

CITY OF WEST CHICAGO

WHERE HISTORY & PROGRESS MEET

CITY OF WEST CHICAGO PLAN COMMISSION/ZONING BOARD OF APPEALS March 6, 2007

MINUTES

Approved with no changes at April 17, 2007 Meeting

1. **Call to Order, Roll Call and Establishment of a Quorum** – Commissioner Warbiany called the meeting to order at 7:00 p.m. Roll call found Commissioners John Banas, Vickie Barber, Janet Hale, Stephen Jarolin, Jeff Posadzy and John Warbiany present. Commissioner Bob Lemon was absent.

Also in attendance were City Planner Jeff Harris, Planning Assistant David DeGroot and Administrative Secretary Linda Ericksen.

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

3. **Chairman's Comments** – Chairman Warbiany welcomed the new Planning Assistant David DeGroot and asked him to give a brief background. Mr. DeGroot stated that he started in January. He added that he previously worked for Winnebago County. He commented that he would be assisting Mr. Harris and presenting cases.

4. **Approval of February 6, 2007 Minutes** - Commissioner Banas made a motion, seconded by Commissioner Posadzy, to approve the February 6, 2007 Minutes with no changes. The Commissioners unanimously agreed with Commissioners Hale and Barber abstaining. Motion carried.

5. **Public Hearing Case PC 07-03 - James Miner, 425 Joliet Street, Variance**

Mr. DeGroot made a presentation regarding the proposed variance. He noted that the applicant is requesting a variance to reduce the corner side yard setback. He noted further that there is an existing legal nonconforming garage on the property. He added that the applicant would like to demolish the existing garage and replace it with a 20' x 24' two-car garage. He stated that the proposed garage would be rotated to face the eastern property line, which would require a new driveway. He commented that rotating the garage allows for a greater corner side yard setback than the existing garage and for additional off-street parking. He added that although the proposed garage will encroach less into the corner side yard than the existing garage, a variance is still required because the existing garage is legal nonconforming and cannot be altered or replaced unless brought into compliance with the current zoning regulations. Mr. DeGroot stated that staff recommends approval with a condition that the variance only applies to the detached two-car garage.

Mr. Harris noted that variances run with the land and staff wanted to limit the variance to the garage only. He noted further that doing so would prevent a property owner from expanding any other existing structures on-site into the required corner side yard setback as well and any other future structures.

No one in the audience spoke in favor of or in opposition to the proposed variance.

Mr. Harris commented that the lot was split a long time ago via the State plat act and did not follow the City's formal subdivision procedures prior to the existing residence being built. He added that the lot does not comply with current R-5 zoning district lot size requirements.

Mr. James Miner commented that there are sorely needed improvements for the property. He added that he has lived in West Chicago on and off for 30 years. He added further that he just recently acquired the property with the full intention of improving it. He also commented that he has received support from neighbors.

Mr. DeGroot noted the City received two letters of support from the neighbors after the Commission's packets were sent out.

A woman in the audience, who spoke limited English, stated that she lives on Joliet Street and she received a letter. It was determined it was for the variance on 425 Joliet Street. Staff provided the woman with the phone number for Public Information Officer Valeria Perez.

Commissioner Banas made a motion, seconded by Commissioner Posadzy, to close the public hearing. The Commissioners unanimously agreed. Motion carried.

6. Review of PC 07-03 - James Miner, 425 Joliet Street, Variance

Commissioner Banas made a motion, seconded by Commissioner Jarolin, to approve PC 07-03, James Miner, 425 Joliet Street, Variance as recommended by staff and including the condition that the variance only applies to the two-car detached structure. Voting Yea: Commissioners Banas, Jarolin, Barber, Hale, Posadzy and Warbiany. Voting Nay: 0. Motion carried

Mr. Harris noted that this item would be on the March 12, 2007 Development Committee agenda.

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

Mr. Harris distributed ten photos of various above ground service facilities. He made a presentation regarding the proposed text amendments. He noted that the proposed amendments are based on concerns from the City Council relating to the use of relatively large utility cabinets by service providers not under direct contract with the City whom are expanding their current infrastructure. He noted further that the proposed regulations were designed to minimize the impact of these facilities on the community while still enabling the service providers an efficient and effective way to provide the enhanced utility services. He stated that the proposed amendments included new definitions, modifications to some definitions, regulations for above ground storage facilities and changes to the zoning districts whether a facility should be allowed as a permitted use or special use.

