

CITY OF WEST CHICAGO

WHERE HISTORY & PROGRESS MEET

Approved May 6, 2014

MINUTES

CITY OF WEST CHICAGO PLAN COMMISSION/ZONING BOARD OF APPEALS March 4, 2014, 7:00 p.m.

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

Commissioner Van-der-Mey called the meeting to order at 7:00 p.m. Roll call found Commissioners Hannemann, Dettmann, Birch, Hale, Van-der-Mey and Laimins were present. Commissioner Mireault was absent.

Also in attendance were Seventh Aldermen Matt Fuesting and John Banas and 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 Hannemann made a motion, seconded by Commissioner Hale, to approve the minutes of February 4, 2014 as presented. Voting Aye: Commissioners Van-der-Mey, Laimins, Hannemann, Hale and Birch. Voting Nay: None. Commissioner Dettmann abstained. The motion carried.

5. Public Hearing Case PC 14-04, Rezoning.

Mr. Harris provided an overview. The City of West Chicago petitions for a zoning map amendment (rezoning) from the ORI, Office, Research and Light Industrial District to the R-1, Single Family Residence District for twenty-one (21) parcels located on Elm Road. The City of West Chicago also petitions for a zoning map amendment (rezoning) from the ORI, Office, Research and Light Industrial District to the B-2, General Business District for eight (8) parcels located on North Avenue (IL Route 64). The City of West Chicago also petitions for a zoning map amendment (rezoning) from the ORI, Office, Research and Light Industrial District to the A, Airport District for one (1) vacant parcel located on North Avenue (IL Route 64). Lastly, the City of West Chicago petitions for a text

amendment to the R-1, Single Family Residence District regulations to create an overlay district for certain parcels along Elm Road.

In 2002 the City forcibly annexed 32.5 acres consisting of the thirty (30) subject parcels and rezoned all of these parcels to the ORI zoning district. Twenty-one (21) of these parcels are located on Elm Road, which is a sixty-six (66) foot wide rural cross section right of-way that is approximately 1,300 feet in length. The remaining nine (9) parcels front on North Avenue. There are twenty-one (21) existing residences, five (5) vacant parcels, three (3) industrial uses, and one (1) commercial use within the subject area. All of the existing uses (excluding the vacant parcels), except for the one (1) commercial use, would normally be considered legal non-conforming; however the City Council granted the subject parcels a temporary exemption to being classified as legal non-conforming. This exemption is currently in effect until the year 2017.

The City imposed ORI zoning on the subject parcels with the desire to see this isolated area of single family residences and heavy industrial uses be redeveloped in the future with uses that would be more compatible with the subject area's location along North Avenue and adjacency to the DuPage Airport. For various reasons outside of the City's control, such as the recent depression in the real estate market, the subject area's isolated location and the presence of wetlands on certain portions of the subject area, the desired redevelopment of the subject area has not matriculated to date and is not likely to occur in the near future. Therefore the City is of the opinion that it is in the best interests of the landowners within the subject area to rezone the subject area to a more suitable zoning based on the existing uses that are currently present.

The analysis will be provided in three (3) subsections to correspond with the three (3) different zonings being requested within the subject area.

The R-1 zoning district requires a minimum district area of five (5) acres. The subject area proposed to be rezoned to R-1 is seventeen (17) acres in area and therefore complies with the City's minimum R-1 zoning district area.

The twenty-one (21) parcels, all of which have street frontage on Elm Road, vary in area from 21,689 square feet to 82,992 square feet. The minimum lot area for the R-1 zoning district is 20,000 square feet; therefore all twenty-one (21) of these parcels will comply with the established minimum lot area.

These twenty-one (21) parcels vary in lot width from 63 feet to 168 feet wide. The minimum lot width for the R-1 zoning district is 100 feet (measured at the front yard building setback line). Only ten (10) of these parcels comply with the established minimum lot width, therefore staff is recommending a reduced minimum lot width of 84 feet as part of the proposed overlay district regulations, which is outlined later in this report. Reducing the minimum lot width to 84 feet would result in 18 of the parcels complying. The remaining three (3) parcels have a lot width that is less than the City's smallest minimum lot width (65 feet) for a single family residential zoning district (R-5). There are two (2) caveats to this lot width analysis with respect to 2327 Elm Road and 2439 Elm Road. 2327 Elm Road currently has two (2) 63 foot wide parcels that are being used together as one zoning lot and therefore is considered to be in compliance with the proposed minimum lot width. 2439 Elm Road is located at the northern terminus of the Elm Road right-of-way and

Plan Commission/Zoning Board of Appeals

March 4, 2014

Page 2 of 7

therefore only has a minimal amount (33 feet) of actual street frontage even though it is one of the largest parcels in the subject area. Because of its orientation on the terminus of the right-of-way resulting in minimal street frontage the parcel is deemed non-compliant.

