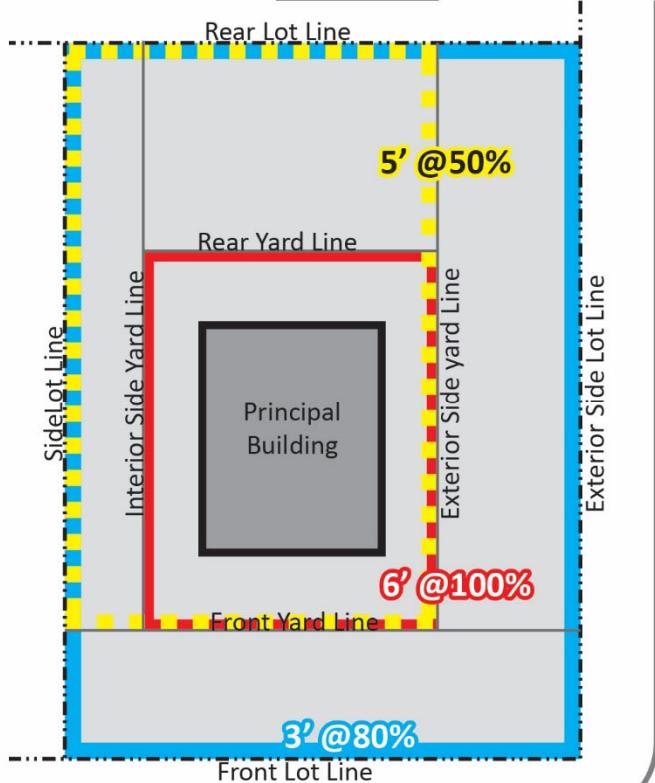
E1f: When a front yard fence meets all of the following, then five feet (5'):

- 1) open (greater than 1/3 of the total fence contour); and
- 2) constructed of cast aluminum or wrought iron; and
- 3) the property on which the fence is located has a front lot line with a width of not less than 125', and a total lot area not less than 30,000 SF.

Less restrictive than WB. WB allows 5'and at least 50% open only in interior side and rear yards.

Municipality	Front Yard	Corner Side/ Exterior Side Yard	Interior Side Yard	Rear Yard
Hinsdale (cont'd)	<p>Interior Lot</p>  <p>Corner Lot</p> 			

Municipality	Front Yard	Corner Side/ Exterior Side Yard	Interior Side Yard	Rear Yard
Willowbrook	<p>(a) 3' and at least 80% open may be located anywhere on a lot</p> <p>(c) Fences not greater than 6' in height may be located anywhere on a lot except within a required front, exterior side, interior side or rear yard</p> <p>3' and at least 80% open may be located anywhere on a lot.</p>	<p>4' and at least 50% open in rear yard or interior side yard where exterior side yard abuts the front yard of adjoining lot.</p> <p>5' and at least 50% open where exterior side yard abuts the front yard of adjoining lot and is located along Route 83, Plainfield Rd, 63rd St, 75th St, and Madison St, provided the fence does not extend beyond the front yard line.</p> <p>An open or solid fence not greater than 6' in height may be located on a rear lot line of a residentially zoned lot where such lot line is conterminous with the right-of-way lines of the following streets: Route 83, Plainfield Rd, 63rd St, 75th St, and Madison St.</p>	<p>(d) 5' and at least 50% open in interior side yard</p>	<p>(b) 5' and at least 50% open in interior side yard</p> <p>An open or solid fence not greater than 6' in height may be located on a rear lot line of a residentially zoned lot where such lot line is conterminous with the right-of-way lines of the following streets: Route 83, Plainfield Rd, 63rd St, 75th St, and Madison St.</p> <p>An open or solid fence not greater than 8' in height may be located to within a min. of 10' from a rear or interior side lot line where such lot line represents the boundary between a nonresidential district and a residential district.</p> <p>Any such fence shall be buffered with berming and/or evergreens so that not more than 50% of the surface area of such fence shall be visible from the adjoining district.</p>

Municipality	Front Yard	Corner Side/ Exterior Side Yard	Interior Side Yard	Rear Yard
Willowbrook (cont'd)	<p>Interior Lot</p>  <p>Corner Lot</p> 			



Attachment 3
Village of Willowbrook Current Fence Code, Section 9-12-4(D)
(2 pages)

2. Fences And Walls: Fences and walls are permitted subject to the following conditions:

- (a) Fences not greater than three feet (3') in height and at least eighty percent (80%) open may be located anywhere on a lot.
- (b) Fences not greater than five feet (5') in height and at least fifty percent (50%) open may be located anywhere on a lot, except in a required front or exterior side yard.
- (c) Fences not greater than six feet (6') in height may be located anywhere on a lot except within a required front, exterior side, interior side or rear yard. (Ord. 97-O-05, 1-27-1997)
- (d) Fences not greater than four feet (4') in height and at least fifty percent (50%) open may be located anywhere on a lot except in a required front yard, or a required exterior side yard where such exterior side yard abuts the front yard of an adjoining lot. Where an exterior side yard abuts the front yard of an adjoining lot and the subject lot is located along a street listed in subsections (D)2(f)(1) through (D)2(f)(5) of this section, a five feet (5') in height and at least fifty percent (50%) open fence may be allowed in the exterior side yard of that subject lot. Notwithstanding any provision hereinafter to the contrary, no such fence shall be located within fifty feet (50') of the lot corner formed by the intersection of any two (2) street right-of-way lines. (Ord. 16-O-42, 9-12-2016)
- (e) Notwithstanding the provisions contained in subsections (D)2(a), (D)2(b), (D)2(c) and (D)2(d) of this section, an open or solid fence not greater than eight feet (8') in height may be located to within a minimum of ten feet (10') from a rear or interior side lot line where such lot line represents the boundary between a nonresidential district and a residential district.

Any such fence shall be buffered with berthing and/or evergreens so that not more than fifty percent (50%) of the surface area of such fence shall be visible from the adjoining district. (Ord. 97-O-05, 1-27-1997)

(f) Notwithstanding the provisions contained in subsections (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 conterminous with the right-of-way lines of the following streets:

- (1) Illinois Route 83 (Robert Kingery Highway).
- (2) Plainfield Road.
- (3) 63rd Street.
- (4) 75th Street.
- (5) Madison Street. (Ord. 13-O-26, 7-8-2013)

(g) Notwithstanding the provisions contained in subsections (D)2(a) through (D)2(d) of this section, a fence not greater than eight feet (8') in height may be located anywhere on a lot in the M-1 Light Manufacturing District, the B-4 Highway and Service Business District, or the L-O-R Limited Office and Research District, except that no fence greater than three feet (3') in height may be located in a required front or exterior side yard without site plan approval by the Plan Commission.

Any such fence greater than four and one-half feet ($4\frac{1}{2}'$) in height located within forty feet (40') of any residential district boundary (exclusive of ROW) shall be buffered with berthing and/or evergreens so that no more than fifty percent (50%) of the surface area of such fence shall be visible from said adjoining residential district.

