

CITY OF WEST CHICAGO

WHERE HISTORY & PROGRESS MEET

CITY OF WEST CHICAGO PLAN COMMISSION/ZONING BOARD OF APPEALS

June 5, 2007

MINUTES

Approved with no changes at July 3, 2007 Meeting

1. **Call to Order, Roll Call and Establishment of a Quorum** – Commissioner Banas called the meeting to order at 7:00 p.m. Roll call found Commissioners Vickie Barber, Janet Hale, Stephen Jarolin, Bob Lemon, Jeffrey Posadzy, John Warbiany, and John Banas present.

Also in attendance were City Planner Jeff Harris and Planning Assistant David DeGroot.

2. **Pledge of Allegiance** - Everyone in attendance participated in the pledge.

3. **Chairman's Comments** – Chairman Banas introduced himself as the newly appointed Chairman. He commented that he is pleased to be able to serve the community in this way and thanked Commissioner Warbiany for his leadership as the previous Chairman.

4. **Approval of Minutes** – There were no minutes presented for consideration.

5. **Public Hearing Case PC 05-21 – DuPage Habitat for Humanity, the East side of Sherman Street between Stimmel & Brown Streets, Rezoning**

Mr. Harris announced that the public hearing for this petition has been rescheduled until the June 19, 2007 Plan Commission meeting due to improper public hearing notification procedures by the petitioner.

6. **Public Hearing Case PC 06-11 – Forming America, LTD., 1200 N. Prince Crossing Road, Special Use**

Mr. Harris made a presentation regarding the proposed special use. He noted that the property consists of approximately 23 acres with approximately 13 of those acres within a conservation easement. He stated that the applicant had met with City staff in 2002 and was informed that a special use permit would be required prior to occupancy of the site. He added that the petitioner illegally occupied the property without obtaining zoning or occupancy approval shortly after that meeting. Mr. Harris stated that the special use request is intended to bring the property into compliance. He informed the Commission that Forming America is a concrete forming company that requires a significant amount of outside storage. He added that outside storage is only allowed with a special use permit and that stored material must be on a paved bituminous surface and be enclosed by a material that provides a solid screen. He noted that the existing conditions on the property included a gravel storage yard and an eight-foot board on board fence along the north half of the property, parallel to Prince Crossing Road. Mr. Harris stated that the paving of the proposed storage area would be completed in three phases, Phase 1 in 2007, Phase 2 in 2009, and Phase 3 in 2011. He added that staff is not requiring that these dates be met, but is recommending a condition that limits the use of the storage yard to only those areas that are improved with pavement as indicated on the site plan. He stated the applicant has plans to expand the two existing buildings on site as well as construct a new 25,000 warehouse. He noted that these buildings are not part of the special use permit request, but have been included to show the overall development of the site. Mr.

475 Main Street
West Chicago, Illinois
60185

T (630) 293-2200
F (630) 293-3028
www.westchicago.org

Michael B. Kwasman
MAYOR
Nancy M. Smith
CITY CLERK

Donald F. Earley
CITY TREASURER
Michael L. Guttman
CITY ADMINISTRATOR

Harris stated that the City is requesting the applicant to dedicate seventeen feet of right-of-way so that Prince Crossing Road could be widened in the future. He stated that the City is also recommending the applicant to install a ten-foot wide bike path on either side of Prince Crossing Road along the entire length of the property. He added that the bike path would be in lieu of a standard public sidewalk. He

commented that the recommendation is consistent with the existing bike path along Prince Crossing Road south of the Prairie Path as well as DuPage County's master bikeways plan to connect the Prairie Path to the West Branch Forest Preserve located north of IL Route 64. Mr. Harris stated that the City is also recommending that the applicant install ornamental parkway trees in the right-of-way to bring the property in compliance with current City code. He stated that the applicant is not agreeable to these requests and that staff is therefore recommending denial of the special use request. He added that if the Commission were to choose to approve the request, staff has recommended nine conditions within the staff report that would ensure these improvements be completed and that compliance is achieved on the property.

