

CITY OF WEST CHICAGO

WHERE HISTORY & PROGRESS MEET

CITY OF WEST CHICAGO PLAN COMMISSION/ZONING BOARD OF APPEALS October 5, 2010

MINUTES Approved December 7, 2010

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

Chairman Jarolin called the meeting to order at 7:00 p.m. Roll call found Commissioners Boyer, Posadzy, Mireault, Warbiany, Van-der-Mey and Jarolin were present. Commissioner Hale was absent.

Also in attendance was City Planner Jeff Harris.

2. Pledge of Allegiance.

Everyone in attendance participated in the Pledge of Allegiance.

3. Chairman's Comments.

None.

4. Minutes.

Commissioner Posadzy made a motion, seconded by Commissioner Mireault, to approve the minutes of September 8, 2010 as presented. Voting Aye: Commissioners Jarolin, Boyer, Posadzy and Mireault. Voting Nay: None. Commissioners Warbiany and Van-der-Mey abstained. Motion carried.

5. Continuation of Public Hearing Case PC 10-11 184 W. North Avenue, Variances.

Mr. Harris provided another overview. The applicant and property owner, TrueNorth, is requesting approval of front and corner side yard building and landscaping setback variances for the Shell gas station located at the southeast corner of North Avenue (IL Route 64) and Neltnor Boulevard (IL Route 59). The variances, if approved, would allow the applicant to install two (2) new canopies over the gas pump islands on-site. The site formerly had three (3) canopies approximately 25' x 25' in area over each of the three (3) gas pump islands. At that time each island only had one gas pump. In the late 1980's the canopy immediately north of the building was removed. Then in 2007 the remaining two (2) canopies were removed. By then each gas pump island had been upgraded with two (2) pumps per island. The former canopies were considered legal non-conforming with respect

to their setbacks from the North Avenue and Neltnor Boulevard lot lines and they lost their "grandfather" status when they were removed.

The applicant desires to erect two (2) new canopies on-site to cover the three (3) proposed gas pump islands. The larger of the two proposed canopies (approximately 52' x 40') is immediately north of the existing building and will cover two (2) of the gas pump islands. Because the canopy is considered a structure, it is therefore required to comply with the site's required building setbacks. The front yard building setback is forty (40') feet. This proposed canopy will only have a setback of eleven (11') feet. The second proposed canopy is northwest of the existing building and is approximately 25' x 34' in size. It will cover one (1) gas pump island. The corner side yard building setback is forty (40') feet. The proposed canopy will only have a setback of nineteen (19') feet.

In addition to the required forty (40') foot building setbacks along the North Avenue and Neltnor Boulevard lot lines there are also required twenty (20') landscape setbacks along both of those lot lines. The proposed canopies both encroach into those respective landscape setbacks, thus necessitating the need for the landscape setback variances. As previously mentioned the larger canopy only has a proposed setback of eleven (11') feet and the smaller canopy a proposed setback of nineteen (19') feet. However, the existing pavement conditions on-site further reduce those setbacks to zero (0') feet along both lot lines. At the September 8, 2010 Plan Commission meeting the Commission encouraged the applicant to remove some of the existing pavement around these lot lines in order to lessen the severity of the proposed landscape setback variances being requested. The applicant agreed to the request and is proposing to remove pavement in the following areas:

1. Twenty (20') feet in width in the area south of the entrance off of Route 59 to the south property line.
2. Seven (7') feet in width in the area north of the entrance off of Route 59 to the edge of pavement near the northwest corner of the site.
3. Eleven (11') feet in width on either side of the existing monument sign.
4. Five (5') feet in width in the area west of the entrance off of North Avenue to the edge of pavement near the northwest corner of the site.
5. Twenty (20') feet in width in the area east of the entrance off of North Avenue to the east property line.

