

VILLAGE OF WOODRIDGE
PLAN COMMISSION MEETING
Regular Meeting of December 7, 2015

A regular meeting of the Plan Commission for the Village of Woodridge was held at 7:30 p.m. on Monday, December 7, 2015 in the Board Room of the Village Hall, Five Plaza Drive Woodridge, Illinois.

I. CALL TO ORDER

Chairman Hendricks called the meeting to order at 7:31 p.m. He then introduced two new Planning Commissioners Debra Hendle-Kinnunen and Isaac Hulbert.

II. ROLL CALL

Upon roll call the following were:

Present: Balogh, Gaspar, Hendle-Kinnunen, Hulbert, Mast, Przepiorka, Hendricks

Absent: None

Director of Community Development Michael Mays, Senior Planner Jenny Horn, Planner Jason Zawila and Recording Secretary Peggy Halper were also present.

III. APPROVAL OF MINUTES FOR THE SEPTEMBER 21, 2015 MEETING

Commissioner Przepiorka made a motion, seconded by Commissioner Gaspar to approve the minutes from the September 21, 2015 meeting with no changes. A roll call vote was taken:

Ayes: Przepiorka, Gaspar, Balogh, Hendle-Kinnunen, Hulbert, Mast, Hendricks

Nays: None

Motion passed

IV. PUBLIC COMMENT (ITEMS NOT RELATED TO THE AGENDA)

Dennis Scinto, 1214 Meadowwood Avenue, Woodridge, said he has some concerns in regards to a possible proposal for the property along 83rd Street and Lemont Road. Some of the concerns stated include the amount traffic that would increase with the proposal and environmental concerns. The possible facility that would be going in would be 24/7 with two warehouses that would have a combined total of 66 loading docks, which is a tremendous amount of truck traffic.

Mr. Scinto stated the property is adjacent to a residential area. After doing some research, he has failed to see how any other area is impacted the way their area is impacted. They are looking at 250 to 300 trucks coming there daily with a residential area next to it. The area has public schools, access to neighborhoods, and there is a safety concern for the children in the area. With that amount of truck traffic there are the concerns of air pollution, a potential for hazmat issues, and damage to the wetlands

in the area. The footprint for the second warehouse that they are proposing to the north is directly on wetlands.

Mr. Scinto said as the Commission can see there are quite a few people present tonight that are opposing this proposition to move forward with this proposal. He hopes that the Commission will take into consideration what they have to say tonight. He and his wife have lived in the Village for 27 years and feel that the Commission has done a fabulous job building a community. However, this project is in the wrong spot. He understands the tax revenue that will be generated with this and most of the people present tonight are pro-business. The problem they have is the environment that this is going to create and down the line this is going to be an issue. They need to oppose this project going forward and give it consideration to go somewhere else. He stated he has a handout for the Commission in regards to a best practicing guide for warehousing and community development. He stated that as one reads it you will see that this area is not the right place for this project.

Chairman Hendricks stated just so he and the audience are aware, the Commission has not received any documentation for this project. He applauds everyone coming out tonight and being pro-active. Seeing their presence tonight has let the Commission know that this is a serious issue for the residents. When this proposal comes before them they will make sure that they take the actions necessary to make sure things are done properly.

Lenore Vidal spoke next and said she wrote two quick memos that were distributed earlier today and she is not sure if the Commission had a chance to read them. She is currently a resident and has lived there for about a year. She too has concerns that relate to the environmental issues, but would also like to talk about the tax revenue stream. She is a tax director of an IT company and has been involved in both the legislation drafting for the sales tax source and regulations for the State of Illinois. The main point of the memo is that the use of space there would generate more sales tax revenue if it was a different kind of office space. The new regulations encourage sales tax sourcing for more traditional office locations. The agreements that Woodridge currently has in place were all entered into prior to the regulation change. She would like to have a conversation off-line with some of them about the impact of what some of those specific regulations are and will not take up anymore of the public's time discussing it.

Ms. Stewart stated her second memo dealt with the wetland issue and the fact that it is a federal protected wetland. The County has not only confirmed that it is a flood plain area but it is also a wetland which has not been delineated by official study for several years. The plans that were shared with them, which she has included as an attachment to her memo, would not only infringe on the wetlands and the flood plain, but also on the buffer zone. They realize that the Commission has not received a formal proposal, but it is her opinion that the wetlands would restrict the land mass that is taken up by the potential building in the area to approximately a 1/3 of the size that is proposed. As a resident she enjoys the open space where she lives and would like to see it stay that way. As a tax attorney she appreciates the business development and the encouragement of

revenue stream for the Village but feels that there is a better balance than what is being used.

