

CITY OF WEST CHICAGO

WHERE HISTORY & PROGRESS MEET

DEVELOPMENT COMMITTEE

**Monday, May 11, 2015
7:00 P.M. - Council Chambers**

AGENDA

1. Call to Order, Roll Call, and Establishment of a Quorum
2. Selection of Chair and Vice-Chair
3. Approval of Minutes
 - A. April 13, 2015
4. Public Participation
5. Items for Consent
 - A. Text Amendment, Special Uses and PUD for Hoving's Demolition Debris and Recycling Facility – 1655 Powis Road
6. Items for Discussion
 - A. Forming America's Bi-Annual Site Improvement Progress Report – 1200 N. Prince Crossing Road
7. Unfinished Business
8. New Business
9. Reports from Staff
10. Adjournment

MINUTES

DEVELOPMENT COMMITTEE

April 13, 2015, 7:00 P.M.

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

Alderman Stout called the meeting to order at 7:00 p.m.

Roll call found Aldermen John Banas, James Beifuss, Laura Grodoski, Melissa Birch, Jim Smith, John Smith and Becky Stout, present.

Also in attendance was Director of Community Development, John Said.

Alderman Stout recognized Jim Smith at his last meeting for the Development Committee and thanked him for his time, effort and dedication. Jim Smith expressed his thanks to his fellow Aldermen for their service and his respect for the administrative and legal teams.

2. Approval of Minutes.

A. March 9, 2015

Alderman Beifuss made a motion to approve the minutes with changes. The motion was seconded by Alderman Banas and all remaining members agreed and the motion was carried.

3. Public Participation.

None.

4. Items for Consent.

A. Wild Ginger Trail Right-of-Way Vacation & Conveyance

Alderman John Smith made a motion, seconded by Alderman Birch, to place the Item for Consent for Wild Ginger Trail on the April 20, 2015 City Council Agenda. The Committee members unanimously agreed and the motion carried.

5. Items for Discussion.

A. USAgain Donation Collection Bin Code Amendment – Conceptual Review

John Said summarized that, USAgain, LLC, a local for-profit business that collects used clothing for resale, is requesting the City Council consider adopting regulations to allow placement of donation bins for collection of items donated by the public. Mr. Said stated that after having reviewed the issue, staff does not support an ordinance to allow for clothing collection bins. He pointed out potential problems such as visual clutter and a licensing program, which would be needed to regulate donation bins of this type.

Alderman Stout invited the Committee members to hear from the applicants in attendance.

Representing USAgain, was Mr. Osvaldo Cedillo, Division Manager. Mr. Cedillo stated that many communities have reservations about allowing for the collection bins. However, USAgain has drafted an ordinance to address communities' concerns and to allow for companies like his to do business. They have an agreement with each of their site hosts and provide 24-hour service for the collection bins. They are currently working with the city of Joliet, where they will have about 30 sites for collection bins. He expressed that his company is one of the best at what they do and that furthermore, their company headquarters are located in West Chicago.

Alderman Banas asked the representative from USAgain how many sites would be used for the collection bins and where they would be placed. Mr. Cedillo estimated that around 8 bins would be used in a city with the population size of West Chicago and that they would be placed in locations visible to the public. Site hosts range from gas stations to storage areas, to restaurants. Alderman Banas asked what the ordinance is as it relates to private property. John Said clarified that the ordinance does not allow for the placement of collection bins on any private or public property.

Mr. Cedillo described the bin materials and stated that they are insured for every site host. He also said that their service is what they do best.

Alderman Banas asked for clarification about the company's for-profit structure. Mr. Cedillo replied that his company gives clothing a second chance and tries to keep it out of landfills. Eleven percent of landfills are composed of textiles and by making it more

convenient for people to discard their unwanted clothing, that percentage can be decreased.

Alderman Grodoski asked about the type of clothing donations the company receives and Mr. Cedillo stated that they accept used clothing and act as a middle man in reselling it. He stated that about 30% remains in the US, while another portion of it is sold to developing countries for resale purposes in secondary markets there. Alderman Grodoski asked about the unwearable clothing and if it is recycled into pulp. Mr. Cedillo responded that they do not sort the clothing and that it is sold as is. Alderman Grodoski then inquired if they have a schedule for regular pickups at the collection bins. Mr. Cedillo answered that they have a transportation manager for each of their 13 divisions across the country who manages the pickups. Alderman Grodoski asked how their company educates the public. Mr. Cedillo replied that they have a website that provides donation guidelines. They also work with communities to help with their recycling drives in order to not only collect clothing, but to raise awareness of textile recycling.

John Said commented that USAgain is the model for how collection of this nature should be handled. He noted further that while Mr. Cedillo's company might not be problematic, the difficulty in dealing with the licensing regulations for other clothing collection companies/organizations, would indeed pose a significant problem for staff. He also added that there are plenty of organizations that do home pickup of donated items.

Alderman Beifuss stated that he recalls having these types of collection bins in the community in the past and the problem of their being over-filled and visual clutter resulting. As such, the City has moved to eliminate this and other contributors of visual clutter. He indicated that not all companies are as responsible as USAgain and the City would need to deal with the problem of visual clutter. He also expressed concern about creating City ordinances limited to a particular company because all companies need to be treated fairly.

Alderman Beifuss also asked about the financial arrangement between the parties and Mr. Cedillo replied that there is payment to some of the site hosts based on cents per pound. Alderman Beifuss commented that other companies would see the opportunity and would also want to compete and add their bins. This could, in turn, cause a proliferation of bins. He acknowledged the benefit of recycling, but he does not support the idea of collection bins given the difficulty in ameliorating their potential clutter.

Alderman Banas asked if their company would be open to changing their business model in order to address the Committee's concerns, such as at-home pickup. Mr. Osvaldo replied that they are testing out the ideas of creating drop spots—brick and mortar locations—and going house to house. Collection bins have been around for a while, but

that it is becoming increasingly more difficult to continue collections. Their company has developed an ordinance to allow for USAgain to be the sole company pursuing collections in communities.

Alderman Birch echoed Alderman Beifuss's concerns about enforcement and appearance. She knows firsthand that due to the nature of collections, they can be difficult to sort through. Accordingly, the collection bins in questions could present an opportunity for additional garbage accumulation.

Alderman Grodoski asked if residents of the City are able to drop off their donations at the company's location and Mr. Cedillo said yes. Alderman Grodoski pointed out the importance of USAgain being an outlet for unwearable/unusable textiles, which might not be fitting donations for other organizations that accept used clothing. People need to be made more aware of the option their company presents.

John Said commented on the difficulty of after-hours monitoring of these collection bins and that while USAgain may be very responsible about maintenance, it would be challenging for the site hosts to monitor the donations after business hours.

Alderman Stout expressed her agreement with Aldermen Beifuss and Birch about the visual clutter and the additional staff time that would be needed for permitting and code enforcement. She furthered that while USAgain might be a model company in this matter, it would not be fair to allow for one company to pursue collections, but not another company. She also commented on the difficulty of after-hours monitoring. In addition, Alderman Stout advocated that it would be a great idea to better educate the public about the potential for drop-offs of used clothing at USAgain's facility, despite expressing some concern about the company's sorting process of the donations.

Alderman Banas suggested a community-wide "USAgain Day." Alderman Stout pointed out that there are days where paper shredding and recycling is offered and the public could also be made aware about the options that USAgain offers and from which their company would benefit.

Alderman Stout asked for the consensus of the Committee.

Alderman Beifuss stated his preference to not allow for the collection bins at this time, but that he hopes it will be a conversation to continue having in the future, especially as it relates to textile recycling.

Alderman Stout affirmed that the consensus of the Committee is to not allow for the collection bins at this time.

6. Unfinished Business.

None.

7. New Business.

None.

8. Reports from Staff.

John Said reported that City staff are working with a group looking to construct a new 300,000 square foot warehouse facility in the DuPage Business Center. He also informed the Committee that some West Chicago community representatives met last week with the consultants who are working on the Homes for a Changing Region study. Mr. Said also stated that he had recently met with the Regional Transit Authority about the developer panel being planned. The meeting will most likely take place in June.

9. Adjournment.

Alderman Banas made a motion, seconded by Alderman John Smith, to adjourn the April 13, 2015 Development Committee meeting at 7:34 p.m. The Committee members unanimously agreed and the motion carried.

Respectfully submitted,

Jane Burke
Executive Secretary

CITY OF WEST CHICAGO

DEVELOPMENT COMMITTEE AGENDA ITEM SUMMARY

ITEM TITLE:

Text Amendment to the Manufacturing Zoning District Regulations, Special Uses for a Construction and Demolition Debris Recycling Facility, Fuel Sales and Storage, Building Material sales and Storage, and a Preliminary and Final Planned Unit Development
1655 Powis Road
Hoving Enterprises

Text Amendment Ordinance No. 15-O-0018
Special Use & PUD Ordinance No. 15-O-0019

AGENDA ITEM NUMBER: 5.A.

