

# CITY OF WEST CHICAGO

WHERE HISTORY & PROGRESS MEET

## CITY OF WEST CHICAGO PLAN COMMISSION/ZONING BOARD OF APPEALS December 4, 2007

### MINUTES

Approved with changes at the January 15, 2008 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 Steve Jarolin, Vickie Barber, Bob Lemon, John Banas, John Warbiany and Jeffrey Posadzy present. Commissioner Janet Hale was absent.

Also in attendance were Community Development Director Joanne Kalchbrenner and Planning Assistant David DeGroot.

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

3. **Chairman's Comments** – None.

4. **Minutes** – Chairman Banas noted a correction on page 2 of the November 20, 2007 minutes. Commissioner Lemon made a motion, seconded by Commissioner Warbiany, to approve the November 20, 2007 minutes as amended. The Commissioners unanimously agreed. Motion carried.

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

Mr. DeGroot explained that the applicant is requesting a continuation until the March 5, 2008 meeting in order to pursue negotiations with specific tenants interested in the development, which may result in modifications to the proposed site design.

Commissioner Warbiany made a motion, seconded by Commissioner Jarolin, to continue the public hearing for PC 05-18 to the March 5, 2008 meeting. The Commissioners unanimously agreed. Motion carried.

6. **Public Hearing Case PC 07-13 – Jim Beavers of Jigged Ventures L.L.C., Rezoning, Amendment to the Preliminary Planned Unit Development (PUD) and Final PUD**

Ms. Kalchbrenner gave a brief overview of the requested rezoning, resubdivision, and PUD amendment and introduced the applicant and his associates to the Plan Commission.

Tracy Kasson, Terrance Mach, and Jim Beavers were sworn in.

Tracy Kasson gave an overview of the project. He stated that the property is part of a PUD that was approved in 2005 and that the property owner has since acquired additional property that he would like to include as part of the development. He explained that the additional property is currently zoned B-2 and that the applicant would like to have it rezoned to the ORI district in order to be consistent with the rest of the development. He added that the development is designed to have the more attractive ORI zoning along the Roosevelt Road and the more intensive M zoning on the south side of Topsoil Drive. Mr. Kasson stated that the addition of the property would create an additional buildable lot. He explained that the applicant would like to resubdivide Lots 2 & 3 in the existing development with the newly acquired land. The result would be two buildable lots and one lot for detention. He added that the buildings would be brick and of an architectural style similar to the other ORI buildings within the development.

Mr. Mach explained that the building would have a saw tooth design consistent with the curve of Roosevelt Road. He added that the building and signage would be consistent with the existing building and signs within the development. Mr. Mach gave an overview of the landscaping plan. He stated that the proposed landscaping exceeds that which is required by City Code and that any existing landscaping damaged during the development would be replaced.

Mr. Kasson stated that the applicant is also requesting several zoning and subdivision deviations similar to those that were approved with the original PUD and that he would be happy to answer any question the Commissioner had regarding the requested deviations.

Commissioner Warbiany asked if the reduced landscape setback on the west side of Lot 2 is necessary and stated that the landscape plan shows some landscaping along the property line.

Mr. Mach clarified that the landscaping shown on the plan is around the foundation of the building on Lot 2 and is not required by City Code.

Commissioner Lemon asked if the increased slope in the detention area would create maintenance problems.

Mr. Mach replied that the only natural vegetation will be used in the detention area and that a picket fence would be installed around the border to limit access to the area.

Commissioner Lemon asked when the existing building on Lot 2 will be demolished.

Mr. Kasson stated that the building would be demolished once the current tenant vacates the site. He added that the tenant has a lease agreement that may last up to 7 years.

Commissioner Lemon asked Mr. Kasson what the difference between a storage yard and a parking lot is. He added that he felt the ambulances used in conjunction with the existing business on Lot 2 create a storage yard and not a parking lot. He stated that he has trouble supporting a special use or PUD when there is an existing violation on the property.

Ms. Kalchbrenner stated that the applicant and property owner, Jim Beavers, is aware of the violation and has asked City staff to help bring the site into compliance. She added that although Mr. Beavers is the property owner, it is the tenant of the building that is creating the violation.

Mr. Kasson agreed that site will be more developable after the building is removed from Lot 2. He concluded by stating that the amendments to the PUD are necessary in order to redevelop the site and that the property owner is working with City staff to achieve compliance on the subject property.

Commissioner Jarolin made a motion, seconded by Commissioner Posadzy, to close the public hearing for PC 05-18. The Commissioners unanimously agreed. Motion carried.