(h) An additional one foot (1') high extension of barbed wire fencing may be affixed to the top of any fence located within the M-1 Light Manufacturing District, B-4 Highway and Service Business District or L-O-R Limited Office and Research District which is not less than seven feet (7') in height, provided, that in no event shall the total height of such fence, including any barbed wire exceed eight feet (8') in height, and further provided, that barbed wire fencing is prohibited in any yard adjoining a residential district. Except as otherwise provided herein, barbed wire fencing shall be prohibited in any district within the Village. (Ord. 97-O-05, 1-27-1997)

(i) Notwithstanding the provisions contained in subsections (D)2(a) through (D)2(d) of this section, a fence not greater than six feet (6') in height and at least eighty percent (80%) open may be located anywhere on a lot whereupon the principal use is institutional, provided that such fence shall utilize a decorative design, such as wrought iron. (Ord. 99-O-10, 5-24-1999)

(j) All pools having side walls less than four feet (4') above grade, including all pools constructed below grade, shall be required to be completely enclosed by a fence. All fence openings or points of entry into pool area enclosures shall be equipped with gates. The fence and gates shall be no less than four feet (4') in height above the grade level and shall be constructed of a minimum 9-gauge, woven mesh, corrosion resistant material or solid vertical or nonsolid decay resistant material, so constructed that it will protect persons, children or animals from danger or harm by entering the swimming pool area. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate. Fence posts shall be decay or corrosion resistant and shall be set in concrete bases. All such fences required pursuant to this chapter shall further comply with all other provisions of this subsection (D).

(k) Heights of all fences shall be measured from the grade immediately adjoining such fence at all points along said fence.

(l) All fence posts and support framework shall face the interior of the property upon which such fence is located. All fence materials shall be erected such that the finished side faces adjoining properties.

(m) All fences totally enclosing a yard shall have a minimum of one gate allowing ingress/egress.

(n) Walls not greater than six feet (6') in height may be located anywhere on a lot, except within a required front, exterior side, interior side, or rear yard. Walls shall be intermittently landscaped with appropriately sized plant material to provide an aesthetically pleasing effect and interrupt long monotonous expanses.

(o) The owner of every fence constructed within the Village shall cause said fence(s) to be maintained in a safe, presentable, neat, attractive and sound structural condition at all times, including the replacement of defective parts or pickets, repainting, cleaning and other acts required for the maintenance of said fence. (Ord. 97-O-05, 1-27-1997)

(p) In no case shall any fence or wall be located on public right-of-way. (Ord. 99-O-10, 5-24-1999)



Attachment 4
Village of Willowbrook Proposed Fence Code (Clean Version)
(2 pages)

2. Fences And Walls: Fences and walls are permitted subject to the following conditions:

- (a) Fences not greater than three feet (3') in height and at least eighty percent (80%) open may be located anywhere on a lot.
- (b) **Fences not greater than five feet (5') in height may be located anywhere on a lot, except in a required front or exterior side yard, and as specifically regulated hereinafter in subsection 9-12-4(D)2(d).**
- (c) Fences not greater than six feet (6') in height may be located anywhere on a lot except within a required front, exterior side, interior side or rear yard. (Ord. 97-O-05, 1-27-1997)
- (d) **Where an exterior side yard abuts the front yard of an adjoining lot, fences not greater than five feet (5') in height may be located anywhere on a lot except in the following areas: a required front yard, or within any portion of the subject lot abutting the front yard of an adjoining lot. Where any portion of the lot abuts the front yard of an adjoining lot, a four feet (4') in height and at least fifty percent (50%) open fence may be allowed in the exterior side yard of that subject lot. Where an exterior side yard abuts the front yard of an adjoining lot and the subject lot is located along a street listed in subsections (D)2(f)(1) through (D)2(f)(4) of this section, a five feet (5') in height and at least fifty percent (50%) open fence may be allowed in the exterior side yard of that subject lot. Notwithstanding any provision hereinafter to the contrary, no such fence shall be located within fifty feet (50') of the lot corner formed by the intersection of any two (2) street right-of-way lines.** (Ord. 16-O-42, 9-12-2016)

- (e) Notwithstanding the provisions contained in subsections (D)2(a), (D)2(b), (D)2(c) and (D)2(d) of this section, an open or solid fence not greater than eight feet (8') in height may be located to within a minimum of ten feet (10') from a rear or interior side lot line where such lot line represents the boundary between a nonresidential district and a residential district.

Any such fence shall be buffered with berming and/or evergreens so that not more than fifty percent (50%) of the surface area of such fence shall be visible from the adjoining district. (Ord. 97-O-05, 1-27-1997)

- (f) Notwithstanding the provisions contained in subsections (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 conterminous with the right-of-way lines of the following streets:

- (1) Plainfield Road.
- (2) 63rd Street.
- (3) 75th Street.
- (4) Madison Street. (Ord. 13-O-26, 7-8-2013)

- (g) **Notwithstanding the provisions contained in subsections (D)2(a) through (D)2(d) of this section, an open or solid fence not greater than eight feet (8') in height may be located on an exterior side or rear lot line of a residentially zoned lot where such lot line(s) are conterminous with the right-of-way lines of Illinois Route 83. Where an exterior side yard abuts the front yard of an adjoining lot and the subject lot is located along Illinois Route 83, a five feet (5') in height and at least fifty percent (50%) open fence may be allowed in the exterior side yard of that subject lot. Notwithstanding any provision hereinafter to the**

contrary, no such fence shall be located within fifty feet (50') of the lot corner formed by the intersection of any two (2) street right-of-way lines. (Ord. 16-O-42, 9-12-2016)

(h) Notwithstanding the provisions contained in subsections (D)2(a) through (D)2(d) of this section, a fence not greater than eight feet (8') in height may be located anywhere on a lot in the M-1 Light Manufacturing District, the B-4 Highway and Service Business District, or the L-O-R Limited Office and Research District, except that no fence greater than three feet (3') in height may be located in a required front or exterior side yard without site plan approval by the Plan Commission.

Any such fence greater than four and one-half feet ($4\frac{1}{2}'$) in height located within forty feet (40') of any residential district boundary (exclusive of ROW) shall be buffered with berming and/or evergreens so that no more than fifty percent (50%) of the surface area of such fence shall be visible from said adjoining residential district.

(i) An additional one foot (1') high extension of barbed wire fencing may be affixed to the top of any fence located within the M-1 Light Manufacturing District, B-4 Highway and Service Business District or L-O-R Limited Office and Research District which is not less than seven feet (7') in height, provided, that in no event shall the total height of such fence, including any barbed wire exceed eight feet (8') in height, and further provided, that barbed wire fencing is prohibited in any yard adjoining a residential district. Except as otherwise provided herein, barbed wire fencing shall be prohibited in any district within the Village. (Ord. 97-O-05, 1-27-1997)

(j) Notwithstanding the provisions contained in subsections (D)2(a) through (D)2(d) of this section, a fence not greater than six feet (6') in height and at least eighty percent (80%) open may be located anywhere on a lot whereupon the principal use is institutional, provided that such fence shall utilize a decorative design, such as wrought iron. (Ord. 99-O-10, 5-24-1999)

(k) All pools having side walls less than four feet (4') above grade, including all pools constructed below grade, shall be required to be completely enclosed by a fence. All fence openings or points of entry into pool area enclosures shall be equipped with gates. The fence and gates shall be no less than four feet (4') in height above the grade level and shall be constructed of a minimum 9-gauge, woven mesh, corrosion resistant material or solid vertical or nonsolid decay resistant material, so constructed that it will protect persons, children or animals from danger or harm by entering the swimming pool area. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate. Fence posts shall be decay or corrosion resistant and shall be set in concrete bases. All such fences required pursuant to this chapter shall further comply with all other provisions of this subsection (D).

(l) Heights of all fences shall be measured from the grade immediately adjoining such fence at all points along said fence.

(m) All fence posts and support framework shall face the interior of the property upon which such fence is located. All fence materials shall be erected such that the finished side faces adjoining properties.

(n) All fences totally enclosing a yard shall have a minimum of one gate allowing ingress/egress.

