

CITY OF WEST CHICAGO

WHERE HISTORY & PROGRESS MEET

MINUTES

Development Committee

October 12, 2009

APPROVED AT THE JANUARY 11, 2010 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 H. Ronald Monroe, Alan Murphy, Joseph Gianforte, Nicholas Dzierzanowski, James Beifuss and Rebecca Stout present.

Also in attendance was Community Development Director Joanne Kalchbrenner.

2. Approval of Minutes.

A. **Development Committee, September 14, 2009.** Alderman Gianforte made a motion, seconded by Alderman Monroe, to approve the minutes of September 14, 2009 Development Committee Meeting. Voting yea: Aldermen Murphy, Pineda, Gianforte, Beifuss, Stout, Dzierzanowski and Monroe. Voting Nay: 0. Motion carried.

3. Public Participation - None.

4. Items for Consent.

A. **JJAZM, LLC – 771 (formerly 30W640) W. North Avenue, Rezoning and Variance**

Alderman Murphy motioned to move the consent items to City Council on Monday, October 19, 2009. Alderman Stout seconded the motion. Voting yea: Aldermen Pineda, Dzierzanowski, Gianforte, Beifuss, Stout, Monroe, and Murphy. Voting nay: None. Motion carried.

5. Items for Discussion

A. **Kramer Tree Specialists, Inc. – 701 Church Street, Special Use and Variance**

Ms. Kalchbrenner provided an overview regarding the proposed special use and variance request by Mr. Kramer. Due to a mapping error in the 1990s, the property is zoned manufacturing, not R-5 residential as staff had initially stated. The request before the committee is for a special use permit for outside storage and activity as well as a variance to eliminate the required parking lot landscape island. Staff had

recommended denial of the request. The Plan Commission did recommend approval of the special use with conditions, which were different than the conditions stated by staff should the Plan Commission recommend approval. The applicant's attorney has delivered a letter, stating the conditions with which they are willing to comply.

Ms. Kalchbrenner also clarified that Mr. Kramer wishes to sublet a portion of the property to another contractor and remain on site, which is allowable as long as all of the building codes are met. However, any outdoor storage must have a complimentary location in a building per City code.

Alderman Beifuss asked for clarification on the hours of use proposed by the Plan Commission, which he noted as 7:00 a.m. – 8:00 p.m. Monday through Friday and 8:00 a.m. – 7:00 p.m. on weekends, commenting that the applicant wishes to change only the morning hours to 6:00 a.m. Monday through Saturday. He also requested clarification of the location and number of access points on the property as recommended by staff. Ms. Kalchbrenner stated that there are currently three (3) access points on Church Street, west of the building and one (1) access point on Church Street east of the building. There are also access points to the north of the property along the railroad tracks. Staff recommended that the 2 access points on Church Street, closest to Parkside Avenue, be removed, leaving one (1) access on Town Road and two (2) on Church Street. The Plan Commission had only recommended removing one (1) of the access points on Church Street, leaving the one that is currently paved in gravel. Ms. Kalchbrenner clarified with committee members where the positions of all 5 current access points occurred on the map provided in their packets.

Alderman Beifuss also noted the zero landscape setback on the Church Street side of the property, which the applicant is requesting to remain as-is. Current zoning requirements are twenty (20) feet. Ms. Kalchbrenner confirmed that staff recommended a twenty (20) foot landscape setback along Church Street, Town Road and an unimproved right-of-way, with no landscape setback along the railroad tracks. It is currently legally non-conforming. With the special use permit and renewed use of the property, the City has the ability to require compliance with the code. Ms. Kalchbrenner confirmed Alderman Beifuss' question that there have been no known special use permits approved with a zero landscape setback. Miller Concrete and Jigged Ventures have been approved with reduced front yard set-backs. Alderman Beifuss also asked if the Plan Commission had discussed a modified landscape setback, with Ms. Kalchbrenner answering that they had not considered anything but zero or twenty (20) feet. Alderman Beifuss suggested that this could be negotiated in a special use, especially considering the narrow width of the property. The landscaping would provide an aesthetic buffer between residential and manufacturing uses. There is currently a ten (10) foot tall fence on the lot line.

Alderman Beifuss suggested a ten (10) foot landscape setback. Alderman Monroe stated that, given the narrowness of the property, ten (10) feet would severely restrict

the applicant's use of the property. Alderman Gianforte agreed, adding that he does not want the property to sit vacant.

Alderman Beifuss also questioned the use of the property by both Miller Concrete and Kramer Tree Care. Ms. Kalchbrenner clarified that the current application is for two (2) businesses using the property. The western portion would be for Kramer Tree Care with the eastern portion, closest to the building, being used by Miller Concrete. The actual dividing line has yet to be determined. Ms. Kalchbrenner clarified Alderman Beifuss' question as to the use of the property, stating that Kramer Tree Care would store mulch and/or trucks and machinery in the winter.