The proposed reduction of the pavement results in the landscape setback increasing from zero (0') feet to five (5') feet along North Avenue at its narrowest point and increases from zero (0') feet to seven (7') feet along Route 59 at its narrowest point. In addition to the pavement removal the applicant has also agreed to provide landscaping along the North Avenue and Route 59 frontages in compliance with the City's current landscape standards for commercial development. This includes a mixture of trees, shrubs and perennials in planting beds along with new turf.

The site is approximately 36,000 square feet (0.8 acres) in area and is zoned B-3, Regional Shopping District. The City's current minimum lot area for a lot in the B-3 district is five (5) acres. As you can see the lot is significantly smaller in area than the current minimum lot area, however if you look at the Site Plan there is a significant amount of area on the site to redevelop the legal non-conforming property in full compliance with all of the City's current setback regulations. City staff is not in support of the requested variances because the goal is to eliminate legal non-conformities

and encourage compliance as opposed to granting variances that would render the legal non-conformities compliant and therefore encourage their continued existence.

City staff recommends denial of all of the requested variances, which are as follows:

1. Decreasing the required front yard (North Avenue) building setback from forty (40') feet to eleven (11') feet.
2. Decreasing the required front yard (North Avenue) landscape setback from twenty (20') feet to five (5') feet.
3. Decreasing the required corner side yard (Route 59) building setback from forty (40') feet to nineteen (19') feet.
4. Decreasing the required corner side yard (Route 59) landscape setback from twenty (20') feet to seven (7') feet.

Ron Ambrose from Ambrose Design Group in Crystal Lake, Illinois represents the store owner, Gary Patel. Mr. Ambrose stated that his client's did look into the feasibility of completely rebuilding the site in compliance, but under the current economic conditions that is not feasible. Mr. Ambrose indicated that they want to improve the site to increase revenues. He stated that hopefully someday the site would be redeveloped, but could not say when if it that would ever actually happen.

Chairman Jarolin asked if anyone else in the audience wished to speak for or against the petition. No one responded.

Commissioner Warbiany asked staff who maintains the grass in the right-of-way adjacent to this property.

Mr. Harris indicated that the business owner or IDOT cuts the grass since it is their right-of-way, but that the grass is routinely cut by someone.

Commissioner Warbainy asked if the variances could be granted with a time limit or be tied to the specific structures.

Mr. Harris indicated both options are possible, but recommended against having a time limit as a condition of approval.

Mr. Ambrose stated that in all likelihood the canopy locations would be altered if the site is ever redeveloped.

Chairman Jarolin asked what the current excavation work on the property was.

Mr. Harris explained that they are connecting the existing building onto the City's sanitary sewer system as the septic system on-site has failed.

Commissioner Warbiany asked if the setback for the canopy is measured from the edge of the overhang or from the support columns.

Mr. Harris responded that the setback was measured from the edge of the canopy overhang and that the City does not allow encroachments into the building setbacks for structures such as canopies.

Commissioner Van-der-Mey asked if the variances could be tied to the curb line of the adjacent rights-of-way in that given there is a significant amount of green space in the parkway could the variances be granted with the condition that the canopies be removed or relocated if the curb line is ever brought closer to the property line.

Mr. Harris responded that the green space is IDOT right-of-way and granting the variances based on that premise would not be recommended by staff.

Commissioner Warbiany made a motion, seconded by Commissioner Van-der-Mey, to approve the variances for case PC 10-11 with the following conditions of approval:

1. The SUBJECT REALTY shall be developed in conformance with the Site Plan by Ambrose Design Group, dated March 22, 2010 with a final revision date September 16, 2010, attached hereto and incorporated herein as Exhibit "C".
2. The SUBJECT REALTY shall be developed in conformance with the Landscape Plan by Heller & Associates L.L.C., dated September 25, 2010, attached hereto and incorporated herein as Exhibit "C".
3. The variances shall only apply to two (2) canopies as shown on the Site Plan and Landscape Plan attached as Exhibit "C". If said canopies are ever removed or destroyed or their location is ever altered then the variances granted in this Ordinance shall become null and void.

