

CITY OF WEST CHICAGO

WHERE HISTORY & PROGRESS MEET

MINUTES

Development Committee

May 9, 2011

APPROVED WITH CHANGES AT THE JUNE 13, 2011 MEETING

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

Joanne Kalchbrenner, Community Development Director, called the meeting to order at 7:00 p.m.

Roll call found Aldermen James Beifuss, Sandy Dimas, Nicholas Dzierzanowski, H. Ronald Monroe, Ruben Pineda, John C. Smith, Jr. and Rebecca Stout present.

2. **Selection of a Committee Chair**

Alderman Stout made a motion, seconded by Alderman Beifuss, to select Alderman Pineda as Chairman of the Development Committee. Voting yea: Aldermen Stout, Beifuss, Dimas, Dzierzanowski, Monroe, Pineda and Smith. Voting nay: 0. Motion carried.

3. **Approval of Minutes**

A. **Development Committee of April 11, 2011.** Alderman Stout made a motion, seconded by Alderman Beifuss, to approve the minutes of the April 11, 2011 Development Committee Meeting as amended. Voting yea: Aldermen Stout, Beifuss, Dimas, Dzierzanowski, Monroe, Pineda and Smith. Voting nay: 0. Motion carried.

4. **Public Participation – None.**

5. **Items for Consent**

- A. Intergovernmental Agreement with DuPage County for Use of Impound Lot – 1875 Arthur Drive
- B. Zoning Text Amendment for Political Signs and Window Coverings

Chairman Pineda read the Items for Consent. He stated that he wanted to remove Item 5B for discussion.

Alderman Smith made a motion, seconded by Alderman Monroe, to move Resolution No. 11-R-0014 to City Council on Monday, May 18, 2011. Voting yea: Aldermen Smith, Monroe, Beifuss, Dimas, Dzierzanowski, Pineda and Stout. Voting nay: 0. Motion carried.

6. Items for Discussion

5B. Zoning Text Amendment for Political Signs and Window Coverings

Chairman Pineda commented that in his ward he has seen pink insulation used for window coverings. He asked the members if window coverings in residential zoning districts should be looked into. He noted that the outside of windows could be boarded up for 30 days due to a fire. He noted further that there are no regulations for boarding up a window on the inside. Chairman Pineda commented that the City enforces chipped paint on homes and should consider regulations for window coverings in residential districts.

Alderman Monroe asked if any surveys were conducted in surrounding communities and Ms. Kalchbrenner responded no, not for window coverings in residential districts.

Chairman Pineda asked the members if they wanted staff to review window coverings in residential districts. Aldermen Monroe, Dimas and Stout indicated that they did want it reviewed. Ms. Kalchbrenner clarified that the proposed amendment for window coverings in commercial districts would move forward and that staff would come back to the committee for window coverings in residential districts. The members agreed.

Alderman Monroe made a motion, seconded by Alderman Dimas, to move Ordinance No. 11-O-0012 to City Council on Monday, May 18, 2011. Voting yea: Alderman Monroe, Dimas, Beifuss, Dzierzanowski, Pineda, Smith and Stout.

A. Clear Channel Billboard LED Proposal

Chairman Pineda commented that the members requested a representative from Clear Channel to be here this evening to answer questions for information only.

Chris Lupo from Clear Channel Outdoor distributed a booklet to the members. He noted that the proposal is to remove multiple signs within the City in exchange for upgrading an existing sign to a smaller LED sign. He noted further that the four (4) 12 x 25 signs on the north side of Roosevelt Road would be removed and the existing 14 x 48 sign on the south side of Roosevelt Road would be reduced to a 10.6 x 36 LED sign. He added that they are not requesting any additional signs.

Mr. Lupo commented that the benefits to the City would be a reduction in the number of billboards and amount of square footage of signage. He noted that the proposed LED signs are aesthetically pleasing, crisper and cleaner and are not vinyl. He added that the City would be given 1,900 pro bono advertising to promote events or messages such as

"West Chicago promotes a Green Community....Please Recycle." Mr. Lupo stated that the whole community benefits with timely AMBER Alerts and FBI messages which enable the FBI to highlight violent criminals, kidnap victims, missing children and more. He added that the FBI has access to more than 1,500 LED billboards in more than 40 states.

Mr. Lupo commented that Page 2 of the booklet showed the signs to be removed and the upgraded sign. He stated that LED billboards have no flashing, scrolling or moving parts. He added that the advertising copy transitions with no additional movement. He noted that Clear Channel Outdoor LED billboards follow the mandates set by the State of Illinois. He noted further that the copy changes every 10 seconds.

