

CITY OF WEST CHICAGO

WHERE HISTORY & PROGRESS MEET

REVISED MINUTES Grammatical/Typographical Changes

Development Committee

September 12, 2011

APPROVED AT THE DECEMBER 12, 2011 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 Beifuss, Nicholas Dzierzanowski, H. Ronald Monroe, Ruben Pineda, John C. Smith, Jr. and Rebecca Stout present.

Also in attendance was Community Development Director Joanne Kalchbrenner.

Alderman Sandy Dimas arrived at 7:01 p.m.

2. Public Participation – None.

3. Items for Consent

Chairman Pineda read the Consent Items:

- A. City of West Chicago – Text Amendment
- B. Amendment to the Intergovernmental Agreement with the DuPage Airport Authority and Amendment to Section 10.5 of the Zoning Regulations, Airport Zoning West Chicago
- C. Elementary School District 33 – 238 E. Hazel Street, Special Uses, Variance and Deviations
- D. GungFu Fitness International - 245 W. Roosevelt Rd., #10-71, Special Use
- E. DuPage Cremations - 951 W. Washington Street, Special Use Amendment and Resubdivision
- F. Educare – Forest Avenue, Plat of Dedication
- G. Richard Lupa – Southwest Corner of Ray Avenue and Route 59, Pre-Annexation Agreement and Rezoning
- H. Inland Commercial Property Management, Inc. - Northeast Corner of North Avenue and Neltor Boulevard, Amendment to PUD
- I. Rubicon Technology – 2525 Enterprise Circle, Deviations

- J. Agreement between the DuPage Airport Authority, Northern Illinois Proton Treatment and Research Center, LLC and the City of West Chicago for site stabilization – 777 Discovery Drive

Alderman Dzierzanowski stated that he would like to remove Items A, B and C for discussion.

Alderman Beifuss stated that he would like to remove Item E for discussion.

Alderman Stout made a motion, seconded by Alderman Smith, to move Consent Items 3D, 3F, 3G, 3H, 3I and 3J to City Council on Monday, September 19, 2011. Voting yea: Aldermen Stout, Smith, Beifuss, Dimas, Dzierzanowski, Monroe and Pineda. Voting nay: 0. Motion carried.

4. Items for Discussion

3A. City of West Chicago – Text Amendment

Chairman Pineda requested staff to provide a brief overview. Ms. Kalchbrenner stated the Development Committee directed staff to review the City's current rear yard lot coverage requirements because of complaints from residents regarding denied building permits. She noted that the lot coverage maximum for the required rear yard in an R-5 zoning district is 40%. She noted further that the required rear yard is defined as the area located between the rear lot line and the required rear yard setback. Ms. Kalchbrenner commented that the required rear yard setback in the R-5 zoning district is 30' and the actual rear yard is defined as the area located between the rear lot line and rear residence of the house. She stated that staff recommends amending the current rear yard lot coverage regulation for only the R-5 zoning district where properties have access off a public alley at the rear of the property. She added that the total 40% lot coverage requirement would still be maintained. She added further that this amendment would allow residents to obtain garage and/or driveway permits.

Alderman Dzierzanowski noted that the staff report states that one disadvantage to the proposed amendment is that it would allow for additional off-street parking in the same zoning district that typically has issues with overcrowding. He asked how the City can prevent that. Ms. Kalchbrenner responded that originally lot coverage requirements were adopted to help minimize overcrowding and parking in front yards. She added that some people have had issues with trying to obtain building permits and the proposed amendment would allow them to obtain permits.

Alderman Smith questioned why a property would be allowed to have a driveway in the front and rear yard. He commented that he thought it should be one or the other but not both. Ms. Kalchbrenner responded that the driveway regulations have been amended several times including only allowing one driveway and requiring that a driveway in the

front yard lead to a garage. She added that after the amendments were adopted and implemented, staff found the requirements did not work. She noted that the proposed amendment does not change the overall lot coverage requirement, which may deter driveways in both the front and rear yard.

Alderman Monroe stated that he is not against the proposed amendments. He noted that the overcrowding issue is controlled by the square footage of a home. He added that many families with teenage drivers have more than two or three cars.

Alderman Beifuss commented that in the R-5 zoning district the total amount of impervious surface cannot exceed 40%. He noted that there are stormwater problems if more of the lot is covered. He added that it's less a question about the numbers of cars versus total lot coverage.

Chairman Pineda stated that he agreed with Alderman Monroe. He noted that if there is overcrowding on a property, it should be policed correctly.

Alderman Stout stated that the amendment provides the residents with flexibility and she has no problem with the proposed amendments.

