

MINUTES OF THE REGULAR MEETING OF THE PLAN COMMISSION HELD ON WEDNESDAY, OCTOBER 7, 2020 AT THE WILLOWBROOK POLICE DEPARTMENT, TRAINING ROOM, 7760 QUINCY STREET, WILLOWBROOK, ILLINOIS

DUE TO THE COVID19 PANDEMIC THE VILLAGE WILL BE UTILIZING A ZOOM CONFERENCE CALL FOR THIS MEETING

1. CALL TO ORDER

Vice Chairman Wagner called the meeting to order at the hour of 7:04p.m.

2. ROLL CALL

Those physical present at roll call were Vice Chairman Wagner and Commissioner Soukup Present Via Zoom, due to COVID -19 Pandemic were Commissioners Remkus, Kaczmarek, Kaucky, Walec, and Chairman Kopp. Also, present Via Zoom were Planning Consultant Anne Choi, Building Official Roy Giuntoli and Recording Secretary Lisa Shemroske who was at the Village Hall.

3. OMNIBUS VOTE AGENDA

The items on the Omnibus Vote Agenda were as follows:

- A. Waive Reading of Minutes (APPROVE)
- B. Minutes – Special Meeting, September 23,2020

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

MOTION DECLARED CARRIED

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 Willowbrook Municipal Code.

- A. PUBLIC HEARING
Closed public hearing at 7:36 pm
- B. DISCUSSION/RECOMMENDATION

See Court Reporter Minutes for Discussion and Recommendation

MOTION: The following motion made by Chairman Kopp and second by Commissioner Remkus and all in favor

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 the PC Case Number 20-08 to amend the fence code of Sections 9-12-4(D)2 of the Zoning Ordinance.

Roll Call Vote: AYES: Commissioners Remkus, Soukup, Kaczmarek, Kaucky, Walec, Vice Chairman Wanger, and Chairman Kopp NAYS: None

MOTION DECLARED CARRIED

5. PLAN COMMISSION CONSIDERATION: Conceptual review and feedback for an Amendment to a Special Use for 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 in Willowbrook, IL 60527

A. DISCUSSION/RECOMMENDATION

Planning Consultant Choi present proposed drive- thru at 6300 Kingery Highway, Feedback and review request by Regency Center, management company of the Lake Hinsdale Shopping Center. They are seeking feedback on a proposed drive-thru lane and window at the property formerly occupied by the Juicy -O restaurant. The drive-thru would be along the east side of building. Planer Choi goes over the how the vehicles will enter and exit the drive- thru as well as the flow and stacking of vehicles. Planning staff has concerns regarding long queues for the drive- thru and impact on route 83 such as backups. Regency provide stacking capacity study conducted on nearby similar casual restaurants who also have frontage along aerial roadway.

Our Traffic Engineer reviewed study and provided a preliminary review. Some of notable comments : 1.They concur with the study finding of the proposed stacking capacity was adequate to accommodate the demand for a fast -casual sandwich restaurant use and that the impact of the proposed use on parking and traffic is anticipated to me minimal. 2. They also concur in order to minimize potential impact to on-site circulation during peak hours of operation, for special orders (taking longer than typical to process) customer should be directed to park and the

order brought out to vehicle. Designated parking spaces should be provided within in the parking lot near the drive-through exit to facilitate drive-through operations. Also used for mobile or online order pick up. 3. Should the intensity of the proposed use change (i.e. from a fast -casual sandwich type restaurant to a coffee shop of fast-food hamburger restaurant), the drive-through staking and parking would need to be reevaluated to ensure adequate operation are provided.

Planner Choi mentions concerns of increase noise for residents South of the property during evening hours. In summary Planning staff believes project is appropriate for the area and would benefit the community as well as occupy a key vacancy at Lake Hinsdale Commons.

The petitioner from Regency Centers addresses the Committee ,they feel that adding a drive- thru would be a value to this end cap, especially with visibility at this location in the Village and will drive additional leasing velocity and bring best of class to the site.