FILE NUMBER: _____

COMMITTEE AGENDA DATE: May 11, 2015

COUNCIL AGENDA DATE: _____

STAFF REVIEW: John D. Said, AICP

SIGNATURE JD Said

APPROVED BY CITY ADMINISTRATOR: Michael Guttman

SIGNATURE _____

ITEM SUMMARY:

The applicant, Ken Hoving of Hoving Enterprises, petitions the City of West Chicago for the following: 1) a text amendment to Section 11.2 of the Zoning Code regarding construction and demolition debris recycling facilities; 2) special use permits for a construction and demolition debris recycling facility with outside activities, fuel sales and storage, and building material sales with outside storage in a Manufacturing zoning district; and 3) a special use for a preliminary and final planned unit development with deviations. These text amendment and special use requests, if collectively granted, would allow the petitioner to operate a demolition debris and recycling facility with other defined ancillary business operations on the subject property located at 1655 Powis Road.

The 27.5 acre subject property is currently zoned M (Manufacturing District). The site was previously developed and utilized as an aluminum extruding facility (Alcoa); however those operations terminated in the late 1980's. Environmental contamination occurred on-site because of the aluminum extrusion process resulting in the majority of the facility being demolished down to grade (all pavement and building foundations remain) and remediated in accordance with EPA standards.

The applicant proposes a text amendment to add construction and demolition debris recycling as a special use in the Manufacturing zoning district. The construction and demolition debris recycling use is currently allowed as a special use in the ORI (Office, Research and Light Industrial zoning district). To bring the existing construction and demolition debris recycling facility into compliance when the applicant's site at 2351 Powis Road was annexed in 2005, requirements for this use were created and added to the ORI District. The applicant now proposes to relocate the business to the subject property, prompting the proposed text amendments.

The existing construction and demolition debris recycling regulations in the ORI zoning district were adopted to make the applicant's current site compliant. If the applicant receives the necessary zoning approvals from the City Council and relocates his business to the proposed site, the ORI zoning district's construction and demolition debris recycling regulations will no longer be necessary because the applicant currently operates the only construction and demolition debris recycling facility within the

City limits. Therefore, a condition of approval is included to require the applicant to apply for a text amendment to delete the construction and demolition debris recycling use from the ORI zoning district regulations within six (6) months of obtaining a temporary or final certificate of occupancy for the subject property.

At its May 5 meeting, the Plan Commission concurred with City staff's opinion that the proposed text amendment to add construction and demolition debris recycling as a special use with certain use restrictions to the Manufacturing Zoning District is beneficial to the City because it expands the allowable uses in the District with an industrial type use while regulating such a use in a way that will protect the health, safety and welfare of the community.

The applicant also proposes to relocate the existing construction and demolition debris recycling facility located at 2351 Powis Road to the subject property. The existing site is only 3.8 acres in area and has become too small for the applicant's expanding business. The proposed site is 27.5 acres in area, although only the western 14 acres is usable due to the presence of wetlands, floodplain and environmental contamination on the property's eastern portion. The vast majority of the western half of the subject property is currently paved and will remain as such as part of the applicant's use of the site.

The applicant's business has many components to it, all of which are identified on the attached Statement of Planning Objective and Character of the PUD letter. To accommodate the proposed indoor uses, the applicant plans two additions, totaling 13,266 square feet, to the existing 26,592 square foot building at the southern end of the property. The construction and demolition debris recycling component of the business will occur primarily on the south half of the property. The north half of the property will primarily be utilized for pallet recycling and repurposing, port-o-potty storage, roll off dumpster storage, fleet and employee vehicle parking, bulk building material storage, and a natural gas fueling station. There is also an existing railroad spur that will be used to import and export materials processed on the subject property. The entire western perimeter of the subject property will also be enclosed by a six (6') foot tall solid wood fence, which will serve as both a visual screen and as a security measure. Lastly, there are portions of the site that contain existing gravel to be utilized as part of the subject property's operations. As part of the applicant's zoning approval he is requesting up to four (4) years from the date of City Council approval to either pave those existing gravel areas or restore them to turf. The gravel areas are identified on the Site Plan attached as Exhibit "C" of the special use and PUD ordinance.

As part of the long-term build-out and use of the subject property the applicant is requesting the ability to add additional principal buildings on-site. City Code only permits one (1) principal building on a lot, unless approved by the City Council. Therefore the applicant is requesting a deviation to construct future principal buildings that are not identified on the attached Site Plan, so long as they are built in compliance with all applicable, building, fire, and zoning codes. City staff supports this deviation request due to the large area of the subject property and the various components of the applicant's business operations that may necessitate future principal structures.

The subject property has two existing access points on Powis Road; both of which are designed for two-way traffic flow. The northernmost access point will be posted as a no truck traffic entrance in order to prevent trucks attempting to enter the site from stacking up and blocking/hindering traffic on Powis Road due to the closer proximity of the entry gate to Powis Road at this entrance. Once on-site, traffic will be able to freely flow in all directions due to the size of the site and the many components of the business operations on-site. The applicant is proposing to install a truck scale near the south access drive to weigh inbound and outbound truck traffic. The applicant estimates that on each weekday, there will be approximately 250 truck traffic trips and 75 passenger vehicle trips inbound

and outbound, which is a comparable amount of combined daily traffic flow associated with the Groot Waste Transfer Station facility located at 1995 Powis Road.

The applicant's plans includes striping of ninety (90) parking spaces in the northwest corner of the subject property, which will be more than adequate to meet the business's parking needs during its peak employment season. These spaces will be located on an existing paved surface and be designated exclusively as employee parking. Plans also include striping of eighty (80) oversized parking spaces centrally located on the western portion of the subject property to be used for fleet vehicle parking. These spaces will be equipped with electrical hook-ups. These spaces will be located on an existing paved surface and be designated exclusively for fleet vehicle parking. Fifteen (15) parking spaces will be striped on existing pavement immediately west of the existing buildings, and will be designated for the company's office staff and visitors. All of the proposed parking complies with the City's minimum requirements for both stall dimensions and quantities required. In most instances the proposed parking exceeds the City's minimum parking requirements.

The applicant requests a deviation to reduce the required parking setback for the employee parking area along the north property line from fifteen (15') feet to nine (9') feet. This deviation is being requested because the paved surface to be used for the employee parking area currently exists at the requested nine (9') foot setback and the applicant is requesting to utilize this site improvement as it exists. City staff supports this deviation request because the pavement already exists and the applicant is providing screening around said parking area by means of fencing and landscaping.

Proposed improvements for the site include two (2) proposed large berms along the Powis Road frontage of the property. These berms will be landscaped with a mixture of plant materials in order to provide an effective year round visual screen while also being aesthetically pleasing. In order to screen the entire west half of the site as required by City Code, which is where all of the site operations will occur, the applicant is proposing a combination of solid screen fencing and landscaping along the north and south property lines. The east half of the subject property is currently naturalized with native prairie plantings. This portion of the subject property is undevelopable because of the existing floodplain, wetlands and stormwater detention for the site. All of the proposed landscaping complies with the City's minimum landscaping requirements.

The exterior of the existing building on the southern portion of the subject property will be renovated with new vertical aluminum siding and a metal roof. The applicant proposes to add a 4,800 square foot office space addition to the west end of the existing building, with an exterior to match the new siding on the existing building. Plans also specify a proposed 8,466 square foot addition to the east end of the building. This addition will be the enclosed sorting line for the construction and demolition debris recycling operations. The enclosed sort line portion of the building is being disassembled from the applicant's current site at 2351 Powis Road and reconstructed at the subject property, as it is a key component to the construction and demolition debris recycling operations.

The applicant also proposes to install a natural gas fueling station as shown on the plans; additional information is shown on the attached CNG information sheet.

Final Engineering has not been approved. However, the applicant will need to obtain final engineering approval prior to obtaining a building permit for the site. City staff does not foresee any outstanding issues that would limit or cause dramatic modifications to the site design or layout. If any significant modifications to the site design or layout are proposed, then the development will have to go back through the approval process for further consideration.

At its May 5, 2015 meeting, the Plan Commission/Zoning Board of Appeals (PC/ZBA) recommended

approval the text amendment to Section 11.2 of the Zoning Code regarding construction and demolition debris recycling facilities; special use permits for a construction and demolition debris recycling facility with outside activities, fuel sales and storage, and building material sales and storage in a Manufacturing zoning district; and a special use for a preliminary and final planned unit development with deviations at 1655 Powis Road by (5-0) votes for each zoning request. Their recommendation on the text amendment is included as Exhibit "A" of the attached text amendment ordinance. Their recommendations on the special uses and planned unit development are included as Exhibit "B" of the attached special use and planned unit development ordinance.

ACTIONS PROPOSED:

Consideration of a text amendment to the Manufacturing Zoning District Regulations and special uses for a construction and demolition debris recycling facility, fuel sales and storage, building material sales and storage, and a Preliminary and Final PUD for 1655 Powis Road.