Mr. Lupo stated that the billboards are proving to be a boon for public safety. He commented that when the bridge collapsed in Minnesota, they were able to put a message on the billboards to redirect traffic to an alternate route. He added that as of May 1, 2008, about 94% of the children for whom an AMBER Alert was activated were safely rescued. Mr. Lupo added further that the billboards led directly to the capture of at least 14 fugitives. He mentioned the letter from the U.S. Department of Justice in the booklet which acknowledged the LED billboards valued work. He stated that the booklet contained additional examples of public service announcements.

Alderman Beifuss asked if Clear Channel Outdoor had a current lease with the property owner of the signs to be removed and if so, when the lease expires. Mr. Lupo responded that yes, they have a current lease but he was not at liberty to release details about the lease.

Alderman Dzierzanowski asked where the closest LED sign was located that they owned and Mr. Lupo responded in Plainfield, south of 119th Street. Alderman Dzierzanowski asked how many advertisers were on that sign and Mr. Lupo responded eight. Alderman Dzierzanowski asked how many AMBER Alerts were posted on that sign and Mr. Lupo responded none. Mr. Ed Marcin, a representative from Clear Channel Outdoor, added that organizations provide the information for AMBER Alerts and no organization has provided information.

Alderman Dimas asked if the company was mandated to change the existing billboards and Mr. Lupo responded no. He added that they are not looking to change every billboard.

Chairman Pineda asked how many times the advertising changes and Mr. Lupo responded that the maximum is 8. Chairman Pineda asked how long an agreement is for with an advertiser and Mr. Lupo responded that they are all different. Chairman Pineda asked if the company had any requirements for what can not be advertised. Mr. Lupo responded that cigarettes can not be advertised. He added that their internal policy includes no advertisement for strip clubs or gentlemen's clubs and they could put that in writing if the City wants. Chairman Pineda asked about political advertising and Mr.

Lupo responded that political ads would not be part of the pro bono ads that the City would receive. He added that if someone running for office wanted to pay for advertising, it would be allowed. Chairman Pineda commented that the LED billboards do adjust to the light and weather. Mr. Lupo added that every 15 seconds it senses the light and dims or brightens as conditions change. Chairman Pineda commented that some businesses in the City have marquee signs that are bright and flashy. Mr. Lupo stated that the LED billboards do not flash and that the copy transitions every 10 seconds.

Alderman Monroe asked if the LED billboard on Roosevelt Road would be visible only from the eastbound side. Mr. Lupo responded that the sign would be two-sided.

Alderman Dzierzanowski asked if the LED signs could be animated in the future. Mr. Lupo responded that at this time State regulations prevent animation. Alderman Dzierzanowski stated that the State regulations could be changed. Mr. Marcin commented that it is very slim that the animation regulations would be changed. He noted that the State has made the copy transition more restrictive.

Ms. Kalchbrenner asked about the pro bono 1,900 advertising for the City,. Mr. Lupo responded that it is 1,900 ten second flips per year as space is available. There followed a discussion regarding the number of flips per year. At one flip per ten seconds, there would be 3,153,600 flips per year.

Alderman Stout and Alderman Dzierzanowski recognized Alderman Murphy. Alderman Murphy asked about the number of billboards in West Chicago. Mr. Marcin responded 14.

B. LRC LLC Development – Bishop Place, Third Amendment to the Final PUD

Chairman Pineda requested staff to provide a brief overview. Ms. Kalchbrenner responded that this item was placed on the April 11, 2011 Development Committee Agenda for consideration but the applicant failed to have representation at the meeting. She commented that the Committee tabled the consideration until May so that the applicant could be present. She stated that Preliminary PUD approval for the Bishop Place development was granted in July of 2004, final PUD approval for the entire development was granted in June of 2005, the first amendment to the commercial portion of the PUD was granted in October of 2006 and the second amendment to the commercial component of the PUD was granted in March of 2009. Ms. Kalchbrenner noted that Mr. Soto was required to have an occupancy permit for both commercial buildings by June of 2010. She added that one of the buildings has not been built and now Mr. Soto is requesting an additional five year extension for completion of the remaining commercial building in addition to the two year extension that was previously granted.

Alderman Dzierzanowski commented about the timeline of the project and the extensions. He noted that at the start of the development, it was a good time to build. He

noted further that at the time of the first extension in 2006, the economy was still good for building. He commented that in 2009 when the second extension was approved, the economy was not so good. Alderman Dzierzanowski stated that he is not in favor of any more extensions. He noted that the City compromised previously by letting additional residential homes to be built.