Only one (1) of these parcels is currently undeveloped. The remaining parcels all have existing single family residences on them. It appears from analysis of aerial photos and a limited number of plats of survey for these parcels that a majority of these residences do not comply with the minimum required setbacks for the R-1 zoning district, which are as follows: front yard 35 feet; side yard 15 feet and rear yard 40 feet. Staff is therefore recommending a reduced minimum front yard setback of 25 feet as part of the proposed overlay district regulations, which is outlined later in this report. Reducing the minimum front yard setback to 25 feet would result in thirteen (13) of the parcels complying. The remaining eight (8) parcels appear to have a front yard setback that is less than the City's smallest minimum front yard setback (25 feet) for a single family residential zoning district (R-5). The number of non-compliant parcels with respect to the front yard setback is subject to change though once more accurate documentation (plats of survey) is available to staff. Staff was unable to analyze the side yard setbacks of these parcels due to the small measurement of the required setback and the lack of reliable documentation to analyze. Staff was able to confirm that all of the parcels comply with the minimum required rear yard setback.

Staff did not evaluate all aspects of the R-1 zoning district regulations with respect to these twenty-one (21) parcels due to the number of parcels involved and the lack of reliable documentation available to staff. Therefore regulations that were considered minor in nature, such as those pertaining to accessory buildings and the minimum square footage of the residences were not evaluated. Staff's goal is to propose regulations that result in substantial compliance of the subject parcels with the spirit and intent of the R-1 zoning district's regulations.

The B-2 zoning district requires a minimum district area of one (1) acre. The subject area proposed to be rezoned to B-2 is approximately fifteen (15) acres in area and therefore complies with the City's minimum B-2 zoning district area.

The eight (8) parcels, all of which have street frontage on North Avenue, vary in area from 12,000 square feet to 202,989 square feet. The minimum lot area for the B-2 zoning district is 15,000 square feet. Only one (1) of the parcels does not comply with the B-2 zoning district's minimum lot area. However that one (1) parcel is under common ownership along with four (4) other adjacent parcels, but these parcels are not being used collectively as one (1) zoning lot. This common ownership and adjacency increases the likelihood of future compliance if the non-compliant parcel is ever developed (the parcel is currently undeveloped).

These eight (8) parcels vary in lot width from 68 feet to 155 feet. The minimum lot width for the B-2 zoning district is 100 feet (measured at the front yard building setback line). Four (4) of these parcels do not comply with the B-2 zoning district's minimum lot width. However these four (4) parcels are under common ownership and are all adjacent to each other, but are not being used collectively as one (1) zoning lot. This common ownership and adjacency increases the likelihood of future compliance if the non-compliant parcels are ever developed (two (2) of these parcels are currently undeveloped).

Five (5) of these parcels are currently developed and all of the existing structures on these parcels do not comply with at least one of the minimum required setbacks for the B-2 zoning district, which are: front and corner side yard 50 feet; side yard 25 feet and rear yard 25 feet. All of these structures would be classified as legal non-conforming structures with respect to their non-compliant setbacks. This non-compliance is due in large part to the narrow width of several of the parcels, specifically 2029, 2041 and 2055 North Avenue.

Four (4) of the developed parcels currently have uses (one single family residence and three heavy industrial uses with gravel outside storage yards) that would not be permitted in the B-2 zoning district and would be classified as legal non-conforming uses.

Staff did not evaluate all aspects of the B-2 zoning district regulations with respect to these eight (8) parcels due to the lack of reliable documentation available to staff. Staff is of the opinion that it is not appropriate to create overlay district regulations for these parcels because we do not want to encourage the longevity of the existing legal non-conforming uses and structures. Staff is also of the opinion that these parcels have good redevelopment potential given that several of them are under common ownership, have municipal water available to them along North Avenue and are situated along North Avenue, which is a major arterial road.