Alderman Monroe made a motion, seconded by Alderman Dimas, to move Ordinance No. 11-O-0053 to City Council on Monday, September 19, 2011. Voting yea: Aldermen Monroe, Dimas, Beifuss, Dzierzanowski, Pineda, Smith and Stout. Voting nay: 0. Motion carried.

3B. Amendment to the Intergovernmental Agreement with the DuPage Airport Authority and Amendment to Section 10.5 of the Zoning Regulations, Airport Zoning

Chairman Pineda requested staff to provide a brief overview. Ms. Kalchbrenner stated that the City and the Airport entered into an Intergovernmental Agreement on March 22, 2001 and that the agreement has been amended twice. She noted that a few issues have come up in recent years. She commented that the proposed amendments are as follows: 1) a list of typical projects that require building and stormwater management permits has been added to clarify when a permit would or would not be required, 2) the development review process has been amended to make it more efficient and 3) development within the business park will be required to pay the same fees as development elsewhere in the City. Ms. Kalchbrenner added that the DuPage Airport Authority requested an amendment to the zoning regulations. She noted that the proposed amendment would be similar to the requirements of other business parks in the City. She noted further that the landscape regulations were reduced but would still exceed landscape regulations for development elsewhere in the City.

Alderman Dzierzanowski commented that the proposed amendments to the agreement were great but the DuPage Airport Authority is costing the City's taxpayers money by delaying the North Avenue project. He added that there have been issues with the right-

of-way acquisitions. He stated that he is tired of the North Avenue project being held up. He noted that no one from the DuPage Airport Authority is here tonight. He added that he wants a written explanation from the Airport Authority and Representative Fortner before the City Council meeting as to why the North Avenue widening project is far behind and if an explanation is not provided, he wants this item tabled at the City Council meeting

Alderman Dzierzanowski made a motion, seconded by Alderman Smith, to move Resolution No. 11-R-0099 and Ordinance No. 11-O-0027 to City Council on Monday, October 3, 2011 provided that a written explanation for the North Avenue widening project delay has been given to City Council prior to the meeting. Voting yea: Aldermen Dzierzanowski, Smith, Beifuss, Dimas, Monroe, Pineda and Stout. Voting nay: 0. Motion carried

3C. West Chicago Elementary School District 33 – 238 E. Hazel Street, Special Uses, Variance and Deviations

Alderman Dzierzanowski stated that due to the situation right now at Norton Creek School, he is not in favor of granting a variance for landbanking parking especially with athletic fields nearby.

Dr. Ed Leman stated that they are not planning to construct the fields and plan to keep the area open. He added that the fields will still be open to the community.

Alderman Dzierzanowski commented that required parking should not be landbanked. He added that when the fields are being used, people will park near the houses causing congestion. He questioned if something was wrong with the City's requirements.

Ms. Kalchbrenner responded that the requirements are based on surveys from other communities. She added that based on the functionality of schools, the ordinance was changed to require stacking. She added further that the City relies on the schools for information because they know how they function and what they need. She stated that the City could require the school district to come back in a year if there are problems. Ms. Kalchbrenner commented that landbanking parking is a common request for industrial users and that the City has been liberal on allowing landbanking. She added that the land is there in the event it is needed.

Alderman Dzierzanowski stated that there have been problems with landbanking at Norton Creek School and District 303 has been unresponsive. He noted that if the City were to go back to District 33, the answer would be they have no money to put in the parking. He questioned why the ordinance is in place and if it is out of whack to change it.

Alderman Beifuss asked if District 33 needed all the parking. Dr. Leman responded that the site plan is adequate. He added that there will be less field space so there would be

fewer activities. He added further that there would also be parking available at their office on Forest Avenue, at Gary School and at the Early Learning Center.

Alderman Smith asked the number of times landbanked parking has resulted in a problem and Ms. Kalchbrenner responded that Norton Creek is the only one that she is aware of.

Chairman Pineda commented that he understands District 33 does not want to spend the money now and that there will be enough parking to accommodate the parents, teachers, etc. He added that the City can make District 33 come back and put the parking in.

Dr. Leman stated that District 33 would be very responsive if approached by the City.

Alderman Smith asked what leverage the City would have. Ms. Kalchbrenner responded that District 33 could be in violation of its special use permit. She added that the City has spent a lot of time with Norton Creek School to come up with a compromise. She noted that the City would meet with District 33 if there was a problem, send a letter requiring them to install additional parking and/or possibly write citations. Alderman Smith asked if the ordinance was different with Norton Creek and was that why the City has not been successful. Ms. Kalchbrenner responded that the City requested meetings and the bus drop-off area was rearranged to help improve the flow of traffic.