Chairman Kopp inquires if anyone has talked to Lake Hinsdale Village because of the noise and they have an entrance/exit gate there and he believes they will have concerns of that being blocked. Committee was informed that Regency has not approached Lake Hinsdale Village yet, they wanted to come to the Village first and take it from there. There has been some interest in the location, but they have been waiting until they came to the Village with the drive- through idea, but if just “As Is” no interest. The Commission is in favor of this project in exception of final plans and review. Applicant says some interest in the location, but they have been waiting until they came to the Village with the Drive through idea, but if just “As Is” no interest. He appreciates the Commissions comments and input and look forward to working with the Village.

6. VISITOR’S BUSINESS

Resident of Lake Hinsdale Village specially addresses the back gate (entrance/exit) on to Lake Hinsdale Drive, there are safety concerns, traffic backup concerns as well as on going noise concerns. Residents just south of the gate will be impacted. If not done correctly this will be decreasing their home values. No one has been approached yet and she is sure they will be interested in those plans.

7. COMMUNICATIONS

Planner Choi mentions we are having another Public Hearing on November 4, concerning PUD amendment for the Carrington Club and text amendment for outside storage at service stations, drug, and grocery stores.

8. ADJOURNMENT

MOTION: Made by Commissioner Walec seconded by Commissioner Soukup, to adjourn the meeting of the Plan Commission at the hour of 7:58 p.m. all in favor

UNANIMOUS VOICE VOTE

MOTION DECLARED CARRIED

PRESENTED, READ, AND APPROVED,

November 4, 2020

Chairman

A handwritten signature in black ink, appearing to read "David H. [unclear]", written over a horizontal line.

Minutes transcribed by Building and Zoning Secretary Lisa J Shemroske

10/7/2020

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

ROBIN HEJNAR

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

WEDNESDAY, OCTOBER 7, 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 7th day of October 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

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Lisa Shemroske - Secretary

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Commissioner Soukup - Member

7

Maciej Walec - Member

8

Catherine Kaczmarek - Member

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Leonard Kaucky - Member

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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 MR. WAGNER: Well, I would call to order the
2 meeting of the Plan Commission for October 7th, 2020,
3 and that we would open the public hearing for a fence
4 ordinance amendment of which a motion was -- or the
5 publishing was done with the Chicago Sun Times on
6 September 24th --

7 MR. KOPP: John, we need to call the role
8 first.

9 MR. WAGNER: I'm sorry. Lisa, can you call
10 the role please?

11 MS. SHEMROSKE: Sure. Commissioner Remkus?

12 MR. REMKUS: Here.

13 MS. SHEMROSKE: Commissioner Soukup?
14 Commissioner Kaczmarek? Commissioner Kaczmarek? Cathy?

15 MS. CHOI: I think she's muted.

16 MS. KACZMAREK: I'm here.

17 MS. SHEMROSKE: There you go.

18 Commissioner Kaucky, I heard "here."

19 MR. KAUCKY: Yes.

20 MS. SHEMROSKE: Commissioner Walec?

21 MR. WALEC: Here.

22 MS. SHEMROSKE: Vice Chairman Wagner?

23 MR. WAGNER: Here.

24 MS. SHEMROSKE: Chairman Kopp?

1 CHAIRMAN KOPP: Here.

2 MS. SHEMROSKE: Planner Anne Choi?

3 MS. CHOI: Here.

4 MS. SHEMROSKE: Building Official Roy
5 Giuntoli?

6 MR. GIUNTOLI: Present via Zoom.

7 MS. SHEMROSKE: And I'm recording secretary,
8 Lisa Shemroske.

9 MR. WAGNER: This is Vice Chairman Wagner.
10 Would you please show that Mr. Soukup up here is also in
11 the room with me.

12 MS. SHEMROSKE: Yes, thank you.

13 MR. WAGNER: Thank you.

14 Then I would call to order the Plan
15 Commission public hearing, October 7th, 2020, of which
16 notice was published in the Chicago Sun Times on
17 September 21st, 2020, for the fence ordinance.

