

# CITY OF WEST CHICAGO

WHERE HISTORY & PROGRESS MEET

## DEVELOPMENT COMMITTEE

**Monday, September 12, 2016  
7:00 P.M. - Council Chambers**

### AGENDA

1. Call to Order, Roll Call, and Establishment of a Quorum
2. Approval of Minutes
  - A. August 8, 2016
3. Public Participation
4. Items for Consent
  - A. Mapei Corporation – 430 Industrial Drive, Plat of Consolidation
  - B. Stahelin Properties – 245 W. Roosevelt Road, Final PUD Amendment
  - C. Best Way Landscaping – 187 W. Grandlake Boulevard, Special Use
  - D. Chaudhari 27 Samaj of North America – SWC or Route 59 & E. Washington Street, Denial of Final PUD Amendment
5. Items for Discussion
6. Unfinished Business
7. New Business
8. Reports from Staff
9. Adjournment

Draft

## MINUTES

### DEVELOPMENT COMMITTEE

**August 8, 2016, 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, Melissa Ferguson, Laura Grodoski, Jayme Sheahan, John Smith and Chairman Rebecca Stout, present.

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

**2. Approval of Minutes.**

**A. July 11, 2016**

**Alderman Banas made a motion to approve the minutes, which was seconded by Alderman Ferguson. The remaining members agreed and the motion carried.**

**3. Public Participation. None.**

**4. Items for Consent.**

**A. Mapei Corporation – 430 Industrial Drive, Special Use Amendment.**

**Alderman Smith motioned to approve Item A for consent. Alderman Banas seconded the motion and it was unanimously approved. The motion carried.**

**5. Items for Discussion. None.**

**6. Unfinished Business. None.**

**7. New Business. None.**

**8. Reports from Staff.**

John Said reported that construction of the Thornton's Gas Station at Roosevelt Road and Route 59 is now underway. However, the previously approved construction of the Speedway Gas Station, also to be located on Roosevelt Road, has been delayed to spring.

Mr. Said also reported that a Request for Proposals was sent out on July 25<sup>th</sup>, 2016 for the update of the Central Main Street Redevelopment Plan. The deadline is August 25<sup>th</sup>, 2016 and the City is looking forward to receiving the proposals.

**9. Adjournment.**

**Alderman Banas made a motion, seconded by Alderman Smith, to adjourn the Development Committee meeting at 7:03 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:**

Plat of Consolidation  
Mapei Corporation  
430 Industrial Dr. & 1600 Western Ave.

Resolution No. 16-R-0044

AGENDA ITEM NUMBER: 4. A.

FILE NUMBER: \_\_\_\_\_

COMMITTEE AGENDA DATE: Sept. 12, 2016

COUNCIL AGENDA DATE: \_\_\_\_\_

**STAFF REVIEW:** John D. Said, AICP

**SIGNATURE** 

**APPROVED BY CITY ADMINISTRATOR:** Michael Guttman

**SIGNATURE** \_\_\_\_\_

**ITEM SUMMARY:**

Mapei Corporation is requesting approval of a plat of consolidation for three (3) adjacent lots that are under their unified ownership. The lots are located at the southwest corner of Industrial Drive and Western Drive.

The total area of the subject property to be consolidated is 613,882 square feet (14 acres). The existing Lot 1 (430 Industrial Dr.) is 9.7 acres in area and has an existing 120,152 square foot building. The existing Lot 2 (1600 Western Dr.) is 2.6 acres in area and has an existing 71,240 square foot building. The existing Lot 3 (vacant corner lot) is 1.7 acres in area. The applicant desires to construct a 1,589 square foot addition connecting the two buildings and combining the two buildings into one large building. City Code requires a plat of consolidation to be approved if the building encroaches into a required building setback or if the building crosses over an existing lot line.

The property is zoned M, Manufacturing District. The proposed industrial building use on the subject property complies with the zoning regulations set forth for businesses located in the Manufacturing District. However, Section 6.10 of the City's Zoning Code requires developments involving multiple parcels to consolidate the parcels into one unified lot. Mapei Corporation is requesting the plat of consolidation to bring the property into compliance with City Code.

At its September 7, 2016 meeting, the Plan Commission/Zoning Board of Appeals (PC/ZBA) recommended approval of the requested plat of consolidation by a (6-0) vote. Its recommendation is included as Exhibit "B" of the attached resolution.

**ACTIONS PROPOSED:**

Consideration of Mapei's 430 Industrial Drive Plat of Consolidation.