David Sabathne was sworn in and informed the Commission that he is speaking on behalf of the applicant, but that the applicant and his attorney are present if there are any questions he cannot answer. Mr. Sabathne acknowledged staff's overview of the special use request and stated that he would focus on the points of disagreement mentioned by Mr. Harris. He stated that the applicant's opposition to dedicating the seventeen feet of right-of-way is because it is not necessary at this time. He added that the widening of Prince Crossing Road is not shown on the City's Comprehensive Plan and that no other plan exists showing the expansion of the road. He submitted an aerial photograph from the Google Earth website showing that the existing road is in close proximity to existing wetland just north of the subject property. He argued that the expansion of the road would be very difficult and expensive due the location of this body of water. Mr. Sabathne stated that the applicant is not agreeable to the requested bike path because it goes beyond the normally required five-foot wide sidewalk. He added that the bike path should not be installed now because it would not lead anywhere, creating a safety hazard as users would have to cross Prince Crossing Road at an unmarked location to continue along the path. He commented that the requirement of the right-of-way and bike path would take away from what would otherwise be a required landscaping buffer. Mr. Sabathne stated that the applicant would be willing to dedicate the right-of-way and install the bike path when the time came for it to be done. He suggested that the Commission consider an agreement to dedicate the right-of-way to the City at such time that it is required, without contest, but for fair and just compensation. He concluded by stating that the applicant is agreeable to the remainder of staff's recommended recommendations.

Mr. Harris read a letter that was submitted by the DuPage County Forest Preserve District. The letter stated that there is a conservation easement on the subject property and expressed concerns about the type of landscape materials that might be planted near that easement.

Mr. Harris stated that no new landscaping is proposed near the conservation easement and the all of applicant's proposed site improvements are outside of the conservation easement and established wetland buffer, but that staff would send a copy of the proposed landscape plan to the DuPage County Forest Preserve District for review and approval.

Commissioner Lemon stated that he had trouble supporting a petition for property in non-compliance and asked the applicant to demonstrate how the phasing schedule would achieve compliance.

The applicant, James Langkamp, was sworn in and using a site plan display indicated how the phasing schedule would be completed. He added that items would have to be stored on gravel until the paving of

Phase 1 is complete. He explained that stored items would have to be moved around within the yard in order to complete the required paving. Mr. Langkamp stated that since moving into the property he has worked hard to clean up the property and bring it into compliance. He added that financial constraints have made achieving compliance a longer process than desired. He commented that the storage of the material is only allowed a special use permit and that this application is attempting to achieve compliance.

Commissioner Warbiany asked the applicant where all of the stored materials currently on the property would be kept while the storage yard was being paved. He stated that it does not appear compliance could be achieved until Phase 2 of project.

James Langkamp stated that he would have to store materials on existing gravel until he could pave a large enough area to legally store his materials. He added that completing Phase 1 by the end of 2007 is going to be difficult as it is already June.

Commissioner Warbiany asked for clarification on the bikeways map passed out by City staff.

Mr. Harris explained that the paths shown on the map are existing and that the County desires to connect them to the West Branch Forest Preserve located north of IL Route 64.

Commissioner Warbiany stated that he does not have concerns about the expansion of Prince Crossing Road impacting the wetlands. He added that he is concerned about the long history of non-compliance on the property.

Mr. Langkamp stated that he moved into the property with some wrong assumptions. He stated that the property was previously a junkyard and that he assumed his business would be an improvement to the property and that the City would allow it.

Commissioner Warbiany stated that the applicant should have done his due diligence to ensure that his assumptions were correct.

Mr. Harris stated that Mr. Langkamp had met with City staff prior to moving into the property and was informed that a special use permit is required for outside storage. He added that the fact Mr. Langkamp cleaned up the property is not relevant to this special use application.

Mr. Langkamp admitted to making mistakes in the past, but added that he is working hard to achieve compliance now.

Commissioner Warbiany asked the petitioner what exactly he does on the subject property.

Mr. Langkamp explained that he operates a concrete forming business that includes activities such as painting and welding of the forms.

Commissioner Warbiany stated that he saw metal frames drying outside during a site visit today and that they were not visually screened from the public right-of-way.

Mr. Langkamp admitted that it is an eyesore and stated that it will be cleaned up.

Commissioner Posadzy asked if an Environmental Phase 1 Assessment was done on the property and if it found hazardous materials.

Mr. Langkamp stated that the Phase 1 of the Environmental Site Assessment did not find hazardous materials, but hazardous materials did exist on the site.

Commissioner Jarolin asked if the applicant could explain what exactly will be accomplished in Phase 1 of this project.

Mr. Langkamp explained that portions of the gravel storage areas will be paved, the existing parking lot will be repaved and striped, a temporary gravel fire lane will be installed along the west side of the tall metal building, and that the existing buildings will be brought up to code. He added that they would like to add security measures such as rolling gates, cameras, and guards.

Commissioner Jarolin asked the applicant for his thoughts on the dedication of right-of-way and the installation of the bike path.