18 MR. REMKUS: What about the omnibus vote
19 agenda?

20 MR. WAGNER: I'm sorry. Well, let me call
21 that first.

22 CHAIRMAN KOPP: I make a motion to approve
23 the omnibus vote agenda.

24 MR. REMKUS: I second.

1 MS. SHEMROSKE: Thank you.

2 MR. WAGNER: Thank you.

3 CHAIRMAN KOPP: All in favor?

4 ALL MEMBERS: Aye.

5 MR. WAGNER: So we can move forward with the
6 public hearing now?

7 MS. SHEMROSKE: Yes.

8 MR. WAGNER: Anne, would you like to present
9 this for the staff?

10 MS. CHOI: Yes, I would. Thank you, Vice
11 Chairman Kopp [sic].

12 Robin, I'm going to actually switch over to
13 share my screen, if you don't mind. So if everybody --
14 if anyone asks a question, please introduce your name
15 first.

16 Okay. So before you tonight is a Village
17 initiated Text Amendment to the fence code of the
18 Village zoning ordinance to address numerous complaints
19 made by various Village residents over the years
20 regarding the restrictive nature of the Village's fence
21 code.

22 As the Plan Commission may recall, the last
23 amendment to the fence code was back in 2016. The
24 purpose of this Text Amendment is to allow three

1 different conditions.

2 The first is a solid five-foot height --
3 five-foot in height fence, anywhere on the lot, except
4 for the required front or exterior side yard.
5 Currently, as the ordinance reads now, property owners
6 are allowed to have a five-foot fence which is
7 50 percent open in the same areas, so this would be
8 50 percent to go to solid.

9 Second, a four-foot fence that is at least
10 50 percent open within the exterior side yard of a lot,
11 where an exterior side yard abuts the front yard of an
12 adjoining lot. On streets other than Illinois Route 83,
13 Plainfield Road, 63rd Street, 75th Street or Madison
14 Street.

15 Currently, property owners are allowed to
16 have a four-foot-tall fence that is at least 50 percent
17 open anywhere on the lot, except in the required front
18 yard or required exterior side yard where such exterior
19 side yard abuts the front yard of an adjoining lot.

20 Planning staff, which is me, has consulted
21 with the Building Department, and the Building
22 Department has indicated that, historically, the
23 five-foot-tall and 50 percent open fences have been
24 allowed in the exterior side yards of the reverse corner

1 lots.

2 Staff finds the verbiage of existing code to
3 be very confusing and the proposed amendment would be
4 clarifying and codifying what has already been
5 previously granted; and then, lastly, the purpose of the
6 amendment would be to allow an open or solid fence not
7 greater than eight feet in height on an exterior side or
8 rear lot line where such lot lines are along Illinois
9 Route 83. So, currently, property owners are only
10 allowed to install a six-foot-tall fence along that
11 street. So, basically, that's the goal of tonight.

12 To better understand the amendment that is
13 being proposed, several illustrations of the existing
14 proposed fence standards, as they apply to their
15 specific lots, are shown in attachment one of the staff
16 report, and I'll just go there now.

17 Can everyone see my screen on Zoom?

18 CHAIRMAN KOPP: Yes.

19 MS. CHOI: All right. So, example one,
20 this example illustrates a traditional interior lot on a
21 local street. Currently, the Village allows a
22 three-foot-tall fence, which you could see in the blue
23 color, which is at least 80 percent open anywhere on the
24 lot. The Village also permits a five-foot-tall fence

1 that is at least 50 percent open, which is indicated in
2 the dotted yellow line, in the interior side and rear
3 yards only; and then in the red line, a six-foot-tall
4 fence within the buildable area of the lot, which means
5 not in any of the front, interior side or rear yards.
6 The proposed Text Amendment would allow the
7 five-foot-tall fence to be solid. So, basically, the
8 yellow dotted line, five-foot at 50 percent open would
9 turn into five-foot at 100 percent, which is solid.