(o) Walls not greater than six feet (6') in height may be located anywhere on a lot, except within a required front, exterior side, interior side, or rear yard. Walls shall be intermittently landscaped with appropriately sized plant material to provide an aesthetically pleasing effect and interrupt long monotonous expanses.

(p) The owner of every fence constructed within the Village shall cause said fence(s) to be maintained in a safe, presentable, neat, attractive and sound structural condition at all times, including the replacement

of defective parts or pickets, repainting, cleaning and other acts required for the maintenance of said fence.
(Ord. 97-O-05, 1-27-1997)

(q) In no case shall any fence or wall be located on public right-of-way. (Ord. 99-O-10, 5-24-1999)



Village of Willowbrook

Staff Report to the Plan Commission

Plan Commission Date:	October 7, 2020		
Prepared By:	Ann Choi, Village Planning Consultant		
Case Title:	CONCEPT REVIEW: "Hinsdale Lake Commons PUD Amendment" – Proposed Drive-Through Window Review for a New Restaurant		
Applicant:	Regency Centers		
Action Requested:	Conceptual review and feedback for a major change to a Planned Unit Development (PUD) to allow for modifications to an inline tenant space at the southeast corner of the Hinsdale Lake Commons shopping center, including a drive-through window along the east side of the existing building in order to accommodate a quick-service/fast-casual restaurant use.		
Location:	6300 KINGERY HIGHWAY, WILLOWBROOK IL 60521		
PINs:	09-23-101-025		
Existing Zoning:	B-2 Community Shopping with a Special Use for a PUD		
Proposed Zoning:	B-2 Community Shopping with a Special Use for a PUD		
Existing Land Use:	Mixed Use Retail, Restaurant, and an Outlot for the Bank		
Property Size:	21.84 Acres		
Surrounding Land Use:	Use	Zoning	
	North Willowbrook Square Shopping Ctr.	B-2/Special Use	
	South Lake Hinsdale Village	R-4/Special Use	
	East Single-Family Residential	R-4 and R-1	
	West Multi-Family Residential and the Willowbrook Ice Arena	R-5 and B-2	

Documents Attached:

1. Planned Unit Development Plat (3 sheets)
2. Site Plans (2 sheets)

Necessary Action by Plan Commission: No vote is required. The Plan Commission is asked to review and provide preliminary feedback to the applicant on the PUD amendment.

Zoning Request & Location

Regency Centers, as petitioner, is requesting review and feedback for a proposed drive-through lane and window along the east side of one of the existing in-line commercial buildings formerly occupied by the "Juicy-O" restaurant, within the Hinsdale Lake Commons shopping center. The proposed modifications would accommodate a new, quick-service/fast-casual restaurant use at the southeast corner of the existing shopping center. The shopping center is located to the southeast of the intersection of Kingery Highway and 63rd Street and is across the street from Willowbrook Square Shopping Center to the north, Lake Hinsdale Village to the south, Willowbrook Ice Arena to the west, and Breton Lakes Subdivision to the east. The property is zoned B-2 Community Shopping and is adjacent to B-2 Community Shopping to the north and west, R-1 Single-Family Residential and R-4 Townhomes & Condominiums to the south, R-5 Multiple-Family Residential to the west, and R-4 Townhomes & Condominiums to the east. The subject property is 21.84 acres and is in the Hinsdale Lake Commons subdivision.

Exhibit 1: Location Map

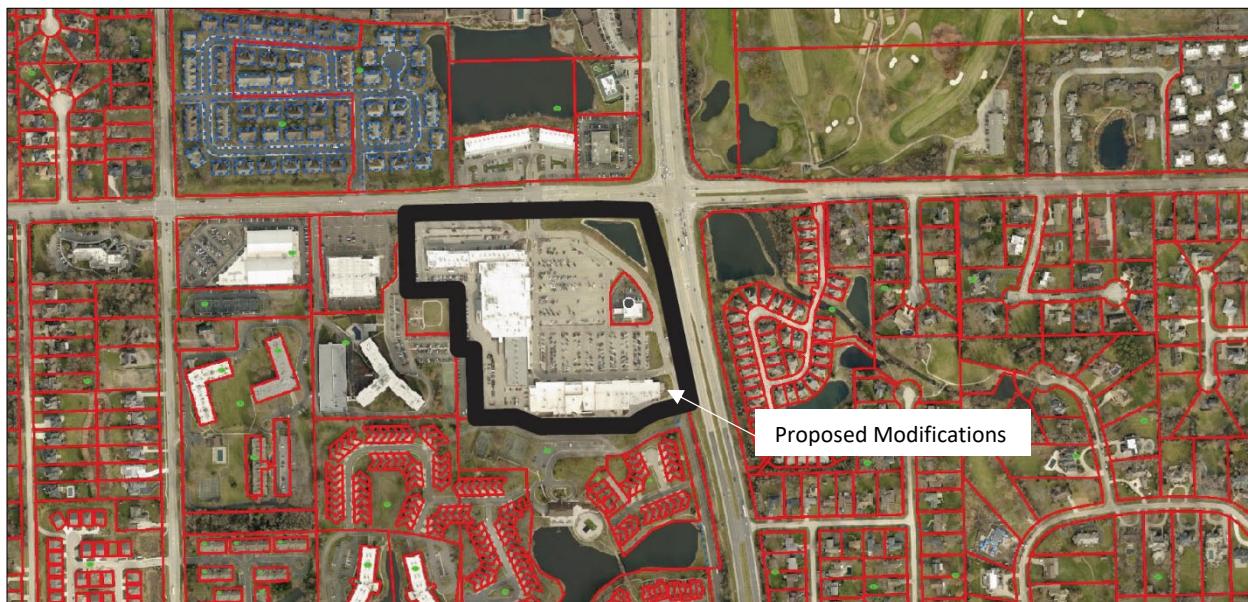
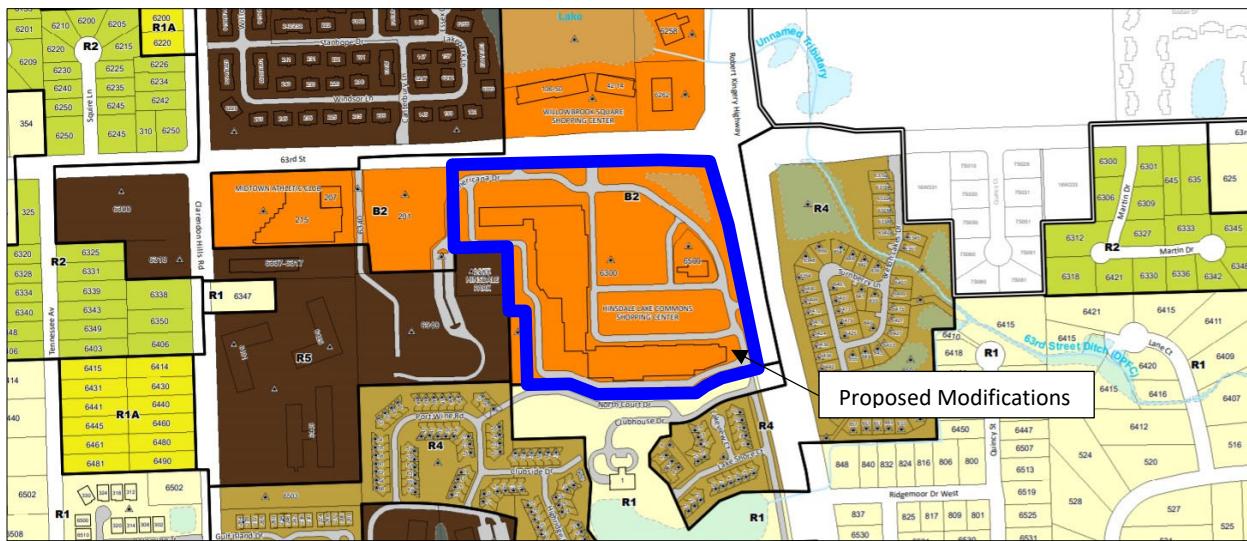


Exhibit 2: Aerial of Hinsdale Lake Commons



Exhibit 3: Zoning Map (B-2 Community Shopping)



Site Description

The shopping center contains 179,098 square feet of leasable in-line space, plus a 5,400 square foot outlet building (Bank of America), all on 21.84 acres.