**COMMITTEE RECOMMENDATION:**

## RESOLUTION NO. 16-R-0044

### A RESOLUTION APPROVING THE 430 INDUSTRIAL DRIVE PLAT OF CONSOLIDATION

BE IT RESOLVED by the City Council of the City of West Chicago, in regular session assembled as follows:

Section 1. That the 430 Industrial Drive Plat of Consolidation, as prepared by Greengard, Inc., consisting of one (1) sheet attached hereto and incorporated herein as Exhibit "A", be and the same is hereby approved and that the Mayor and City Clerk and all other necessary and appropriate officers of the City are authorized to execute said plat.

Section 2. That the recommendation and findings of fact of the Plan Commission, pursuant to Recommendation No. 16-RC-0012, a copy of which is attached hereto and incorporated herein as Exhibit "B" be and the same are hereby adopted as the findings of fact of the City Council.

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

Section 4. That this Resolution shall be in full force and effect from and after its adoption and approval as provided by law.

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2016.

AYES: \_\_\_\_\_

NAYES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Mayor, Ruben Pineda

ATTEST:

\_\_\_\_\_  
City Clerk, Nancy M. Smith

**EXHIBIT "A"**

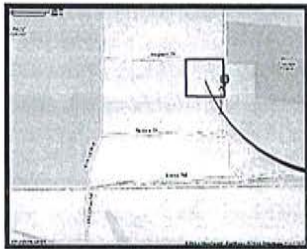
(INSERT PLAT OF CONSOLIDATION HERE)



# 430 INDUSTRIAL DRIVE PLAT OF CONSOLIDATION

## LEGAL DESCRIPTION

LOT ONE (ALSO KNOWN AS LOT 1), LOT TWO AND LOT THREE  
IN WILLAMETTE INDUSTRIAL BUSINESS FORMS DIVISION  
RESUBDIVISION OF LOT 12 IN WESSON INDUSTRIAL PARK, OF  
PART OF THE SOUTH HALF OF SECTION 8, TOWNSHIP 33  
NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN,  
ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 12,  
1984 AS DOCUMENT NUMBER R84-82065, IN DUPAGE  
COUNTY, ILLINOIS.



LOCATION MAP  
NOT TO SCALE

## OWNER'S CERTIFICATE

STATE OF ILLINOIS  
COUNTY OF DUPAGE } ss

THIS IS TO CERTIFY THAT I, GREENGARD, INC., IS OWNER  
OF THE LAND DESCRIBED AS 430 INDUSTRIAL DRIVE CONSOLIDATION AND  
LEGALLY DESCRIBED HEREIN, AND HAS CAUSED THE SAME TO BE SURVEYED  
AND CONSOLIDATED AS INDICATED HEREIN, FOR THE USES AND PURPOSES  
THEREIN SET FORTH, AND DOES HEREBY ACKNOWLEDGE AND ADOPT THE SAME  
UNDER THE STYLE AND TITLE THEREON INDICATED.

THIS IS TO ALSO CERTIFY THAT AS OWNER OF THE PROPERTY DESCRIBED AS 430  
INDUSTRIAL DRIVE CONSOLIDATION AND LEGALLY DESCRIBED ON THE PLAT OF THE SAME  
NAME, HAVE DETERMINED TO THE BEST OF OUR KNOWLEDGE THE SCHOOL DISTRICTS IN  
WHICH EACH OF THE FOLLOWING LOTS LIE:

SCHOOL DISTRICTS LOT NUMBERS

ELEMENTARY SCHOOL DISTRICT NO. 33 } ALL LOTS

HIGH SCHOOL DISTRICT NO. 84 }

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_

SIGNED \_\_\_\_\_

PRINTED NAME AND TITLE \_\_\_\_\_

ATTEST \_\_\_\_\_

PRINTED NAME AND TITLE \_\_\_\_\_

ADDRESS \_\_\_\_\_

## NOTARY CERTIFICATE

STATE OF ILLINOIS  
COUNTY OF DUPAGE } ss

I, \_\_\_\_\_, NOTARY PUBLIC IN AND  
FOR SAID COUNTY AND STATE, DO HEREBY CERTIFY THAT  
OF THE \_\_\_\_\_ DID PERSONALLY APPEAR BEFORE ME  
THIS DAY AND ACKNOWLEDGE THAT THEY DO SIGN THE HEREON DRAWN PLAT  
AS THEIR FREE AND VOLUNTARY ACT.