10 Feel free to stop me at anytime if you have
11 any questions.

12 So this is the only change in this scenario.
13 I'm going to flip to example two now.

14 This example shows a corner lot situation at
15 the intersection of two local streets. This particular
16 one is on Clarendon Hills Road and Midway Drive.
17 Similar to example one, the Village allows a
18 three-foot-tall at 80 percent open anywhere on the lot,
19 a five-foot at 50 percent open within the rear yard and
20 interior side yard, and then a six-foot -- a solid
21 six-foot-tall fence within the buildable area; and then
22 the only change would be, that that 5-foot, 50 percent
23 open would be a solid five-foot within the same area.

24 Okay. Example three illustrates a reverse

1 corner lot situation at the intersection of two local
2 streets. The lot to the north is a typical interior
3 lot; and the types of fences permitted, they were
4 already described in example one. The lot to the south
5 is a corner lot whose exterior side yard abuts the front
6 yard of its neighbor.

7 The way the code is currently written,
8 there's a four-foot-tall fence, which is supposed to be
9 50 percent open, which is allowed in the same area where
10 the five-foot-tall at 50 percent open fence would be
11 allowed, so that part just read confusing to me.

12 Therefore, staff proposes the Text Amendment
13 to allow what the Village has already allowed property
14 owners -- to install a four-foot fence, which is
15 50 percent within the exterior side yard.

16 The rationale behind allowing a taller fence
17 is that the exterior side yard and these corner lot
18 situations are usable, and, therefore, it should be
19 afforded more privacy. I'm going to just blow this up a
20 little bit, because there are cases where a portion of
21 the rear yard will abut the front yard, and, so, this
22 portion will also have to follow the four-foot at
23 50 percent instead of the five-foot at 100 percent.

24 Any questions so far? Okay.

1 There's also a condition in the code that
2 states that the intersection of the lot lines in any
3 corner situation -- no, I think fences that are five
4 feet or above cannot be installed within 50 feet of that
5 intersection. So that's what this dark circle denotes.

6 All right. I'm going to jump to example
7 five -- I'm sorry, example four. So this is also
8 another corner lot situation, however, the front yard
9 and the exterior side yard are now abutting one of the
10 major arterials. The arterials listed in the code are
11 Plainfield Road, 63rd Street, 75th Street, Madison
12 Street and Kingery Highway.

13 So in this situation a five-foot-tall fence
14 is permitted anywhere on the lot except the front yard
15 for interior lots; and then in the corner lot, you're
16 permitted to have a five-foot at 50 percent within the
17 exterior side yard; and then, because this is on Madison
18 Street, you're also allowed to construct a six-foot-tall
19 solid fence. This is the way our current code reads
20 right now, okay? So the proposed Text Amendment would
21 now turn these dotted -- yellow dotted lines into solid
22 lines. So you would have a 5-foot, 100 percent privacy
23 fence, and that's basically the only change, really, in
24 that situation.

1 Oh, also, that little portion here, where
2 the rear yard abuts the front yard is now going to be
3 from four feet, 50 percent, to five feet, 50 percent.

4 I'm going to jump to example five. This is
5 a corner lot situation of a lot whose exterior side yard
6 is along Kingery Highway. So, currently, they're
7 permitted a solid six-foot-tall fence along Kingery.
8 We're going to change that to eight feet, okay? And
9 then I've listed just the affected properties along
10 Kingery Highway at the bottom of the page.

11 Example six is another -- it's a thru lot on
12 Kingery Highway with its rear yard on Kingery. It's
13 going to, again, go from six-foot solid to eight-foot
14 solid, and then the affected properties are located down
15 below.

16 So Village staff also researched zoning
17 ordinances from nearby communities of Burr Ridge,
18 Clarendon Hills, Darien and Hinsdale. The summary
19 containing the results are on -- included as attachment
20 two, which, I believe, are on page 37. So this is just
21 a chart summarizing how Willowbrook fares against the
22 different communities.