Alderman Monroe asked if the house under construction is sold because there is a "For Rent" sign on the lot and how many more homes are to be built. Mr. Rene Soto responded that the house under construction is sold and there is one more house to be built. He added that the "For Rent" signs are to get interest in the homes. Alderman Monroe asked if there has been any interest in the second commercial building. Mr. Soto responded that there has been some interest, but nothing serious. He noted that there are vacant units everywhere.

Alderman Beifuss commented that if the extension is not approved, the property would revert back to commercial zoning. He noted that typically a developer will approach the City for an extension prior to the expiration of the PUD. Ms. Kalchbrenner responded that ordinarily, yes, that is the scenario. She added that an extension was granted to Forming America and that the Kipling PUD expired. She noted that Prestonfield completed the project on time. Alderman Beifuss commented that there are three options: 1) approve the five year request, 2) approve a request for a different number of years or 3) deny the request.

Chairman Pineda noted that the PUD expired last June and the developer did not talk to the City. He noted further that it is now May and the developer is requesting an extension. He stated that this is not normal practice. He asked why the developer was not at tonight's meeting. Mr. Soto responded that he got a call at 5:30 p.m. from Ray Soto saying he was under the weather and asking Rene to attend the meeting. Chairman Pineda asked what the plans are for the commercial building. Mr. Soto responded that they are actively seeking tenants but that it was hard to come up with a million dollars. Chairman Pineda commented that five years seems like a long time and that he would recommend a two year extension due to the economy. He noted that the City has a moratorium on new retail strip centers. He stated that the City will not be taken seriously if it continues to grant extensions.

Alderman Stout commented that this request is being considered ten months after the PUD expired. She recommended granting a two year extension and requiring an update in one year.

Alderman Dimas commented that granting a two year extension now is really giving the developer a three year extension because the PUD expired last year.

Alderman Monroe questioned if the extension would be from when the PUD expired or from when it was approved by City Council.

Alderman Dzierzanowski stated that he does not want to grant an extension. He noted that this project has been going on for seven years and he does not believe the developer ever intended to build the commercial portion. He added that the developer is not here and this should be important to him. He commented that the City has held up its end and will not be taken seriously if extensions are continually approved.

Alderman Smith commented that a five year extension is too much. He added that a maximum of two years is generous.

Alderman Dimas asked if a two year extension is approved and there is no movement within one year, can the second year be canceled. Ms. Kalchbrenner responded that the second year could not be taken away. She added that a one year extension could be approved with the option of an additional year. She commented that staff has changed its policy regarding expirations of PUD. Ms. Kalchbrenner stated that staff made several attempts to contact this developer concerning the expiration of the PUD. She noted that from now on the City will remind a developer that a PUD is about to expire and then if it expires, it expires.

Alderman Dimas asked why after being directed by staff to attend the April meeting the developer did not attend. Mr. Soto responded that Ray was out of town and he could not make it. Alderman Dimas noted that he should be here.

Chairman Pineda asked what happens to Bishop Place if the PUD goes away. Ms. Kalchbrenner responded that the commercial portion would revert back to B2 zoning and the homes would revert back to residential zoning. She added that then the developer would need to re-apply for the PUD.

Alderman Stout asked if the homes could be built without the PUD and Ms. Kalchbrenner responded that there would then be no conditions and the homes could be built. Alderman Stout noted that the City has more control with the PUD than without.

Alderman Monroe made a motion, seconded by Alderman Stout, to approve a third amendment to the final PUD for Bishop Place extending the completion date for the remaining commercial building to June 2013 and requiring the developer to provide an update status before City Council in June 2012. Voting yea: Aldermen Monroe, Stout, Beifuss, Dimas, Pineda and Smith. Voting nay: Alderman Dzierzanowski. Motion carried.

C. Zoning Text Amendment to Definitions and Fences on Corner Side Yards

Chairman Pineda requested staff to provide a brief overview. Ms. Kalchbrenner stated that staff is proposing text amendments for the definitions of various front, rear and side yards as well as the visibility triangle from the fence section. She added that staff is proposing to amend the fence regulations, based on direction from the Committee, by limiting the height of corner side yard fences that are

adjacent to an improved right-of-way. She added further that the proposed amendments include requiring fences within a corner side yard to comply with the visibility triangle regulations, which limits intrusions within twenty-five feet of an intersection of improved rights-of-way to three feet in height. Ms. Kalchbrenner noted that the Plan Commission unanimously recommended denial of the requested definitions and fence text amendments as presented. She noted further that the Plan Commission recommended denial because they felt that only decorative fences a maximum of four feet in height should be permitted in the corner side yard to be consistent with the front yard fence requirements. Ms. Kalchbrenner commented that the Plan Commission did not object to the amendments to the definitions or the other aspects of the proposed fence amendments. She provided a brief history of how the proposed amendments came about and about how the Cornerstone Lakes covenants complicated proposed changes to the fence height in corner side yards.