The Airport zoning district requires a minimum district area of one thousand two hundred (1,200) acres. The subject parcel proposed to be rezoned to Airport is only seven tenths (0.7) of an acre, but will be included with adjacent property already zoned Airport and therefore will comply with the City's minimum Airport zoning district area.

There is one (1) parcel that is 31,799 square feet in area. This parcel is owned by the DuPage Airport Authority (DAA) and per their intergovernmental agreement with the City all land owned by the DAA must be zoned Airport. This undeveloped parcel, along with the undeveloped adjacent land (not part of the subject area) owned by the DAA is not intended to be developed by the DAA and therefore this parcel was not evaluated for compliance with the Airport zoning district's bulk regulations.

The City's Comprehensive Plan designates the entire subject area, except for the one (1) parcel owned by the DAA, as Light Industrial. The Light Industrial land use designation is compatible with the current ORI zoning and with the City's long term redevelopment goals for the subject area. The land uses permitted in the proposed R-1 and B-2 zoning districts are not compatible with the existing Light Industrial land use designation. This incompatibility will be reviewed further as part of the City's future Comprehensive Plan assessment, which should occur in the near future. The Comprehensive Plan was last updated in 2006. At the time of the next Comprehensive Plan assessment the City will determine if the current Light Industrial land use designation should be amended to reflect the proposed R-1 and B-2 zonings and the existing single family and non-residential land uses.

As identified in the preceding R-1 rezoning analysis section the City is proposing to create an overlay district for certain parcels along Elm Road. An overlay district is intended to aid in the preservation of certain land use characteristics that are unique to a specific area, even though those characteristics may not be compatible with or permitted by the underlying zoning district's regulations. In this instance staff is proposing three (3) specific regulations that will be applicable to only these parcels along Elm Road. The first is to permit the keeping of horses on parcels that have a certain minimum lot area and adopting regulations for the setbacks and location of a stable/barn. Several of the subject parcels have had horses on their properties in the past; however staff believes none of the subject parcels currently have horses. The remaining two (2) proposed regulations relate to the reduced minimum lot width and reduced minimum front yard setback previously mentioned in this staff report. The following bolded text is being proposed to be added to the existing R-1 zoning district regulations, as outlined below.

Article IX. Residential

9.2. R-1 Single-Family Residence District.

9.2-5 Elm Road overlay district.

The Elm Road Overlay District is intended to help preserve the residential character and enhance the property values within this stand-alone single family residential neighborhood along Elm Road, which at the time of the adoption of these regulations, is completely surrounded on all sides by non-residential uses and zonings. The defining elements of this district generally include:

1. Large lot sizes (at least one-half acre or greater in area);
2. A lack of public improvements such as curb and gutters, sidewalks, street lights, and direct access to municipal water and sanitary sewer services; and
3. A more rural setting with several properties having gravel driveways, barns, stables and other large accessory structures.

It is also intended to encourage new construction, additions, or alterations to the existing single family dwellings that will promote the well-being of the neighborhood and that will be comparable with the bulk, scale, setbacks, and uses of the City's other R-1 zoned residential developments.

These overlay district provisions apply only to the underlying properties along Elm Road identified by the Elm Road Overlay District's boundaries. Where these requirements conflict with the underlying R-1 zoning district regulations or any other provisions of this ordinance, the requirements of the more restrictive provisions shall apply.

9.2-5.1 Accessory uses.

- (1) Private stables or barns used for the shelter and care of equine. Said structures shall be located no closer than fifty (50) feet to any property line and shall be located only in the actual rear yard. One (1) horse shall be permitted for every twenty thousand (20,000) square feet of zoning lot area.

9.2-5.2 Lot and building requirements.

- (1) Minimum lot width: Eighty-four (84) feet, measured at the front yard building setback line.
- (2) Minimum front yard setback: Twenty-five (25) feet.

