

CITY OF WEST CHICAGO

WHERE HISTORY & PROGRESS MEET

CITY OF WEST CHICAGO PLAN COMMISSION/ZONING BOARD OF APPEALS September 5, 2007

MINUTES

Approved with changes at the November 6, 2007 meeting.

1. **Call to Order, Roll Call and Establishment of a Quorum** – Vice Chairperson Hale called the meeting to order at 7:04 p.m. Roll call found Commissioners John Warbiany, Steve Jarolin, Vickie Barber, Janet Hale, and Bob Lemon present. Commissioners John Banas and Jeffrey Posadzy were absent.

Also in attendance were Mayor Michael Kwasman, City Administrator Michael Guttman, Alderman Nicholas Dzierzanowski, Alderman Ruben Pineda, Alderman Matt Fuesting, City Attorney Mary Dickson, Community Development Director Joanne Kalchbrenner, City Planner Jeff Harris and Planning Assistant David DeGroot.

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

3. **Chairman's Comments** – Vice Chairperson Hale asked that anybody wishing to provide testimony please fill out the sign-in sheet located at the front of the auditorium.

4. **Minutes** – Vice Chairperson Hale noted a minor change on page 3 of the minutes. Commissioner Warbiany made a motion, seconded by Commissioner Barber, to approve the August 21, 2007 Minutes with the noted change. Voting Yea: Commissioners Barber, Hale, Lemon, and Warbiany. Commissioner Jarolin abstained. Motion carried.

5. **Continuation of Public Hearing Case PC 07-10 – St. Andrews Golf & Country Club, 3N441 Route 59, Rezoning.**

Mr. Harris read the request in for the record and gave a brief overview. He clarified that the public hearing being held is regarding the rezoning of the subject property upon annexation to the City of West Chicago from the ER-1, Estate Residential district to the R-3, Single-Family Residential district. He commented that the R-3 district has a minimum lot size of 9,000 square feet. He stated that the applicant has not submitted, nor was required to submit, any development plans for the subject property. He added that issues such as storm water runoff, traffic volumes, etc. will be addressed when the property is developed and should not be considered relevant to the rezoning of the property. Mr. Harris stated that the public hearing is to determine whether or not the R-3 district is appropriate zoning for the subject property.

Tracey Kasson was sworn in and stated that he is speaking on behalf of the applicant, Mr. Hinkley. He stated that he agreed with staff's overview of the request. He referenced two maps displaying the subject property to show the Commission and audience and idea of where the subject property was located. He commented that the requested annexation and rezoning is a continuance from previous requests in the early 1990s. He stated that the subject property is suitable for residential development due to the availability of sewer and water. He stated that although the applicants have no plans to develop the property, they have agreed to process any future development as a Planned Unit Development (PUD). He added that a PUD would require additional public hearings and more review by City staff. He commented that the zoning request is consistent

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

PLAN COMMISSION/ZONING BOARD OF APPEALS
MINUTES OF SEPTEMBER 5, 2007

with the City's Comprehensive Plan. He stated that the R-3 district was chosen because it allows for PUDs and golf courses, as a special use. He concluded by stating that R-3 zoning is consistent with other recent large acreage developments in the City such as Prestonfield and Cornerstone Lakes Subdivisions. Vice Chairperson Hale asked everybody wishing to give testimony to make sure they have signed in and the asked them all to stand to be sworn in. All those standing were sworn in. Vice Chairperson Hale stated that she would call those individuals forward one by one to give testimony.

Maryanne Fox was called forward to give testimony. She stated that her address is 28W575 Wynn Avenue, West Chicago, IL. She stated she had concerns regarding the wetlands on the property. She stated that she was aware that negotiations were taking place with the Forest Preserve regarding the subject property and asked what had come of said negotiations.

Mr. Hinkley stated that he had made a final offer to the Forest Preserve and it was rejected. He added that no negotiations are currently taking place.

Eldra Rarow was called forward to give testimony. She stated that her address is 486 Church Street, West Chicago, IL. Ms. Rarow stated that she is a long time resident of West Chicago. She commented that the Airport does not give the City any money and that the Prairie Path and Forest Preserves have left little land to develop. She stated that she feels taxes are too high in West Chicago and that she supports the proposed annexation because it would help lower individual taxes by increasing the tax base.

Ray Rosato was called forward to give testimony. He stated that his address is 29W720 Smith Road. He stated that he lives near the subject property and that makes his living as a developer. He stated that he has concerns with the density of the development. He added that he is not opposed to the development but that he just wants to know what is planned for the property.

Mr. Hinkley stated that he has no plans to develop the property at this time. He stated that he received a letter on March 6, 2007 from the Forest Preserve stating that they wanted to buy the land and that he had 15 days to respond. He added that the property is not for sale, to the Forest Preserve or developers. He stated that this is an effort to keep the land and that he has no development plans at this time.

Mr. Rosato asked the Commission how they could vote on something when they do not know what the end result will be.