Rosemary was the next resident to speak. She said she is also a resident that has similar concerns. Many of the residents did gather and it is quite an accomplishment for this many people to come out to a meeting. At that gathering they had created a list of their concerns related to this project. The list is three pages long and they are hoping to do further research going into these meetings and hope to prioritize and condense going into future meetings.

Rosemary stated she would like to switch gears and talk about solutions. They would like to work with the Plan Commission and the Village to move forward with a solution for this piece of land. They have backgrounds including attorneys, community organizers, engineers, developers, trucking industry experts, distribution heads, and concerned parents. They want to take into account all interested parties in developing this land which include the property owners that want to sell, the ones that want to stay, neighbors, Village of Woodridge, and beyond because it is on the Village corridor. The property communicates that first impression of the Village of Woodridge and they want it to be a positive one and something other than the land of loading docks.

Rosemary said they did reach out to the Village Planner to seek the decision matrix that might be utilized to make these types of alternative land use decisions and found that one does not exist. She then handed out to the Commission a sample of best practice technique used in decision making. It is an objective quantifiable means to evaluate a variety of options and choose among several alternatives. It is especially useful for complex decisions with multiple criteria. If revenue was their only consideration then the answer would be straight forward. There are so much more criteria that plays into this decision and this allows them to systematically and objectively choose the best alternative. So to do that they would identify the criteria that is important in making these land use decisions, weigh their importance, and then score each option.

Rosemary stated that this is expected to produce the most optimal decision. She wants to clarify to their knowledge that the Village does not currently utilize an objective quantifiable means to evaluate alternative land uses. Where that has led is the current structure that is on that tract of land, storage facility that was recommended by the Plan Commission to be built, that is currently experiencing somewhere between a 50% and 100% vacancy rate. This is a concern to the residents. That vacancy rate coupled with the current dissatisfaction of some of the neighbors with that development, suggest that it makes sense that the Plan Commission needs to be open to trying a more liable approach. There is overwhelming evidence that this produces optimum decisions and the benefit is that it would be more quantifiable and less subjective and take a little more of the emotion out of it. She strongly recommends that moving forward that we operate with this in our Village. They would like to work with the Commission to help develop one.

Rosemary stated she would like to add that there is a big difference between office research and industrial particularly next to a residential community. On the website this is only listed under industrial. There is no marketing effort aimed at office/research and they would love to see that corrected as well. She asked for everyone in the audience to stand up that are in favor of something other than what is possibly being proposed for that area. Everyone in the audience stood.

Chairman Hendricks said it looks like they have put a lot work into proving a point. One recommendation he would have would be to combine the efforts and submit one document to the Village that outlines clearly and concisely what their concerns are and solutions and if there is any other documentation, they should submit that as well. He then asked if there were any more comments.

Mr. Mays, Director of Community Development, stated if there is anyone present tonight that was not at the Village meeting on Thursday night, make sure they write down their contact information. The Village has not received a formal application yet for this development. Village staff is committed to informing everyone on the contact list once a formal application is received. They will also let everyone on the list know when it is being considered by the Plan Commission as well as the Village Board.

Commissioner Przepiorka said he also agrees that it is great to see all the residents come out and feels that there needs to be more participation from residents. There are a lot of cases that they hear and nobody shows up. A few of the presenters had eluded to other potential solutions for this area. He asked what type of developments, understanding that the owners of the property have the right to develop that land under the zoning laws, would they feel comfortable having next to their homes.

Rosemary stated if you look at that decision maker there are a couple of ideas for potential solutions. She had just found out about this a week and a half ago from neighbors and not from the Village. There are some suggestions like open space, bike path, club sport facilities, homes, medical buildings, daycare facility are a few options.

Greg Hubert said he has lived in the Village of Woodridge since 1975. Before he bought his current home, he had wanted to know what was going to go in around him. He went to Downers Grove Planning Department and they had showed him maps of what was planned for the area. Downers Grove Township had plans for the entire area and they showed what areas were going to be incorporated into Woodridge and what use the land was going to be. The land between their community and Lemont Road was designated as professional office buildings and not an industrial building. The expectations for that area have been very different. He understands that with the economy there have been difficulties, but Lemont Road is a very busy street. He would just like to make the point that there has been a long term expectation for that area and it is very different then this potential project would be. The Village of Woodridge is the Village of progress and people pick to be in Woodridge because of that moto. Industry and business in a community is important but there has been a long term plan. He

picked his neighborhood based on what he was expecting around him. There is something that could be better for Lemont Road than this potential project.