Voting Aye: Commissioners Boyer, Warbiany, Van-der-Mey and Jarolin. Voting Nay: Commissioners Mireault and Posadzy. Motion carried (4-2). Commissioner Mireault voted against the petition because he felt it would be setting a negative precedence. Commissioner Posadzy voted against the petition because he felt that approving these variances would delay or hinder the potential redevelopment of the property.

Commissioner Van-der-Mey made a motion, seconded by Commissioner Warbiany, to close the public hearing for Case PC 10-11. Voting Aye: Commissioners Jarolin, Boyer, Posadzy, Van-der-Mey, Warbiany and Mireault. Voting Nay: None. Motion unanimously carried.

6. Review of Case PC 10-11 184 W. North Avenue, Variances.

The review of Case PC 10-11 was conducted under the public hearing.

7. Public Hearing Case PC 10-06 3N155 Powis Road, Text Amendment and Special Use.

Mr. Harris provided an overview on the text amendment request. The applicant, Tony Pisciotta of Ardmore Auto Sales in Villa Park, is requesting approval of a text amendment to add the definition of internet based used auto sales to the City's Zoning Code as well as allow said use as a special use in the Manufacturing District.

In 2002 the City amended the Zoning Code to prohibit stand alone used auto sales dealerships and only allow used auto sales ancillary to a new auto sales dealership. Please note that there are still

several existing used auto dealerships in the City that are “grandfathered” in as legal non-conforming.

The following text amendment is two fold; 1) adding the definition of internet based used auto sales to the existing Definitions section of the Zoning Code and 2) inserting said use into the City’s existing Manufacturing District regulations as an allowable special use, both of which are outlined as follows:

Article IV. Definitions

Automobile sales, internet based: A building or part of a building and parcel of land where new and/or previously owned vehicles are sold to the general public via internet based sales only. Internet based automobile sales may include limited service of vehicles, up to twenty-five (25) percent of the floor area of the building. Any vehicle on the premises for sale shall not be visible from the public right-of-way or be displayed in a manner that advertises that the vehicle is for sale.

Article XI. Manufacturing

11.2-4 Special Uses.

Automobile sales, internet based

The City has existing definitions for new automobile sales and used automobile sales; however the definition for used automobile sales is based on the more traditional used auto sales dealership. City staff felt it was appropriate to create a new definition for the proposed internet based automobile sales use as it is a relatively new concept to vehicle sales and is not operated in a manner consistent with a traditional automobile sales dealership. Traditional automobile dealerships have a lot with a large inventory where the customer can view the vehicle in person prior to purchasing the vehicle. With internet based auto sales, the customer typically purchases the vehicle on the internet and makes arrangements for its delivery or pick up after the sale is complete. The vehicle is then brought to a facility such as the one proposed where it is prepared (i.e. general maintenance performed and cleaned) before being delivered to the customer. As part of the proposed definition City staff is recommending that no vehicles on the premises that are for sale be visible from the public right-of-way or be displayed for sale. This is to eliminate the negative aesthetic appearance associated with typical used automobile sales facilities. Staff recommends the approval of the requested internet based used automobile sales text amendment.

Anthony Pisciotta stated that he is looking to move his business to West Chicago because his current location in Villa Park is too small.

Commissioner Warbiany asked if staff considered adding size limitations to the requirements such as a minimum or maximum lot or building area.

Mr. Harris replied that Commissioner Warbiany’s suggestion could be considered, but that we don’t currently have those types of regulations on a new vehicle sales dealership, but do have similar limitations on other uses within the Manufacturing zoning district.

Commissioner Warbiany stated that the applicant’s proposed building as well as the example photos provided of other such uses in other communities all have limited window space on them. He asked if staff was in objection to a building that had a predominantly glass façade being used for this type of use.

Mr. Harris indicated no because each site would be reviewed on a case by case basis to determine its appropriateness.

Commissioner Posadzy asked the petitioner if the City would get sales tax revenue from the sale of the vehicles.