Joe Kramer, owner of Kramer Tree Specialists, Inc., stated that mulch would be stored, not processed, on the property until completion of the mulch storage yard at his new facility on Charles Court. They have poured three-quarters (3/4) of an acre of additional concrete in September, but are still behind schedule for completion of the mulch storage yard. Mr. Kramer answered Alderman Beifuss by stating that his business does not need the 6:00 a.m. start time, adding that he can deliver mulch during daytime hours. Miller Concrete requires the early start time, often needing to be on a job site with materials by 7:00 a.m.

Mr. Kramer responded to Alderman Murphy, stating that he did not expect the mulch yard to be completed in 2010. Chairman Pineda commented that Mr. Kramer has made continued progress on the mulch yard. Mr. Kramer stated that the yard is sixty to sixty-five percent completed.

Alderman Russell Radkiewicz was in attendance and spoke on behalf of the residents in his ward, voicing concern over the 6:00 a.m. start time for the residents living near the property.

Ms. Kalchbrenner added that construction hours in West Chicago begin at 7:00 a.m. There are no limits on the hours of operation for manufacturing uses.

Alderman Dzierzanowski stated that, after reviewing the packet, he is not thoroughly convinced that the residents in the neighborhood approve of the proposed use of the property. Only forty (40) percent of the neighbors responded with signatures (some printed) on a form letter provided by Kramer Tree Specialists. The properties immediately affected are not represented with signatures. He also reminded the committee of the countless complaints against Kramer Tree Specialists by neighboring residents in previous years and suggested that the committee represent the resident's quality of life.

Ms. Kalchbrenner stated that residents within two hundred fifty (250) feet were notified of the Plan Commission meeting, with the expectation that those in attendance would be made aware of the Development Committee meeting.

Chairman Pineda noted that resident Ron Rakow, who has complained for the last 12 years, called last Monday stating that he was for the special use, as long as there was no mulching and grinding. Another resident that had voiced continued complaints over recent years, spoke with the Chairman previously at a breakfast, stating that she approved the special use as long as it was not Kramer Tree Specialists mulching and grinding. Chairman Pineda also stated that the truck traffic and noise would be significantly reduced compared to the past. Forms are loaded and unloaded on the job site and, due to the nature of Miller Concrete's business, they will be required to be on the job site prior to 7:00 a.m. Many residents in the neighborhood are in the trades. It is difficult to tell Mr. Kramer that he can no longer have a business on this property during this economy. If there were people that didn't want that business there, they would have attended the meetings. Chairman Pineda stated that he worked for twelve (12) years with Kramer Tree Specialists to find another location for the business. Leaving the building and property vacant would invite vandalism and deterioration. There has been manufacturing on the property for forty nine (49) years.

Alderman Beifuss stated that the committee has established that the zoning is manufacturing as opposed to R5 residential and that the request is for a special use for outside storage. As a consequence of that, the committee is able to set conditions. The question is not whether Kramer Tree Specialists can remain on the site; the question is what conditions the committee places on the site and whether or not the committee allows a special use for Miller Concrete and ancillary businesses on the site. The question is: does the committee allow the special use with outside storage and, if so, what conditions will the committee set. Alderman Beifuss stated that the form letter signed by the seventeen (17) residents, does not address the above mentioned issues and reminded the committee that there are no known instances where the City has allowed a zero landscape setback. Alderman Beifuss also added that there is no indication that a landscape setback would cause a hardship to the proposed use of the property, as the trucks for Miller Concrete are to be significantly smaller than those previously used by Kramer Tree Specialists on the same property. He concluded by stating that the residents will have to contend with some sound, but it is reasonable to do something to mitigate the sound as they are also investing in their properties.

Robert McNees spoke as legal council for Mr. Kramer. He reminded the committee that Kramer Tree Service could legally continue to operate their grinding and mulching services on the property, but that the proposed special use would be significantly better for the neighborhood. The Plan Commission and Mr. Kramer debated what was practical and what could be accomplished now. Creating any type of landscaping "yard" would be extremely expensive, especially in this economy. Mr. Kramer cannot finish the yard at his new location, given the poor economy. A commissioner suggested a "Sunset Clause," with a seven (7) year time span, allowing for improvements given the economic environment.

Mr. McNees continued describing the uniqueness of the property, both by its narrowness, with the property only ninety five (95) feet wide, and the function of buffer between the continued noise of General Mills and the residential neighborhood, even with outdoor storage on the property.

Mr. Kramer stated that requiring a ten (10) foot landscape setback would reduce the size of his usable property by ten (10) percent. He also addressed the truck traffic, stating that one gravel driveway, the western-most Church Street entrance, will be returned to sod. Mr. Kramer anticipates using the Town Road entrance to the property, leaving open the possibility that he may also use the entrance opposite Parkside Avenue, should the need arise to store more than one type of mulch product on the property. Miller Concrete will use the driveway just west of the building for his trucks. Trucks would, at times, be parked near the metal fabricating building. Out-of-season trucks may also be stored on the far west end of the property, during the winter months.

Mr. Kramer clarified the division of the property between the two businesses for Alderman Beifuss. Miller Concrete will occupy the property east of the entrance at Church Street and Parkside Avenue. Kramer Tree Service will occupy the property west of that point. A line of concrete barriers will divide the property.