COMMITTEE RECOMMENDATION:

Statement of Planning Objectives and Character of PUD for 1655 Powis Road

The Applicant, KKLK, LLC, was formed by the principals of K. Hoving Recycling & Disposal, Inc. ("Hoving"). Hoving operates a construction and demolition debris recycling facility on a four-acre parcel located at 2351 Powis Road. In addition to Hoving's operations at 2351 Powis Road, related companies operate a portable sanitation and restroom business (Hoving Pit Stop, Inc.), a street sweeping business (Hoving Clean Sweep, LLC), and a business that provides temporary storage containers at construction job sites (Storage on Site, LLC). However, the site has become too small to enable the companies to expand. If the special use permits and the related zoning text amendment are approved, the Applicant intends to acquire the 27-acre parcel at 1655 Powis Road, and the above-mentioned Hoving entities intend to move their operations to that location. As shown on the site plan, submitted with this statement, the following activities will occur on the property:

- Receiving, sorting, processing and shipping construction and demolition debris
- Storage of trucks, street sweepers, roll-off boxes, storage containers and portable toilets
- Storage of trucks owned by third-parties, provided that the number of trucks will be limited to service the Hoving companies' immediate needs
- Recovery, repair and resale of wood pallets
- Wholesale and retail sales of wood mulch products and crushed aggregates
- Wholesale and retail sales of related landscape products such as sand and pea gravel
- Recovery and processing of tree branches and trunks for mulch production
- Manufacturing of recycled wood fuel pellets
- Vehicle fueling of third-party trucks with compressed natural gas
- Cleaning, but not dumping, of portable toilets, provided such activity occurs inside a building
- Utilization of existing rail spur for inbound and outbound shipping
- Other ancillary uses related to the requested special uses
- Uses permitted in the M District

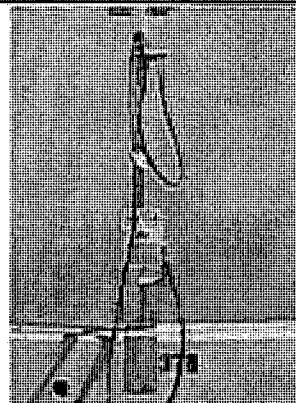
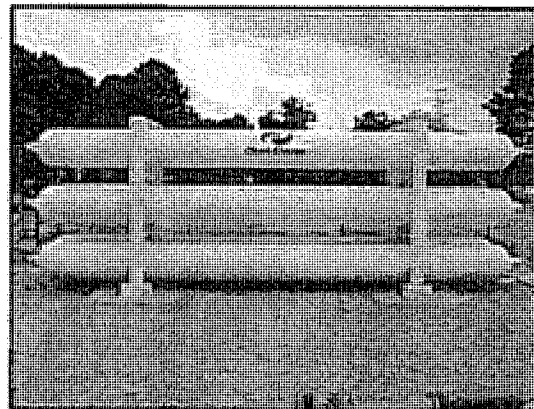
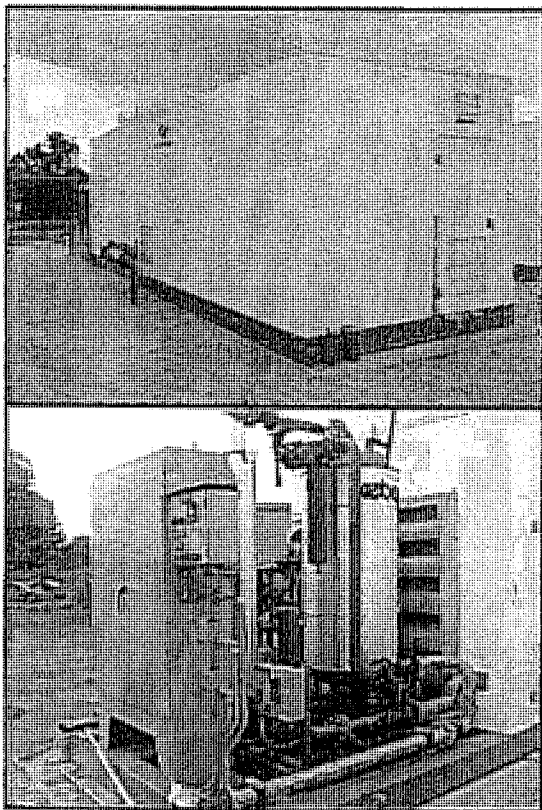
Together, the activities described above will provide the City and the surrounding area with a location where material, which would otherwise be discarded, will be received and sorted for shipment to recyclers and processors or processed and sold on site. In addition, these activities will consolidate numerous functions on one site, rather than requiring numerous sites. In addition, the size of the property is more than four times larger than the existing location at 2351 Powis Road that is used by the Hoving companies. This will enable the businesses to grow onsite without having to acquire additional property. Finally, 1655 Powis Road is located in the M (Manufacturing) Zoning District, which is a more appropriate classification for the activities described above, than the ORI Zoning of the existing site at 2351 Powis Road.

What makes up a CNG station and what will it look like?



A CNG fueling station consists of a few main components:

Gas is supplied from the local gas company's line to a meter set which measures the fuel for sale to K Hoving. From there, it goes through a dryer to remove contaminants and liquids, and then on to the compressor where it is compressed to 4,500 psig. Upon leaving the compressor, the gas flows through a valve panel (often referred to as a priority panel) which directs the fuel to the storage vessels or directly to the dispensers.



ORDINANCE NO. 15-O-0018

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST CHICAGO – APPENDIX A ARTICLE 11.2 OF THE ZONING CODE

WHEREAS, Ken Hoving of KKLK, L.L.C. (the “APPLICANT”) proposes an amendment to Article 11.2 of the Zoning Code, which is Appendix A of the Code of Ordinances of the City of West Chicago to add the construction and demolition debris recycling use and use restrictions to the Manufacturing Zoning District regulations; and,

WHEREAS, Notice of Public Hearing on said application was published in the Daily Herald on or about April 20, 2015, all as required by the ordinances of the City of West Chicago and the statutes of the State of Illinois; and,

WHEREAS, a Public Hearing was conducted by the Plan Commission/Zoning Board of Appeals of the City of West Chicago, commencing on May 5, 2015, pursuant to said Notice; and,

WHEREAS, at the Public Hearing, the APPLICANT provided testimony in support of their application, and all interested parties had an opportunity to be heard; and,

WHEREAS, the corporate authorities of the City of West Chicago have received the recommendation of the Plan Commission/Zoning Board of Appeals which contains specific findings of fact, pursuant to Recommendation No. 15-RC-0006, a copy of which is attached hereto as Exhibit “A” which is, by this reference, made a part hereof.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of West Chicago, Du Page County, Illinois, in regular session assembled, as follows:

Section 1. That Appendix A, Article 11, Section 11.2-1 of the Code of Ordinances of the City of West Chicago entitled “Use restrictions” is hereby amended by adding the following language:

- “(H) Construction and demolition debris recycling.
- (1) Shall be located on a lot having a minimum lot area of three (3) acres.
 - (2) Shall be located in a zoning district having a minimum district area of three (3) acres.
 - (3) Shall be located on a lot that is contiguous to both a railroad right-of-way and property that is zoned Airport District.”

Section 2. That Appendix A, Article 11, Section 11.2-4 of the Code of Ordinances of the City of West Chicago entitled "Special uses" is hereby amended by adding the following the following language:

"(FF) Construction and demolition debris recycling."

Section 3. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

Section 4. That this Ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form as provided by law.

PASSED this ____ day of _____ 2015.

Alderman L. Chassee	_____	Alderman J. Beifuss	_____
Alderman D. Earley	_____	Alderman J. Sheahan	_____
Alderman L. Grodoski	_____	Alderman A. Hallett	_____
Alderman S. Dimas	_____	Alderman M. Birch	_____
Alderman J.C. Smith, Jr.	_____	Alderman K. Meissner	_____
Alderman M. Edwalds	_____	Alderman R. Stout	_____
Alderman J.F. Banas	_____	Alderman N. Ligino-Kubinski	_____

APPROVED as to form: _____
City Attorney

APPROVED this ____ day of _____ 2015.

Mayor, Ruben Pineda

ATTEST:

City Clerk, Nancy M. Smith

PUBLISHED: _____

EXHIBIT "A"

RECOMMENDATION # 15-RC-0006

TO: The Honorable Mayor and City Council

SUBJECT: PC 15-03
Text Amendment
Construction and Demolition Debris Recycling

DATE: May 5, 2015

DECISION: The motion to approve the request was unanimously approved by a (5-0) vote.

After review of the proposed text amendment as presented, the Plan Commission/Zoning Board of Appeals finds that it does not pose a threat to the health, safety and welfare of the community. It is the Commission's opinion that the proposed construction and demolition debris recycling use as a special use with certain use restrictions in the Manufacturing Zoning District is beneficial to the City because it expands the allowable uses in the District with an industrial type use while regulating such a use in a way that will protect the health, safety and welfare of the community.

