

CITY OF WEST CHICAGO

WHERE HISTORY & PROGRESS MEET

MINUTES

Development Committee

October 8, 2007, 7:00 P.M.

Approved with no changes at November 12, 2007 Meeting

1. Call to Order, Roll Call and Establishment of a Quorum.

Chairman Pineda called the meeting to order at 7:00 P.M. Roll call found Aldermen James E. Beifuss, Jr., Nicholas Dzierzanowski, H. Ronald Monroe, and Rebecca Stout present. Alderman Gregory Bunch and Alan Murphy were absent.

Also in attendance was Community Development Director Joanne Kalchbrenner.

2. Approval of Minutes.

A. Development Committee, September 10, 2007. Alderman Stout made a motion, seconded by Alderman Beifuss, to approve the minutes of the September 10, 2007 Development Committee Meeting. Voting Yea: Aldermen Beifuss, Dzierzanowski, Monroe, Pineda, and Stout. Voting Nay: 0. Motion carried.

3. Public Participation. Chairman Pineda asked if there was anyone from the public who wished to speak. Mr. James Langkamp and Mr. Ben Start indicated that they were from Forming America and would like to raise issues related to the status of their development. Chairman Pineda advised that they would be provided an opportunity to speak when their item was raised on the agenda.

4. Items for Consent.

Chairman Pineda asked if any aldermen wanted to remove an item from the consent agenda and there was no response.

Chairman Pineda advised that the following items would be placed on the September 17, 2007 City Council Agenda under Consent:

- A. Flavio Romero – 200 S. Neltor Blvd. #300, Façade Grant**
- B. Sam Chripczuk – 101 E. Washington St. Façade Grant**
- C. Jack Kammes – 600 E. Blair St. Special Use**
- D. Scott Skifano – 1470 Prairie Crossing Dr. Variance**

5. Items for Discussion.

A. Forming America – 1200 Prince Crossing Road – Special Use Permit Update. Ms. Kalchbrenner provided a summary of the status of compliance with the conditions of the special use permit. The special use permit included 18 conditions and the owner has complied with a majority of the conditions by installing landscaping and submitting required engineering plans. The owner did not comply with the requirement to address all building code violations and obtain a certificate of occupancy prior to October 1, 2007, and actually created more violations by using a dip tank and finishing the basement of the office, for which building permits were previously denied. Alderman Beifuss asked the owner why he would choose to use a dip tank without a permit and finish the basement without a permit, knowing that building permits for both had been denied. Mr. Langkamp advised that he did stop using the dip tank after the first time he was directed to stop using it, but changed the chemicals to noncombustible chemicals and began using it again. He advised that OSHA and the Fire District approved the dip tank and that John Fincham indicated that although he could not approve a permit for the dip tank because there was no special use, he would not do anything about it if they used the dip tank. Ms. Kalchbrenner responded that although she could not speak for Mr. Fincham that she did not believe that statement to be correct because she met with Mr. Fincham after his inspection and he commented that the owner was using the dip tank again in violation of the code. The owner presented a letter from city staff advising them to cease using the dip tank from March of 2007 and a April 2, 2007 response letter from the owner's attorney to the prosecuting attorney advising that they believe the letter to be inaccurate and that they believe that they can use the dip tank and that it does not require a building permit because it uses noncombustible chemicals. They added that they have not received a response to the April 7, 2007 letter and decided to start using the dip tank again. Chairman Pineda requested that Mr. Fincham attend the next Development Committee meeting, and reiterated Alderman Beifuss' question as to why the owner finished the basement after a permit had been denied. Mr. Langkamp advised that there were previously desks in the basement and some framing had been done and there was some electric and plumbing. He added more electrical, framing and put up paneling. He knew that technically the work needed a permit but that he didn't think it was that much. Mr. Langkamp added that he told John Fincham that he was going to do the basement work. Ms. Kalchbrenner responded that she did not believe that to be accurate because Mr. Fincham was taken aback when he learned that the basement was finished, even after a building permit had been denied. Chairman Pineda again asked why Mr. Langkamp had done the work and Mr. Langkamp responded that it wasn't really that much work and it wasn't even on the list of violations that was previously provided. All of the violations were present when he moved in and he addressed all of those. Ms. Kalchbrenner responded that that was not accurate and that by installing and using a dip tank and by finishing the basement after a permit was denied, he created his own violations, and further that the basement wasn't on the original list of violations because it wasn't finished when staff did the original inspection after learning that the owner occupied the building without approval. Mr. Langkamp reiterated that he had sent a letter to Prosecuting Attorney Linda Pieczinski advising her that they did not believe that a permit was necessary and that they should be allowed to use the dip tank. Ms. Kalchbrenner responded that she would contact the Prosecuting Attorney to discuss the issue, but that it was her understanding that permission to use the dip tank had not been granted. Alderman Beifuss inquired when the basement was finished and Mr. Langkamp responded that it has been done over the past two years, although he believed