Mr. Langkamp stated that he would be willing to dedicate the right-of-way and install the bike path in the future, as it became necessary. He added that he would like to receive compensation for the dedicated property. He commented that he did not feel the bike path made sense on his property and that it should be located on the east side of the road.

Mr. Harris stated that staff has no objections to the bike path being installed on the east side of Prince Crossing Road. He added that the City has commonly practiced a piecemeal approach to achieve connectivity of the community bike paths and the expansion of right-of-way.

Mr. Sabathne stated that the applicant is trying to achieve compliance. He added that the applicant is good at the concrete forming business, not City business. He commented that the applicant is trying to achieve compliance but is being refused due to the disagreement over the right-of-way dedication and bike path installation.

Commissioner Banas asked if the applicant would state his position on the nine conditions recommended by staff.

Mr. Langkamp stated that he has no problem with City staff's recommended conditions except for the dedication of right-of-way and the installation of the bike path.

Mr. Sabathne stated that the applicant desires to receive a favorable recommendation from the Commission and that if the only way to achieve that is to comply with all of City staffs' recommended conditions, then that is what should be done.

Commissioner Lemon stated that the Commission should consider Mr. Sabathne's comment and move towards making a recommendation.

Mr. Harris asked that the public hearing remain open to include the Commissioners' review and recommendation on the public record. The Commissioners unanimously agreed.

There was a debate amongst the Commissioners regarding the right-of-way dedication and the effect of the dedication on the required landscaping along Prince Crossing Road.

Mr. Harris reviewed the two landscape options as they relate to the right-of-way dedication listed in the staff report.

Mr. Sabathne commented that it would make more sense to require a bike path instead of sidewalk if an existing bike path was located within 500 feet of the property.

Mr. Harris stated that the bike path to the south currently exists and is located adjacent to the property.

There was discussion amongst the Commissioners about amending the conditions to resolve some of the disagreement about the right-of-way dedication and bike path installation.

The applicant's attorney, Dan Nelson, was sworn in and stated that the first condition could be amended to state that the right-of-way would be dedicated at a time when deemed necessary by the City of West Chicago and for just monetary compensation.

The Commissioners agreed to amend the first condition to state that the petitioner shall dedicate seventeen feet of additional right-of-way parallel in addition to the existing sixty-six foot wide Prince Crossing Road right-of-way at a time that is appropriate for roadway improvements. The issue of monetary compensation is an issue that would need to be discussed with the City Council and the Plan Commission does not have the authority to grant such a request.

Commissioner Warbiany made a motion, seconded by Commissioner Jarolin, to approve PC 06-11, Forming America, LTD., 1200 N. Prince Crossing Road, Special Use including the recommended staff conditions, with the amendment to condition 1 stating that the petitioner shall dedicate seventeen feet of additional right-of-way parallel in addition to the existing sixty-six foot wide Prince Crossing Road right-of-way at a time that is appropriate for roadway improvements. Voting Yea: Commissioners Banas, Posadzy, Barber, Hale, Jarolin and Warbiany. Voting Nay: Commissioner Lemon. Motion carried.

Mr. Harris noted that this item would be on the June 11, 2007 Development Committee agenda for further consideration.

Commissioner Jarolin made a motion, seconded by Commissioner Posadzy, to close the public hearing. The Commissioners unanimously agreed. Motion carried.

8. Other Commission Business - Mr. Harris informed the Commissioners that their reappointments have been completed and that Chairman Banas will be sworn in at the City Council meeting on June 18, 2007.

Mr. Harris asked the Commissioners if they would like to reschedule the July 3, 2007 Plan Commission meeting due to the Independence Day holiday. The Commissioners unanimously agreed not to reschedule.

Mr. Harris stated that case PC 06-18, Mapei Corporation, 530 Industrial Drive, Special Use and Variance was approved by City Council.

Mr. Harris stated that case PC 07-05, The DuPage Airport Authority, 2700 International Drive, Text Amendments to reduce landscaping requirements was approved by the City Council as presented.

Mr. Harris informed the Commissioners that the Community Development Department has received an application to develop the wooded property on the north side of IL Route 64 across from Atlantic Drive. The application is for a preliminary Planned Unit Development and Plat of Subdivision and was submitted by Kipling Development Corp.

Mr. Harris commented that L.A. Fitness is considering two separate locations at the intersection of IL Route 59 and IL Route 64. The first location is in St. Andrews Square, just south of the old Wendy's site and the second location is in Oliver Square.

9. Adjournment - Commissioner Warbiany made a motion, seconded by Commissioner Jarolin, to adjourn. The Commissioners unanimously agreed. The meeting adjourned at 9:55 p.m.

MIN060507/dd