

# CITY OF WEST CHICAGO

WHERE HISTORY & PROGRESS MEET

## CITY OF WEST CHICAGO PLAN COMMISSION/ZONING BOARD OF APPEALS August 6, 2013

### MINUTES

Approved at the September 3, 2013 meeting.

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

Commissioner Van-der-Mey called the meeting to order at 7:05 p.m. Roll call found Commissioners Mireault, Birch, Posadzy and Van-der-Mey were present. Commissioner Hannemann arrived at 7:10 p.m. and Commissioner Laimins 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 Mireault made a motion, seconded by Commissioner Birch, to approve the minutes of May 7, 2013 as presented. Voting Aye: Commissioners Mireault, Posadzy, Van-der-Mey and Birch. Voting Nay: None. The motion carried.

#### **5. Public Hearing Case PC 13-05, Special Use Amendment.**

Mr. Harris provided an overview. Prairie Material, the current owner of the existing LRM concrete mixing plant located at 1201 W. Washington Street, is requesting an amendment to an existing special use to establish a temporary mixing plant on-site that will be used exclusively for the Kautz Road bridge project currently under construction. The subject property is approximately 5.5 acres in area and is located on the north side of W. Washington Street between Fenton Lane and Wegner Drive. The property is currently zoned M, Manufacturing district.

The City Council approved the original special use for the subject property in July of 1994. That special use entailed the operation of a permanent concrete mixing plant facility as it exists today. The special use was approved with the following on-going conditions of approval that staff is recommending be included in the proposed amendment:

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Ruben Pineda  
MAYOR  
Nancy M. Smith  
CITY CLERK

Michael L. Guttman  
CITY ADMINISTRATOR

1. The construction and maintenance of the subject property shall be in substantial conformance with the attached site plan.
2. The outside storage of materials shall be limited to the areas depicted on the site plan and the height of such materials shall not exceed 18 feet in height.
3. No trucks associated with the operation of the plant shall be permitted to park, stack or queue on Washington Street. Also, all ingress and egress of truck traffic shall be from that portion of W. Washington Street lying west of the subject property.
4. All point of sales of materials emanating from the subject property shall list West Chicago as the point of sale for purposes of the Illinois Retailers' Occupation Tax.
5. The use of the subject property shall comply with all applicable federal, state and local regulations.

Please note that there were three other conditions of approval that were associated with certain improvements that had to be completed on-site. Those improvements were a one-time matter and have been completed; therefore staff did not identify those three conditions above.

In recent years the subject property has been used sparingly. The applicant was recently awarded the bid for all of the concrete work associated with the Kautz Road bridge installation on Roosevelt Road. The work associated with that contract will be completed over the next year and a half and is anticipated to terminate by December of 2014. The applicant would like to install the proposed temporary mixing plant for this project because they anticipate selling the existing mixing plant equipment during the Kautz Road project's construction. The operation of this temporary mixing plant will be exclusively for the Kautz Road project and will be dismantled after the project is completed. The way the concrete for the Kautz Road project will be mixed is also different from the way the existing plant mixes concrete, thus necessitating the temporary mixing plant. The temporary mixing plant would consist of several semi-trailer mounted pieces assembled like an erector set on the existing paved surface towards the north end of the site. The temporary mixing plant will be erected adjacent to the existing material storage bins located immediately west of the plant's location. The plant's anticipated hours of operation will be from 6:00 a.m. to 6:00 p.m. It is expected that the mixing operations on the subject property will be conducted by three total Prairie employees (excluding any truck drivers). The applicant is anticipating operating the plant as long as weather permits in the fall and winter of 2013. Once it becomes too cold to manufacture and manipulate the concrete the plant will shut down for the winter and reopen when weather permits for the entire 2014 construction season.

The previously approved condition that requires all truck traffic to the site to originate from the west will be carried forward to this proposed amendment. It is expected that up to 20 trucks delivering the bulk materials to produce the concrete will be accessing the site on a daily basis as well as a fleet of approximately 40 trucks that will be continuously delivering the cement from the plant to the job site over the course of each day. The total estimated number of trucks accessing the site per day is 160 with approximately 95% of those trucks being semis or dump trucks; not the traditional cement mixer trucks. This traffic information was shared with the Public Works Department and their primary concern is associated with the congestion at the intersection of Roosevelt Road and Washington Street given all of the existing congestion associated with the Kautz Road project coupled with Dupage County's intentions of rebuilding said intersection and a portion of Fabyan Parkway south of Roosevelt Road in the near future. Unfortunately the only way to alleviate this added congestion the proposed plant will create is to relocate the plant to another

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site closer to the job site, which is not feasible at this time for the applicant due to the constraints of their contract to provide the concrete in the immediate future. Another existing condition of approval, that will also be carried forward, prohibits the applicant's trucks from parking, stacking or queuing on Washington Street. Given the large area of the subject property the applicant feels that this will not be an issue because all of the trucks can adequately stage on the premises. Please note that the majority of the trucks to be utilized for this project will not be parked or stored on the subject property during non-operational hours. Said trucks will be operated by sub-contracted drivers that are not the applicant's employees or vehicles.