GIVEN MY SIGNATURE AND SEAL DATED THIS \_\_\_\_\_ DAY OF  
A.D. 20\_\_\_\_

NOTARY PUBLIC

## CITY OF WEST CHICAGO MAYOR AND CITY COUNCIL APPROVAL

STATE OF ILLINOIS  
COUNTY OF DUPAGE } ss

MAYOR AND CITY COUNCIL OF THE CITY OF WEST CHICAGO, COUNTY OF  
DUPAGE, STATE OF ILLINOIS, HEREBY CERTIFY THAT THE SAID COUNCIL  
HAS DULY APPROVED THE FINAL PLAT OF \_\_\_\_\_ ATTACHED  
HEREBY BY RESOLUTION NO. \_\_\_\_\_ DULY AUTHENTICATED AS  
PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 19\_\_\_\_

MAYOR \_\_\_\_\_

ATTEST \_\_\_\_\_

CITY CLERK \_\_\_\_\_

## RECORDER'S CERTIFICATE

STATE OF ILLINOIS  
COUNTY OF DUPAGE } ss

THIS INSTRUMENT NO. \_\_\_\_\_ WAS FILED FOR RECORD  
IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS, ADDRESS, \_\_\_\_\_  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_

RECORDER OF DEEDS

## COUNTY CLERK'S CERTIFICATE

STATE OF ILLINOIS  
COUNTY OF DUPAGE } ss

I, \_\_\_\_\_ DO HEREBY CERTIFY THAT I AM THE DULY ELECTED  
CLERK AND ACTING COUNTY CLERK OF DUPAGE COUNTY, STATE OF  
ILLINOIS, THAT THE TAX RECORDS OF SAID COUNTY SHOW ALL TAXES  
ARE PAID FOR THE YEAR \_\_\_\_\_ AND PRIOR YEARS ON THE  
LAND SHOWN ON THE ANNEXED PLAT OF \_\_\_\_\_ ADDITION IN  
DUPAGE COUNTY, ILLINOIS, THAT THE REQUIRED STATUTORY SECURITY  
HAS BEEN DEPOSITED IN THE OFFICE OF THE COUNTY CLERK,  
GUARANTEEING PAYMENT OF THE CURRENT YEAR'S TAXES.

IN WITNESS WHEREOF SAID COUNTY CLERK HAS CAUSED THE  
INSTRUMENT TO BE EXECUTED AT DUPAGE COUNTY, ILLINOIS ON THIS  
\_\_\_\_\_ DAY OF \_\_\_\_\_ 19\_\_\_\_

COUNTY CLERK

P.I.N. 04-05-306-008  
P.I.N. 04-05-306-009  
P.I.N. 04-05-306-010

## GRAPHIC SCALE



## SURVEYOR'S NOTES:

1. THE BEARINGS SHOWN ON THIS PLAT ARE BASED ON WILLAMETTE  
INDUSTRIAL BUSINESS FORMS DIVISION RESUBDIVISION RECORDED AS  
DOCUMENT NO. R84-82065.
2. THIS PLAT OF CONSOLIDATION IS BASED UPON A BOUNDARY SURVEY  
PREPARED BY GREENGARD INC. ON JULY 2, 2007.
3. EXISTING IMPROVEMENTS NOT SHOWN.

## GENERAL NOTES:

1. DISTANCES ARE SHOWN IN FEET AND DECIMAL FEET THEREOF.
2. NO EASEMENT SHALL BE ASSUMED BY SCALE MEASUREMENT HEREIN.

REVISION	DATE	BY
1	02-04-18	SS
2	07-08-18	SS
3		



**GREENGARD, INC.**  
Engineers • Surveyors • Planners  
111 Barclay Blvd., Suite 310, Uncasville, Illinois 60069-3515  
PHONE: 815-434-0881 FAX: 815-434-0887  
E-MAIL: 311@GREENGARD.COM  
ILL. REGISTRATION NO. 084-000805