Alderman Smith asked if covenants override the City's regulations and Ms. Kalchbrenner responded that whatever is more restrictive prevails.

Alderman Dzierzanowski commented that the proposed amendments address the problem and do not restrict all of the corner side yards in the City. He added that the amendments address corner side yard fences with alleys and improves safety.

Alderman Beifuss stated that the Plan Commission recommended denial for aesthetic reasons and he is not interested in aesthetics. He added that he wants to improve safety.

Alderman Stout asked if the amendments had to be approved by a supermajority of the City Council because the Plan Commission recommended denial and Ms. Kalchbrenner responded that a simple majority was needed to approve the amendments. She added that a supermajority is needed for special use permits and rezoning changes.

Ms. Kalchbrenner asked if the Committee wanted the fence height in corner side yards adjacent to improved rights-of-way to be 4 feet or 3 feet which is the same as the vision triangle in the front yard.

Alderman Beifuss noted that a dog could just walk out a yard with a 3 foot fence. He added that he prefers 4 feet.

Alderman Dimas commented that 4 feet is adequate.

Alderman Smith commented that a 3 foot fence does not achieve a great deal. He noted that it would not keep anything in or out of the yard.

Alderman Beifuss made a motion, seconded by Alderman Stout, to allow fences in the corner side yard adjacent to an improved right-of-way to be 4 feet in height in the vision triangle. Voting yea: Aldermen Beifuss, Stout, Dimas, Dzierzanowski, Monroe, Pineda and Smith. Voting nay: 0. Motion carried.

D. Proposed Extension of Moratorium on Legal Non-Conforming Status of Elm Road

Chairman Pineda requested staff to provide a brief overview. Ms. Kalchbrenner stated that in May of 2002 the City annexed approximately 39 acres on Elm Road and North Avenue. She added that the smaller properties along Elm Road are primarily single-family residences and a few properties that front on North Avenue are commercial and industrial uses. She added further that upon annexation, City Council approved ORI, Office Research and Light Industrial zoning for the entire area. Ms. Kalchbrenner commented that the existing uses were not permitted uses which would have normally rendered them legal non-conforming. She noted that the City Council decided to delay enforcement of the City's non-conforming regulations on these properties for a period of ten years. She noted further that the delay in enforcement allowed these properties greater flexibility in continued use, expansion and development of their land. Ms. Kalchbrenner stated that staff is seeking direction with respect to the possible further extension to the continued delay in enforcement of the legal non-conforming regulations. She added that if an extension is granted, the property owners would be allowed to continue to use, expand or develop their property with non-conforming uses. She commented that staff is recommending an additional five year extension from 2012 because there has been no redevelopment activity in this area.

Alderman Dzierzanowski commented that there are code enforcement issues in that area. He added that the street is falling apart and the property owners in that area deserve to have it repaired.

Alderman Dimas made a motion, seconded by Alderman Beifuss, to grant a five year extension to the delayed enforcement of the non-conforming uses regulations. Voting yea: Aldermen Dimas, Beifuss, Dzierzanowski, Monroe, Pineda, Smith and Stout. Voting nay: 0. Motion carried.

E. Residential Sprinkler Requirement

Chairman Pineda requested staff to provide a brief overview. Ms. Kalchbrenner stated that the Committee previously directed staff to require sprinkler systems in new single family homes as part of the adoption of the national building codes. She commented that staff is completing proposed local amendments to the 2009 International Building Codes, including the 2009 International Residential Code

for One and Two Family Dwellings. She noted that the 2009 International Residential Code for One and Two Family Dwellings requires the installation of sprinkler systems in all new homes, although not all communities are including the provision when adopting the codes. She commented that staff would like to move forward with the adoption of the building codes. Ms. Kalchbrenner stated that staff provided information by the Northern Illinois Fire Sprinkler Advisory Board showing communities and fire districts that have adopted the sprinkler requirement. She added that staff also conducted a survey of surrounding communities and found that St. Charles will start requiring sprinkler systems for new single family homes in 2012. She noted that the communities in the Chicago metro area base sprinkler requirements on square footage of use. Ms. Kalchbrenner commented that it is staff's opinion that fire sprinklers in single family homes provide a high level of fire protection but in these economic times the City should stay competitive with surrounding communities and not adopt sprinkler requirements that would result in construction that is more costly in West Chicago than in surrounding communities.