Respectfully submitted,

Robert Mireault
Vice Chairman

VOTE:

For
M. Schafer
R. Mireault
C. Dettmann
B. Laimins
S. Hale

Against

Abstain

Absent
E. Van-der-Mey
D. Faught

ORDINANCE NO. 15-O-0019

AN ORDINANCE APPROVING SPECIAL USE PERMITS FOR A CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY, FUEL SALES AND STORAGE, BUILDING MATERIAL SALES WITH OUTSIDE STORAGE, AND A PRELIMINARY AND FINAL PLANNED UNIT DEVELOPMENT AT 1655 POWIS ROAD

WHEREAS, on or about February 27, 2015, Ken Hoving of KKLK L.L.C. (the "APPLICANT"), filed a special use application for a construction and demolition debris recycling facility with outside activities, fuel sales and storage, and building material sales with outside storage in addition to filing an application for a preliminary and final planned unit development on the property legally described on Exhibit "A", which is attached hereto and incorporated herein as the "SUBJECT REALTY"; and,

WHEREAS, Notice of Public Hearing on said application was published in the Daily Herald on or about April 20, 2015, all as required by the ordinances of the City of West Chicago and the statutes of the State of Illinois; and,

WHEREAS, a Public Hearing was conducted by the Plan Commission/Zoning Board of Appeals of the City of West Chicago, commencing on May 5, 2015, pursuant to said Notice; and,

WHEREAS, at the Public Hearing, the APPLICANT provided testimony in support of his application, and all interested parties had an opportunity to be heard; and,

WHEREAS, the corporate authorities of the City of West Chicago have received the recommendation of the Plan Commission/Zoning Board of Appeals for a construction and demolition debris recycling facility with outside activities, fuel sales and storage, and building material sales with outside storage in addition to filing an application for a preliminary and final planned unit development, which contains specific findings of fact, pursuant to Recommendation No. 15-RC-0007, a copy of which is attached hereto as Exhibit "B" which is, by this reference, incorporated herein.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of West Chicago, DuPage County, Illinois, in regular session assembled, as follows:

Section 1. A special use permit for a construction and demolition debris recycling facility with outside activities in conformance with Sections 5.5 and 11.2-4(FF) is hereby granted for the SUBJECT REALTY.

Section 2. A special use permit for fuel sales and storage in conformance with Sections 5.5 and 11.2-4(M) is hereby granted for the SUBJECT REALTY.

Section 3. A special use permit for building material sales with outside storage in conformance with Sections 5.5 and 11.2-4(F) is hereby granted for the SUBJECT REALTY.

Section 1. A preliminary and final planned unit development in conformance with Sections 11.2-4(U) and 15 is hereby granted for the SUBJECT REALTY, subject to compliance with the following conditions:

1. The APPLICANT shall apply for a text amendment to delete the construction and demolition debris recycling use from the ORI zoning district regulations within six (6) months of obtaining a temporary or final certificate of occupancy for the SUBJECT REALTY.
2. The SUBJECT REALTY shall be developed in conformance with the Site Plan prepared by Tebrugge Engineering, dated January 20, 2015 with a last revision date of April 15, 2015, attached hereto and incorporated herein as Exhibit "C".
3. The SUBJECT REALTY shall be developed in conformance with the Landscape Plan prepared by Dowden Landscape Design, dated February 27, 2015 with a last revision date of April 3, 2015, attached hereto and incorporated herein as Exhibit "D".
4. The SUBJECT REALTY shall be developed in conformance with the Exterior Building Elevation Plan A3.0 prepared by Architect Steven W. Hansen, dated February 17, 2015, with a final revision date of February 26, 2015, attached hereto and incorporated herein as Exhibit "E".
5. The APPLICANT shall have all gravel surfaces on the SUBJECT REALTY either paved or restored to turf within four (4) years of City Council approval of the preliminary and final planned unit development.

Section 5. This Ordinance shall also constitute the approval of the following deviations associated with the preliminary and final planned unit development and special use permits identified in Sections 1, 2, and 3 herein:

1. A deviation from Section 11.2-2(C)(2) of the Zoning Code to reduce the minimum required side yard parking setback from fifteen (15') feet to nine (9') feet along a portion of the north lot line of the SUBJECT REALTY, as depicted on the Site Plan by Trebrugge Engineering, dated January 20, 2015 with a last revision date of April 15, 2015, attached hereto and incorporated herein as Exhibit "C".
2. A deviation from Section 11.2-1(E) to allow the APPLICANT to construct and utilize multiple principal structures on the SUBJECT REALTY in compliance with all applicable building, fire and zoning and codes.

Section 6. That all ordinances and resolutions, or parts thereof, shall, to the extent not expressly modified by the terms and conditions of this Ordinance, remain in full force and effect as therein provided.

Section 7. That this Ordinance shall be in full force and effect ten (10) days from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED this ____ day of _____ 2015.

Alderman L. Chassee	_____	Alderman J. Beifuss	_____
Alderman D. Earley	_____	Alderman J. Sheahan	_____
Alderman L. Grodoski	_____	Alderman A. Hallett	_____
Alderman S. Dimas	_____	Alderman M. Birch	_____
Alderman J.C. Smith, Jr.	_____	Alderman K. Meissner	_____
Alderman M. Edwalds	_____	Alderman R. Stout	_____
Alderman J.F. Banas	_____	Alderman N. Ligino-Kubinski	_____

APPROVED as to form: _____
City Attorney

APPROVED this ____ day of _____ 2015.

Mayor, Ruben Pineda

ATTEST:

City Clerk, Nancy M. Smith

PUBLISHED: _____

EXHIBIT "A"

LEGAL DESCRIPTION

THAT PART OF THE NORTH HALF OF SECTION 32, TOWNSHIP 40 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, DUPAGE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS, TO WIT: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 32; THENCE NORTH 88 DEGREES 56 MINUTES 37 SECONDS EAST ALONG THE NORTH LINE OF SAID SECTION 32, A DISTANCE OF 1331.65 FEET TO THE NORTH AND SOUTH DIVIDING LINE OF THE NORTHWEST QUARTER OF SAID SECTION 32; THENCE SOUTH 00 DEGREES 36 MINUTES 17 SECONDS EAST ALONG SAID DIVIDING LINE, A DISTANCE OF 500.00 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED TO THE DEFENSE PLANT CORPORATION BY DEED RECORDED IN BOOK 390 OF DEEDS ON PAGE 81 IN THE OFFICE OF THE DUPAGE COUNTY RECORDER; THENCE CONTINUING SOUTH 00 DEGREES 36 MINUTES 17 SECONDS WEST ALONG SAID DIVIDING LINE, A DISTANCE OF 685.0 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED RECORDED FEBRUARY 6, 2001 AS DOCUMENT NO. R2001-020758; THENCE NORTH 89 DEGREES 32 MINUTES 15 SECONDS EAST ALONG THE SOUTH LINE OF SAID TRACT, A DISTANCE OF 103.80 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89 DEGREES 32 MINUTES 15 SECONDS EAST, ALONG SAID SOUTH LINE (SAID LINE BEING IN PARALLEL WITH THE SOUTH LINE OF SAID DEFENSE PLANT CORPORATION TRACT), A DISTANCE OF 1880.12 FEET TO THE WESTERLY RIGHT-OF-WAY LINE FOR THE CHICAGO AND NORTHWESTERN RAILWAY; THENCE NORTH 20 DEGREES 30 MINUTES 46 SECONDS WEST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 729.01 FEET TO THE SOUTHEAST CORNER OF SAID DEFENSE PLANT CORPORATION TRACT; THENCE SOUTH 89 DEGREES 32 MINUTES 15 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 1650.66 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF POWIS ROAD PER DOCUMENT NO. R2003-146376, SAID POINT ALSO BEING 81.96 FEET EAST OF THE SOUTHWEST CORNER OF SAID DEFENSE PLANT CORPORATION; THENCE SOUTH 02 DEGREES 29 MINUTES 05 SECONDS WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 536.49 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE BEING THE ARC OF A CURVE CONCAVE WESTERLY, HAVING A RADUIS OF 739.00 FEET AND WHOSE CHORD HAS A BEARING OF 04 DEGREES 02 MINUTES 22 SECONDS WEST, AN ARC DISTANCE OF 149.66 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS. P.I.N.s: 01-32-100-001 AND 01-32-101-004.

EXHIBIT "B"

RECOMMENDATION NO. 15-RC-0007

TO: The Honorable Mayor and City Council

SUBJECT: PC 15-03
Special uses for a construction and demolition debris recycling facility with outside activities, fuel sales and storage, and building material sales with outside storage in addition to a preliminary and final planned unit development
1655 Powis Road

DATE: May 5, 2015

DECISION: The motions to approve the special uses for a construction and demolition debris recycling facility with outside activities, fuel sales and storage, and building material sales with outside storage in addition to a preliminary and final planned unit development each unanimously passed with a (5-0) vote.

