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**CITY OF WEST CHICAGO  
PLAN COMMISSION/ZONING BOARD OF APPEALS  
January 3, 2007**

**MINUTES**

**Approved with no changes at the January 16, 2007**

**1. Call to Order, Roll Call and Establishment of a Quorum** - Chairman Warbiany called the meeting to order at 7:00 p.m. Roll call found Commissioners Vickie Barber, Stephen Jarolin, Robert Lemon, and John Warbiany present. Commissioners John Banas and Janet Hale were absent.

Also in attendance were City Planner Jeff Harris and Administrative Secretary Linda Ericksen.

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

**3. Chairman's Comments** - Chairman Warbiany explained that in order to receive a favorable recommendation by the Commission, a majority of the Commission members, which is seven, must vote positively. He explained further that four Commission members were present this evening and a unanimous vote was needed for a favorable recommendation to City Council. He noted that if a recommendation to the City Council is not favorable, a supermajority vote by the City Council is required in order to adopt the petitioner's request. He commented that the petitioners have the option of continuing their requests to another Plan Commission meeting where more members might be present.

**4. Approval of December 5, 2006 Minutes**

Chairman Warbiany noted on Page 1, second paragraph from the bottom, the last sentence, should read, "foot height mark for reference purposes."

Commissioner Lemon made a motion, seconded by Commissioner Warbiany, to approve the December 5, 2006 Minutes as amended. Voting Yea: Commissioners Lemon and Warbiany. Abstaining: Commissioners Barber and Jarolin. Motion carried.

**5. Public Hearing Case PC 06-49 - ChildServ, Transitional Living Facility Text Amendment**

Ms. Jeanne Becker and Ms. Kerry LaValle, from ChildServ, made a presentation regarding the proposed text amendment. Ms. Becker discussed the background of ChildServ, how the decision to ask for the text amendment came about, the need for the facility, what a transitional living facility is, where other such facilities are located and how West Chicago is an ideal location.

Chairman Warbiany noted that there was no one in the audience to speak in favor of or in opposition to the proposed amendment.

The Commissioners raised the following issues:

- Number of youth per dwelling unit
- Agency regulations for square feet of living space required per resident
- The proposed 900 foot separation between transitional living facilities
- The size of dwelling units for the existing facilities in Woodridge and Wheaton
- Residents living in facility for a maximum of two years
- DCFS guidelines provided in packet that could change tomorrow
- Transitional living facility as permitted use versus special use
- Sunset clause for the use if approved by the City Council

**MICHAEL B.  
KWASMAN**  
ACTING MAYOR

**NANCY M.  
SMITH**  
CITY CLERK

**DONALD F.  
EARLEY**  
CITY TREASURER

**MICHAEL L.  
GUTTMAN**  
CITY  
ADMINISTRATOR



- Residents on probation - percentage, why are they on probation
- How would complaints be handled
- Who makes up the Board of Directors for ChildServ

Chairman Warbiany explained that the public hearing would be closed and only the Commission members would discuss the proposed text amendment.

Mr. Harris noted that staff approves permitted uses and each time a special use is proposed, a public hearing notification and City Council approval is required.

Mr. Lemon commented that if a transitional living facility was going to be a special use, the City should consider making a large community residence a special use also for consistency.

Commissioner Jarolin made a motion, seconded by Commissioner Lemon, to close the public hearing. Voting Yea: Commissioners Jarolin, Lemon, Barber and Warbiany. Voting Nay: 0. Motion carried.

#### **6. Review of Case PC 06-49 - ChildServ, Transitional Living Facility Text Amendment**

Chairman Warbiany noted that one of the issues was whether to allow a transitional living facility as a permitted use or a special use in the R-6 zoning district.

Commissioner Lemon commented that if it is a special use, a public hearing would be held and the neighbors would be notified. He added that he would like a sunset clause provision to look at the operations of the facility down the road to see if the facility was in compliance. He noted that this facility is slightly outside of the norm and the use could potentially be noxious. He noted further that the facility is a great idea, but he would be more comfortable with it if it could be looked at down the road.