History/Background

The Hinsdale Lake Commons PUD was approved in 1986 pursuant to Ordinance No. 86-O-32, which authorized the following, subject to compliance with certain original plans and conditions:

1. Bank with drive-through
2. Garden supply store and accessory outdoor sales and storage
3. Bicycle sales
4. Rental and repair facility
5. Electrical and household appliance sales and repair
6. Fast food consisting of sit-down pizza and accessory carry-out services

The following additional amendments have been made to the PUD over the years to accommodate certain uses which are special uses in the B-2 zoning district:

87-O-41: Bressler's and Shu Han Express

94-O-19: Big Apple Bagel

00-O-30: Additional bank drive-through lanes

02-O-11: Quizno's

10-O-08: Goodwill

12-O-21: Mathnasium

14-O-32: Oishi Sushi

15-O-01: Whole Foods

15-O-07: Additional parking and loading facilities, changes to the facades, and minor hardscape and landscape improvements

Development Proposal

Regency Centers proposes modifications to an inline tenant space at the southeast corner of Hinsdale Lake Commons to accommodate a quick-service restaurant use. With these modifications, a drive-through window is proposed along the east side of the existing building. This PUD amendment by the shopping center management company would authorize changes necessary to attract a fast-casual restaurant operator who is seeking to rent a space with drive-through capacity, a highly attractive feature that has become popular and necessary for restaurants during the Covid-19 pandemic.

Exhibit 4: Driveway Entrance from Kingery



Drive-Through Circulation

Based on the site plan dated May 18, 2020 (Attachment 1), vehicles will enter the shopping center through the right-in/right-out access drive located on Illinois Route 83. Vehicles traveling southbound on Illinois Route 83 will make a right turn into the site and then an immediate left towards the private access drive shared between Hinsdale Lake Commons and Lake Hinsdale Village. Vehicles with key-fob access can proceed directly to the private access drive gate to enter Lake Hinsdale Village or make a slight right into the single-lane drive-through, which has a clockwise rotation. A separate by-pass lane is not proposed. Vehicles will approach the menu/order board to place their order and then pick up items before exiting the drive-through. After exiting the drive-through, the vehicles will turn east, then north, and then either proceed straight to the Illinois Route 83 right-in/right-out access drive or travel north to access the other services offered at the shopping center.

Drive-Through Stacking

Stacking capacity can accommodate seven (7) vehicles as measured from the pick-up window to the drive-through entry. Capacity for three (3) vehicles is provided between the order board and the pick-up window. The proposed drive-through would be accessed via the existing circulation roads internal to the shopping center. Access modifications are not proposed along Illinois Route 83 or 63rd Street.

No physical building space would be eliminated to accommodate these changes. The existing outdoor seating would be converted to a landscaped island encircled by the proposed drive-through lane.

The applicant has retained Kimley-Horn and Associates to provide a review of the adequacy of proposed drive-through stacking capacity. A more detailed discussion of the review is provided in the Staff Analysis below.

STAFF ANALYSIS

Appropriateness of Use

The subject property is zoned B-2 Community Shopping. Although the B-2 Community Shopping District is typically intended for retail uses, the vacant space was formerly occupied by a restaurant and the new restaurant use is appropriate for the area and will benefit the community overall.

The proposed fast-food establishment with drive-through will occupy a key vacancy along Illinois Route 83/Kingery Highway and is appropriately scaled to fit comfortably into the community and commercial surroundings. A fast-food establishment with drive-through is a compatible and complementary use within the existing shopping center. In addition, it will bring additional foot traffic and consumers to the adjacent shopping center and surrounding area. The restaurant will also provide a new place for the Village and Willowbrook residents to enjoy food/beverages.

Bulk Regulations & Standards

The property is zoned B-2 Community Shopping. The site plan illustrates the one-hundred-foot setback on Illinois Route 83/Kingery Highway and no variations from the bulk regulations are being requested at this time. The only physical alteration to the existing building will be to accommodate a window opening for the drive-through, and the existing building footprint will not be increased or decreased. The proposed drive-through lane will respect existing pavement setbacks with no proposed changes to the exterior setback along Illinois Route 83/Kingery Highway. Final plans shall clearly illustrate all setbacks.

Parking, Access & Circulation

Access & Circulation

As discussed above, the majority of the restaurant's patrons will likely access the proposed drive-through by an existing south-bound right-in/right-out only access along Illinois Route 83. Planning staff has concerns regarding long queues for the drive-through and impacts this may have on Illinois Route 83, such as potential back-up onto this major arterial. A stacking capacity study was provided by the Regency Centers and discusses observations that were conducted at two similar fast-casual restaurants in a nearby community, each having frontages along arterial roadways.

Observation periods were selected to capture the busiest periods for the drive-through window on a typical (i.e., non-holiday) weekday. It should be noted that these observations were conducted during the COVID-19 pandemic. At the time of the counts, in-restaurant dining was open; however, public health conditions may have influenced the level of drive-through activity. A detailed summary of the drive-through observations concludes that the maximum queue observed at one restaurant was four (4) vehicles which occurred during the midday peak (12:30PM) and the maximum queue observed at the second restaurant was nine (9) vehicles, which occurred just after 11:15AM. This queue was attributable to a combination of platooned vehicle arrivals and longer than average service times for preceding orders (+7 minutes). By comparison, typical service times ranged from roughly three to five minutes. Where longer service times were observed, longer queues were noted.

The study recommended that motorists with larger or more time-consuming orders should be directed to pull forward and wait in an available parking space to minimize queue build-up. According to the study, the proposed stacking capacity is expected to accommodate demand, and impacts to site access, internal circulation, and parking maneuvers are not anticipated.

Parking

It is difficult to calculate the exact parking needs without better understanding the hours of operation and patron capacity for the proposed restaurant, as well as how many parking spaces would be dedicated as "reserved spaces". However, it is possible that the site has sufficient parking. A traffic impact and parking analysis will be required as part of the PUD amendment application.

Noise and Lighting

Planning staff has concerns regarding sound travel and the emission of extra lighting near the menu/order board, especially into the late evening. Drive-throughs require placing orders through kiosks and customers speak into a microphone that is on a reader board. There are existing complaints of noise from the shopping center and Lake Hinsdale Village residents can hear this noise from the rear end of the shopping center. Pines had been planted by Regency Centers some years ago along the rear of the shopping center to create a back berm to mitigate several aesthetic and acoustic issues. Planning staff has been notified that these pine trees have been poorly maintained and need care but have not been maintained by the shopping center.