Mr. Pisciotta responded yes.

No one else in the audience spoke in favor of or against this petition.

Commissioner Warbiany made a motion, seconded by Commissioner Van-der-Mey, to approve the internet based used vehicle sales text amendment. Voting Aye: Commissioners Jarolin, Boyer, Posadzy, Van-der-Mey, Warbiany and Mireault. Voting Nay: None. Motion unanimously carried.

Mr. Harris then gave an overview of the special use request. The applicant is proposing to operate an internet based used automobile sales dealership from the existing 10,000 square foot building on-site. There is 1,200 square feet of existing office space in the building. The remainder of the floor area will be utilized for the storage and processing of the vehicles (please see the attached interior floor plan). The processing of vehicles includes a complete inspection, cleaning, detailing, minor repairs such as oil changes, tire replacement and brake repair of each vehicle. The vehicle is then photographed and its information is downloaded to the internet and either parked inside the building or in the storage lot east of the building awaiting sale or delivery to or pick up by the customer. Any vehicles designated for sale will be prohibited from being parked or stored in the parking spaces outside of the fenced storage yard. The vehicles are primarily purchased from auctions and from new car dealerships prior to processing. The petitioner estimates to have approximately twenty-five (25) vehicles on-site at any given time at various stages of the processing procedure.

The applicant is proposing several site improvements in order to bring the property into compliance with existing City regulations. Those improvements include, reconfiguring the parking stalls along the north side of the building, removing all of the gravel from the storage yard east of the building, installing a paved parking lot east of the building, replacing the depressed truck dock at the southwest corner of the building with an at grade driveway, installing slat screening in the existing perimeter fence east of the building, installing a split rail fence east of the proposed parking lot in the storage yard in order to prevent encroachment into the adjacent wetlands on-site, connecting the building onto the City's sanitary sewer and abandoning the existing septic system and tuck pointing the east façade of the building. The site has an existing pocket wetland in the middle of the site as well as floodplain in the middle of the site and in the truck dock and open drainage ditch along Powis Road. These are significant improvements to the site and given the presence of special management areas on-site (i.e. wetlands and floodplain) the applicant is requesting up to three (3) years to complete these improvements. City staff has some concerns regarding these improvements and their potential impact on the special management areas and is therefore recommending a condition of approval that requires the applicant to obtain final engineering approval from the City and Dupage County prior to occupying the site.

The site has two vehicular access points off of Powis Road; one along the north property line that accesses all of the off-street parking and the storage yard east of the building and a second access point to the depressed loading dock along the south property line at the southwest corner of the building. The existing depressed loading dock is in disrepair and the petitioner intends to remove it and replace it with an at grade driveway that leads to the existing overhead door. The existing drive aisle along the north property line does not meet the minimum the City's minimum width for two way traffic. In order to rectify this, the petitioner has agreed to reconfigure the existing parking and bring the site into compliance. The site has eleven (11) striped parking stalls on-site, which does not meet the City's minimum requirements for number of spaces being provided. The site also does not have a handicapped accessible parking stall as required by the Illinois Accessibility Code. The petitioner is also proposing to rectify this by modifying the parking north and northeast of the building and installing additional parking in the storage yard area east of the building once it is paved. The City's minimum number of parking spaces required on-site for the proposed use is thirteen (13) and the petitioner is proposing eighteen (18).

The site has existing foundation landscaping along the west façade of the building that will be preserved (see the attached site photo). The petitioner will be installing the required end island shade trees within the proposed parking areas on-site. No additional landscaping is being proposed.

This development is not required to comply with the City's Appearance Code regulations because the Manufacturing District is exempt. The applicant is not proposing any significant modifications to the existing brick exterior of the building except for some tuck pointing repair on the east façade.