Ms. Stewart came to the podium again and stated that in order to accommodate the new Illinois sales tax and regulations you need taxable sales, so no service industry related things, or no transportation. There is a variety of criteria that you have to fulfill under the new five point test. The five factors that need to be filled are that your senior leadership have to be involved, essential back office operating like billing, legal and finance, more of headquarters operation than a transient operation. This particular building seems to be built for purposes of transportation industry or for purposes of multiple leases using trucking industry etc. The more typical use for sales tax after the regulations would be to have a headquarters, which could still have a large building or to have multiple sales offices. Those would qualify under the new rules for sales tax sourcing. If you do not fulfill the new regulations businesses are changing to store everything outside of Illinois. There is a whole shift of revenue that is shifting outside of the State. She said she is willing to discuss this at a later date with anyone. In general, more traditional office space involving sale representatives would be what they would like to generate the most sales tax revenue.

Chairman Hendricks asked if there were any further comments from the audience or from the Commission. None responded.

V. CONSIDERATION OF CERTAIN PROPOSED ZONING TEXT AMENDMENTS TO TITLE 9 OF THE VILLAGE CODE, THE ZONING ORDINANCE OF THE VILLAGE OF WOODRIDGE.

A. Public Hearing

Chairman Hendricks called the public hearing to order. He then reviewed the application before the Plan Commission verifying that all required public notices had been given. A copy of the certificate of publication shall be made part of this public hearing record as exhibit "A". He then asked for staff to make a presentation.

Jason Zawila, Planner for the Village of Woodridge, was sworn in and stated he would like to make staff's report part of the public hearing record as exhibit "B". He said the Plan Commission reviews text amendments to the Zoning Ordinance, Title 9, and the Subdivision Regulations, Title 10, and provides recommendations on the changes to the Village Board. Staff is proposing text amendments to the Municipal Code, including proposed amendments to Title 9, which are the zoning regulations. The first set of amendments provided in attachment A, pages 1 through 7, in staff's packet, is to the sign ordinance. Amendments are in light of the recent Reed v. Town of Gilbert decision of the U.S. Supreme Court. As background to that case, the Reed case involved non-commercial sign regulations which incorporated different rules and sign regulations based upon the type of non-commercial message being conveyed. Village staff reviewed the ordinance and did find instances where non-commercial signage regulations of the sign ordinance possess some similarities to the Town of Gilbert's

regulations. Staff is recommending the proposed changes as demonstrated in Attachment A. This includes reclassifying political signs into a general category which will include all non-commercial signs and amending provisions that will remove the ability to place temporary real estate direction signs in the Village right-of-way, when no other temporary off premise directional sign is allowed.

Mr. Zawila said the next set of amendments that will be discussed is in attachment A, pages 7 and 8. Currently, the Zoning Ordinance does not specifically address human signs or hand held signs. Staff proposes interpreting human signs to be temporary signs under the existing definition in the Zoning Ordinance. With the amendment a definition is proposed for human and hand held signs. Because of recent concerns of human signs proximity to the roadway, a distance restriction is also being recommended with the proposed amendment.

Mr. Zawila stated the next set of amendments to the sign ordinance are found in Attachment A, pages 9 through 13. In communicating with sign contractors over the years there is often confusion on how to calculate sign areas for signage. Staff is recommending the inclusion of sign measurement diagrams with graphics to illustrate how one can determine the regulations. There are no proposed changes to the area regulations, just diagrams to assist in making the ordinance more user friendly.

Mr. Zawila said the last set of amendments is related to the reflexology establishments. The proposed zoning amendments include a definition for reflexology which is consistent with the licensing regulations that are going before the Village Board later this month. He said this would conclude staff's presentation.

Chairman Hendricks asked if there was anyone in the audience that wanted to comment or ask questions regarding this public hearing. None responded. He then called for a motion to close the public hearing.

Commissioner Przepiorka made a motion, seconded by Commissioner Mast to close the public hearing. A roll call vote was taken:

Ayes: Przepiorka, Mast, Balogh, Gaspar, Hendle-Kinnunen, Hulbert, Hendricks

Nays: None

Motion passed

B. Plan Commission Discussion

Commissioner Przepiorka asked where does garage sale signs fall under the ordinance.

Mr. Zawila stated those are under a different section of the sign ordinance and they are also restricted to private property.