Chairman Warbiany stated that he supported what Commissioner Lemon was saying except for the sunset clause provision. He commented that it was unnecessary and it would restrict the ability to write a lease for a facility. He added that City Council has the right to terminate a special use if it is not complying with the established conditions.

Mr. Harris commented that on top of the City's conditions, DCFS has regulations that must be complied with.

Commissioner Jarolin stated that he was fine with the way it was presented.

Chairman Warbiany noted that the petitioner requested that "or probationary programs" be eliminated from the end of Condition (4) in staff's proposed regulations. He added that it is hard to integrate people in society and the petitioner stated that it would limit their ability to admit people into the program.

Commissioner Barber stated that it should be left in.

Commissioner Lemon commented that he is not comfortable with 50% or more of the residents being on probation. He added that he would like to limit it to some reasonable number.

Chairman Warbiany noted that each resident is screened and supervised by DCFS and the agency running the facility prior to the resident occupying the facility. Chairman Warbiany pointed out minor grammatical changes in staff's recommended text.

Commissioner Jarolin made a motion to approve, seconded by Commissioner Barber, PC 06-49, ChildServ, Transitional Living Facility Text Amendment as recommended by staff except eliminating “or probationary programs” in 9.7-4(4) and including the grammatical corrections.

Commissioner Lemon stated that he would vote no because a sunset clause and percentage of residents on probation were provisions not included as part of the motion. He added that would condemn the petitioner then to a supermajority vote by City Council.

Chairman Warbiany asked what the limit of residents on probation should be.

Commissioner Lemon commented that it should not be 100% as proposed. He added that DuPage County has dumped on this community before and this would open that possibility. He added further that there are enough people downtown that are on probation. He noted that probation cannot be the only reason that a resident is in the facility. He noted further that it is too extreme to eliminate that portion of the condition. He stated that by limiting the number of residents on probation is protecting the community.

Chairman Warbiany commented that the existing facilities appear to be working with residents on probation. He noted that adult criminal offenders in the community are not supervised. He noted further that these residents would be in a facility with supervision.

Mr. Harris commented that the facility would include residents in need of other assistance and not just residents on probation.

Ms. Becker commented that residents are not coming just because they are on probation. She added that they are in need of additional support.

Ms. LaValle added that some of the residents are wards of the court or the court takes responsibility of guardianship even though they have not committed any crime. She added further that residents on probation meet with a probation officer on a regular basis and report to a judge. She stated that all youth have to go through a screening process to see if a transitional living facility is appropriate for them.

Chairman Warbiany asked what the success rate was of the residents on probation.

Ms. LaValle responded that having the added supervision piece is significant in a youth’s success. She noted that they do not want to get in trouble and being in the facility is an additional level of incentive.

Ms. Becker added that youth must follow very specific rules regarding behavior and conduct.

Voting Yea: Commissioners Jarolin, Barber and Warbiany. Voting Nay: Commissioner Lemon. Motion failed. Commissioner Lemon stated that he voted no because he wanted a sunset clause and he wanted to limit the number of residents on probation.

Mr. Harris noted that this item would be on the January 8, 2007 Development Committee agenda.

**7. Review of Case PC 05-23 - Shoppes of West Chicago Phase II, Amendment to the Final PUD for 191 W. North Avenue**

Mr. Harris made a presentation regarding the proposed amendment to the final PUD for 191 W. North Ave. He noted that the applicant obtained final PUD approval for Lot 5 in May of 2005 to construct Phase I of the proposed retail strip mall. He noted further that construction is almost completed for Phase I. He stated that the applicant is proposing to construct an additional 13,371 square feet onto the existing multi-tenant retail building. Mr. Harris added that the building will be the same material as the existing one and the landscaping would be the same. He added further that there would be ample parking. He stated that a

third entrance would be added on the westernmost side of the site. He noted that the applicant is requesting four deviations: (1) to permit surcharging above the crown of the storm sewers in a ten year storm event; (2) to void the previously approved deviation to permit six-foot candles along the western property line of

Lot 5; (3) to allow a ten-foot reduction in the required 37.5 building setback along Teresa Lane for the northwest corner of Phase II building; and (4) to allow two monument signs.