City staff does have concerns with respect to the proposed improvements to the site (i.e. the removal of the gravel east of the building and the installation of a paved storage yard, the replacement of the depressed loading dock with an at grade driveway, etc.) and their impact on the existing floodplain and wetland on-site. Detailed engineering plans will need to be reviewed in order to determine if stormwater detention is required, compensatory floodplain detention is required or wetland enhancements/mitigation are required. City staff is concerned with the design of such plans given the limited amount of area on-site that can accommodate these potential improvements. In order to alleviate those concerns staff is recommending a condition of approval that final engineering for all of the proposed improvements be approved by the appropriate City and County staff prior to a temporary or final occupancy permit being granted for the proposed use. City staff feels that it is critical that these concerns be adequately addressed prior to occupancy of the building. Final engineering will be approved prior to the issuance of any building permit for any on the proposed improvements on-site.

Staff recommends the approval of the requested internet based used automobile sales special use for said use located at 1965 Powis Road, subject to the following conditions:

1. The site shall be developed in substantial conformance with the Site Plan prepared by Engineering Resource Associates, Inc., consisting of one sheet, dated September 23, 2010.
2. No temporary or final occupancy shall be granted until final engineering for all of the proposed site improvements has been approved by the City.
3. No temporary or final occupancy shall be granted until certification of the special management areas with respect to all of the proposed site improvements has been approved by DuPage County.

4. All of the proposed site improvements depicted on the Site Plan prepared by Engineering Resource Associates, Inc., consisting of one sheet, dated September 23, 2010 shall be completed by October 31, 2013.
5. The use of the unincorporated site address of 3N155 Powis Road shall be discontinued and the new City issued site address of 1965 Powis Road shall be utilized immediately as part of the business operations.

Jon Green, site engineer from Engineering Resource Associates in Warrenville, Illinois indicated that he has had several meetings with Dupage County regarding the potential wetland and floodplain impacts on-site and is confident that the site can be designed to comply with the current stormwater requirements. Given that the applicant would like to request that conditions of approval Numbers 2 and 3 be amended to allow for immediate occupancy upon zoning approval due to the time needed to receive County approval. Mr. Green estimates that it will take approximately 6 months to obtain County certification and complete the final engineering plans.

Commissioner Warbiany asked staff what happens if the applicant does not comply with the improvement deadlines if approved.

Mr. Harris indicated that if the deadlines were not met that the applicant would be in violation of the special use and the special use could be revoked, thus meaning the applicant would have to vacate the premises.

Commissioner Mireault asked the applicant how many employees he currently has.

Mr. Pisciotta indicated he has six employees and a very low customer flow to and from the site so a majority of the parking spaces east of the building would be used for vehicle storage.

Commissioner Warbiany asked the applicant if he only sells used vehicles.

Mr. Pisciotta indicated that he only sells high end used vehicles, usually priced \$15,000 and up.

Commissioner Jarolin asked if the vehicles are delivered to the site on auto carrier semi-trucks.

Mr. Pisciotta answered yes, but on varying sized trucks.

Commissioner Jarolin had some concerns with Powis Road being blocked by trucks maneuvering in and out of the site to delivery vehicles.

No one else in the audience spoke in favor of or against this petition.

Commissioner Warbiany made a motion, seconded by Commissioner Posadzy, to approve a special use for internet based used vehicle sales at 3N155 Powis Road. Voting Aye: Commissioners Jarolin, Posadzy, Van-der-Mey, Warbiany and Mireault. Voting Nay: None. Commissioner Boyer abstained. Motion carried.

Commissioner Van-der-Mey made a motion, seconded by Commissioner Warbiany, to close the public hearing for Case PC 10-06. Voting Aye: Commissioners Jarolin, Boyer, Posadzy, Van-der-Mey, Warbiany and Mireault. Voting Nay: None. Motion unanimously carried.

8. Review of Case PC 10-06 3N155 Powis Road, Text Amendment and Special Use.

The review of Case PC 10-06 was conducted under the public hearing.