Chairman Pineda stated that there is a lot of information about sprinkler systems at homefiresprinkler.org. He added that a sprinkler system can eliminate a fire with a lot less water than a fire department arriving three to four minutes later using a hose. He commented that installing smoke alarms and a fire sprinkler system reduces the risk of death in home fires by 82%. Chairman Pineda noted that the likelihood of a sprinkler accidentally discharging is extremely rare. He noted further that sprinklers can be recessed into ceilings or walls and can be completely concealed by plates that can be matched to room paint colors. He commented that for new home construction a fire sprinkler system could cost no more than 1 to 1 ½ percent of the total building cost, which is about the same as an upgrade for carpeting.

Alderman Dimas asked how often a home sprinkler system would be inspected. Chairman Pineda responded that commercial sprinkler systems are tested annually and residential sprinklers can be inspected but it is not required. He noted that residential sprinkler systems can always be drained and/or shut off.

Alderman Dzierzanowski asked if apartments are switched to condominiums, would a sprinkler system have to be added. Ms. Kalchbrenner responded that she was unsure. She added that if a commercial building changes uses, a sprinkler system could be required. She noted that when Westwood Apartments sold recently, they were required to upgrade the fire alarm to the current code.

Alderman Stout stated that she is favor of it. She commented that it would be less of a hardship for a home that is 2,500 square feet versus 1,200 square feet.

Chairman Pineda commented that requiring sprinklers is something to think about. He added that it could change the width of streets or cul-de-sacs, the distance between fire hydrants and how subdivisions are developed.

Alderman Beifuss asked about the approximate cost for a sprinkler system. Ms. Kalchbrenner responded that for 2009, the cost was \$1.61 per square foot of house so a 3,200 square foot house would cost \$5,152.00. Alderman Beifuss noted that currently there are no big subdivisions being developed. He noted further that surrounding towns are not requiring residential sprinklers. He stated that he would like to revisit the issue at a later time.

Alderman Stout commented that if we wait until the economy picks up and new homes are being constructed, then we will be scrambling to require it. She added that she would like to require it now.

Chairman Pineda asked if sprinklers were to be required for new residential homes, should there be a minimum square footage for the requirement.

Alderman Monroe responded that sprinkler systems should be required for all new residential construction. Ms. Kalchbrenner commented that if a minimum square footage is required, it might encourage smaller homes and could cause an unanticipated consequence.

Alderman Dzierzanowski stated that he agreed with Joanne. He added that the City can not put a value on human beings and sprinklers should be required for everyone or no one.

Alderman Smith commented that he agreed with Alderman Dzierzanowski. He added that sprinklers should be required for every new residential home. He added further that these are tough economic times and surrounding communities are not requiring it. He noted that he lived through a jail fire *that* without sprinklers ~~and~~ 160 people *would have* died. He stated that he would like to revisit the issue in a few months.

Chairman Pineda recommended that more information be provided about fire sprinkler systems and that the Committee revisit the issue at a later time.

7. Unfinished Business - None

8. New Business

- A. Aldermen Dimas and Beifuss recognized Alderman Murphy. Alderman Murphy stated that he was here to discuss rear yard lot coverage. He commented that a resident on Fairview with a one car garage on the alley wanted to add a parking spot but was denied because of total rear yard lot coverage. He added that the

resident does not have a driveway in the front yard. Alderman Murphy stated that the rear yard lot coverage is more restrictive and a variance is expensive for residents. He added that he would like to reduce or eliminate rear yard coverage requirements.

Chairman Pineda commented that if the Committee wanted to look into it, a staff review should be done in a timely manner. Ms. Kalchbrenner commented that City Council approved a requirement for maximum rear yard coverage to prevent someone from entirely paving a rear yard. She noted that it is difficult to accommodate every issue.

- B. Chairman Pineda made a motion, seconded by Alderman Dimas, to appoint Alderman Dzierzanowski Stout as Vice Chairman of the Development Committee. Voting yea: Aldermen Pineda, Dimas, Beifuss, Dzierzanowski, Monroe, Smith and Stout. Voting nay: 0. Motion carried.**

9. Reports from Staff - None

10. Adjournment

Alderman Stout motioned to adjourn, seconded by Alderman Dimas. The members unanimously agreed. Motion carried. The meeting adjourned at 8:50 p.m.

Respectfully submitted,

Linda Ericksen