23 These four communities range in complexity,
24 and the way that some of the rear lots are arranged

1 versus the interior lots, some of them are different
2 from each other. The Village of Burr Ridge appears to
3 have the most restrictive regulations, as they require a
4 maximum height of five feet, at least 50 percent open,
5 that cannot extend further than the rear wall of the
6 principal building. Let me just blow this up here. So
7 you will see this is the principal building and rear
8 yard, and fences cannot be permitted past this line
9 here, okay?

10 Let's see, Hinsdale, Darien, and Clarendon
11 Hills allow fences up to six feet in height anywhere on
12 the lot except in the front yard, which you'll see in
13 red. So that's Clarendon Hills, Darien and Hinsdale.

14 Darien doesn't appear to require minimum of
15 percentage of openness, and fences are prohibited in the
16 front yard. In comparison Willowbrook appears to fall
17 somewhere in the middle of these communities. It allows
18 solid fences that are up to six feet in height within
19 the buildable area of the lot, up to five feet in height
20 at least 50 percent open to be located anywhere on the
21 lot except for front and exterior side yards for corner
22 lots.

23 On arterial streets, Willowbrook allows
24 fences with a maximum height of six feet along Kingery

1 Highway, Plainfield Road, 63rd Street, 75th Street, and
2 Madison Street, as we discussed earlier. Darien and
3 Hinsdale permit fences with the maximum height of eight
4 feet along their major arterials. Hinsdale also
5 requires fences to be open, which means more than
6 33 percent.

7 So, in conclusion, staff supports the
8 proposed Text Amendment. This was a lot of information,
9 so, obviously, I'm open to questions, but if Plan
10 Commission is supportive of this petition, a sample
11 motion can be found on page six of the staff report.

12 MR. WAGNER: Thank you, Anne.

13 Do any of the commissioners have any
14 questions?

15 MR. REMKUS: I have one. On -- where you
16 have these short pieces of fence by the front yard to a
17 backyard or a side yard, it doesn't make much sense to
18 have a little section of fence in there, maybe for eight
19 feet or something, or ten feet, when it would look a lot
20 better to have it completely done in, say, a five-foot
21 solid fence. Those little areas there -- and that just
22 makes it more convenient for somebody to jump over it or
23 do something like that.

24 To me it just doesn't make any sense. If

1 you're going to allow it all the way, and there's a
2 ten-foot piece or something that would complete it, just
3 because it's facing a front yard or something, I just
4 don't think that makes much sense.

5 MR. WAGNER: Thank you.

6 MS. CHOI: You're talking about -- I'm
7 sorry, I'm going to zoom in on this. So you're saying
8 that --

9 MR. REMKUS: No. 3.

10 MS. CHOI: Yeah, so you're talking about this
11 stub here? Can everyone see my screen? I apologize.

12 MR. REMKUS: No.

13 MS. CHOI: No wonder. Okay. Here, I have
14 example three, and you're saying why not complete that?

15 MR. REMKUS: Right, that little piece there.
16 It doesn't make sense to have that as a four feet at
17 50 percent when everything else is five-feet solid.

18 MS. CHOI: Okay.

19 MR. REMKUS: That should be allowed in that
20 to complete the fence properly.

21 MS. CHOI: Roy, I know you and I discussed
22 this before, and there was a reason why that was a
23 requirement.

24 MR. GIUNTOLI: Again -- thank you, Anne.

1 Chairman Remkus, there was a couple of
2 instances where, as that interior lot on Brookbank,
3 their front yard -- you know, they only get three-foot,
4 80 percent on their front yard; and let's say the Midway
5 lot -- because it's their exterior side yard, you know,
6 they're afforded four-foot. It was one of those
7 compromises where the property on Brookbank didn't have
8 to view a five-foot solid fence at the front of their
9 house.