Alderman Dzierzanowski stated that at 3:00 p.m. there are 25 cars on Smith Road and the park district spots are filled too. He added that it is better to require too much parking than too little. He commented that the parking is most likely already in the cost of the renovations.

Dr. Leman stated that there has been a dropped in the EAV of properties and they are short of the total anticipated. He added that, in addition, if there are extra funds available, renovations will be done at the older schools.

Alderman Smith asked if our ordinance is based on reality without any scientific supporting facts. Ms. Kalchbrenner responded that it is based on surveys and that it is a best guess. She added that schools are a unique use and they tried to get it precise for the type of school because parking would vary at an elementary school, middle school and high school. She stated that she is comfortable with the ordinance.

Chairman Pineda commented that the City needs to look at each situation and where the school is located. He noted that there are differences between this site and the Norton Creek school site. He noted further that stacking should not be a problem at the middle school and if it is, the City can require the parking to be put in.

Alderman Dimas asked how many employees are at the school now. Dr. Leman responded that there are 145 full time and 10 part time. Alderman Dimas asked if the school is at full capacity now and Dr. Leman responded yes.

Alderman Dzierzanowski questioned if there should be parking restrictions on the street based on line of sight safety issues. Ms. Kalchbrenner responded that staff is not recommending street parking restrictions. She added that street parking is needed for meet the teacher night or graduations.

Alderman Stout commented that she has lived here her whole life and has never had an issue with the parking. She added that even during non-school activities, there has always been adequate parking. She stated that she is in favor of not forcing the additional spaces now. She noted that they are proposing to add parking due to the addition.

Alderman Beifuss commented that District 33 had to notify the property owners within 250 feet about proposing to landbank parking and the City did not receive one complaint which says to him that the overall consensus of the neighborhood is that it would not be hardship. He added that most people like to see more green space and the school yard is used like a park ~~being used~~. He noted that District 33 knows its operations and does not see a need for it now.

Alderman Monroe made a motion, seconded by Alderman Dimas, to move Ordinance No. 11-O-0049 to City Council on Monday, September 19, 2011. Voting yea: Aldermen Monroe, Dimas, Beifuss, Pineda, Smith and Stout. Voting nay: Alderman Dzierzanowski. Motion carried.

3E. DuPage Cremations – 951 W. Washington Street, Special Use Amendment and Resubdivision

Chairman Pineda requested staff to provide a brief overview. Ms. Kalchbrenner responded that DuPage Cremations currently has inadequate parking. She noted that the owner is requesting an amendment to add parking and expand his building to allow greater funeral viewing services.

Alderman Beifuss asked if crematoriums are a special use in the manufacturing district and Ms. Kalchbrenner responded yes. Alderman Beifuss asked what year the crematorium was approved and Ms. Kalchbrenner responded 2004-2005. Alderman Beifuss asked the applicant how many cremations he performs each year and if the number has increased over time. Mr. Alex Carbonara responded 700 per year and yes, it has increased over the years. Alderman Beifuss asked how many cremations were performed the first year and Mr. Carbonara responded 250. Alderman Beifuss asked the percentage of people being cremated and Mr. Carbonara responded 43%. Alderman Beifuss asked if the owner if he expects an increase. Mr. Carbonara responded that the death rate is what it is. He added that the coroner issues permits for cremations and there were 2,000 permits issued last year for all of DuPage County. Alderman Beifuss asked the ages of people being cremated and Mr. Carbonara responded that the age goes up. He noted that previously it was around 60 but the last five years there has been an increase in the age. Alderman Beifuss asked what the temperature of the equipment is for a cremation and Mr. Carbonara responded that the IEPA requires it to be 1400 degrees and

1700 degrees operating. Alderman Beifuss asked what the significance was of the temperature and Mr. Carbonara responded that it maintains clean emissions. Alderman Beifuss asked what the IEPA looks for in a cremation operation. Mr. Carbonara responded they look for protocol, knowledge of staff, housekeeping and temperature regulations. He added that his facility is the cleanest in DuPage County. Alderman Beifuss asked if the emissions are monitored by the IEPA. Mr. Carbonara responded that they issue an annual report that shows the amount of particulate matter, sulfate, and carbon monoxide. Alderman Beifuss asked if any equipment is removed from a person being cremated and Mr. Carbonara responded that pacemakers and defibrillators are removed. Alderman Beifuss asked why those are removed and Mr. Carbonara responded because they could explode and it helps protect the equipment. Alderman Beifuss asked if mercury is monitored. Mr. Carbonara responded that mercury is negligible by IEPA or USEPA. Alderman Beifuss asked if there are 2 to 4 grams of mercury in fillings. Mr. Carbonara responded that there is not solid silver in fillings and the amount of mercury is small. He added that there is zero emission or way below the standards if there are fillings. He commented he does not want to harm the environment. Alderman Beifuss noted that a report indicated 3,000 kilograms are being released. Mr. Carbonara noted that the USEPA in New York reported the amount of mercury to be .58. Alderman Beifuss asked if there is a filter scrubber in the stack and Mr. Carbonara responded that he meets the EPA requirements.