Exhibit 5: Condition of Existing Landscaping Along the Rear of Property



To comply with the current Village regulations, the applicant is required to comply with the Noise and Glare Standards per Sections 9-9-2 and 9-9-8 of the Zoning Ordinance. Planning staff recommends that a photometric plan and an acoustic analysis to be required as part of the PUD amendment application. Lake Hinsdale Village residents will also have an opportunity to voice their concerns regarding sound, lighting, and landscape maintenance during a future public hearing once a formal application has been submitted.

Civil Engineering Comments:

1. Sketch plans should be based on standard turning radii for user vehicles.
2. The location of the order board should be far enough into the aisle to allow some queuing without back-up into the main driveway.
3. The order board should not be located within any Village easements or conflict with the watermain or sewer that is shown.
4. What, if any, restrictions are there on the easement for Lake Hinsdale Road? Village engineer will presume that the applicant will research this before moving forward.

Traffic Engineer's Comments:

1. Traffic Engineer concurs with the study findings that the proposed drive-through stacking capacity is adequate to accommodate the anticipated demand for the proposed fast-casual sandwich restaurant use and that the impact of the proposed use on parking and traffic is anticipated to be minimal.
2. Traffic Engineer also concurs in order to minimize potential impact to on-site circulation during peak hours of operation, for special orders (orders taking longer than typical to process) customers should be directed to park and the order brought out to their vehicle. A designated parking space(s) should be provided (signed) within the parking lot near the drive-through exit to facilitate drive-through operations. This space(s) could also be used for mobile or online order pick-up.
3. Appropriate wayfinding signing, along with supplemental pavement markings, are needed to direct traffic to the drive-through entrance.
4. Do not enter signs should be provided at the drive-through exit to minimize the potential for wrong-way traffic.
5. Where are deliveries and trash removal anticipated to occur? To the extent feasible, deliveries should be scheduled to not coincide with peak operations of the proposed restaurant and adjacent shopping center uses.
6. Is any outdoor dining proposed with the proposed use?
7. An Auto Turn analysis should be prepared for automobiles accessing the drive-through lane to ensure adequate circulation is provided.
8. Consideration should be given to defining the drive-through lane with curbing / drainage structure to minimize potential conflicts with the adjacent shopping center service drive to the south and east.
9. Should the intensity of the proposed use change (i.e. from a fast-casual sandwich type restaurant to a coffee shop or fast-food hamburger restaurant), the drive-through stacking and parking would need to be reevaluated to ensure adequate operations are provided.

Tri-State Fire Protection District Comments:

1. The Bureau of Fire Prevention has been asked to review the plans, specifications or other documents submitted to see if compliance has been made with the Fire Prevention Codes and Ordinances of the Tri-State Fire Protection District. Errors or omissions by representatives of the Bureau of Fire Prevention do not constitute permission to cancel, set aside or waive any provision of any applicable Code or Ordinance of the Tri-State Fire Prevention District.
2. Tri-State Fire Protection District find the plans to be in apparent compliance with applicable standards relative to fire prevention and life safety.

DEVELOPMENT PROCESS & NEXT STEPS

1. Applicant submits complete application packet for PUD Amendment.
2. Staff and consultants review the submitted documents and send out comments to applicant.
3. Applicant resubmits revised documents.
4. Projects go to Plan Commission for public hearing and then to Village Board.

Applicable Findings

Section 9-14-5.2 of the Willowbrook Zoning Ordinance establishes seven (7) standards for a Special Use Permit that must be evaluated by the Plan Commission and Village Board. The applicant must meet all standards and draft responses to these standards if they wish to proceed with a petition for special use approval.



Additionally, the Plan Commission and Village Board shall not recommend or grant variations from the regulations of the Village's Zoning Ordinance unless affirmative findings of fact are made as to all of the standards set forth in Section 9-14-4.5 of the Willowbrook Zoning Ordinance. The applicant is also applying for a major change to the Planned Unit Development, and therefore the applicant must also draft responses to each of the Standards for Planned Unit Developments.

Plan Commission Feedback

The applicant is requesting information feedback from the Plan Commission about the use and concept plan. They understand that it is informal, and that the Plan Commission's future decisions could be impacted from later testimony that may be provided at a public hearing should the applicant choose to move forward. The intent is to determine if there are major roadblocks to the plan before they invest in a formal application. A summary of the discussion is to be forwarded to the Village Board via the Plan Commission minutes. No formal action in support of or in opposition to the proposed sketch plan will be taken at this stage.



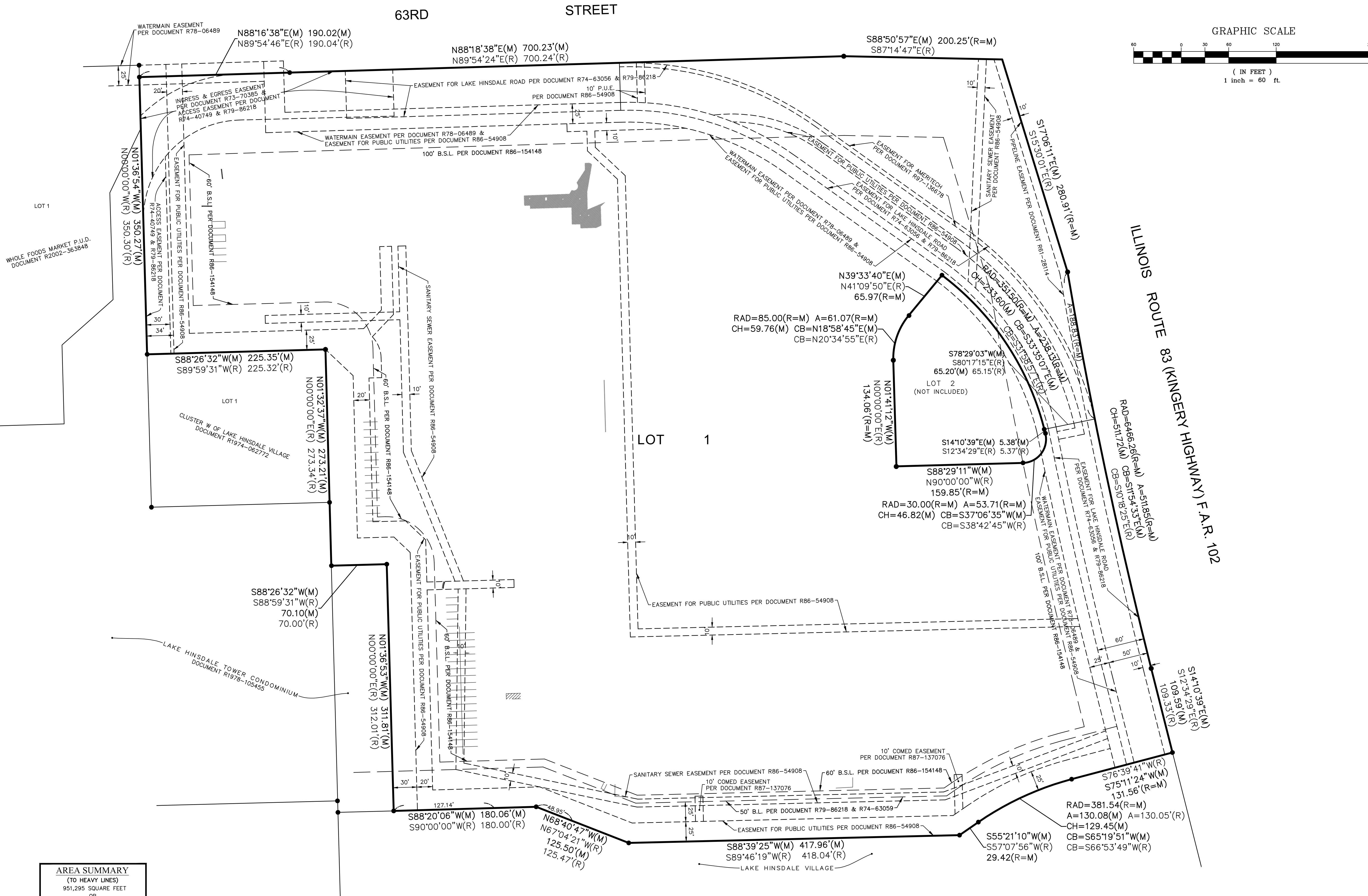
Attachment 1
Planned Unit Development Plat (3 sheets)