SCALE	1"=50'
PROJECT NO.	52244
SHEET	1 OF 1

430 INDUSTRIAL DR./1600 WESTERN DR. - WEST CHICAGO, IL  
**PLAT OF CONSOLIDATION**

## SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS  
COUNTY OF LAKE } ss

THIS IS TO STATE THAT WE, GREENGARD, INC., UNDER THE SUPERVISION OF AN ILLINOIS  
PROFESSIONAL LAND SURVEYOR HAVE SURVEYED AND CONSOLIDATED THE PROPERTY AS  
DESCRIBED AND SHOWN BY THE ANNEXED PLAT, WHICH IS A CORRECT REPRESENTATION OF  
SAID SURVEY AND CONSOLIDATION. ALL DISTANCES ARE SHOWN IN FEET AND DECIMALS  
THEREOF. THE ABOVE DESCRIBED TRACT IS LOCATED WITHIN ZONE "X" (UNSHOWN OTHER  
AREAS) DEFINED AS AREAS DETERMINED TO BE OUTSIDE OF 0.2% ANNUAL CHANCE  
FLOODPLAIN AS SHOWN ON THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER  
170435C041 H, WITH A MAP EFFECTIVE DATE OF DECEMBER 18, 2004, AS PUBLISHED BY  
THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_

GREENGARD, INC.  
111 BARCLAY BLVD., SUITE 310  
UNCASVILLE, ILLINOIS 60069-3515

JOSEPH R. SADOWSKI  
ILLINOIS  
PROFESSIONAL LAND SURVEYOR NO. 3318  
MY RENEWABLE LICENSE EXPIRES 11/30/18

## PERMISSION TO RECORD

THE UNDERSIGNED HEREBY AUTHORIZES THE CITY OF WEST CHICAGO AND/OR ITS  
DESIGNATED AGENTS TO RECORD SAID CONSOLIDATION PLAT WITH THE OFFICE  
OF THE COOK COUNTY RECORDER OF DEEDS ON BEHALF OF THE UNDERSIGNED.

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. \_\_\_\_\_

GREENGARD, INC.  
111 BARCLAY BLVD., SUITE 310  
UNCASVILLE, ILLINOIS 60069-3515

JOSEPH R. SADOWSKI  
ILLINOIS  
PROFESSIONAL LAND SURVEYOR NO. 3318  
MY RENEWABLE LICENSE EXPIRES 11/30/18



**EXHIBIT “B”**

RECOMMENDATION # 16-RC-0012

TO: The Honorable Mayor and City Council

SUBJECT: PC 16-13  
Mapei Corporation’s 430 Industrial Drive Plat of Consolidation  
430 Industrial Drive & 1600 Western Avenue

DATE: September 7, 2016

DECISION: The motion to approve the request passed by a unanimous (6-0) vote.

RECOMMENDATION

After review of the proposed 430 Industrial Drive Plat of Consolidation, the Plan Commission/Zoning Board of Appeals recommends approval.

(There are no specific findings of facts for consolidation plat consideration. Rather, the PC/ZBA verifies that the submitted plat of consolidation complies with the City’s subdivision regulations. The PC/ZBA finds that the plat does comply.)

Respectfully submitted,

Barbara Laimins  
Chairman

**VOTE:**

<u>For</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>
M. Schafer			D. Faught
S. Hale			
C. Dettmann			
D. Kasprak			
B. Laimins			
R. Mireault			



## CITY OF WEST CHICAGO

### DEVELOPMENT COMMITTEE AGENDA ITEM SUMMARY

**ITEM TITLE:**

Third Amendment to the Bowling Green Business  
Center PUD  
245 W. Roosevelt Rd.  
Stahelin Properties  
  
Ordinance No. 16-O-0030

**AGENDA ITEM NUMBER:** 4.B.**FILE NUMBER:** \_\_\_\_\_**COMMITTEE AGENDA DATE:** Sept. 12, 2016**COUNCIL AGENDA DATE:** \_\_\_\_\_**STAFF REVIEW:** John D. Said, AICP**SIGNATURE** **APPROVED BY CITY ADMINISTRATOR:** Michael Guttman**SIGNATURE** \_\_\_\_\_**ITEM SUMMARY:**

The applicant, Stahelin Properties, is requesting approval of a third amendment to the previously approved final PUD for the Bowling Green Business Center to eliminate the previously approved master signage plan for the business center and default to the City's current signage regulations. The business center is approximately 20 total acres in area and consists of fourteen (14) multi-tenant buildings. The subject property is located on the north side of Roosevelt Road just west of Joliet Street.

The original PUD was approved in 1985. A first amendment to the PUD altering the list of allowable uses within the business center was approved in 2004. A second amendment adopting a master sign plan for the business center was approved in 2007. The Bowling Green development generally consists of the business center, bowling complex, and retail shopping center. Stahelin Properties has been developing the Bowling Green Business Center since the 1960's, with the last building constructed in 2000. They have since sold the shopping center and bowling alley, but have retained ownership of the business center. The development is completely built out, but Stahelin Properties continually leases tenant space within the business center.