RECOMMENDATION

After review of the requested special uses for a construction and demolition debris recycling facility with outside activities, fuel sales and storage, and building material sales with outside storage in addition to a preliminary and final planned unit development, the Plan Commission/Zoning Board of Appeals (PC/ZBA) recommended approval of the special uses based on the flowing findings of fact and recommended approval of the preliminary and final planned unit development based on the following standards:

Special Use Findings of Fact:

- (1) Is necessary for the public convenience at that location or, the case of existing nonconforming uses, a special use permit will make the use more compatible with its surroundings:

(This standard should be interpreted as indicating whether or not the proposed use is good for the public at that particular physical location, and not whether or not the use itself is needed there).

The proposed construction and demolition debris recycling facility with outside activities, fuel sales and storage, and building material sales and storage are uses that are best suited for an industrial area. The subject property is located within the City's primary industrial corridor and is compatible with the existing industrial uses that surround it.

- (2) Is so designed, located and proposed to be operated that the public health, safety and welfare will be protected:

The use of the subject property is designed to protect the public health, safety and welfare by using berms, fencing and landscaping as a visual screen along the property's street frontage, stockpiling all of the bulk

materials in the central portion of the property, and enclosing the construction and demolition debris recycling sorting operations within the building.

- (3) Will not cause substantial injury to the value of other property in the neighborhood in which it is located:

The proposed use of the subject property should not cause substantial injury to the value of other property in the neighborhood in which it is located because the uses are best suited for an industrial area and the subject property is located within the City's primary industrial corridor and is compatible with the existing industrial uses that surround it.

- (4) The proposed special use is designated by this code as a listed special use in the zoning district in which the property in question is located:

The proposed construction and demolition debris recycling use will be listed as a special use per Section 11.2-4 (FF) of the Zoning Code, assuming the City Council approves the text amendment identified within this staff report.

PUD Standards:

Per Section 15.3 of the Zoning Ordinance: "...if the final plan and plat are, in the opinion of the Plan Commission, deemed to be sufficient in compliance with all applicable City ordinances and in substantial conformity with the approved preliminary plan and plat, they shall be approved by the Plan Commission and recommended to the City Council". The proposed final plan shows in detail the use of the subject property, landscaping and building elevations. Said use of the subject property is in compliance with all applicable City ordinances, subject to approval of the deviations requested in conjunction with the preliminary and final planned unit development.

Respectfully submitted,

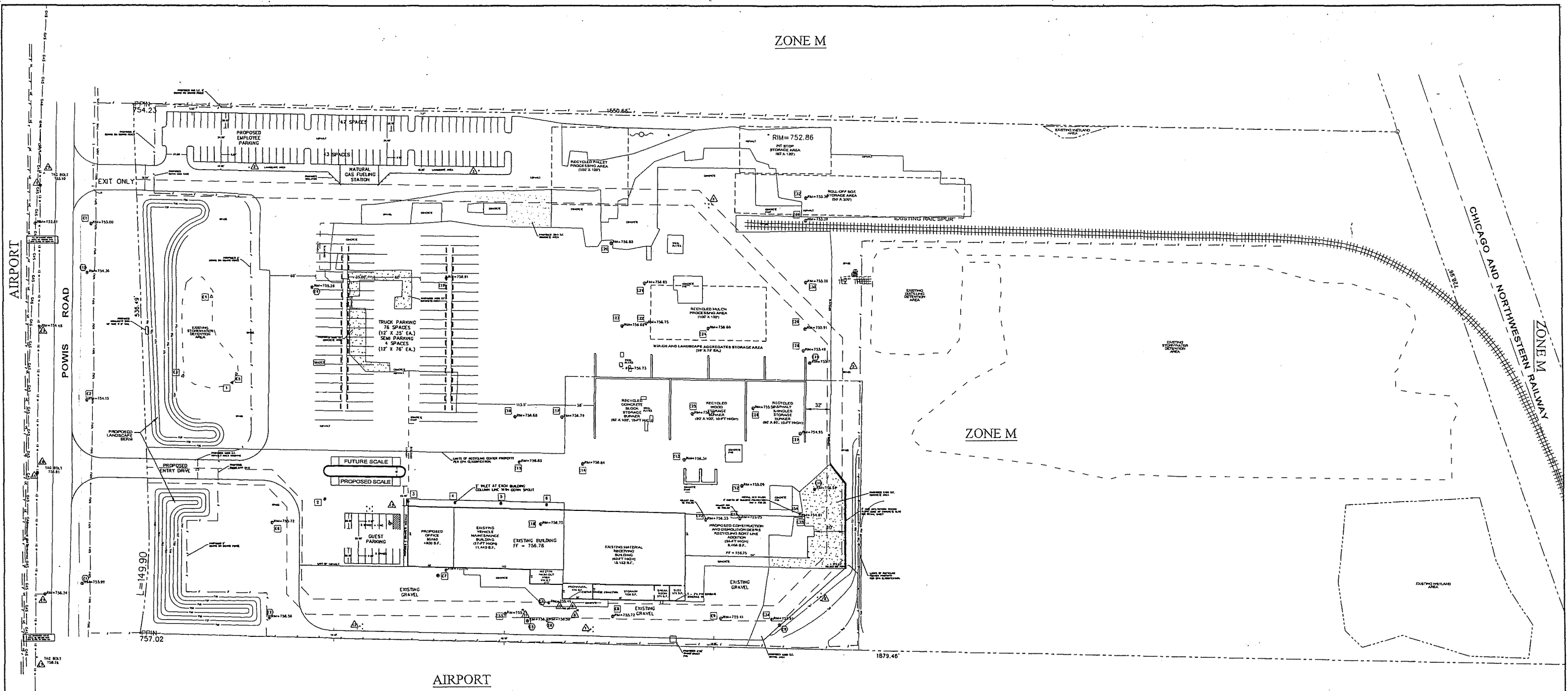
Robert Mireault
Vice Chairman

VOTE:

<u>For</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>
S. Hale			E. Van-der-Mey
B. Laimins			D. Faught
C. Dettmann			
M. Schafer			
R. Mireault			

EXHIBIT “C”

(insert the Site Plan here)



NOTES

1. ALL GRAVEL AREAS WILL BE PAVED WITH ASPHALT OVER A MAXIMUM OF A 4 YEAR PERIOD.

PARKING SPACES		
EMPLOYEE	90 SPACES	
TRUCK	76 TRUCK	4 SEMI
GUEST	14 SPACES	1 HANDICAP

SCALE IN FEET
-60 0 60 120



TEBRUGGE ENGINEERING
P.O. BOX 38, PLANO, IL 60545
PHONE: (630) 552-4390 FAX: (630) 552-4392

REVISIONS	NO.	DATE	NOTES
1	4.15.15	CITY OF WEST CHICAGO REVIEW LETTER 3.30.15	

PREPARED FOR:
WEST DUPAGE RECYCLING & TRANSFER, INC
2351 POWIS RD, WEST CHICAGO, IL

1655 POWIS ROAD SITE PLAN
FINAL PLAN

PROJECT NO. 14 325 01
SCALE: 1" = 60'
DATE: 1.20.15

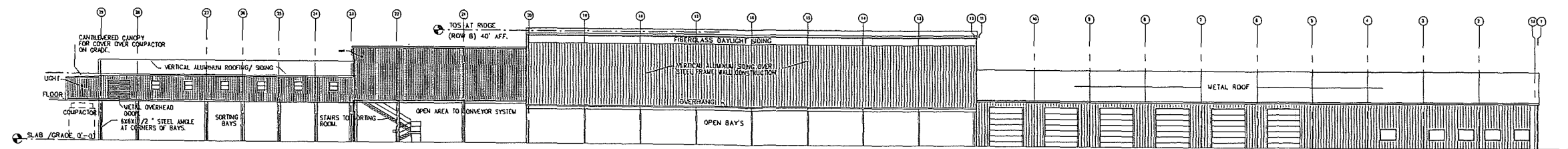
SHEET NO.
1
OF 1 SHEETS

EXHIBIT “D”

(insert the Landscape Plan here)

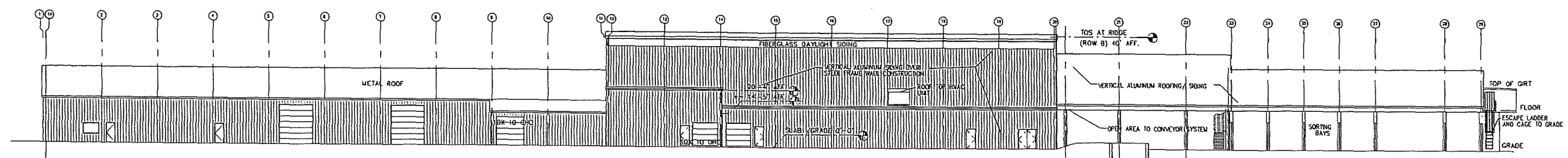
EXHIBIT “E”

(insert the Exterior Building Elevation Plan here)