PLANNED UNIT DEVELOPMENT PLAT
OF
HINSDALE LAKE COMMONS

P.I.N. 09-23-101-025

LEGAL DESCRIPTION

LOT 1 IN FINAL PLAT OF RESUBDIVISION OF HINSDALE LAKE COMMONS, BEING A RESUBDIVISION OF LOTS 1 AND 2 IN HINSDALE LAKE COMMONS, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED OCTOBER 27, 2000 AS DOCUMENT NUMBER R2000-168681, IN DUPAGE COUNTY, ILLINOIS.



COMPASS SURVEYING LTD		PROJECT		DATE: 1-8-15		PC	N/A	DRAWN BY	MRA	CHECKED BY	SK	BOOK N/A PG N/A
		Hinsdale Lake Commons		NO.		REVISIONS		DATE		BY		
SWC 63rd & Rt 83 Willowbrook, IL		1		REVISED PER CLIENT COMMENTS		1-27-15		MRA				
ALTA SURVEYS • TOPOGRAPHY • CONSTRUCTION STAKING		2		REVISED PER CLIENT COMMENTS		3-13-15		MRA				
CLIENT		3		REVISED PER CLIENT COMMENTS		4-2-15		MRA				
2631 GINGER WOODS PARKWAY, STE. 100 AURORA, IL 60502		KIMLEY HORN & ASSOCIATES										
PHONE: (630) 820-9100 FAX: (630) 820-7030 EMAIL: ADMIN@CLSSURVEYING.COM		1001 Warrenville Road, Suite 350 Lisle, IL 60532										
SCALE: 1" = 60'												
1 OF 3												
PROJ. NO.: 15.0003												

ABBREVIATIONS

O.D.I.P. = OUTSIDE DIAMETER IRON PIPE
(R) = RECORD BEARING OR DISTANCE
(M) = MEASURED BEARING OR DISTANCE
(C) = CALCULATED BEARING OR DISTANCE
(D) = DEED BEARING OR DISTANCE
A = ARC LENGTH
R = RADIUS
CH = CHORD
CB = CHORD BEARING
B.S.L. = BUILDING SETBACK LINE
U.E. = UTILITY EASEMENT
D.E. = DRAINAGE EASEMENT
P.U.E. = PUBLIC UTILITY EASEMENT
P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING
P.U. & D.E. = PUBLIC UTILITY AND
DRAINAGE EASEMENT
PL = PROPERTY LINE
S.F. = SQUARE FEET

LINE LEGEND	
	LIMITS OF LAND PER LEGAL DESCRIPTION
	ADJACENT LAND PARCEL LINE
	EASEMENT LINE
	CENTERLINE
	BUILDING SETBACK LINE
	SECTION LINE

AREA SUMMARY
(TO HEAVY LINES)
951,295 SQUARE FEET
OR
21.839 ACRES
(BASED ON MEASURED VALUES)

1 OF 3
PROJ. NO.: 15.0003

PLANNED UNIT DEVELOPMENT PLAT
OF
HINSDALE LAKE COMMONS

WHOLE FOODS MARKET P.U.E.
DOCUMENT R2002-363848

WHOLE FOODS MARKET P.U.D.
DOCUMENT R2002-363848

101 Waukegan Road, Suite 320
Evanston, IL 60201

PHONE: (630) 820-9100 FAX: (630) 820-7030 EMAIL: ADMIN@CLSSURVEYING.COM

9

PLANNED UNIT DEVELOPMENT PLAT OF HINSDALE LAKE COMMONS

OWNER'S CERTIFICATE

STATE OF _____)
COUNTY OF _____)
SS

THIS IS TO CERTIFY THAT _____ IS THE OWNER OF THE PROPERTY
DESCRIBED ABOVE AND AS SUCH OWNER, HAS CAUSED THE SAME TO BE PLATTED AS SHOWN HEREON, FOR THE USES AND
PURPOSES THEREIN SET FORTH AND AS ALLOWED AND PROVIDED BY STATUTES, AND SAID OWNER, DOES HEREBY
ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE AFORESAID.

DATED AT _____, THIS _____ DAY
OF _____ A.D., 20 _____.

BY: _____ ATTEST: _____
TITLE: _____

NOTARY'S CERTIFICATE

STATE OF _____)
COUNTY OF _____)
SS

I, _____, A NOTARY PUBLIC IN THE COUNTY AND STATE AFORESAID,
DO HEREBY CERTIFY THAT _____

(TITLE) AND _____

(TITLE) OF _____ (COMPANY), WHO ARE PERSONALLY KNOWN TO ME
TO BE THE SAME PERSONS WHO ARE SUBSCRIBED TO THE FOREGOING CERTIFICATE OF OWNERSHIP, APPEARED BEFORE ME
THIS DAY IN PERSON AND ACKNOWLEDGED THE EXECUTION OF THIS INSTRUMENT IN THEIR CAPACITY FOR THE USES AND
PURPOSES THEREIN SET FORTH AS THE FREE AND VOLUNTARY ACT AND DEED OF SAID CORPORATION.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS _____ DAY
OF _____ A.D., 20 _____.

BY: _____
NOTARY PUBLIC

PLANNING COMMISSION

STATE OF ILLINOIS _____)
COUNTY OF DUPAGE _____)
S.S.

I, _____, CHAIRMAN OF THE VILLAGE OF WILLOWBROOK PLANNING COMMISSION,
DO CERTIFY THAT ON THIS _____ DAY OF _____, 20 _____ THIS PLAT OF PLANNED UNIT
DEVELOPMENT

WAS DULY APPROVED BY THE PLANNING COMMISSION OF THE VILLAGE OF WILLOWBROOK.

CHAIRMAN _____

BOARD OF TRUSTEES

STATE OF ILLINOIS _____)
COUNTY OF DUPAGE _____)
S.S.

APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK,
DU PAGE COUNTY, ILLINOIS, THIS _____ DAY OF _____, 20 _____.

SIGNED: _____ VILLAGE PRESIDENT ATTEST: _____ VILLAGE CLERK

VILLAGE ENGINEER

STATE OF ILLINOIS _____)
COUNTY OF DUPAGE _____)
S.S.

APPROVED BY THE VILLAGE ENGINEER OF THE VILLAGE OF WILLOWBROOK,
THIS _____ DAY OF _____, A.D., 20 _____.

VILLAGE ENGINEER _____

VILLAGE CLERK

STATE OF ILLINOIS _____)
COUNTY OF DUPAGE _____)
S.S.

I, _____, COLLECTOR FOR THE VILLAGE OF WILLOWBROOK, HEREBY CERTIFY THAT
THERE ARE NO DELINQUENT OR UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENTS, NOR ANY DEFERRED
INSTALLMENTS THAT HAVE NO BEEN APPORTIONED AGAINST THE TRACT OF LAND INCLUDED IN THIS PLAT.

DATED AT _____, ILLINOIS, THIS _____ DAY OF _____, A.D., 20 _____.

