

CITY OF WEST CHICAGO

WHERE HISTORY & PROGRESS MEET

CITY OF WEST CHICAGO PLAN COMMISSION/ZONING BOARD OF APPEALS October 2, 2007

MINUTES

Approved with changes at the November 6, 2007 meeting.

1. **Call to Order, Roll Call and Establishment of a Quorum** – Chairman Banas called the meeting to order at 7:00 p.m. Roll call found Commissioners John Warbiany, Steve Jarolin, Vickie Barber, Janet Hale, Bob Lemon, John Banas, and Jeffrey Posadzy 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 thanked Vice Chairperson Hale for filling in for him in his absence at the September 5, 2007 meeting.

4. **Minutes** – Commissioner Lemon noted an error in the language on the top of page 5 and suggested reviewing the court reporter's public hearing transcripts prior to making any revisions. Commissioner Lemon made a motion, seconded by Commissioner Warbiany, to table the approval of the September 5, 2007 minutes until the end October 16, 2007 Plan Commission meeting so that the transcripts can be reviewed. The Commissioners unanimously agreed. Motion carried.

5. **Public Hearing Case PC 05-18 – Ron D'Aversa, 200 E. Roosevelt Road, Preliminary and Final Planned Unit Development (PUD)**

Mr. Harris stated that the applicant is requesting to continue the public hearing for case PC 05-18 so that the applicant may pursue negotiations with the specific tenants interested in the development, which may result in modifications to the proposed site design.

Commissioner Warbiany made a motion, seconded by Commissioner Lemon, to continue the public hearing for case PC 05-18 to the December 4, 2007 Plan Commission meeting. The Commissioners unanimously agreed. Motion carried.

6. **Public Hearing Case PC 07-18 – Jack Kammes, 600 E. Blair Street, Professional Office Special Use**

Commissioner Lemon made a motion, seconded by Commissioner Warbiany, to close the public hearing for case PC 07-18. The Commissioners unanimously agreed. Motion carried.

7. Review of Case PC 07-18 – Jack Kammes, 600 E. Blair Street, Professional Office Special Use

Mr. DeGroot provided the opening presentation. Mr. DeGroot stated that applicant purchased the subject property in 1988 and was granted O, Office District zoning by the City in 1989 along with several variances to allow the property to be used as a real estate office. In 1992, the City made comprehensive revisions to the Zoning Code and zoning of land throughout the community. The Office zoning district was eliminated and the subject property was designated R-5, Single-family Residential district. Professional offices are only allowed in the R-5 district as a special use. Section 6.22 of the Zoning Code has allowed the applicant to continue using the property as a real estate office without further action of the City Council because the use was legally established before the adoption of the current Zoning Code. However, the applicant now desires to sell the property as an office building and is therefore requesting a special use to legally permit professional office uses on the property. Mr. DeGroot also stated that the special use permit requested specifically allows municipal uses and offices for professionals such as physicians, dentists, attorneys-at-law, architects, engineers, musicians, artists, teachers, accountants, photographers, real estate agents, insurance agents, public stenographers, brokers, business consultants and other professional offices as determined by the Zoning Board of Appeals/Plan Commission if they meet the following criteria:

1. Must provide paved parking area which is approved by the City Council.
2. There shall be no parking in the required front yard.
3. Signage must be approved by the City Council.

Mr. DeGroot added that there is a parking lot on the east side of the building, with access off of Blair Street. The existing building consists of 2,674 square feet of office space, which typically requires a total of 11 parking stalls to be provided. As shown on the attached site plan, there are currently 12 parking stalls on site. The existing parking stalls and drive aisle comply with the City's minimum size requirements. The parking lot is not located in the required front yard. Lastly, Mr. DeGroot stated that there is also an existing freestanding sign on the property along Neltnor Boulevard. The sign has a display area of 45 square feet (7.5' x 6'). With the support structure and canopy included, the sign measures 9 feet in width and 9 ½ feet in height. The sign is located in the required front yard and is primarily visible to traffic traveling north or south on Neltnor Boulevard. The sign contains removable panels to accommodate tenant changes and is improved with a landscaped area that extends 3 feet from the outer edge of the base of the sign on all sides. Mr. DeGroot ended by stating that City staff recommends the approval of the requested special use subject to the three (3) conditions listed within staff report PC 07-18.

Jack Kammes, 370 Fremont Street, West Chicago, IL, stated that he purchased the property in 1988 and has used the property as a real estate office for the past 19 years. Mr. Kammes also stated that the reason he desires this special use is to bring the site into compliance with the zoning code in order to make the sale or leasing of the property easier.

Chairman Banas asked if anyone in the audience wished to speak for or against the petition.

Dan Williams, 527 S. Neltnor Boulevard, West Chicago, IL, stated he has concerns with traffic that might be generated from the potential tenants and the fact that on-street parking was prohibited in the recent past reducing the parking available in the area. Mr. Williams also had concerns about

PLAN COMMISSION/ZONING BOARD OF APPEALS
MINUTES OF OCTOBER 2, 2007

traffic safety at the intersection of Blair Street and Neltnor Boulevard and inquired about the possibility of getting a traffic light installed at the intersection.