9. Continuation of Public Hearing Case PC 10-15 City of West Chicago, Driveways Text Amendment.

Mr. Harris provided an overview. The City of West Chicago is proposing a text amendment to the Zoning Code Regulations to modify the existing regulations regarding residential driveways. In the fall of 2007 the City Council gave staff direction to prohibit driveways that do not lead directly to a garage, and specifically in front of a residence. In February of 2008 the City Council adopted the current driveway regulations in order to prohibit homeowners from installing excessive amounts of driveway surface in their front yards. Since then City staff has received numerous resident complaints regarding the regulations because the regulations not only prohibit the expansion of driveways into the front yards directly in front of a residence, but they also prohibit “bump outs” located between the outer edge of the garage and the side lot line. At its August 2010 meeting the Development Committee conceptually discussed amending the regulations to allow “bump outs” located between the outer edge of the garage and the side lot line with a maximum width and length equivalent to one car and to have a minimum setback from the side lot line. The Committee also discussed allowing driveways to intrude in front of a residence when it doesn’t lead to a garage but expressed some concern that it would lead to excessive lot coverage in the front yard. The Committee gave staff direction review the existing lot coverage regulations to determine if they would limit driveways in front of homes in the smaller lot zoning districts.

13.1-13 Location of parking.

(A) Residential districts.

- (12) Driveways or portions thereof shall not be located or encroach upon the area located between the outermost front corners of the house and the front lot line, except when such driveway leads directly to an attached garage, in which case the width of the driveway shall not exceed the width of the garage to which it leads. The width of the garage shall be measured from the outermost front corners of the garage. Residences having primary access off of Neltnor Boulevard (IL Route 59) or North Avenue (IL Route 64) shall be exempt from this regulation.

City staff is proposing to delete all of the current language in Section 13.1-13 (A)(12) and replace it with the following proposed language:

13.1-13 Location of parking.

(A) Residential districts.

(12) Driveway location.

- (a) Residences having primary access off of Neltnor Boulevard (IL Route 59) or North Avenue (IL Route 64) shall be exempt from these regulations.

- (b) Shall have a minimum setback of one (1) foot from an interior side lot line, excluding driveways in the R-5 zoning district that lead to a detached garage.
- (c) Shall be prohibited in an actual interior side yard, except when leading to a detached garage.
- (d) When leading to an attached garage the driveway shall only be located in the area directly in front of the garage or in that portion of the actual front yard between the closest interior side lot line and the garage. Driveways in front of the non-garage portion of the residence shall be prohibited.
- (e) Any portion of a driveway that leads to an attached garage and is located in that portion of the actual front yard between the closest interior side lot line and the garage shall be tapered so that the maximum width of the driveway at the property line is equal to or less than the width of the garage. This portion of the driveway shall have a maximum width of nine (9) feet and a maximum length of eighteen (18) feet, measured from the front of the garage to the start of the taper. The taper shall reduce at a maximum ratio of one (1) foot length for every (1) foot in width of that portion of the driveway.

Based on direction from the Development Committee's conceptual review of the matter City staff is proposing the above language. The proposed language is drafted to allow for "bump outs" only in the area in front of the attached garage between the side of the garage and the side lot line. Portions of the driveway located directly in front of the residence itself would still be prohibited as well as along the side on an attached garage in the actual interior side yard. Allowing driveways to intrude in front of a residence would lead to excessive lot coverage, particularly in the smaller lot zoning districts. Staff's proposed language requires a minimum one (1) foot setback from the side lot line, with the exception of driveways that lead to detached garages in the R-5 zoning district because a driveway has to be located in the side yard under that scenario. Adjacent driveways on adjoining lots will be prohibited from touching with this proposed regulation. "Bump outs" will also be further regulated in area by limiting the width to a maximum of nine (9) feet and a maximum length of eighteen (18) feet, which is the size of a standard parking stall. "Bump outs" will also be required to taper back in width so that the maximum width of the driveway at the property line is no greater than the width of the garage. Staff is also recommending that the City keep the existing language exempting those residential properties that front on Route 59 or North Avenue from any of these proposed regulations so that they have the ability to install some sort of turn around on their property to avoid having to back out onto these major thoroughfares. City staff also contacted several other surrounding communities and the general consensus was that they all had maximum driveway widths averaging twenty-four (24') feet in width measured at the property line and were further regulated by lot coverage restrictions similar to those of West Chicago's, but did not have specific regulations for "bump outs" or require a minimum setback from the property line. City staff recommends approval of the proposed driveway text amendment to the Zoning Code Regulations as presented.