VILLAGE CLERK _____

DRAINAGE CERTIFICATE

STATE OF ILLINOIS _____)
COUNTY OF DUPAGE _____)
S.S.

TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THE DRAINAGE OF THE SURFACE WATERS WILL NOT BE CHANGED
BY THE CONSTRUCTION OF SUCH IMPROVEMENTS OR ANY PART THEREOF, OR THAT IF SUCH SURFACE WATER
DRAINAGE WILL BE CHANGED, ADEQUATE PROVISION HAS BEEN MADE FOR THE COLLECTION AND DIVERSION OF
SUCH SURFACE WATERS INTO PUBLIC AREAS OR DRAINS WHICH THE SUBDIVIDER HAS A RIGHT TO USE, AND THAT
SUCH SURFACE WATERS WILL NOT BE DEPOSITED ON THE PROPERTY OF ADJOINING LAND OWNERS IN SUCH
CONCENTRATION AS MAY CAUSE DAMAGE TO THE ADJOINING PROPERTY BECAUSE OF THE CONSTRUCTION OF THE
SUBDIVISION.

DATED THIS _____ DAY OF _____, 20 _____.

ENGINEER _____ OWNER OR ATTORNEY _____

COUNTY RECORDER CERTIFICATE

STATE OF ILLINOIS _____)
COUNTY OF DUPAGE _____)
S.S.

THIS INSTRUMENT _____ WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DUPAGE
COUNTY, ILLINOIS,

ON THE _____ DAY OF _____, A.D., 20 _____, AT _____ O'CLOCK AND
WAS RECORDED IN BOOK _____ OF PLATS ON PAGE _____.

BY _____ RECORDER OF DEEDS

SURVEYOR'S CERTIFICATION

STATE OF ILLINOIS _____)
COUNTY OF KANE _____)
S.S.

I HAVE PREPARED THIS PLAT FROM EXISTING MAPS, PLATS, PLANS AND RECORDS. THE PROPOSED IMPROVEMENTS DEPICTED
ON THIS PLAT ARE SHOWN FOR INFORMATIONAL PURPOSES ONLY AND ARE NOT INTENDED TO BE USED FOR CONSTRUCTION.

COMPASS SURVEYING LTD.
PROFESSIONAL DESIGN FIRM
LAND SURVEYOR CORPORATION NO. 184-002778
LICENSE EXPIRES 4/30/2015

BY: _____ DATE: _____
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. _____
LICENSE EXPIRES 11-30-16

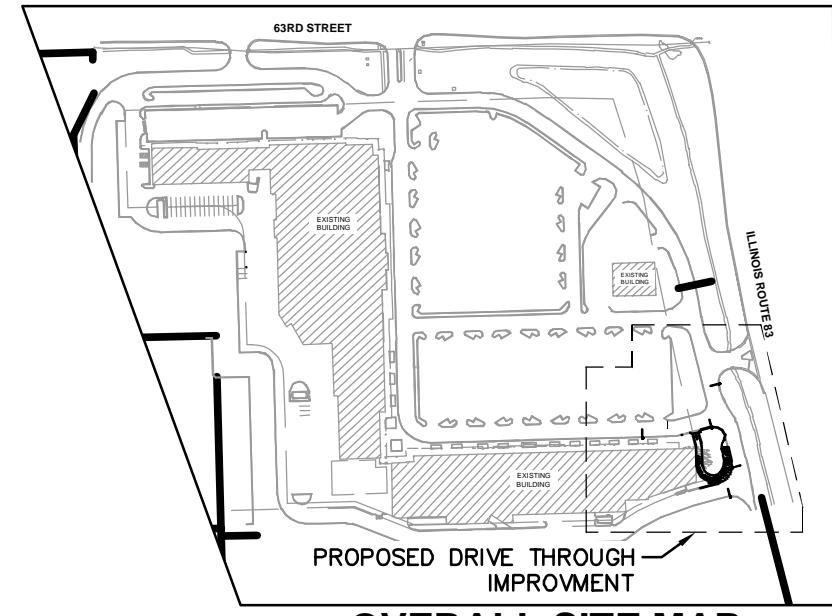
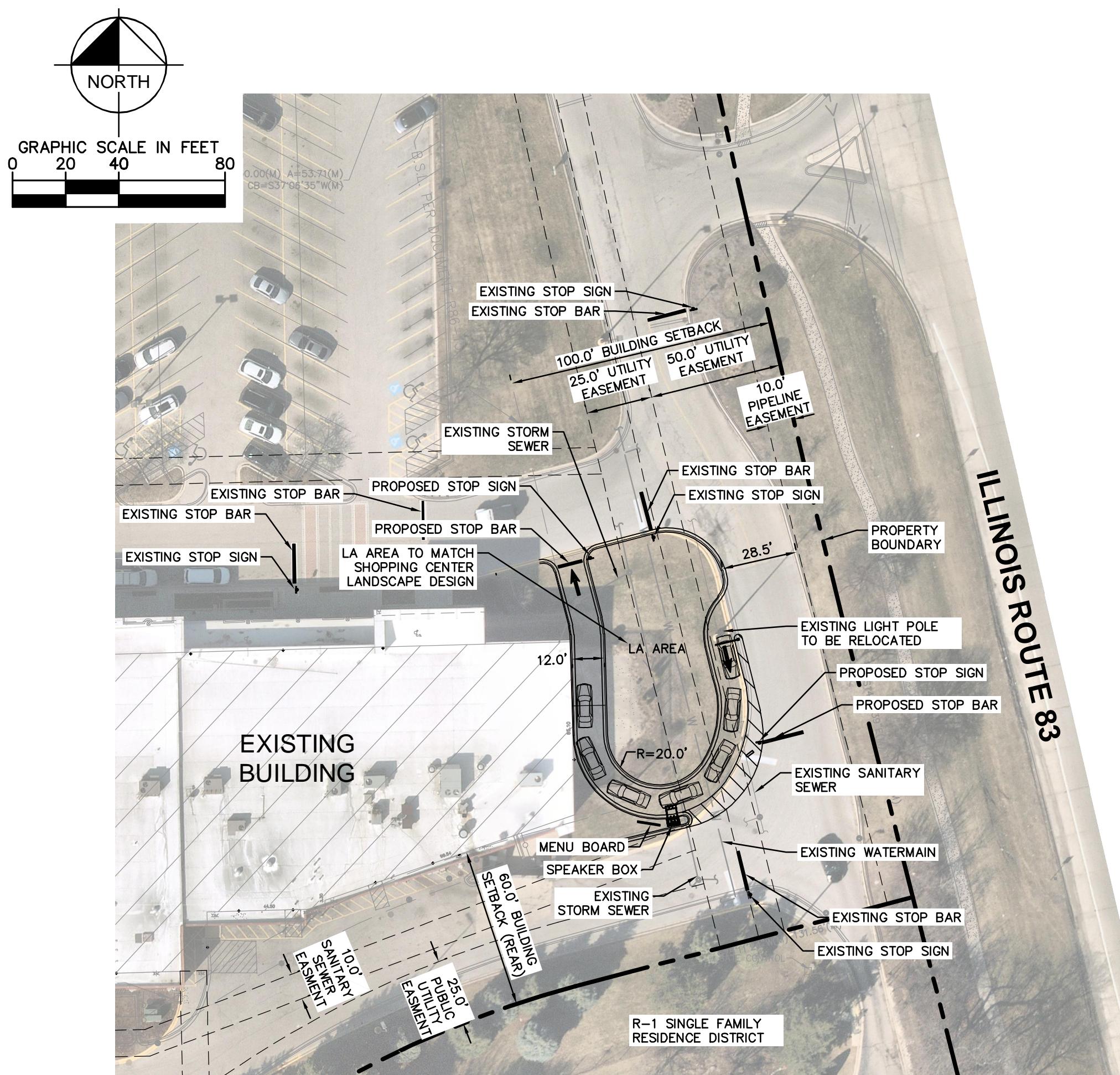
COMPASS SURVEYING LTD.
ALTA SURVEYS • TOPOGRAPHY • CONSTRUCTION STAKING
2631 GINGER WOOD ST Parkway, STE. 100
AURORA, IL 60501 FAX: (630) 836-8000 EMAIL: ADMIN@CLSSURVEYING.COM