that the previous owner lived in the basement. Alderman Beifuss asked when the carpet was installed and Mr. Langkamp responded that it has been within the past six months. Alderman Beifuss asked when the paneling was installed and Mr. Langkamp responded that it was in the last six months. Alderman Beifuss asked when the electrical work was completed and Mr. Langkamp responded that it was 1 to 2 years ago. Alderman Beifuss asked when the plumbing was complete and Mr. Langkamp responded that it was complete when he moved in. Alderman Beifuss asked if additional lighting was installed and Mr. Langkamp responded yes, that can lights were installed. Alderman Pineda expressed concern that paneling was installed and that there is no fire protection in the basement. Mr. Langkamp responded that the building is beam construction and that there are exemptions from certain fire protection requirements because of the sturdy construction. Additionally, they did obtain a fire alarm permit from the Fire District. Ms. Kalchbrenner responded that it is not possible to obtain a fire alarm permit from the Fire District because all permits are issued by the City. Mr. Langkamp said that he was mistaken and that it was issued by the City. After several additional questions, Mr. Start noted that the permit was for the warehouse and not the basement of the office building. Alderman Pineda stated that the construction in the basement needs to be removed because it was installed without a permit and was never inspected. Alderman Dierzanowski noted that if he were to vote this evening it would be to rescind the special use permit because the owner has not complied with the conditions of the special use permit and continues to make improvements without permits. Allowing people to use the basement is placing lives in danger and is unacceptable. The owner needs to stop using the basement. Ms. Kalchbrenner advised that she would speak with Building Official John Fincham to determine if it is a habitable space and if it is not then it can be posted as not habitable. Alderman Stout requested a more thorough inspection and Ms. Kalchbrenner responded that Mr. Fincham had inspected the basement once and could go back but is limited because the construction is covered and that there are no architectural plans to review to determine code compliance. Chairman Pineda reiterated that the basement should not be used without compliant construction and fire protection. Ms. Kalchbrenner advised that Mr. Fincham would review the file to determine if the basement was previously considered a habitable space or not and would take appropriate action. If it was not habitable, it is not currently habitable and can be posted as not habitable. The Development Committee cannot make that determination. Chairman Pineda requested that a decision on the special use permit not be made this evening and that the Committee discuss the issue again at its next meeting to determine how much progress the owner makes toward compliance with the building code. Ms. Kalchbrenner advised the owner that he needs to have architectural plans for the basement construction created, reviewed and approved before any legal construction can occur.

The members of the Development Committee agreed to discuss the issue further at its November meeting.

B. Concept Review – Various Text Amendments. Ms. Kalchbrenner indicated that staff began preparing the zoning ordinance text amendment in regard to driveways in the front yard in accordance with direction from Alderman Beifuss and the Development Committee and decided to include additional amendments in order to address other issues that have arisen and be more efficient. Unfortunately, the driveway issue became more complex and staff is not prepared to move forward with that amendment yet but proposes to move forward with the amendments that are included in the packet, such as revisions to the recreational vehicle regulations as well as

temporary sales and parking of commercial vehicles. Alderman Beifuss indicated that he would prefer discussing all of the amendments together and recommends delaying discussion until the driveway language is included. Alderman Stout asked for clarification on the diagram depicting allowable areas to park a recreational vehicle and Ms. Kalchbrenner responded. Alderman Beifuss clarified his recommendation in regard to driveways in front of homes and advised that his intent was to limit driveways in front of homes in the R-5 district, where there is a higher lot coverage than in other districts as well as smaller lot sizes, which leads to intensive coverage and poor aesthetic appeal. Homes in the R-5 district typically include detached garages and there is no benefit to having a driveway in front of a home when it does not lead to a garage. Alderman Beifuss added that he would prefer the regulation for new driveways only so that the issues will not occur in the future, but that existing driveways may remain. Alderman Stout asked if someone could apply for a variance if there is a reason to have a driveway in front of a house and Ms. Kalchbrenner responded that the zoning ordinance includes provisions for variances from the driveway regulations. Alderman Beifuss added that instances where a home is adjacent to a high traffic street, such as Route 59 should be allowed to have a turn-around in front of the house and would be a candidate for a variance. Chairman Pineda confirmed a consensus from the Development Committee members to delay discussion until the driveway regulations are included in the proposed revisions.

6. Unfinished Business. None.

7. New Business. Chairman Pineda recommended that the moratorium on signs on more than one façade for corner lots that was approved for the Turner Junction Historic District be expanded along Main Street. The Development Committee concurred and directed staff to prepare an ordinance.

8. Reports from Staff. None.

9. Adjournment. Alderman Stout made a motion, seconded by Alderman Beifuss, to adjourn. The members unanimously agreed. Motion carried. The meeting adjourned at 7:50 p.m.

Respectfully submitted,

Joanne L. Kalchbrenner
Community Development Director

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