Commissioner Lemon asked the applicant when he installed the parking lot.

Mr. Kammes indicated that the parking lot was installed in 1989. He also noted that he has had ample parking available on-site for all of the uses that have occupied the building and has never had a parking problem.

Commissioner Posadzy had concerns with potential tenants such as a mortgage company that generates a lot of traffic associated with real estate closings and loud music from musicians, which is a permitted tenant.

Mr. Harris responded that the City has a noise control ordinance in place to regulate any loud noises and that the determination of a traffic light at the intersection would have to come from IDOT, who has jurisdiction over Neltnor Boulevard. Mr. Harris noted that a traffic light at this intersection was unlikely given that the intersection does not appear to meet all of IDOT's criteria to warrant a traffic light.

Commissioner Lemon noted that sight distance would be an issue for southbound traffic traveling over the overpass if a traffic light were installed.

Commissioner Barber asked how many tenants the building could accommodate.

Mr. DeGroot stated that the building is currently designed to accommodate two tenants.

Chairman Banas asked City staff is an amendment to the special use would be required if the building is modified to accommodate more of less than two tenants.

Mr. DeGroot responded that an amendment would not be required so long as the building's area was not increased or if the tenants were a permitted use.

Chairman Banas asked if anyone else wished to speak on the public record regarding this petition. No one responded and Chairman Banas asked for a motion to close the public hearing.

Commissioner Warbiany made a motion, seconded by Commissioner Lemon, to close the public hearing for case PC 07-18. The Commissioners unanimously agreed. Motion carried.

Chairman Banas asked if the Commission members have any comments they would like to add prior to entertaining a motion.

Commissioner Lemon stated that he sees no reason to deny this petition based on the fact that it has been an existing use for quite some time with no apparent adverse impacts on the surrounding community.

Commissioner Warbiany stated that the semi-trucks from Jel-Sert create a greater traffic safety concern at the intersection than a use such as this.

Chairman Banas noted that IDOT would evaluate the intersection if they felt it was necessary to have a traffic light.

Commissioner Barber noted that the proposed use must be compatible given its long standing presence on-site.

The Commission did an overview of the findings of fact presented by City staff and concurred that the standards are applicable as presented.

Commissioner Lemon made a motion, seconded by Commissioner Warbiany, to approve case PC 07-18 with the recommended conditions listed in staff report PC 07-18. The Commissioners unanimously agreed. Motion carried.

8. Public Hearing Case PC 07-21 – Scott Skifano, 1470 Prairie Crossing Road, Fence Height Variance

Mr. DeGroot provided the opening presentation. Mr. DeGroot stated that subject property is adjacent to an unincorporated piece of property to the west that is owned by Electric Conduit Company. The company has a large outside storage yard that is enclosed with a chain-link fence with barbed wire on top of it. The barbed wire fence is located directly behind the applicant's existing wood fence along the adjoining property line, the applicant's rear property line. The barbed wire portion of the fence stands taller than the applicant's existing wood fence. The DuPage County Zoning Ordinance does allow industrial uses to have fences up to eight (8') feet in height with barbed wire on top. The applicant has expressed concern for the safety of his children who could reach over his existing six (6') foot fence and injure themselves on the barbed wire. The applicant would like to remove his existing six (6') foot tall wood fence along the rear lot line and replace it with an eight (8') foot tall wood fence to block the barbed wire fence from reach. In addition to the safety concern, the applicant would like to install the taller fence to improve the aesthetic appeal of the rear yard. Mr. DeGroot ended by stating that City staff recommends the approval of the requested variance subject to the one (1) condition listed within staff report PC 07-21.

Scott Skifano, 1470 Prairie Crossing Road, West Chicago, IL, stated that the house was built in 2000 and that he was the original homeowner. Mr. Skifano added that his teenage son was recently injured by the barbed wire located on the adjacent property's fence.

Commissioner Lemon stated that if Mr. Skifano's son is a teenager then he should have known to avoid the barbed wire and the dangers that are associated with it.

Mr. Skifano agreed with Mr. Lemon's statement and stated that the request is also due to an aesthetics issue regarding the unsightly items with the adjacent property's storage yard.

PLAN COMMISSION/ZONING BOARD OF APPEALS
MINUTES OF OCTOBER 2, 2007

Chairman Banas asked if anyone else wished to speak on the public record regarding this petition. No one responded. Chairman Banas asked City staff if approving this variance would set an unwanted precedence.

Mr. DeGroot responded that a precedence would be set if this variance is approved, but only for the ten homeowners along Prairie Crossing Drive adjacent to the barbed wire fence and storage yard.