Commission Banas asked how wells and pumps would be regulated.

Mr. Harris responded that the proposed regulations apply to structures above grade.

Commissioner Banas asked if existing above ground service facilities would be grandfathered.

Mr. Harris answered yes, and that the existing facilities would be considered legal nonconforming.

Chairman Warbiany asked about pumping stations incorporated into a building such as a City owned sanitary lift station.

Mr. Harris responded that all government operated utilities are exempt from the proposed regulations.

Chairman Warbiany questioned how the proposed regulations would impact towers or windmills, which are now becoming popular.

Mr. Harris responded that towers would be regulated by size and then classified as above ground service facilities if owned and operated by a public utility provider as defined in the proposed text. He added that if an individual homeowner installs a windmill solely for their use, the regulations do not apply.

Commissioner Posadzy questioned how cell towers would be impacted by the proposed text.

Mr. Harris responded that cell towers are governed by a separate set of regulations that already exist within the zoning code and cellular providers are not classified as public utility providers.

Chairman Warbiany expressed concern about item 10(c) on Page 4 relating to the required setbacks for above ground service facility equipment. He asked if the path of a windmill blade is included in determining the setback because the blade would extend outward much further than the windmill's support structure.

Mr. Harris answered that the blades would be included because they are part of the structure and, therefore, must comply with the minimum setbacks.

No one in the audience spoke in favor of or in opposition to the proposed text amendments.

Commissioner Banas made a motion, seconded by Commissioner Posadzy, to close the public hearing. The Commissioners unanimously agreed. Motion carried.

8. Review of Case PC 06-47 - City of West Chicago, Text Amendments

Commissioner Banas made a motion, seconded by Commissioner Posadzy, to approve PC 06-47, City of West Chicago, Text Amendments, as presented by staff. Voting Yea: Commissioners Banas, Posadzy, Barber, Hale, Jarolin and Warbiany. Voting Nay: 0. Motion carried.

9. Review of Case PC 07-01 - Tews Real Estate LLC, 399 Wegner Drive, Plat of Consolidation

Mr. Harris made a presentation regarding the plat of consolidation. He noted that one building was constructed on two lots and the original developers of the site were instructed by the City to file a plat of

consolidation during the initial construction of the building back in 1998. He noted further that the plat of consolidation was not completed and has now become the responsibility of the current property owner to complete. He stated that there are some existing easements that need to be vacated as well and are being addressed simultaneously with the consolidation plat. He added that the building meets all the current setback requirements.

Chairman Warbiany asked when the City Code started requiring developments involving multiple lots to consolidate the lots within a unified development.

Mr. Harris noted that a recent example of consolidating lots within a unified development was the Shoppes of West Chicago project within the Franciscan Way development. He stated that he would have to research the exact date of when the above-mentioned requirement was written into the Zoning Code.

Commissioner Banas made a motion, seconded by Commissioner Hale, to approve Case PC 07-01, Tews Real Estate LLC, 399 Wegner Drive, Plat of Consolidation. Voting Yea: Commissioners Banas, Hale, Barber, Jarolin, Posadzy and Warbiany. Voting Nay: 0. Motion carried.

10. Other Commission Business - Mr. Harris provided an update on the transitional living facility request, which has been withdrawn.

Mr. Harris commented that Starbucks and FedEx/Kinko's have opened at the southwest corner of North Avenue and Route 59.

He noted that some minor issues still needed to be resolved before Zain Plaza on Franciscan Way could be approved by City Council.

Mr. Harris stated a Special Census of the newer subdivisions has just been completed and the final results should be available in a few weeks.

The stoplight at the intersection of North Avenue and Atlantic Drive and widening of North Avenue west of St. Andrews Square were discussed.

Commissioner Banas asked about reappointments to the Commission and Mr. Harris responded that he intends on addressing that issue later this month.

11. Adjournment - Commissioner Banas made a motion, seconded by Commissioner Posadzy, to adjourn. The Commissioners unanimously agreed. The meeting adjourned at 7:55 p.m.

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