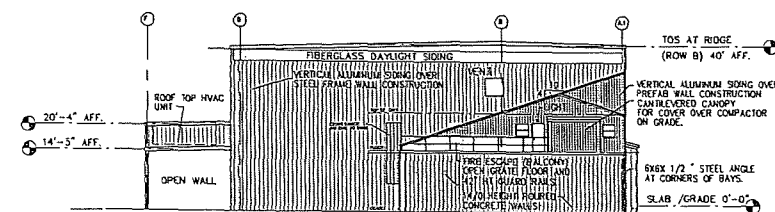
NORTH ELEVATION

SCALE: 1" = 20'-0"



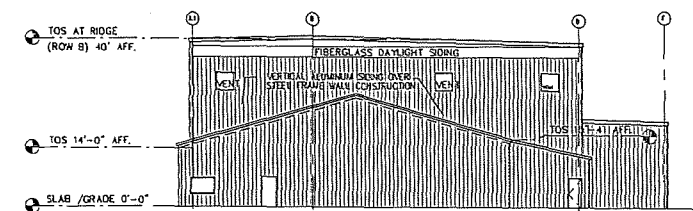
SOUTH ELEVATION

SCALE: 1" = 20'-0"



EAST ELEVATION

SCALE: 1" = 20'-0"



WEST ELEVATION

SCALE: 1" = 20'-0"

SCALE: 1" = 20'-0"

K. HOVING, INC
2352 POWIS RD.
WEST CHICAGO IL.

NEW FACILITY FOR:
K. HOVING, INC
2352 POWIS RD.
WEST CHICAGO IL.

STEVEN W. HANSEN, ARCHITECT
43W752 US HIGHWAY 30
SUGAR GROVE, IL.
630.466.8021 - 60554

REV #	DATE	DESCRIPTION
1	2-17-2015	PRELIMINARY
2	2-26-2015	FINAL ELEVATIONS

PROJECT NO. 2443


A3.0

CITY OF WEST CHICAGO

DEVELOPMENT COMMITTEE AGENDA ITEM SUMMARY

ITEM TITLE:

Site Improvement Progress Report
1200 N. Prince Crossing Road
Forming America

AGENDA ITEM NUMBER: W. A.**FILE NUMBER:** _____**COMMITTEE AGENDA DATE:** May 11, 2015**COUNCIL AGENDA DATE:** _____**STAFF REVIEW:** John D. Said**SIGNATURE** **APPROVED BY CITY ADMINISTRATOR:** Michael Guttman**SIGNATURE** _____**ITEM SUMMARY:**

The owner of Forming America, LTD., James Langkamp, received approval of his original special use for an outside storage yard in August of 2007. That special use approval entailed several site improvements to be completed by specific dates. Mr. Langkamp did not meet many of those original deadlines, mostly relating to paving the existing gravel storage yard, which necessitated a first amendment to the special use to adopt new completion deadlines. The first amendment was approved in December of 2011.

Mr. Langkamp failed to meet the new site improvement completion deadlines established in the first amendment to his special use, and a second amendment was approved in July of 2014 establishing a revised set of compliance deadlines. The second amendment ordinance with the revised deadlines is attached for your review. All ordinances also required the owner to provide bi-annual progress reports on the status of the required site improvements, which are outlined below. The last progress report was presented to the Development Committee in December of 2014.

- The detention basin, all underground storm sewer and the gravel base for all of the required paving was installed in 2012. No paving was completed during the 2014 construction season, as anticipated.
- The parkway apron for the northernmost truck entrance into the storage yard was replaced with concrete in the fall of 2014.
- City staff performed a site inspection and found that the non-deadline based required site use conditions (condition nos. 1-5) were in compliance.

The most prominent incomplete site improvement is the paving of the existing gravel storage yard and employee parking areas. The current site improvement deadlines, per condition # 9 under Section 1 of the attached ordinance, require the Phase I paving to be completed by October 31, 2014, the Phase II paving to be completed by October 31, 2015 and the Phase III paving to be completed by December 31, 2015. To date the applicant has not installed any of the required paving and is non-compliant with respect to the Phase I paving completion deadline. The issue of non-compliance with the Phase I paving deadline was discussed at the December 8, 2014 Development Committee meeting, at which time the Committee agreed to delay enforcement. The delayed enforcement was in light of the fact that Mr. Langkamp had difficulty obtaining the necessary approval from DuPage County.

The City cannot issue the permit for the required paving to commence prior to receiving approval from DuPage County. The minutes from the December 8th Development Committee meeting are attached for your review.

DuPage County recently granted approval and City staff is now preparing the permit to be issued. Mr. Langkamp has indicated that his paving contractor is lined up and awaiting to commence the work pending issuance of the permit by the City. Mr. Langkamp anticipates that the Phase I paving will be completed within a few months of issuance of the permit. Mr. Langkamp also anticipates achieving compliance with the Phase II and III paving deadlines set for later this year.

Mr. Langkamp will be in attendance at the May 11th meeting to participate in the discussion and answer any questions.

ACTIONS PROPOSED:

None.

COMMITTEE RECOMMENDATION:

ORDINANCE NO. 14-O-0023

AN ORDINANCE APPROVING A SECOND AMENDMENT TO THE OUTSIDE STORAGE SPECIAL USE FOR 1200 N. PRINCE CROSSING ROAD - FORMING AMERICA, LTD.

WHEREAS, on or about May 16, 2014, James Langkamp of Forming America, LTD. (the "APPLICANT"), filed an application for a second amendment to the previously approved special use permit for an outside storage yard, with respect to the property legally described on Exhibit "A" attached hereto and incorporated herein (the "SUBJECT REALTY"); and,

WHEREAS, the corporate authorities of the City of West Chicago granted the original special use by Ordinance 07-O-0049 on August 20, 2007; and,

WHEREAS, the corporate authorities of the City of West Chicago granted a first amendment to the special use by Ordinance 11-O-0069 on December 19, 2011; and,

WHEREAS, Notice of Public Hearing on said application was published in the Daily Herald on or about July 13, 2014, all as required by the ordinances of the City of West Chicago and the statutes of the State of Illinois; and,

WHEREAS, a Public Hearing was conducted by the Plan Commission/Zoning Board of Appeals of the City of West Chicago, commencing on July 1, 2014, pursuant to said Notice; and,

WHEREAS, at the Public Hearing, the APPLICANT provided testimony in support of its application, and all interested parties had an opportunity to be heard; and,

WHEREAS, the corporate authorities of the City of West Chicago have received the recommendation of the Plan Commission/Zoning Board of Appeals which contains specific findings of fact, pursuant to Recommendation No.14-RC-0013, a copy of which is attached hereto as Exhibit "B" which is, by this reference, incorporated herein.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of West Chicago, DuPage County, Illinois, in regular session assembled, as follows:

Section 1. That a second amendment to the special use permit for an outside storage yard in conformance with Section 5.5 and Section 11.2-4 (T) of the Zoning Ordinance is hereby granted on the SUBJECT REALTY, subject to the following conditions:

1. The applicant shall only utilize those areas of the subject realty for outside storage that have been improved according to the approved Site and Engineering Plans.
2. The buildings and the storage yard on the subject realty shall only be utilized by Forming America, LTD. or its successors.

3. The storage yard shall only contain items that are directly related to the operation of the business occupying the subject realty.
4. No items stored within the storage yard on the subject realty, other than vehicles, shall exceed the height of the storage yard fence such that they are visible from Prince Crossing Road.
5. No outside storage on the subject realty shall block, hinder, restrict, or render unusable any required parking spaces or fire lanes.
6. The landscaping on the subject realty shall be installed and maintained in compliance with the Landscape Plan prepared by Flamingo Landscape, Inc., consisting of one (1) sheet dated July 25, 2007, attached as Exhibit "C" of Ordinance 07-O-0049. All landscaping on the subject realty located within ten (10') feet of the perimeter of any proposed parking lot or storage yard pavement improvements shall be installed within thirty (30) days after the installation of the adjacent parking lot or storage yard pavement improvements.
7. The applicant shall submit revised as-built plans within three (3) months of the completion of each phase of the paving and City staff approval shall be obtained within eight (8) months of the revised submittal.
8. The applicant shall have all outside storage on the subject realty on a paved surface within one (1) year of the completion of the Phase I and II paving.
9. The subject realty shall be developed in compliance with the Site Plan prepared by Webster, McGrath & Ahlberg, LTD., dated January 31, 2006, as amended to include a new Phase I paving completion date of October 31, 2014; a new Phase II paving completion date of October 31, 2015; and a Phase III paving completion date of December 31, 2015, a copy of which is attached hereto as Exhibit "C" which is, by this reference, incorporated herein.
10. The petitioner shall provide bi-annual progress reports in person to the City's Development Committee verifying the status of the subject realty's compliance with the 10 conditions and restrictions set forth herein. The petitioner shall provide said progress reports until such time that all conditions have been satisfactorily met and the subject realty has been brought into compliance.