Commissioner Lemon stated that this variance request is also applicable to nine other properties and that the adjacent storage yard is very unsightly. Commissioner lemon stated that if these properties were developed in the City by today's standards that a significant buffer would have been required between the two incompatible uses. Commissioner Lemon stated that the increased fence height provides the applicant with greater protection from the adjacent property and that the City should consider giving all ten homeowners adjacent to the storage yard and barbed wire fence the same variance as the applicant.

Jeff Mateski, 1450 Prairie Crossing Road, West Chicago, IL, stated that he has the same issues with respect to his property abutting the storage yard and barbed wire fence.

Commissioner Lemon asked Mr. Mateski if he desired to have a taller fence along his rear lot line and if he felt that his neighbors would like a taller fence as well.

Mr. Mateski responded yes to both questions.

Commissioner Lemon noted that there were two teenage boys in the audience and asked if they would participate in the discussion and answer some of his questions. Commissioner Lemon asked if the boys would know better than to go near a barbed wire fence and the dangers that such a fence poses.

Edgar Martinez, a student from West Chicago Community High School, responded that he feels that a teenage boy is old enough to know the dangers of a barbed wire fence and that he would avoid the fence.

Mr. Skifano stated that the barbed wire portion of the fence is two feet in height and is on top of a six foot chain link fence.

Mr. Harris informed the Commission that the adjacent property has considered annexation into the City approximately two years ago, but chose not to based on the numerous site improvements that would be required to bring the site into compliance with City standards, including the removal of the barbed wire portion of the fence.

Commissioner Posadzy asked City staff if the City can require the removal of the barbed wire from the fence.

Mr. DeGroot responded by stating that the property is located in unincorporated DuPage County and therefore, the City has no jurisdictional authority to require the barbed wire to be removed. Mr. DeGroot stated that the use of barbed wire is permitted by the County.

Chairman Banas again asked if anyone else wished to speak on the public record regarding this petition. No one responded and Chairman Banas asked for a motion to close the public hearing. Commissioner Warbiany made a motion, seconded by Commissioner Barber, to close the public hearing for case PC 07-21. The Commissioners unanimously agreed. Motion carried.

Chairman Banas asked if the Commission members have any comments they would like to add prior to entertaining a motion.

Commissioner Lemon stated that he felt the City Code should be revised to accommodate taller fences for the ten homeowners in adjacent to the storage yard and barbed wire fence and requested City staff to forward a recommendation of such onto the City Council.

Mr. Harris indicated that such a recommendation will be noted in the cover memo to the Development Committee and City Council, but should not be specifically included as part of the consideration of this petition.

Commissioner Lemon made a motion to approve case PC 07-21 with the recommended condition listed in staff report PC 07-21 and an additional recommendation that City staff prepare a text amendment to the fence height regulations to permit the neighboring properties (10 total) along Prairie Crossing Drive that also abut the adjacent unincorporated property to utilize an eight (8') foot tall fence. Voting Yea: Commissioners Banas, Barber, Hale, Lemon, Posadzy, and Warbiany. Voting Nay: Commissioner Jarolin. Motion carried. Commissioner Jarolin did not vote in favor of the variance because he felt that it was inappropriate to include the additional recommendation by the Commission as part of this variance request.

9. Public Hearing Case PC 07-20 – City of West Chicago, 475 Main Street, Text Amendments

Mr. Harris stated that City staff is requesting to continue the public hearing for case PC 07-20 so that the proposed text amendments can first be presented to the Development Committee for clarification and further input prior to being formally considered by the Commission. Mr. Harris requested that the matter be continued to the regularly scheduled October 16th Plan Commission meeting.

Commissioner Warbiany made a motion, seconded by Commissioner Barber, to continue the public hearing for case PC 07-20 to the October 16, 2007 Plan Commission meeting. The Commissioners unanimously agreed. Motion carried.

10. Minutes – Mr. Harris indicated to the Commission members that there were eight pages of the court reporter's transcripts pertaining to the language in question from the September 5th Plan Commission meeting. Mr. Harris suggested that the Commission table the consideration of the September 5th minutes until the October 16th Plan Commission meeting and that City staff

PLAN COMMISSION/ZONING BOARD OF APPEALS
MINUTES OF OCTOBER 2, 2007

will include that portion of the transcripts and the draft minutes in the next Commission packet for advanced review. Commissioner Lemon made a motion, seconded by Commissioner Warbiany, to table the consideration of the September 5th Plan Commission minutes to the October 16th Plan Commission meeting. The Commissioners unanimously agreed. Motion carried.

11. Other Commission Business – Mr. Harris indicated that Springbrook Market is now open in Oliver Square at North Avenue and Nelnor Boulevard. Mr. Harris also stated that the City Council approved the annexation of the St. Andrews golf course property at the October 1st meeting. Lastly, Mr. Harris indicated that another building is being proposed in the DuPage National Technology Park to be commonly known as the SMART building.

12. Adjournment – Commissioner Warbiany made a motion, seconded by Commissioner Posadzy, to adjourn the October 2, 2007 Plan Commission/Zoning Board of Appeals meeting at 8:00 p.m. The Commissioners unanimously agreed. Motion carried.

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