Staff recommends approval of the requested special use amendment for the establishment of a temporary concrete mixing plant at 1201 W. Washington Street as presented, subject to the following conditions of approval:

1. The construction and maintenance of the subject property shall be in substantial conformance with the attached site plan.
2. The outside storage of materials shall be limited to the areas depicted on the site plan and the height of such materials shall not exceed 18 feet in height.
3. No trucks associated with the operation of the plant shall be permitted to park, stack or queue on Washington Street. Also, all ingress and egress of truck traffic shall be from that portion of W. Washington Street lying west of the subject property or as designated by any alternative truck routes established with any other government agencies.
4. All point of sales of materials emanating from the subject property shall list West Chicago as the point of sale for purposes of the Illinois Retailers' Occupation Tax.
5. The use of the subject property shall comply with all applicable federal, state and local regulations.
6. The temporary mixing plant shall be utilized exclusively for the Kautz Road project and shall cease operation and be dismantled within sixty (60) days of the completion of the applicant's scope of work associated with said project.

Commissioner Posadzy asked if the trucks leaving the site with material will be covered to prevent material from leaving the bed of the truck.

Paul Blatner, Director of Operations and Field Services for Prairie Material, stated that the concrete will be in a "plastic" state that will severely limit material spillage. He indicated that Prairie can mandate that the trucks be covered if necessary.

Mr. Harris indicated that he believes that IDOT has regulations in place governing when the trucks must be covered and those regulations are applicable to the proposed activities.

No one else was in the audience to speak for or against the petition.

Commissioner Mireault made a motion, seconded by Commissioner Hannemann, to approve the temporary concrete mixing plant special use amendment at 1201 W. Washington Street for Case PC 13-05 as presented by staff. Voting Aye: Commissioners Birch, Hannemann, Mireault, Posadzy and Van-der-Mey. Voting Nay: None. The motion carried.

Commissioner Birch made a motion, seconded by Commissioner Posadzy, to close the public hearing for Case PC 13-05. Voting Aye: Commissioners Birch, Hannemann, Mireault, Van-der-Mey and Posadzy. Voting Nay: None. The motion carried.

#### **6. Review of Case PC 13-05, Special Use Amendment.**

The review of Case PC 13-05 was conducted under the public hearing.

#### **7. Public Hearing Case PC 13-06, Personal Training Facility Text Amendment.**

Mr. Harris provided an overview. Dave and Sarah Fecht are proposing a text amendment to the City's Zoning Code to create definitions for a Health, Fitness and Exercise Center as well as a Personal Training and Group Exercise Facility (Section 4.1); to add a Personal Training and Group Exercise Facility as a permitted use in the B-2 General Business Zoning District (Section 10.3-3), B-3 Regional Shopping District Section 10.4-4), Manufacturing Zoning District (Section 11.2-3) and ORI Office Research and Light Industrial Zoning District (Section 11.3-3); and to create an off-street parking requirement for a Personal Training and Group Exercise Facility (Section 13.3(A)(2)).

The following text is being proposed to be added to the existing regulations, as outlined below.

##### **4.1 Construction of terms.**

Health, fitness and exercise center: A primarily membership based facility where various types physical fitness activities are performed. Said facilities may also include ancillary uses for their patrons such as, but not limited to, fitness classes, locker rooms, saunas, salon, spa and day care. Said centers shall not include municipal or privately owned recreation centers or personal training and group exercise facilities.

Personal training and group exercise facility: A facility with an exercise based environment used exclusively for small group classes where a professional fitness trainer is directly involved in the prescription and instruction of an exercise regimen for each class. Said facilities shall not include municipal or privately owned recreation centers or health, fitness and exercise centers.

Health, fitness and exercise centers are currently allowed as permitted uses in certain zoning districts within the City, but the use itself is not defined in the Zoning Code. City staff felt that it was important to create a definition for said use due to its similarity with the applicant's proposed personal training and group exercise facility use, to which a definition is also being proposed. Creating both definitions should eliminate any confusion when trying to determine what any future exercise based business should be classified as from a use perspective.

##### **10.3 B-2 General business district.**

###### **10.3-3 Permitted uses.**

(NN) Personal training and group exercise facility.

##### **10.4 B-3 Regional shopping district.**

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10.4-4 Permitted uses.

(GG) Personal training and group exercise facility.

11.2 M – Manufacturing district.

11.2-3 Permitted uses.

(HH) Personal training and group exercise facility.

11.3 ORI Office, research and light industrial district.

11.3-3 Permitted uses.

(AA) Personal training and group exercise facility.

The applicant desires to add the proposed use to the Manufacturing district as a permitted use. City staff has evaluated the request and feels that it is appropriate to add said use as a permitted use to the Manufacturing district given that the potential for any adverse impacts on the district or any surrounding properties should be minimal. City staff is also requesting that said use be added as a permitted use to the B-2, B-3 and ORI districts as well for the above stated reasons. Staff feels that the proposed use is a very good adaptable reuse of an existing building within these zoning districts.