SCALE: NONE

3 OF 3

PROJ. NO.: 15.0003

Attachment 2
Site Plans (2 pages)



**Regency
Centers.**

**HINSDALE COMMONS - SKETCH PLAN FOR
ENDCAP DRIVE THRU**

6300 KINGERY HWY, WILLOMBROOK, IL 60527

Kimley-Horn

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© 2020 WARRENVILLE ROAD, SUITE 350, LISLE, IL 60532
PHONE: 630-487-5550 WWW.KIMLEY-HORN.COM

SITE INFORMATION

CURRENT ZONING: B-2 COMMUNITY SHOPPING

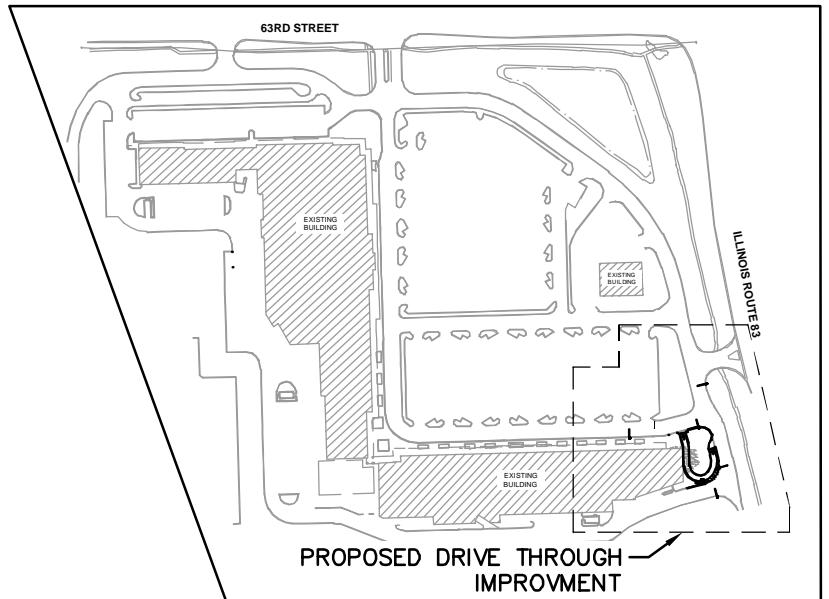
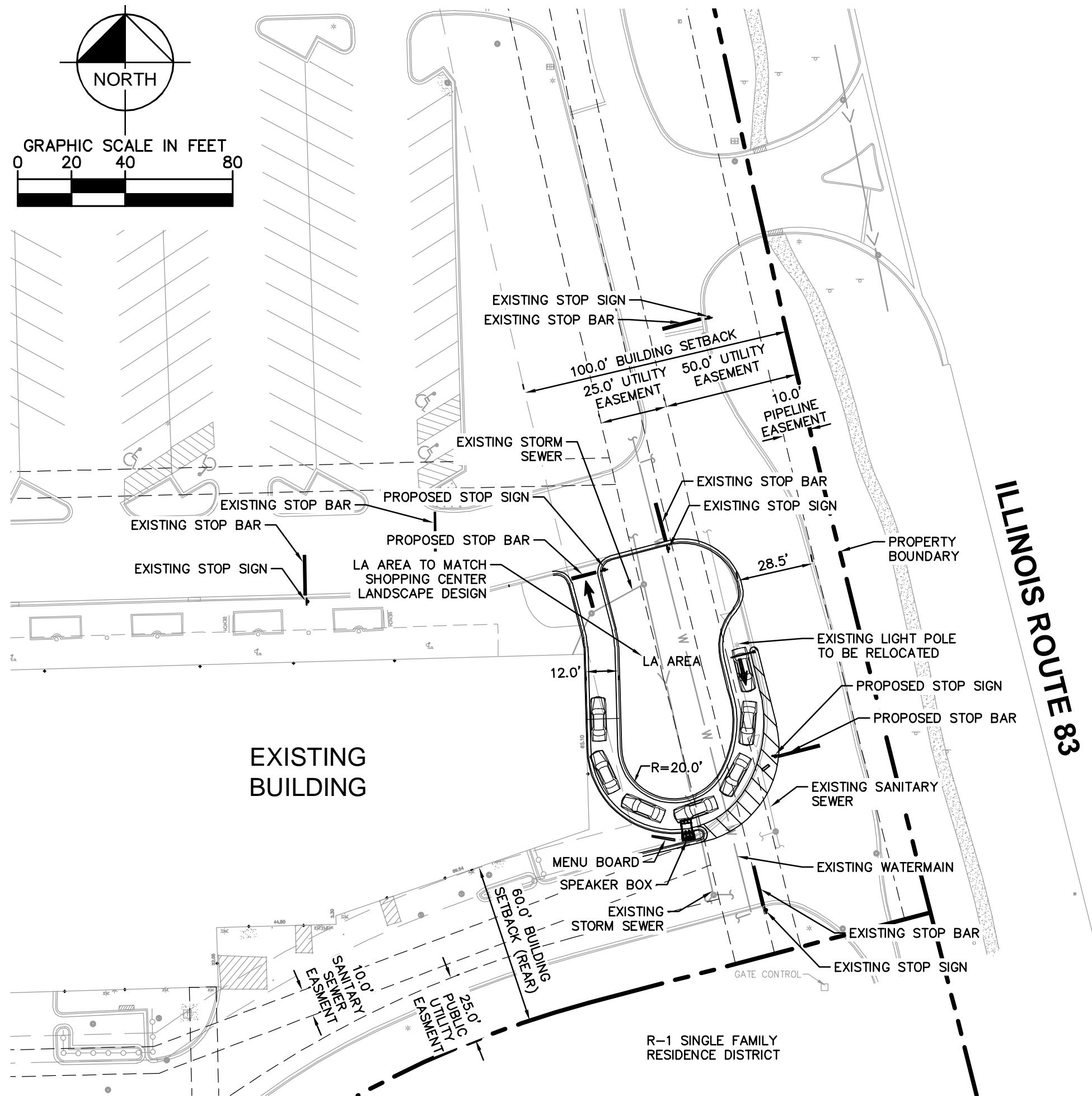
DRIVE-THRU VEHICLE STACKING:
PROPOSED: 7 VEHICLES

NOTE: NO IMPACT ON EXISTING PARKING

OWNER: REGENCY CENTERS
1211 WEST 22ND STREET SUITE 300
OAK BROOK, IL 60523

DRAINAGE NOTE:

PROPOSED IMPROVEMENTS CREATE 1,350 SF OF NEW IMPERVIOUS AREA WHICH IS LESS THAN THE ALLOWABLE 2,500 SF PER THE DUPAGE COUNTY STORMWATER AND FLOOD ORDINANCE. DETENTION IS NOT REQUIRED PER THE SAME ORDINANCE.



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