Mr. Frank Kaldis of K & K Holdings commented that the Phase I sign is already constructed. He added that the owners were not aware of the signage and by the time they found out it was too late.

Mr. Harris stated that both signs comply with the ordinance and staff supports the second monument sign.

Chairman Warbiany was concerned because there are five areas of traffic to the northwest corner of the site and he would like to see some traffic control measures installed. He added further that he would like the applicant to add three stop signs.

Mr. Harris pointed out the locations of the stop signs to the members.

Mr. Kaldis commented that adding the stop signs should not be a problem.

Mr. Harris explained the road realignment, the full access to North Avenue, four-way intersection with St. Andrews Square and the possibility of a future traffic light.

Mr. Kaldis commented that he is working with the association to get the road to Wood Glen extended and then eliminating the road to North Avenue in a timely manner.

Commissioner Barber made a motion to approve, seconded by Commissioner Jarolin, PC 05-23, Shoppes of West Chicago Phase II, Amendment to the Final PUD for 191 W. North Ave. as recommended by staff with the additional three stop signs as presented. Voting Yea: Commissioners Barber, Jarolin, Lemon and Warbiany. Voting Nay: 0. Motion carried.

Mr. Harris noted that this item would be on the January 8, 2007 Development Committee agenda.

**8. Review of Case PC 06-48 - Guzaldo's Gourmet Coffee, Amendment to the Final PUD for 2013 Franciscan Way**

Mr. Harris commented that he was unsure why the applicants were not present tonight. Mr. Harris made a presentation regarding the proposed amendment. He noted that the original final PUD for Lot 9 was approved in April of 2003 for LaVazza. He noted further that a little over a year ago LaVazza vacated the site. He added that Dunkin Donuts had recently pursued the use of the site but withdrew their application prior to City Council approval. Mr. Harris noted that additional landscaping would be provided. He noted that signage is an issue. He noted further that a pole sign is prohibited by the covenants of the PUD. He added that he received the proposed monument sign after the packets were delivered to the members. Mr. Harris stated that there were issues with the proposed monument sign that was submitted and he suggested that this item be tabled until revised plans are submitted.

Commissioner Lemon made a motion, seconded by Commissioner Barber, to table PC 06-48, Guzaldo's Gourmet Coffee, Amendment to the Final PUD for 2013 Franciscan Way to the January 16, 2007 Plan Commission meeting. The members unanimously agreed. Motion carried.

**9. Continuation of Public Hearing Case PC 06-47 - City of West Chicago, Text Amendments**

Mr. Harris stated that City staff is requesting to table the public hearing until the regularly scheduled January 16, 2007 Plan Commission/Zoning Board of Appeals meeting.

Commissioner Jarolin made a motion, seconded by Commissioner Barber, to table the public hearing for Case PC 06-47, City of West Chicago, Text Amendments, to the regularly scheduled January 16, 2007, meeting. The members unanimously agreed. Motion carried.

**10. Other Commission Business** - Mr. Harris stated that there would be a meeting on January 16, 2007.

Mr. Harris added that the special use for Kramer Tree Service was approved by City Council.

Mr. Harris commented that a new Commission member will be at the next meeting. He also added that Ms. Hale will be unable to attend meetings for an extended period of time.

Ms. Barber noted that there is a lot of paving at the new Gloria's Jewelry building on Washington Street. Mr. Harris commented that the EPA required that the site be completely capped because of environmental contamination. He noted that large planters will be added by the building and in the parking lot by Wood Street.

There followed a discussion regarding the ongoing improvements at the Jimenez Grocery Store on Main Street.

**11. Adjournment** - Commissioner Jarolin made a motion, seconded by Commissioner Barber, to adjourn. The commissioners unanimously agreed. The meeting adjourned at 9:15 p.m.

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