No one in the audience spoke in favor of or against the petition.

Commissioner Van-der-Mey made a motion, seconded by Commissioner Mireault, to approve the text amendment for residential driveways. Voting Aye: Commissioners Jarolin, Boyer, Posadzy, Van-der-Mey, Warbiany and Mireault. Voting Nay: None. Motion unanimously carried.

Commissioner Warbiany made a motion, seconded by Commissioner Boyer, to close the public hearing for Case PC 10-15. Voting Aye: Commissioners Jarolin, Boyer, Posadzy, Van-der-Mey, Warbiany and Mireault. Voting Nay: None. Motion unanimously carried.

10. Review of Case PC 10-15 City of West Chicago, Text Amendment.

The review of Case PC 10-15 was conducted under the public hearing.

11. Review of Case PC 10-16 310-330 Charles Court, Deviation.

Mr. Harris provided an overview. Triad Construction Services, Inc., the developer of the multi-tenant industrial building located at 310-330 Charles Court, is requesting after the fact approval of a Subdivision Code deviation to allow for pavement grading in three (3) separate areas on-site to have less the required 1% minimum slope. The subject property is located on the north side of Charles Court in North Industrial Park, which is located off of West Washington Street. The developer received building permit approval and began construction of the site in 2009. The construction plans were designed in full compliance with City Codes. The developer has now finished the site development and it has been determined that three (3) areas of the pavement on-site were not built according to the approved construction plans or in compliance with City Codes. Specifically, three (3) areas of pavement on-site have less than the City's minimum required pavement slope grading of one (1%) percent. The reason the City requires a minimum 1% slope is to ensure proper overland flow drainage and to prevent small depressional areas that will retain water and cause "ponding". The three (3) pavement areas in question are as follows:

1. The northwest corner of the site where the pavement wraps around the northwest corner of the building.
2. The drive aisle immediately southwest of the diagonal row of parking near the southwest corner of the site.
3. The intersection of the north/south drive aisle and the parking lot drive aisle in the southeast corner of the site.

The City's engineering staff is in support of the requested deviation as the three (3) areas in question on-site are each individually relatively small areas of pavement and it would not be cost effective to remove, regrade and reinstall the pavement in compliance with City Code. Allowing the grade to remain as it exists should not result in a significant detriment to the site other than the fact that minor ponding of water on the pavement will occur during rain events. Long term this could cause a faster degradation of the pavement, but staff feels that impact is minimal and only the property owner and their tenants will be affected. City staff recommends the approval of the requested deviation to decrease the minimum required pavement slope from 1% to 0% for the three (3) specific areas outlined in the presentation.

No one in the audience spoke in favor of or against the petition.

Commissioner Mireault made a motion, seconded by Commissioner Posadzy, to approve the pavement slope deviation for 310-330 Charles Court. Voting Aye: Commissioners Jarolin, Boyer, Posadzy, Van-der-Mey, Warbiany and Mireault. Voting Nay: None. Motion unanimously carried.

12. Other Commission Business.

None.

13. Previous Petitions and General Development Update.

Mr. Harris informed the Commission that the text amendment for the tactical training and impound facility and special use for such were both recently approved by the City Council.

14. Adjournment.

Commissioner Boyer made a motion, seconded by Commissioner Jarolin, to adjourn the October 5, 2010 Plan Commission/Zoning Board of Appeals meeting at 9:12 p.m. The Commissioners unanimously agreed. Motion carried.

Respectfully submitted,

Jeff Harris, City Planner

PlanComm/ZBA.MIN100510/jh