Staff is of the opinion that creating an overlay district with the three (3) specific regulations for these Elm Road parcels is a good compromise between meeting the City's desires of promoting sound land use and redevelopment with the landowners' desires of preserving the existing character of the neighborhood. Staff acknowledges that even with the change in zoning and the creation of the overlay district legal non-conforming situations will still be present on many of the subject parcels. It would be unrealistic to adopt regulations that would eliminate all of the legal non-conformities that exist because of the following reasons: 1) there is a lack of reliable documentation (i.e. plats of survey) available to identify all of the legal non-conformities; 2) there needs to be a good administrative balance between consistency with the intent of the underlying zoning district's regulations and the uniqueness of the development of the subject parcels; and 3) avoidance of any unnecessary complexities in the zoning regulations in order to accommodate a very limited number of properties.

Staff recommends the approval of the requested R-1, B-2 and Airport zoning map amendments (rezonings). Staff also recommends approval of the text amendment to the R-1 zoning district regulations creating the Elm Road Overlay District as presented.

Matt Fuesting, 7th Ward Alderman, stated he feels the proposal at hand is well thought out and beneficial to all parties involved. He stated that back in 2002 when these properties were annexed into the City the property owners at that time were given little say in the matter. The City had a long term goal for this area and since that time that goal has not come to fruition. Now we are in different economic times and the City wants to do what is fair and equitable for the property owners involved.

John Banas, 7th Ward Alderman, stated he concurred with Alderman Fuesting's statements and added that the current zoning makes it very difficult to sell or refinance any of these properties.

Betty Clark of 2417 Elm Road stated that she has been a resident of Elm Road for over 30 years. She and her husband recently tried to sell their house and lost many perspective buyers when they found out the difficulties with the underlying ORI zoning and how it impacts their property. She would really appreciate the proposed change in zoning to residential.

No one else in the audience spoke for or against the petition.

Commissioner Hannemann asked for clarification on the request in the letter attached to the staff report from Richard and Cheryl May.

Mr. Harris indicated that if the text amendment is approved their request would be addressed.

Commissioner Laimins asked what will happen to the five residential lots that will not comply with the proposed bulk regulations.

Mr. Harris indicated that they would be classified as legal non-conforming.

Commissioner Hale commented that if this proposal is passed that it would most likely encourage consolidations of the industrial lots along North Avenue.

Plan Commission/Zoning Board of Appeals

March 4, 2014

Page 6 of 7

Mr. Harris stated that if redevelopment does occur in this area it would most likely involve multiple parcels because of the narrow configurations of the lots along North Avenue.

Commissioner Hale asked how the existing wetlands in the area affect the zoning.

Mr. Harris indicated that the presence of wetlands does not impact the underlying zoning, but more so any development proposed on a lot. DuPage County has jurisdiction over all wetlands in the County and their regulations require preservation of the wetlands if possible.

Commissioner Hannemann made a motion, seconded by Commissioner Laimins, to approve the rezonings for Case PC 14-04 as presented by staff. Voting Aye: Commissioners Birch, Dettmann, Hale, Van-der-Mey, Hannemann and Laimins. Voting Nay: None. The motion carried.

Commissioner Laimins made a motion, seconded by Commissioner Hannemann, to approve the text amendment the the R-1 zoning district regulations creating the Elm Road Overlay District for Case PC 14-04 as presented by staff. Voting Aye: Commissioners Birch, Dettmann, Hale, Van-der-Mey, Hannemann and Laimins. Voting Nay: None. The motion carried.

Commissioner Laimins made a motion, seconded by Commissioner Mireault, to close the public hearing for Case PC 14-01. Voting Aye: Commissioners Birch, Mireault, Hale, Van-der-Mey, Hannemann and Laimins. Voting Nay: None. The motion carried.

6. Review of Case PC 14-04, Rezoning.

The review was conducted under the public hearing.

7. Other Commission Business.

None.

8. Previous Petitions and General Development Update.

Mr. Harris informed the Commission that the City Council approved the auto repair special use amendment for the Shell gas station, the plat of consolidation on Wegner Drive and the access easement text amendment that was approved by the Commission at the February 4, 2014 Plan Commission meeting.

9. Adjournment.

Commissioner Birch made a motion, seconded by Commissioner Hannemann, to adjourn the March 4, 2014 Plan Commission/Zoning Board of Appeals meeting at 7:57 p.m. The Commissioners unanimously agreed. The motion carried.

Respectfully submitted,

Jeff Harris, City Planner

Plan Commission/Zoning Board of Appeals

March 4, 2014

Page 7 of 7