**7. Review of Case PC 07-13 - Jim Beavers of Jigged Ventures L.L.C., Rezoning, Amendment to the Preliminary Planned Unit Development (PUD) and Final PUD**

Commissioner Warbiany stated that the proposed development is requesting several deviations that significantly reduce what is required by City Code, such as a reduction in the right-of-way width, a reduction in the required landscape setbacks, etc. He asked staff if it is typical to grant so many deviations that result in much less than what is required by City Code.

Ms. Kalchbrenner stated that it is not typical to grant such deviations. She added that the original development of the site was approved with similar deviations and that precedence had been set for the rest of the development. She stated that the requested deviations would be consistent with the rest of the development and would result in a comprehensive and aesthetically pleasing development.

Commissioner Lemon stated that he feels there is an excessive amount of green space on the site, even if the requested deviations were approved. He added that he supports the concept and layout of the development but cannot support a conditional use when there is an existing violation on the property.

Ms. Kalchbrenner stated that staff would prefer that the rezoning, resubdivision, and PUD amendment be voted on separately.

Commissioner Warbiany made a motion, seconded by Commissioner Jarolin, to approve the rezoning for PC 07-13. The Commissioners unanimously agreed. Motion carried.

Commissioner Warbiany made a motion, seconded by Commissioner Barber, to approve the resubdivision for PC 07-13 with the requested deviations. The Commissioners unanimously agreed. Motion carried.

Commissioner Warbiany made a motion, seconded by Commissioner Barber, to approve the amendment to the preliminary and final PUD for PC 07-13 with the recommended conditions. Voting Yea: Commissioners Banas, Barber, Jarolin, Posadzy, and Warbiany. Voting Nay: Commissioner Lemon. Commissioner Lemon stated that he could not support a special use when the current use of the property does not comply with the City's regulations.

Ms. Kalchbrenner stated that the case is scheduled for consideration by the Development Committee on December 10, 2007.

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

Mr. DeGroot gave a brief overview of the proposed amendments. He stated that he would discuss each proposed amendment as shown in the staff report and asked the Commissioners and audience to ask any questions or voice any concerns prior to moving on to the next proposed amendment.

Mr. DeGroot explained that proposed Amendment 1 would remove the parking regulations for travel trailers and recreational vehicles from their current location and relocate them to Article 13: Off-street Parking Loading.

The Commissioners did not have any concerns or objections to proposed Amendment 1. There was no one present in the audience that wished to provide testimony.

Mr. DeGroot explained that proposed Amendment 2 would delete Section 13.1-5 in its entirety because it contradictorily states that recreational and/or commercial vehicles are prohibited in residential districts.

The Commissioners did not have any concerns or objections to proposed Amendment 2. There was no one present in the audience that wished to provide testimony.

Mr. DeGroot explained that proposed Amendment 3(A) would limit the location of driveways in front yards. He stated that the width of driveways would not be permitted to exceed the width of the garage when located in the area between the outermost corners of the house and the front lot line when leading to an attached garage. He added that driveways would not be permitted in the same area when leading to a detached garage. Mr. DeGroot referred the Commissioners to the photographs and diagrams in the staff report which illustrate the proposed regulation.

The Commissioners discussed the proposed amendment in great detail. The general consensus was that the location of driveways should not be regulated and that sidewalks should be permitted adjacent to driveways. The Commission asked staff to further research the proposed amendment. There was no one present in the audience that wished to provide testimony.

Mr. DeGroot stated that proposed Amendment 3(B) would prohibit carports in all residential districts. He added that it is staff's opinion that carports are aesthetically unappealing and detract from the intent of the City's requirement for each dwelling to provide two (2) completely enclosed parking spaces which provides a screened area for the storage of motor vehicles, bicycles, and lawn equipment.

The Commissioners discussed the proposed amendment and reached a consensus that carports should be permitted. There was no one present in the audience that wished to provide testimony.

Mr. DeGroot explained that proposed Amendment 3(C) would revise and relocate the regulations for the parking of recreational vehicles in residential districts. He stated that the proposed regulations would limit recreational vehicles to one per lot and that they would be permitted in the required front yard, actual front yard, required corner side yard, and actual corner side yard seasonally between April 16<sup>th</sup> and October 14<sup>th</sup>. He added that during the off season recreational vehicles would be permitted in the side and rear yards subject to a 3 foot and 5 foot setback, respectively. He stated that recreational vehicles would not be permitted on lots containing town homes and/or apartment units. Mr. DeGroot explained that all recreational vehicles would be required to be on a paved surface and that the occasional use of recreational vehicles would be permitted on residential lots in accordance with Section 6.8, as shown is proposed Amendment 6.

