

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 "Retain 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:

2
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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16 Staff Also Present:

17 Ann Choi - Planning Consultant

18 Roy Giuntoli - Building Official

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.

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

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

6 MR. REMKUS: So moved.

7 MR. WAGNER: 2nd.

8 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:
3 COUNTY OF DUPAGE)
4

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

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

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

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

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

21 Dated: October 7, 2020

22
23 
24 ROBIN HEJNAR, RPR
CSR No. 084-004689