Section 2. That all ordinances and resolutions, or parts thereof, shall, to the extent not expressly modified by the terms and conditions of this Ordinance, remain in full force and effect as therein provided.

Section 3. That this Ordinance shall be in full force and effect ten (10) days from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED this 21st day of July 2014.

Alderman J. Beifuss

Aye

Alderman L. Chassee

Aye

Alderman J. Smith

Aye

Alderman D. Earley

Aye

Alderman A. Hallett

Aye

Alderman L. Grodoski

Aye

Alderman A. Murphy

Aye

Alderman S. Dimas

Aye

Alderman K. Meissner

Aye

Alderman J.C. Smith, Jr.

Aye

Alderman R. Stout

Aye

Alderman M. Edwalds

Absent

Alderman M. Fuesting

Aye

Alderman J.F. Banas

Aye

APPROVED as to form:

[Signature]
City Attorney

APPROVED this 21st day of July 2014.

[Signature]

Mayor, Ruben Pineda

ATTEST:

[Signature]
City Clerk, Nancy M. Smith

PUBLISHED: 7/22/14

EXHIBIT "A"

LEGAL DESCRIPTION

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 40 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER AND RUNNING THENCE SOUTH 00°21'51" EAST ON THE EAST LINE THEREOF, 870.30 FEET TO THE NORTHERLY LINE OF PROPERTY CONVEYED TO COMMONWEALTH EDISON COMPANY BY DOCUMENT R62-27934; THENCE NORTH 83°57'05" WEST ON SAID NORTHERLY LINE (BEING A LINE DRAWN PARALLEL WITH AND 50 FEET NORTHERLY OF THE NORTHERLY LINE OF THE FORMER CHICAGO GREAT WESTERN RAILROAD RIGHT OF WAY), 1317.39 FEET TO THE WEST LINE OF THE EAST HALF OF SAID SOUTHEAST QUARTER OF SECTION 34; THENCE NORTH 00°05'22" EAST ON SAID WEST LINE, 702.05 FEET TO THE NORTH LINE OF SAID SOUTHEAST QUARTER; THENCE NORTH 88°42'25" EAST ON SAID NORTH LINE, 1303.76 FEET TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 01-34-403-002.

EXHIBIT "B"

RECOMMENDATION # 14-RC-0013

TO: The Honorable Mayor and City Council

SUBJECT: PC 14-11
Special use amendment for an outside storage yard
1200 N. Prince Crossing Road
Forming America, LTD.

DATE: July 1, 2014

DECISION: The motion to approve the request unanimously passed (7-0).

RECOMMENDATION

After review of the requested second amendment to the special use, the Plan Commission/Zoning Board of Appeals (PC/ZBA) recommended approval, subject to the following conditions:

1. The applicant shall only utilize those areas of the subject realty for outside storage that have been improved according to the approved Site and Engineering Plans.
2. The buildings and the storage yard on the subject realty shall only be utilized by Forming America, LTD. or its successors.
3. The storage yard shall only contain items that are directly related to the operation of the business occupying the subject realty.
4. No items stored within the storage yard on the subject realty, other than vehicles, shall exceed the height of the storage yard fence such that they are visible from Prince Crossing Road.
5. No outside storage on the subject realty shall block, hinder, restrict, or render unusable any required parking spaces or fire lanes.
6. The landscaping on the subject realty shall be installed and maintained in compliance with the Landscape Plan prepared by Flamingo Landscape, Inc., consisting of one (1) sheet dated July 25, 2007, attached as Exhibit "C" of Ordinance 07-O-0049. All landscaping on the subject realty located within ten (10') feet of the perimeter of any proposed parking lot or storage yard pavement improvements shall be installed within thirty (30) days after the installation of the adjacent parking lot or storage yard pavement improvements.

7. The applicant shall submit revised as-built plans within three (3) months of the completion of each phase of the paving and City staff approval shall be obtained within eight (8) months of the revised submittal.
8. The applicant shall have all outside storage on the subject realty on a paved surface within one (1) year of the completion of the Phase I and II paving.
9. The subject realty shall be developed in compliance with the Site Plan prepared by Webster, McGrath & Ahlberg, LTD., dated January 31, 2006, as amended to include a new Phase I paving completion date of October 31, 2014; a new Phase II paving completion date of October 31, 2015; and a Phase III paving completion date of December 31, 2015.
10. The petitioner shall provide bi-annual progress reports in person to the City's Development Committee verifying the status of the subject realty's compliance with the 10 conditions and restrictions set forth herein. The petitioner shall provide said progress reports until such time that all conditions have been satisfactorily met and the subject realty has been brought into compliance.

The recommendation is based on the following standards stated under Section 5.5-4: The Plan Commission/Zoning Board of Appeals shall recommend a special use only if it shall make a findings of fact based upon evidence presented that the special use:

- (1) *Is necessary for the public convenience at that location or, the case of existing nonconforming uses, a special use permit will make the use more compatible with its surroundings:*

(This standard should be interpreted as indicating whether or not the proposed use is good for the public at that particular physical location, and not whether or not the use itself is *needed* there).

The proposed site improvements associated with the special use amendment request are designed to bring the subject property and the operation of business into compliance with current City regulations.

- (2) *Is so designed, located and proposed to be operated that the public health, safety and welfare will be protected:*

The proposed storage yard is designed to protect the public's health, safety and welfare by containing and screening the items within the yard from the adjacent properties.

- (3) *Will not cause substantial injury to the value of other property in the neighborhood in which it is located:*

The proposed use should not have a negative impact on the surrounding neighborhood in which it is located given that the site is currently being operated as such a use, however the site does have environmentally sensitive areas on-site that necessitate the required site restrictions to be followed.

(4) *The proposed special use is designated by this code as a listed special use in the zoning district in which the property in question is located:*

The proposed storage yard is listed as a special use, per the M, Manufacturing District regulations established in Section 11.2-4 (T) of the Zoning Code.

Respectfully submitted,

Erik Van-der-Mey
Chairman

VOTE:

<u>For</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>
E. Van-der-Mey			
R. Mireault			
B. Liamins			
A. Hannemann			
C. Dettmann			
S. Hale			
M. Birch			

EXHIBIT “C”

(insert Site Plan here)

PARKING REQUIREMENTS

1/1000sf Warehouse = 15872sf = 16 spaces
4/1000sf Office = 1679sf = 7 spaces

PARKING PROVIDED

25 regular spaces + 2 handicap spaces
(24 reg + 1 hc for optional warehouse)

PHASE I & II PAVING PLAN

- Phase I - July 31st 2014 Completion
- Proposed Phase I - October 31st 2014 Completion
- Proposed Phase II - October 31st 2015 Completion

EAST LINE OF LOT 4 & 1/2 PRINCE CROSSING ROAD MEASURED FROM THE SOUTHWEST CORNER OF SECTION 34-10-9
R = 702.05 N00° 05'22"E
M = 702.05 N00° 05'48"E
WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 34-10-9

LAND AREA SUMMARY TABLE:

Gross Site Area = 23.584 Acre
Road Area = 0.658 Acre
Net Site Area = 22.926 Acre
Conservation Easement = 13.14 Acre

Phase 1:

Disturbed Area = 2.590 Acre

Phase 2:

Disturbed Area = 1.802 Acre

Phase 3:

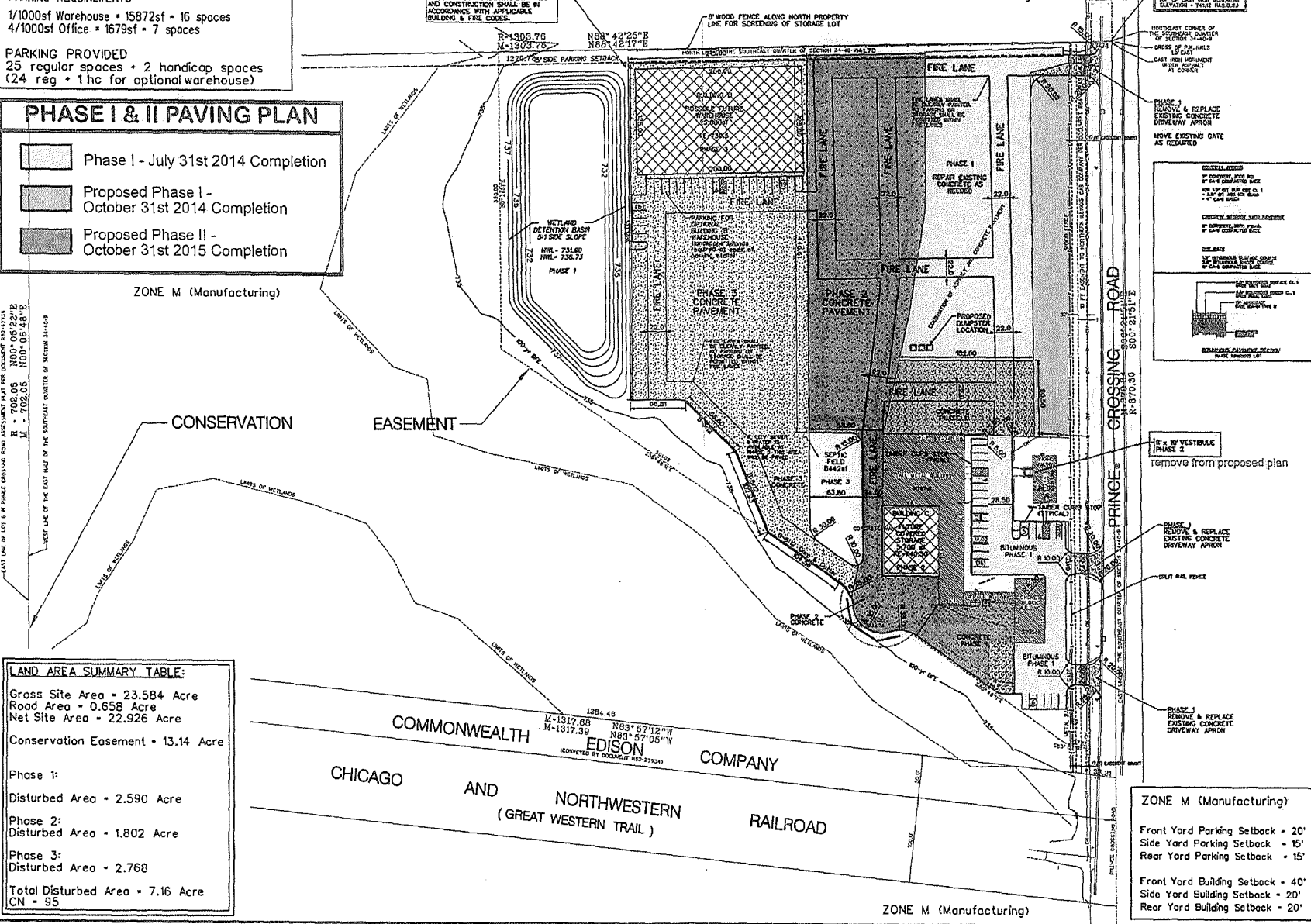
Disturbed Area = 2.768

Total Disturbed Area = 7.16 Acre

CN = 95

SEPARATE DRAWINGS SHALL BE SUBMITTED IF OPTIONAL BUILDING IS TO BE CONSTRUCTED. DRAWINGS AND CONSTRUCTION SHALL BE IN ACCORDANCE WITH APPLICABLE BUILDING & FIRE CODES.

ZONE M (Manufacturing)



PARKING & STORAGE YARD IMPROVEMENT FORMING AMERICA

PAVING & LAYOUT PLAN

WESTER, McGRATH & ASSOCIATES LTD.
1225 Highway 101, Suite 100
Winnipeg, Manitoba R2H 1A1
Tel: (204) 781-1111
Fax: (204) 781-1112
Email: info@wma.ca
Website: www.wma.ca

NO.	DATE	DESCRIPTION	BY	CHECKED
1	11/11/11	PRELIMINARY PAVING PLAN	JM	JM
2	11/11/11	REVISION: ADD PHASE II PAVING	JM	JM
3	11/11/11	REVISION: ADD PHASE III PAVING	JM	JM
4	11/11/11	REVISION: ADD PHASE IV PAVING	JM	JM
5	11/11/11	REVISION: ADD PHASE V PAVING	JM	JM
6	11/11/11	REVISION: ADD PHASE VI PAVING	JM	JM
7	11/11/11	REVISION: ADD PHASE VII PAVING	JM	JM
8	11/11/11	REVISION: ADD PHASE VIII PAVING	JM	JM
9	11/11/11	REVISION: ADD PHASE IX PAVING	JM	JM
10	11/11/11	REVISION: ADD PHASE X PAVING	JM	JM

ZONE M (Manufacturing)

Front Yard Parking Setback = 20'
Side Yard Parking Setback = 15'
Rear Yard Parking Setback = 15'

Front Yard Building Setback = 40'
Side Yard Building Setback = 20'
Rear Yard Building Setback = 20'

MINUTES
DEVELOPMENT COMMITTEE

December 8, 2014, 7:00 P.M.

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

Alderman Stout called the meeting to order at 7:00 P.M.

Roll call found Aldermen John Banas, James Beifuss, Laura Grodoski, John Smith, James Smith, and Becky Stout present.

Also in attendance were Director of Community Development John D. Said and City Planner Jeff Harris.

2. Approval of Minutes

A. November 10, 2014

Alderman Beifuss requested that his statements regarding the St. Mary's Landmark be amended to state that the nomination would be more logically classified as a historic district because there are multiple properties involved. Alderman Banas made a motion, seconded by Alderman Beifuss, to approve the November 10, 2014 Development Committee Minutes as amended. The members unanimously agreed and the motion carried.

3. Public Participation

None.

4. Items for Consent

4A. Fourth Amendment to the Intergovernmental Agreement with the DuPage Airport Authority and Airport Zoning District Text Amendment.

4B. CenterPoint Properties Variances and Site Approval for 2500 Enterprise Circle.

Alderman Banas requested that Item 4A be moved to the Items for Discussion portion of the agenda.

Alderman Beifuss made a motion, seconded by Alderman John Smith, to place the Item 4B on the consent agenda on the December 15, 2014 City Council Agenda. The Committee members unanimously agreed and the motion carried.

5. Items for Discussion

4A. Fourth Amendment to the Intergovernmental Agreement with the DuPage Airport Authority and Airport Zoning District Text Amendment.

Alderman Banas requested that the three ash tree species listed in Section 10.5-5(B)(2)(a) be removed from the list of permitted landscaping in the Airport zoning district due to the fact that the City is currently considering prohibiting the planting of ash trees on public property throughout the City because of the Emerald Ash Borer.

Alderman Banas made a motion, seconded by Alderman Grodoski, to approve the Fourth Amendment to the Intergovernmental Agreement with the DuPage Airport Authority and Airport Zoning District Text Amendment including removing of the three ash tree species listed in Section 10.5-5(B)(2)(a). Voting Aye: Aldermen Banas, Beifuss, Grodoski, John Smith, Jim Smith, and Stout. Voting Nay: None. The members unanimously agreed and the motion carried.

5A. Forming America Progress Report – 1200 N. Prince Crossing Road.

Staff gave the Committee an update of the progress on the required site improvements and indicated that the property owner, James Langkamp, failed to meet the required Phase I paving deadline condition of approval established in his latest special use amendment. Staff presented three options for the Committee to consider given Mr. Langkamp's non-compliance and is seeking direction from the Committee on which avenue to pursue.

Alderman Banas was in favor of the delayed enforcement of the established improvement deadlines option.

Alderman Beifuss was also in favor of the delayed enforcement of the established improvement deadlines option given Mr. Langkamp has made some progress recently in attempting to bring the property into compliance.

Mr. Langkamp stated that early delays were due to a financial hardship, but the later delays were due to the reapprovals required from DuPage County regarding the new wetland enhancements required on-site.

Alderman John Smith felt that DuPage County has added some unforeseen burdens for the applicant and is also in favor of the delayed enforcement of the established improvement deadlines option.

Mr. Langkamp stated that he felt that he anticipates completing the Phase I paving by June of 2015.

The Committee unanimously agreed that City staff should pursue the delayed enforcement of the Phase I paving improvement deadlines option until June of 2015, at which time Mr. Langkamp will be back before the Committee to present his next required bi-annual progress report for the property.

5B. RTA/City Urban land Institute Developer Discussion Panel Memorandum of Understanding.

John Said stated that City staff is requesting approval of the Memorandum of Understanding to participate in this Developer Discussion Panel facilitated by the Regional Transportation Authority to review the City's existing downtown redevelopment studies.

Alderman Banas made a motion, seconded by Alderman Jim Smith, to recommend that the City enter into a Memorandum of Understanding with the Regional Transportation Authority regarding a Developer Discussion Panel for the City's downtown redevelopment areas. Voting Aye: Aldermen Banas, Beifuss, Grodoski, John Smith, Jim Smith, and Stout. Voting Nay: None. The members unanimously agreed and the motion carried.

5C. Landmark Nomination Owner Consent Survey

John Said stated that staff did some preliminary research to determine if other communities require property owner consent is required for someone to pursue the nomination of a property as a locally designated landmark. Seven other local communities were surveyed and four required owner consent and three did not.

Alderman Banas stated that there is a need for historic preservation; however that should not supersede basic property owner rights. He felt that owner consent for landmark nomination should be required.

Alderman John Smith agreed with Alderman Banas.

Alderman Beifuss stated that when creating a historic district only a certain percentage of the property owners associated with the district need to give consent in order for the district to be created. When the City created the East Washington Historic District it was felt that the designation would benefit the properties and improve the area.

Alderman Stout felt property owner consent should be required as a method of protection for the property owner. She also stated that an application fee should also be incorporated into the bigger discussion.