13.3 Number of parking and loading spaces required.

(A) Parking spaces.

(2) Commercial, office, service, institutional, educational and recreational uses.

- o. Personal training and group exercise facility – 4 spaces per 1,000 sq. ft. of floor area.

The applicant is proposing to create a parking requirement to accompany the proposed personal training and group exercise facility use. The applicant researched four of the surrounding communities (Carol Stream, DuPage County, St. Charles and South Elgin) that already have the proposed use in operation to determine what those community's minimum parking requirements are for said use. St. Charles and Dupage County both require 4 parking spaces per 1,000 square feet of floor area. South Elgin requires 5 parking spaces per 1,000 square feet of floor area and Carol Stream requires 1 parking space per employee plus additional spaces as required by the Plan Commission. The applicant's proposed parking ratio is identical to those required in St. Charles and DuPage County and is very similar to South Elgin. Comparison to Carol Stream's parking requirement is difficult because of the vastly different method they use to determine the parking required for such a use. The applicant's proposed parking ratio is also consistent with West Chicago's minimum parking ratio for a majority of the uses permitted within the City. Therefore, staff feels that the proposed minimum parking ratio of 4 spaces per 1,000 square feet of floor area is reasonable for this proposed use.

City staff recommends approval of the proposed text amendment as presented to the Commission.

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

Commissioner Mireault made a motion, seconded by Commissioner Posadzy, to approve the personal training facility text amendment for Case PC 13-06 as presented by staff. Voting Aye:

Commissioners Birch, Hannemann, Mireault, Van-der-Mey and Posadzy. Voting Nay: None. The motion carried.

Commissioner Posadzy made a motion, seconded by Commissioner Hannemann, to close the public hearing for Case PC 13-06. Voting Aye: Commissioners Birch, Hannemann, Mireault, Van-der-Mey and Posadzy. Voting Nay: None. The motion carried.

#### **8. Review of Case PC 13-06, Personal Training Facility Text Amendment.**

The review of Case PC 13-06 was conducted under the public hearing.

#### **9. Public Hearing Case PC 13-07, Temporary Staffing Agency Text Amendment.**

Mr. Harris provided an overview. West Chicago Partnership, LLC is proposing a text amendment to Section 10.3-3 of the City's Zoning Code to add an employment staffing agency as a permitted use in the B-2, General Business Zoning District.

The following text is being proposed to be added to the existing regulations, as outlined below. Struck through text is proposed to be deleted.

##### **10.3 B-2 General business district.**

###### **10-3.3 Permitted uses.**

- (J) ~~Reserved.~~ Employment staffing agency, with no temporary employees reporting routinely to the agency to obtain a job order or to collect compensation.

Said use already exists as a permitted use in the City's Manufacturing and ORI zoning districts. Said use is also a special use in the Manufacturing district when the employees are routinely reporting to the agency. The applicant currently owns an existing commercial development within the City and has a nationwide firm specializing employment staffing that would like to open for business within their development. Please note that the applicant's specific tenant and the applicant's specific development within the City should not be taken into consideration as part of this proposal because this proposed amendment affects all of the City's B-2 zoning districts as a whole and is not site or tenant specific. Said use is also specifically excluded from the City's existing day and temporary labor regulations because said use is strictly a professional and clerical based employment agency use.

City staff recommends approval of the proposed text amendment as presented to the Commission.

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

Commissioner Mireault made a motion, seconded by Commissioner Birch, to approve the temporary staffing agency text amendment for Case PC 13-07 as presented by staff. Voting Aye: Commissioners Birch, Hannemann, Mireault, Van-der-Mey and Posadzy. Voting Nay: None. The motion carried.

Commissioner Hannemann made a motion, seconded by Commissioner Posadzy, to close the public hearing for Case PC 13-07. Voting Aye: Commissioners Birch, Hannemann, Mireault, Van-der-Mey and Posadzy. Voting Nay: None. The motion carried.

**10. Review of Case PC 13-07, Temporary Staffing Agency Text Amendment.**

The review of Case PC 13-07 was conducted under the public hearing.

**11. Other Commission Business.**

Mr. Harris stated that due to the Labor Day holiday the first Commission meeting in September will have to begin at 6:00 p.m. and conclude by 7:00 p.m.

**12. Previous Petitions and General Development Update.**

Mr. Harris informed the Commission that the City Council approved the Duriavich Resubdivision that was approved by the Commission at the May 7th Plan Commission meeting.

**13. Adjournment.**

Commissioner Mireault made a motion, seconded by Commissioner Posadzy, to adjourn the August 6, 2013 Plan Commission/Zoning Board of Appeals meeting at 7:48 p.m. The Commissioners unanimously agreed. The motion carried.

Respectfully submitted,

Jeff Harris, City Planner

PlanComm/ZBA.MIN080613/jh