Commissioner Przepiorka asked if the parkway, between the sidewalk and the curb, was considered public or part of the resident property.

Mr. Zawila said that would be considered right-of-way.

Commissioner Przepiorka stated that garage sales signs are not allowed on the right-of-way.

Mr. Zawila said that is correct.

Commissioner Przepiorka asked how are they enforcing this when they are not currently enforcing it.

Mr. Zawila stated it is enforced by complaint base and code enforcement officers have gone out when there are complaints of signs in the public right-of-way. This is the current practice and will continue to do so with the proposed amendments.

Commissioner Przepiorka said if it is put in there and it is not enforced then after a certain point you lose the right to enforce it.

Mr. Mays, Director of Community Development, stated he understands the enforcement concern. It is a combination of Community Development staff and Police Department that respond to complaints of temporary signs in the public parkway or see them and remove them. What was recognized with the code is that the Village, in light of the Supreme Court decision, was treating open house signs differently than other temporary signs based on content. This is trying to provide a consistent approach. Over the years the Village has received resident complaints about the proliferation of temporary signs within parkways throughout the community. It has been the Village and staff's effort to respond to that.

Commissioner Przepiorka asked what kind of complaints do they normally get on signage in the parkway.

Mr. Mays said mostly the quantity of signs in the parkway. They are not specific to any sign, but rather too many signs.

Commissioner Balogh asked if this included signs like at 75th and Janes where they are advertising jobs or how to earn money from home.

Mr. Mays stated 75th and Route 53 is a common location where they are pulling signs from the parkway.

Commissioner Balogh asked to clarify what is a human sign and is it someone dressed up in a costume.

Mr. Zawila said that is one example. The definition specifies that it is either an individual in a costume or a hand held sign.

Commissioner Balogh asked why reflexology is signaled out.

Mr. Zawila stated in 2013 as part of a much more comprehensive text amendment, the code included specific amendments to reflexology establishments. Reflexology establishments are monitored differently through the State than your typical massage establishment. As part of that initial effort, back in 2013 licensing requirements were updated to reflect the State codes. At that time there was no specific use category created for reflexology establishments in the zoning code. The proposed amendment is an opportunity to clean that up so there is a consistent code.

Commissioner Przepiorka asked in Attachment A, page 7, where political signs is crossed out, the two points below it are those definitions or statements.

Mr. Zawila said that is the regulation. There is a definition on page 4 of the packet. He then read the definition.

Commissioner Przepiorka stated going back to that statement then on page 7, he feels that sentence needs to be rewritten or a verb added.

Mr. Zawila said it should say “that it shall not exceed thirty two square feet in total sign surface area for any premise”. Staff will check with Village Attorney on exact language that should be in there.

Commissioner Mast stated if it is a collective total then it should state that.

Mr. Zawila said it could say, “Non Commercial signs may not exceed 32 square feet in total sign surface area for any premise”.

Chairman Hendricks asked if there were any additional questions. None responded. He then asked if staff had any recommendations.

C. Staff Recommendation

Mr. Zawila stated that staff recommends with proposed changes that the Plan Commission recommend to the Mayor and Board of Trustees approval of the proposed text amendments to Title 9 of the Municipal Code as outlined in Attachment A and B.

D. Plan Commission Recommendation

Chairman Hendricks then called for a recommendation.

Commissioner Przepiorka made a motion, seconded by Commissioner Gaspar to recommend to the Mayor and Board of Trustees approval of the proposed text amendments to Title 9 of the Municipal Code as outlined in Attachments A and B with the condition that staff is to check with the Village Attorney regarding language for non-commercial signs as listed in Attachment A, page 7.

A roll call vote was taken:

Ayes: Przepiorka, Gaspar, Balogh, Hendle-Kinnunen, Hulbert, Mast, Hendricks
Nays: None
Motion passed

VI. DISCUSSION ITEMS

Mrs. Horn said there will be no meeting for December 21st.

VII. UPDATE OF PREVIOUS PLAN COMMISSION CASES

Mrs. Horn stated the Village Board at their October 15th meeting did approve the special use and site plan for the DuPage County Salt Storage on Route 53.

VIII. ADJOURNMENT

Chairman Hendricks called for a motion to adjourn.

Commissioner Gaspar made a motion, seconded by Commissioner Mast to adjourn the meeting. A roll call vote was taken:

Ayes: Gaspar, Mast, Balogh, Henle-Kinnunen, Hulbert, Przepiorka, Hendricks
Nays: None
Motion passed

Chairman Hendricks
Chairman

Peggy Halper, Secretary