Chairman Pineda requested Alderman Beifuss to get to the point. He added that this is a special use amendment to add parking and a chapel. He added further that the proposed amendment is not changing any of the cremation process or equipment.

Alderman Beifuss commented that he has concerns. He added that when the special use was granted previously he did not think about mercury. He noted that in some foreign countries, removal of fillings is required and some states are looking at the regulations. He stated when considering a special use permit, the health, safety and welfare of the residents of West Chicago need to be taken into account. Alderman Beifuss commented that the winds go from west to east and he is concerned about the children, pregnant woman and mothers in his ward who would be most affected by mercury. He noted that there are 700 cremations a year and he is concerned about the amount of mercury being released.

Chairman Pineda commented that the crematorium is being regulated by the IEPA and the owner keeps perfect records.

Alderman Beifuss commented that the City is considering a special use permit and we may consider any ~~which could have an~~ adverse impact to the health, safety and welfare of women and children in West Chicago.

Alderman Monroe stated that he has been to several services at this site and more parking is definitely needed. He added that additional space for services is also needed. He noted that this is a fine business in West Chicago.

Alderman Dzierzanowski asked the owner if there were changes to any IEPA regulations, would he adhere to them and Mr. Carbonara responded yes. Alderman Dzierzanowski commented that he has no problem with the amendment and it is nice to see a business expanding.

Chairman Pineda noted that this building is located in the manufacturing district and some manufacturing businesses can put out more. He commented that cremations are popular now and he thinks it is fine. He added that the business has been maintained well and has passed required inspections.

Mr. Carbonara commented that he values his employees and himself and would not want to operate a business that would be harmful to either.

Alderman Beifuss asked how much the expansion is costing the owner and Mr. Carbonara responded between \$500,000 and \$600,000. Alderman Beifuss asked if he could install an abatement system for a reasonable amount of money, would he. Mr. Carbonara responded that an experiment with an abatement system showed it really did not help. He added that if the EPA required it, he would install it. Alderman Beifuss commented that after the special use was originally approved he has done a lot of research regarding mercury. He added further that the EPA regulations are behind the research and that it takes the legislation a while to catch up. Alderman Beifuss commented that bodies for cremation are not considered waste by the EPA so it is not regulated. He noted that fillings at 1700 degrees can be volatilized into the air, soil, water and lungs and can cause problems in children and pregnant women. He noted further that it is not regulated in the United States but it is in other countries. He added that information regarding this issue is easily available and there are many studies.

Mr. Carbonara commented that if people around his crematorium have gotten sick, they would be knocking on his doors.

Alderman Monroe made a motion, seconded by Alderman Dimas, to move Ordinance No. 11-O-0050 and Resolution No. 11-R-0096 to City Council on Monday, September 19, 2011. Voting yea: Aldermen Monroe, Dimas, Dzierzanowski, Pineda, Smith and Stout. Voting nay: Alderman Beifuss. Motion carried.

5. Unfinished Business

Ms. Kalchbrenner stated that the City entered into an agreement with Jel-Sert to allow parking on gravel at 302 Sycamore Street with the understanding that they would submit a plat of vacation for Sycamore Street right-of-way. She added that Jel-Sert has acquired the property and obtained a demolition permit. She noted that the project has gotten more complicated and the Fire District and Public Works issues need to be addressed. She noted further that an amendment to the agreement is required. Ms. Kalchbrenner commented that rather than rushing forward with the project and causing long-term

issues, staff is recommending Jel- Sert be allowed to park on gravel where the buildings were removed until next summer with the understanding that Jel-Sert move forward with their plans. She is asking for input from the Committee.

Chairman Pineda commented that he did not want to rush the project and the City should wait for the right plan because there are two water mains under the street. He noted that it is only for the winter.

Alderman Smith stated that he agreed.

6. New Business

Alderman Dzierzanowski commented that House Bill 3372 sponsored by Representative Fortner regards stormwater impact fees for all properties in DuPage County. He noted that the DuPage Mayors and Managers said no *to* the impact fees. He added that the current agreement is ~~red lined~~ and includes fees for schools, churches and governments.

7. Reports from Staff - None

8. Adjournment

Alderman Stout motioned to adjourn, seconded by Alderman Monroe. The members unanimously agreed. Motion carried. The meeting adjourned at 8:20 p.m.

Respectfully submitted,

Linda Ericksen