Commissioner Lemon stated that the camper trailer dimensions are not realistic. He explained that he attempted to but could not find a camper trailer 24 feet long or 5 ½ feet tall. He suggested revising the dimensions to more accurately reflect the size of camper trailers.

Commissioner Warbiany stated that he felt allowing recreational vehicles in the front or corner side yards seasonally was a good idea. There was general agreement from the rest of the Commissioners.

The Commissioners discussed prohibiting recreational vehicles on lots containing apartment units or town homes. There was consensus that the storage of such vehicles may be appropriate on lots containing town homes but may not always be appropriate for lots containing apartment units.

Ms. Kalchbrenner stated that many town homes or apartment complexes do not allow the storage of recreational vehicles.

Mr. DeGroot explained that proposed Amendment 3(D) would establish regulations for the parking of commercial vehicles in residential districts. He added that the Zoning Ordinance does not currently establish such regulations. He noted that the proposed regulations would allow one commercial vehicle per lot on a paved surface, provided a recreational vehicle is not present. He stated that any commercial vehicle with greater than a b-plate license would only be permitted in an enclosed structure.

The Commissioners did not have any concerns or objections to proposed Amendment 3(D). There was no one present in the audience that wished to provide testimony.

Mr. DeGroot explained that proposed Amendment 4 would separate the regulations for patios and decks. He stated that patios would be permitted in the actual front yard but that they would be subject to a 20 foot setback. He added that decks would remain prohibited in the actual front yard and that the regulations for decks and patios would others remain unchanged.

Commissioner Jarolin asked staff if there is a demand for front yard patios.

Mr. DeGroot stated that he had received several applications for patios in the actual front yard.

Ms. Kalchbrenner stated that the demand for front yard patios is increasing in the Prestonfield subdivision.

Commissioner Barber stated that front yard patios encourage people to interact with their neighbors.

Commissioner Warbiany suggested grammatical changes to the proposed amendment to clarify that patios and decks are included in the lot coverage calculation.

Mr. DeGroot explained that the definitions in proposed Amendment 5 apply to the various amendments throughout the report. He stated that the definitions were derived from the American Planning Association's *A Planner's Dictionary* and compared to those of surrounding municipalities. He then discussed the individual definitions.

Commissioner Warbiany suggested revising the definition of patio to state that it is a hard surface that rests on the ground, not that it shall not be higher than the adjoining area. He explained that patios often have a border that is higher than the adjoining area. There was general agreement amongst the rest of the Commissioners.

Mr. DeGroot explained that proposed Amendment 6(A) would clarify that seasonal outside sales shall only be permitted when ancillary to the business on the property and shall only include merchandise customarily sold by the business. He stated that mobile outside vendors would not be permitted. He added that the proposed amendment would eliminate the maximum allowable area for seasonal outside sales but would rather limit the size by requiring that they not interfere with required parking spaces nor disrupt the flow of pedestrian or vehicular traffic.

Commissioner Lemon suggested prohibiting items such as fertilizers, pesticides, and other dangerous chemicals as part of seasonal outside sales. He explained if they were to spill they would wash directly into the storm sewers. There was general agreement amongst the rest of the Commissioners.

Mr. DeGroot explained that proposed Amendment 6(B) would permit the occasional use of recreational vehicles such as camper trailers for not more than 7 days out of a 30 day period twice per year. He added that no connections to sewer or water would be permitted as part of such use.

The Commissioners did not have any concerns or objections to proposed Amendment 6(B). There was no one present in the audience that wished to provide testimony.

Mr. DeGroot explained that proposed Amendment 6(C) would relocate the regulations for the use of trailers as construction offices or construction storage. He added that the regulations are not changing but being moved to Section 6.8 Temporary Uses.

The Commissioners did not have any concerns or objections to proposed Amendment 6(C). There was no one present in the audience that wished to provide testimony.

Mr. DeGroot explained that proposed Amendment 6(D) would relocate the regulations for garage sales to Section 6.8 Temporary Uses. He explained that these regulations are established in various parts of the City Code but should be addressed as a temporary use. He noted that garage sales would not require a temporary use permit.

The Commissioners did not have any concerns or objections to proposed Amendment 6(D). There was no one present in the audience that wished to provide testimony.

Mr. DeGroot explained that proposed Amendment 7(A) would establish 2 separate size requirements for off-street loading spaces. He stated that the current regulations establish 1 size for all off-street loading space and that the size is often not large enough to accommodate truck tractor-semitrailer combinations, but the same requirement is often larger than what is necessary for use by straight trucks. He noted that the proposed dimensions would accommodate the maximum sizes allowed by the State of Illinois for both types of vehicles. Mr. DeGroot stated that the developer would be responsible for determining what type of space is required, as the City does not require off-street loading spaces to be provided, but rather prohibits loading and unloading in the public right-of-way.