Ms. Kalchbrenner stated that if the applicants choose to develop the land the City will have additional review processes. She added that if the land is developed as a PUD an additional public hearing will be required.

Mr. Rosato thanked the Commission for their time.

Mr. Hinkley stated that he is a resident of West Chicago and he has no intentions of developing the land in a manner that he would not want to live next door to. He added that if he was out to make quick and easy money, the land would have been sold years ago.

Tom Feltes was called forward to give testimony. He stated his address as 535 Maple Court, West Chicago, IL. He stated that he feels the applicant has been a good neighbor and that he has the right to do something with his property, more so than the Forest Preserve. He added that he has farmed the land for many years and that he has never seen any evidence of flooding or anything that could classify the property as a wetland.

Ron "Butch" Hansen was called forward to give testimony. He stated his address as 27W121 Fleming Drive, West Chicago, IL. He stated that he knows the applicant and his family and that they are good neighbors and

PLAN COMMISSION/ZONING BOARD OF APPEALS
MINUTES OF SEPTEMBER 5, 2007

stewards of the land. He added that he supports the rezoning and annexation because it will increase the tax base which is need by everybody.

Christopher Stall was called forward to give testimony. He stated his address as 30W018 Plum Court. He thanked the Commission for the job they do and for taking the time to hear testimony. He stated that he did not want to see the Commission make a decision without knowing where they are going. He added that he did not see the sense in taking the first step without knowing what the last step will be. He added that he believes negotiations with the Forest Preserve are still taking place. He stated that if the applicant does get the annexation and rezoning approved, they price of the property will increase. He stated that if the applicant does not get approval, the Forest Preserve will benefit because the price will remain lower. He commented that he did not want to see the Plan Commission get stuck in the middle of what should be private negotiations. He asked the Commission to please let the negotiations be finalized before making a recommendation.

Mr. Hinkley stated that he gave testimony under oath stating that the negotiations are over and that he does not appreciate being called a liar. He added that he made a final offer to the Forest Preserve and if they wish to purchase the property for that price he would sell.

Thomas Sullivan was called forward to give testimony. He stated his address as 1776 Naperville Road, Wheaton, IL 60187. He stated that he did not understand how the Commission could vote on a zoning issue without development plans. He added that he felt the applicant has been a great neighbor but he is concerned about the sensitivity of the groundwater.

Ronald Johnson was called forward to give testimony. He stated his address as 3N071 Lakewood Drive, West Chicago, IL. He asked what the ER-1 district is. He added that he did some calculations and found that nearly 900 homes could be built on the property if it were zoned R-3. He asked if the applicant could change the zoning at a later date. He commented that he felt the R-3 zoning is not consistent with the area.

Mr. Kasson stated that large annexations such as this request are not always accompanied by development plans. He added that he feels the restrictive ER-1 zoning given upon annexation is not appropriate for the site due to the availability of sewer and water. He commented that 900 homes cannot be built on the site because you have to account for open space, roadways, detention areas, etc.

John Koeb was called forward to give testimony. He stated his address as 29W301 Smith Road. He asked if the 9,000 square foot minimum lot size in the R-3 district meant that the lots would be 90 feet wide by 100 feet deep. He asked what the minimum lot sizes were for the R-1 and R-2 districts.

Mr. Harris explained that the R-3 district requires and minimum lot width of 75 feet and a minimum lot size of 9,000 square feet but that the dimensions are otherwise flexible so long as the minimums are met. He added that the R-1 district requires a minimum lot size of 20,000 square feet and the R-2 district requires and minimum lot size of 12,000 square feet.

Mr. Koeb asked if the property could be zoned R-1 or R-2 upon annexation.

Mr. Harris stated that the applicant could reapply and request R-1 or R-2 zoning but that the current request is for R-3 zoning.

Andrew Bowker was called forward to give testimony. He stated his address as 667 Partridge Drive. He asked how the Commission could make a finding of fact when they do not have any facts to vote upon.

PLAN COMMISSION/ZONING BOARD OF APPEALS
MINUTES OF SEPTEMBER 5, 2007

Mr. Johnson stated that the only reason the sewer and water is available to the site is because of prior illegal annexations by the applicant.

Mr. Hinkley stated that the prior annexations were questioned but were found to be legal.

Dave Stine was called forward to give testimony. He stated his address as 710 Partridge Drive, West Chicago, IL. He stated that the property is too small to accommodate R-3 zoning and that it is not consistent with the area. He added that Cornerstone Lakes and Prestonfield subdivisions may have similar zoning but they are not located anywhere near the subject property. He commented that if the property were to be developed, the builder could rezone the property at that time. He stated that he was disappointed to see that the City did not give additional legal notice or change the sign posted on the property after the original meeting date changed.

Mr. Harris stated that the hearing was continued from previous meetings and that new signs and publications are not required by state law if the hearing is continued to a specific date, place, and time.