10 Now, I agree with you, that it's an odd
11 little section that isn't the same as the other two
12 sides of it, however, we were just trying to avoid,
13 possibly, a complaint from someone's property that is on
14 the front yard having to lookout at a solid fence, but
15 you're right, it is a small amount, and if the
16 Commission deems that to be a non-issue, well,
17 obviously, staff will go along with it. That's just the
18 way it was actually written before, and we didn't change
19 it.

20 MR. REMKUS: Right.

21 MR. GIUNTOLI: Only because it wasn't --
22 because we didn't want the people in the front yard
23 having to look at a solid fence, now that we're going
24 with a solid fence, rather than a 50 percent open fence.

1 MR. REMKUS: I see your point there, but
2 I've always disagreed with the way some of this fence
3 thing has been done; and if you look at this photo here,
4 if the guy was looking out his front window, say, from
5 the northeast corner of the house, he wouldn't be able
6 to see through the existing solid fence there anyway.
7 So, just that little piece is not going to block any
8 more of a view for anybody, that you would have to
9 eliminate the solid five-foot fence by that exterior
10 side yard, between the property line for it not to block
11 his view.

12 MR. GIUNTOLI: You're right.

13 Anne, would that be a difficult change in
14 the wording?

15 MS. CHOI: No, not at all. It would not be
16 difficult.

17 MR. GIUNTOLI: Okay. I knew we wouldn't
18 have a problem with that.

19 MR. REMKUS: I think we kind of roll with
20 it, see what happens. Just my opinion.

21 MR. GIUNTOLI: I agree with rolling it and
22 see what happens, but "see what happens" is staff
23 dealing with homeowners.

24 MR. REMKUS: I know, Roy, sorry about that.

1 MR. GIUNTOLI: I'm just saying. That's
2 okay, I'm just saying, and angry homeowners at that
3 point.

4 MR. REMKUS: I think the --

5 MR. GIUNTOLI: But I got you.

6 MR. REMKUS: If you fill that little
7 section, then it wouldn't block any view.

8 MS. CHOI: Right.

9 MR. GIUNTOLI: Hindsight being 2020, we'll
10 probably get less complaints from the neighbor than the
11 person putting the fence in. So, again, I don't have a
12 problem with it.

13 MR. REMKUS: Okay.

14 MR. GIUNTOLI: Thank you.

15 MR. WAGNER: Any of the other commissioners?

16 CHAIRMAN KOPP: Anne, so I think the effect
17 of this is obviously going to be, we're going to get a
18 lot of stockade fences installed in the Village, and
19 people have been calling and asking for that?

20 MR. GIUNTOLI: Would you like me to take
21 that one?

22 MS. CHOI: I think -- you know, I've only
23 been here since 2018, but what I feel is that the
24 Village has never granted variations from the fence

1 code, and I don't think we will in the future.

2 There have been a lot of complaints that our
3 fence code is too restrictive, and most -- I think Roy
4 mentioned 80 percent of the calls that he gets is that
5 they want to put solid fences that are five-foot-tall in
6 their interior side yards, because of -- some people
7 have kids in their yards, and then aggressive dogs of
8 their neighbors can poke their noses through, through
9 the fence.

10 So I feel like -- in the staff report, the
11 first point of just converting that five-foot tall,
12 50 percent open to solid would eliminate 80 percent of
13 the complaints.

14 MR. GIUNTOLI: Roy Giuntoli concurs with
15 that statement.

16 CHAIRMAN KOPP: My own subdivision, I think
17 we're prohibited from having stockade fences, so it's
18 certainly not my fight, but that's obviously going to be
19 the result of this, there's going to be a lot of
20 stockade fences instead of nicer, wrought iron-type
21 fences.

22 MR. GIUNTOLI: Correct.

23 Now, there's another thing, Chairman Kopp,
24 that we ask for when we get a fence permit. We ask if

1 there's any HOA restrictions, or we ask if there's an
2 HOA that needs to sign off on this; because let's say
3 your neighbor comes in, there's a distinct chance that
4 either we don't get told, you know, the truth, that
5 there is no restriction, or we don't get told that
6 there's an HOA, or any of the above, and there's a
7 possibility one may sneak through.