Alderman Dzierzanowski questioned the use of the fabricating building, with Mr. Kramer responding that there is a continual need for truck repair and expects that the building will be regularly occupied. Chairman Pineda added that Kramer Tree Specialists has maintained their fabrication operations within the building since moving the business to Charles Court. Therefore, the building has never been unoccupied. Mr. Kramer added that the fabrication operation will move to the new location once revenue increases and the economy builds. Currently, only one half of the new fabricating building has been erected, with three of the six bays completed.

Alderman Beifuss began discussion on the "Sunset Clause" agreed upon by the Plan Commission. He suggested a staged plan for improvements over a period of time, possibly easing the financial requirement of the ten (10) foot landscape setback, which is a fifty (50) percent reduction in the code requirements. Mr. Kramer responded to the Plan Commission's deliberation on the seven (7) year clause, which was settled after meeting for three (3) hours. He agreed to the "Sunset Clause" based on the instability of the economy and being unable to predict where his business will be in seven (7) years. Mr. Kramer stated that he is happy to no longer have his business on Church Street. His financial priority is to reinstate the company-matched 401(k) plan and maintain the Blue Cross Blue Shield insurance in tact before complying with the landscape setback requirement.

Alderman Gianforte proposed an amendment to the conditions as passed by the October 6, 2009 Plan Commission. Alderman Monroe seconded the motion.

Condition 1. The business hours of operation for all uses except Kramer Tree Specialists: 6:00 a.m. – 8:00 p.m. Monday through Friday, 7:00 a.m. – 7:00 p.m. Saturday and 9:00 a.m. – 6:00 p.m. Sunday. Hours of operation for Kramer Tree Specialists would remain 8:00 a.m. – 8:00 p.m. Monday through Friday and 8:00 a.m. – 7:00 p.m. Saturday and Sunday. Also, the Church Street entrance closest to Parkside Avenue would remain open and the entrance furthest West on Church Street would be closed.

Condition 2. The processing of landscape or construction materials shall be prohibited.

Condition 3. The temporary office trailer located on the east side of the building and shall be removed from the property prior to occupancy.

Condition 4. The gravel access point within the right-of-way on Church Street west of Parkside Avenue shall be removed and restored to turf prior to occupancy.

Condition 5. This special use permit shall expire seven (7) years from the date of City Council approval, unless the date of said expiration is extended by an amendment to this special use passed and approved by the Corporate Authorities of the City.

Mr. McNess stated that a call has been placed to schedule removal of the trailer, which may not take place prior to occupancy.

Alderman Gianforte again amended the motion to include pothole repair and gravel surface paving by November 15, 2009 and removal of the trailer by December 1, 2009. Alderman Monroe seconded the motion.

Alderman Beifuss amended the motion to include items six (6), seven (7) and eight (8) from page three (3) of staff's recommendation, but to allow a reduced setback of ten (10) feet for the landscape setback (as opposed to twenty feet per City code) and to set a condition that would allow those improvements to be phased in within three (3) years (36 months). Alderman Dzierzanowski seconded the motion.

Chairman Pineda reviewed the amendment to the amendment, clarifying that all committee members understood what they were voting on and replied to Alderman Stout that a "no" vote would return the amendment to its original content.

Voting yea: Alderman Dzierzanowski and Beifuss. Voting nay: Aldermen Pineda, Stout, Gianforte, Monroe, and Murphy. Motion denied.

Upon denial of the amendment to the amendment, the original amendment proposed by Alderman Gianforte was reviewed.

Condition 1. The business hours of operation for all uses except Kramer Tree Specialists: 6:00 a.m. – 8:00 p.m. Monday through Friday, 7:00 a.m. – 7:00 p.m. Saturday and 9:00 a.m. – 6:00 p.m. Sunday. Hours of operation for Kramer Tree Specialists would remain 8:00 a.m. – 8:00 p.m. Monday through Friday and 8:00 a.m.

– 7:00 p.m. Saturday and Sunday. Also, the Church Street entrance closest to Parkside Avenue would remain open and the entrance furthest West on Church Street would be closed.

Condition 2. The processing of landscape or construction materials shall be prohibited.

Condition 3. The temporary office trailer located on the east side of the building and shall be removed from the property by December 1, 2009.

Condition 4. The potholes and pavement shall be repaired by November 15, 2009. The gravel surface shall be repaired by November 15, 2009.

Condition 5. This special use permit shall expire seven (7) years from the date of City Council approval, unless the date of said expiration is extended by an amendment to this special use passed and approved by the Corporate Authorities of the City.

Voting yea: Aldermen Pineda, Stout, Gianforte, Monroe, and Murphy. Voting nay: Alderman Dzierzanowski and Beifuss. Motion carried. Chairman Pineda advised that the item would be placed on the October 19, 2009 City Council Agenda.

6. Unfinished Business – None.

7. New Business - None.

8. Reports from Staff – None.

9. 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,

Krista Coltrin