Commissioner Lemon asked Mr. Harris if the City did anything more than the minimum requirement to ensure that the citizens were informed of the meeting dates and times.

Mr. Harris stated that the City added a link to its website giving an overview of the request and the time and location of all the public hearings. He added that the City does not typically post anything on the website for zoning requests.

Jim Burns was called forward to give testimony. He stated that his address is 30W610 Mulberry Drive, West Chicago, IL. Mr. Burns stated that he is not concerned about the zoning of the property. He added that he does not think the City needs any more Forest Preserves or parks. He commented that the City does not get any money from the Airport of Forest Preserve and that this development would help lower the taxes.

Andrew Skipor was called forward to give testimony. He stated his address as 592 Partridge Drive, West Chicago, IL. He stated that he likes that the City has so many Forest Preserves and that he and his family use them often. He added that he feels the people in this new development would not use the downtown and that their kids would go to Bartlett schools. He stated that West Chicago could make a name for itself by protecting sensitive areas from development.

Mr. Hinkley stated that the property is not going to change from its existing condition by annexation or rezoning. He added that any development would require additional public hearings and review by City staff.

Vice Chairperson Hale asked if there was anyone else in the audience wishing to give testimony. She asked if the Commissioners had any questions.

Commissioner Lemon asked Mr. Feltes how long he had been farming the land.

Mr. Feltes stated that he had farmed that land for many years growing several different crops.

Commissioner Lemon asked if Mr. Feltes had seen any unique ecological features on the property.

Mr. Feltes stated that he had not.

Commissioner Lemon asked what a fen ecosystem is.

PLAN COMMISSION/ZONING BOARD OF APPEALS
MINUTES OF SEPTEMBER 5, 2007

Mr. Hinkley stated that there is no fen on the subject property.

Randall Biang was called forward to give testimony. He stated that he was a hydrologist and that although the fen is not located on the site, the water from the site feeds the fen to the east and that development on the subject property could effect the ecosystem.

Vice Chairperson Hale stated that the Commission had received numerous letters regarding this request and that each was reviewed prior to this meeting.

Mr. Kasson stated that every development has an impact on surrounding property owners and the community as a whole. He commented that City zoning laws are not designed to completely eliminate all impacts, but to manage them as best as possible. He stated that zoning laws are designed to guide appropriate development and minimize negative impacts. He stated that if the land is developed as a PUD the City would require traffic flow studies, engineering, additional open space, and have control over the development to ensure it the development had a positive impact. He stated that the request at this time is only for R-3 zoning upon annexation to the City of West Chicago and that he feels it is appropriate due to the availability of sewer and water. He added that although Cornerstone Lakes and Prestonfield Subdivisions are not adjacent to the subject property, they are similar and show a trend of development in the City.

Commissioner Lemon made a motion, seconded by Commissioner Warbiany, to close the public hearing for case PC 07-10. The Commissioners unanimously agreed. Motion carried.

6. Review of Case PC 07-10 – St. Andrews Golf & Country Club, 3N441 Route 59, Rezoning.

Vice Chairperson Hale stated that the Commission considers 8 standards when voting on a request for a Zoning Map Amendment. She read the 8 standards and the response to each provided in the Staff report. She asked the Commission if they had any comments regarding the standards.

Commissioner Lemon, regarding the third standard, stated that he felt he does know what he is voting for and that development plans are not necessary for a rezoning request. He explained that the R-3 district has minimum setbacks, a minimum lot width, a minimum lot size, a limited number of uses. He stated that he is confident in what he is voting for and is aware that he will be able to review any future development of the property through the PUD process.

Commissioner Warbiany, regarding the seventh standard, stated that the land is currently farmed and pesticides and fertilizers are being used on the property and the runoff is not controlled. He stated that if the property were developed the site would be engineered and the runoff would be controlled, filtered, and then released.

Commissioner Lemon, regarding the eighth standard, stated that he was on the Commission in the early 1990s when the applicants annexed other property into the City of West Chicago. He stated that those annexations gave many of the people in the audience the homes they now live in and that he does not support the idea that single-family uses in the area are appropriate for some but not all. He added that his decision is not based on whether or not it will benefit the owner or the Forest Preserve. He stated that his decision is based on whether the request is reasonable and allowable.

Commissioner Warbiany made a motion, second by Commissioner Jarolin, to approve the rezoning for Case PC 07-10 and adopt staff's findings of fact. The Commissioners unanimously agreed. Motion carried.

PLAN COMMISSION/ZONING BOARD OF APPEALS
MINUTES OF SEPTEMBER 5, 2007

Vice Chairperson Hale informed the petitioner that his request will be considered by the Development Committee on Monday, September 10th at 7:00 p.m. at the Wheaton Academy Fine Arts Center.

7. **Other Commission Business** – None.

8. **Adjournment** – Commissioner Lemon made a motion, seconded by Commissioner Jarolin, to adjourn. The Commissioners unanimously agreed. The meeting adjourned at 9:04 p.m.

MIN090507/dd