8 This probably wouldn't be a bad idea if
9 anybody knows of any HOA's that do restrict it. You
10 might want to send that out in a newsletter to all
11 members of the HOA stating, "Please note that solid
12 fences are still not allowed in this subdivision."

13 For example, Carrington Club isn't going to
14 be allowed any fences for example. So if one comes in
15 to put a fence up, we're automatically going to say no
16 to them, but I know that.

17 See, your subdivision, Chairman Kopp, I
18 didn't know that you had a restriction.

19 CHAIRMAN KOPP: I believe that's the case,
20 but in any event, I'm okay with it, and just want
21 everybody to realize there's going to be a lot more
22 stockade fences that are now being built as a result of
23 this change.

24 MR. GIUNTOLI: Just so you know, there's

1 probably -- I don't know the number. I bet there's
2 plenty of non-compliant fences out there that people end
3 up putting up without a permit because they want solid
4 fences. So we've had to go out and catch a lot of
5 people, and we actually had a couple people take them
6 down in the past. It's been a couple years since that
7 happened, and I'm sure there's a couple out there that
8 we don't know about, but we end up hearing about them
9 from a neighbor who applies for a permit for solid
10 fences, and we say it's not allowed, and, of course, we
11 get, "Well, my neighbor has one," and we find out that
12 the person doesn't have a permit -- never got a permit
13 to do it, and we have to go after them subsequently.

14 So, so many times people want to put solid
15 fences in. Again, it's the Plan Commission and the
16 Board of Trustees who have the final say in it, but the
17 bottom line is it's more often than not requested, and
18 that's just the way it is.

19 MR. WAGNER: Any other comments? Are there
20 any comments from the public at this point, if anyone is
21 online?

22 MS. NEALE: Yes, this is Helen Neale. I
23 would appreciate being able to make a comment.

24 (Whereupon, Helen Neale is duly

1 sworn.)

2 MR. WAGNER: Thank you. Please proceed with
3 your question.

4 MS. NEALE: On your item No. 4 on this
5 fencing, I'm going to come at it from a little bit
6 different perspective, as a person that has lived in a
7 home along Route 83 for 21 years, and in that 21 years,
8 the landscape, noise, et cetera, has definitely changed,
9 and it's always been -- each year it gets a little bit
10 worse.

11 Separately, as a trustee, I must receive
12 between 15 and 18 complaints in the last three years in
13 regards to sound/noise. Can't we do something along
14 here? We need some help. We need some higher fences.
15 Higher fences, a solid fence would help us with some
16 sound traveling, which many of us know, to block sound
17 traveling ends up being a combination of sound waves
18 being blocked by ether earth burns and/or wall.

19 So I look at this fence amendment as being
20 something that many of our residents have been begging
21 for in certain areas, separate from the Brookbank
22 situation. I'm talking strictly along the Route 83.
23 They have been waiting and wondering about this.

24 Now, we have been getting a lot of

1 complaints in the last year-and-a-half from a couple
2 homeowners associations who back up into Route 83 that
3 are interested in possibly then reaching out to other
4 government agencies of where their property line would
5 be to install their own type of fencing. So I believe
6 that these changes would help a significant amount of
7 our residents who have been living with this, and it has
8 been progressively worse, and this came up as a constant
9 in the recent Route 83 cord study. This was constant,
10 constant, constant.

11 So I appreciate that this is being done, and
12 I appreciate that we're giving some possible help in
13 relief for those that live along the Route 83 corridor.
14 Thank you.

15 MR. WAGNER: Thank you for your comments.

16 Once again, are there any other comments
17 that would like to be made? The only one that I would
18 like to bring up is, I believe the discussion about
19 Route 83 with an eight-foot solid fence is a great idea
20 because the state or county hasn't done anything about
21 that, and we've allowed something similar to it at a
22 six-foot height, which I think the eight-foot height
23 would be necessary in some cases, but conceptually, I
24 think the Village is possibly making a major change here

1 because the community has been very open in the past
2 without the, quote/unquote, stockade fences with the
3 exceptions of these major roads, and I have a bit of
4 concern that we will have a rash of solid fencing around
5 every property or interior lot, and I believe that that
6 will essentially close in the community, but that's my
7 thought process on it at the moment.