Commissioner Lemon stated that he has concerns about the enforceability of the proposed amendment. He explained that a developer may provide spaces to accommodate short trucks but may switch to semitrailers at a later date. He suggested changing the regulation to require the maximum length allowed by the State of Illinois for all off-street loading spaces.

Mr. DeGroot stated that requiring the larger size for all spaces would limit many smaller sites from being developed and would likely result in several variance requests to reduce the size.

Ms. Kalchbrenner stated that the intention of the regulations is to encourage better planning in the early stages of development. She added that in doing so situations where loading spaces interfere with parking spaces or aisles would be reduced.

Mr. DeGroot stated that loading and unloading is prohibited in the public right-of-way and that if conflicts do arise they would not affect the public. He added that the intention of the regulation is to minimize such potential conflicts.

Mr. DeGroot explained that proposed Amendment 7(B) would require the access ways for off-street loading spaces to comply with the minimum widths established in Section 13.1-6(A) of the Zoning Ordinance. He noted that in no case would the minimum width be reduced below 12 feet.

The Commissioners did not have any concerns or objections to proposed Amendment 7(B). There was no one present in the audience that wished to provide testimony.

Mr. DeGroot explained that proposed Amendment 7(C) is grammatical and would simply make the language consistent with that used elsewhere in the Zoning Ordinance.

PLAN COMMISSION/ZONING BOARD OF APPEALS  
MINUTES OF DECEMBER 4, 2007

The Commissioners did not have any concerns or objections to proposed Amendment 7(C). There was no one present in the audience that wished to provide testimony.

Mr. DeGroot explained that proposed Amendment 8 would establish additional regulations for stacking spaces. He stated that the current regulations only establish the number of stacking spaces required. He added that the proposed amendment would establish a minimum space size, require an escape/bypass lane, a limit the location of stacking space.

Commissioner Warbiany noted a typographical error in the proposed amendment. He also asked why the required escape/bypass lane is proposed to be 10 feet wide.

Mr. DeGroot explained that the larger width is to accommodate emergency vehicles and to allow for some room to maneuver.

Mr. DeGroot explained that proposed Amendment 9 would prohibit adult business uses from being located with 1,000 feet of the ER-2 district. He stated that the ER-1 and ER-2 district were previously one district and that this section was not amended when it was divided into 2 districts.

The Commissioners did not have any concerns or objections to proposed Amendment 9. There was no one present in the audience that wished to provide testimony.

Mr. DeGroot explained that proposed Amendment 10 would permit parks and recreational areas in the ER-1 district. He added that parks and recreational areas are permitted in all residential districts and that staff believes they are a reasonable use in the ER-1 district as well.

The Commissioners did not have any concerns or objections to proposed Amendment 10. There was no one present in the audience that wished to provide testimony.

Mr. DeGroot explained that proposed Amendment 11 would permit government facilities in the R-5 district. He stated that permitted such uses would accommodate such uses as the Fire Station located at 509 Church Street.

The Commissioners did not have any concerns or objections to proposed Amendment 11. There was no one present in the audience that wished to provide testimony.

Chairman Banas asked staff how they would like the Commission to vote on the proposed amendments.

Ms. Kalchbrenner requested that the Commission continue the public hearing so that staff may have time to revise the amendments as suggested. She added that continuing the public hearing rather than voting against the proposed amendments would save the cost of republishing the legal notices.

Commissioner Jarolin made a motion, seconded by Commissioner Posadzy, to continue the public hearing for PC 07-20 to the January 15, 2008 meeting. The Commissioners unanimously agreed. Motion carried.

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

The review of PC 07-20 was rescheduled to the January 15, 2008 meeting along with the continuation of the public hearing.

**8. Other Commission Business** – Ms. Kalchbrenner stated that the variance request for 825 Elmwood Ave. reviewed by the Commission at the previous meeting is scheduled for consideration by the Development Committee on December 10, 2007. She announced that the December 18, 2007 Plan Commission meeting has been cancelled. She also reminded the Commissioners that the first meeting in January will be held on Wednesday the 2<sup>nd</sup> due to the New Year holiday.

**9. Adjournment** – Commissioner Barber made a motion, seconded by Commissioner Jarolin, to adjourn the December 4, 2007 Plan Commission/Zoning Board of Appeals meeting at 9:52 p.m. The Commissioners unanimously agreed. Motion carried.

MIN120407/dd