8 CHAIRMAN KOPP: Vice Chairman, that was also
9 my concern, but I agree about Route 83 and the major
10 roads. I don't care if they're ten feet out, I don't
11 care if they're 20 feet out. I think those folks should
12 be able to do whatever protection they want. I'm more
13 concerned about within the interior of the community.

14 MR. REMKUS: I don't think that's intrusive
15 myself, being six-foot tall. I can look over the
16 five-foot fence, I can't look over a six-foot fence, so
17 it's -- I think for the -- what we see today, and giving
18 some people the ability to protect their children out
19 there in these backyards, because it seems like we get
20 more and more weirdos running through the area all the
21 time, that I think it would give some people peace of
22 mind, and at least help out in that area.

23

MR. WAGNER: Okay. With that, I guess we

1 Anne?

2 MS. CHOI: Do we have to close the public
3 hearing? Would the commissioners like to discuss
4 amongst themselves?

5 MR. WAGNER: I think we can close the public
6 hearing at this point. I guess we need a vote on that.

7 Lisa, is that correct?

8 MS. SHEMROSKE: Usually, I thought we just
9 close it and go to discussion. Am I right?

10 CHAIRMAN KOPP: You're right.

11 MS. SHEMROSKE: Okay.

12 MR. WAGNER: With that then, I would move to
13 close the public hearing, and we can continue our
14 discussion amongst the commissioners at this point.

15 CHAIRMAN KOPP: As far as that discussion, I
16 will vote for this. I do have concerns about stockade
17 fences, but I want people to be able to do what they
18 want to do with their property, so I will be voting for
19 this.

20 MS. SHEMROSKE: And second?

21 MR. WAGNER: Someone needs --

22 CHAIRMAN KOPP: Someone needs to read the
23 motion.

24 MR. WAGNER: I can do that.

1 The proposed motion for this change to the
2 ordinance would be based on the submitted petition and
3 testimony presented. I would move that the Plan
4 Commission recommend to the Village Board approval of
5 the Text Amendment presented on page 2 to 5 of the staff
6 report for Plan Commission Case No. 20-08, to amend the
7 fence code of Section 9-12-4D2 of the zoning ordinance,
8 and also to recommend the change in the discussion of
9 Building Commissioner Giuntoli concerning this small
10 portion of fence that was discussed on the corner.

11 CHAIRMAN KOPP: I'll make that motion.

12 MR. REMKUS: Second.

13 MS. SHEMROSKE: Okay. We'll do a role
14 call -- a role vote, please.

15 Commissioner Remkus?

16 MR. REMKUS: Yes.

17 MS. SHEMROSKE: Commissioner Soukup?

18 MR. SOUKUP: Yes.

19 MS. SHEMROSKE: Commissioner Kaczmarek?

20 MS. KACZMAREK: Yes.

21 MS. SHEMROSKE: Commissioner Kaucky?

22 MR. KAUCKY: Yes.

23 MS. SHEMROSKE: Commissioner Walec?

24 MR. WALEC: Yes.

1 MS. SHEMROSKE: Vice Chairman Wagner?

2 MR. WAGNER: Yes.

3 MS. SHEMROSKE: And Chairman Kopp?

4 CHAIRMAN KOPP: Yes.

5 MR. WAGNER: All right, I think we can stop
6 the court reporter at this point.

7 (WHICH WERE ALL THE PROCEEDINGS HAD.)

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1 STATE OF ILLINOIS)
2 COUNTY OF DUPAGE) SS:
3)

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 was by me duly sworn to testify
8 to the truth, the whole truth, and nothing but the
9 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 21, 2020

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22
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24


ROBIN HEJNAR, RPR
CSR No. 084-004689