The applicant desires to eliminate the master sign plan for the business center that was approved in 2007 as part of the second amendment to the PUD and default to the City's current signage regulations, as outlined in the Zoning Code. The master sign plan consisted of the following:

- Replacing the existing directory board
- Installing two new building directional signs
- Installing five new drive aisle directional signs
- Installing twenty-two new building identification signs
- Acknowledging the continued existence of the Center's monument sign along Roosevelt Road
- Installing individual front entry and dock signs for each tenant space
- Installing building numbers on the building exteriors
- Installing a tenant specific (Access Medical) monument sign within the Center
- Installing landscape beds around each of the new freestanding signs identified above



The applicant is requesting a third amendment to the PUD to eliminate the master sign plan for the following reasons:

- The desire to install additional wall signage for certain tenants within the Center that would not currently be permitted under the current master sign plan, but would comply with the City's current sign regulations.
- A majority of the signage approved as part of the master sign plan has yet to be installed or replaced by the applicant, including installation of all of the required landscape beds, and the applicant does not want the implied obligation to complete these improvements because of the costs associated with said improvements and the lack of funds available on their part to complete the improvements.
- The applicant is of the opinion that there is no express obligation or requirement on their part to install the remaining signage improvements based on the language in the second PUD amendment and feels that elimination of the master sign plan would make it clearer that any expectation on the applicant's part to install the outstanding improvements is not required.

The master sign plan was approved with a mutually beneficial understanding that the applicant would be permitted to install the tenant specific monument sign within the Center for Access Medical, which would not be permitted without zoning approval from the City Council because the City's current sign regulations limit the number of monument signs a site may have, and the City would benefit by having the Center aesthetically enhanced by the installation of new uniform signage and additional landscaping. The applicant has installed the tenant specific monument sign, but has failed to adhere to the remaining conditions of the second PUD amendment. While there is no language in the second amendment to the PUD that specifically requires the applicant to install the outstanding improvements, there is an implied expectation of such because of the mutual intent of the second PUD amendment identified above. If this proposed amendment is approved as presented, the tenant specific monument sign within the Center for Access Medical would become legal non-conforming and therefore, be subject to the City's legal non-conforming regulations identified in Article 8.6 (legal non-conforming structures) of the City's Zoning Code. If the applicant chose to install any of the lacking signage from the master sign plan in the future the signage would have to comply with the City's current sign regulations, which require landscaping around the base of all freestanding signage and limitations on the area, height, and quantity of freestanding signs within the Center.

At its September 7, 2016 meeting, the Plan Commission/Zoning Board of Appeals (PC/ZBA) recommended approval of the requested third amendment to the Bowling Green Business Center PUD by a (6-0) vote. Their recommendation is included as Exhibit "B" of the attached ordinance.

**ACTIONS PROPOSED:**

Consideration of a third amendment to the Bowling Green Business Center PUD located at 245 W. Roosevelt Road.

**COMMITTEE RECOMMENDATION:**



## **ORDINANCE NO. 16-O-0030**

### **AN ORDINANCE APPROVING A THIRD AMENDMENT TO THE BOWLING GREEN BUSINESS CENTER PLANNED UNIT DEVELOPMENT 245 W. ROOSEVELT ROAD**

WHEREAS, on or about June 28, 2016, Stahelin Properties (the "APPLICANT"), filed an application for a third amendment to the final planned unit development (PUD) for the Bowling Green Business Center, 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 (the "CITY") approved the preliminary PUD for the SUBJECT REALTY on June 6, 1983 according to Ordinance 83-O-1664; and,

WHEREAS, the corporate authorities of the City of West Chicago (the "CITY") approved the final PUD for the SUBJECT REALTY on December 19, 1983 according to Ordinance 83-O-1709; and,

WHEREAS, the corporate authorities of the City of West Chicago (the "CITY") reapproved the final PUD for the SUBJECT REALTY on May 20, 1985 according to Ordinance 85-O-1819; and,

WHEREAS, the corporate authorities of the City of West Chicago (the "CITY") approved a first amendment to the final PUD for the SUBJECT REALTY on November 15, 2004 according to Ordinance 04-O-0130; and,

WHEREAS, the corporate authorities of the City of West Chicago (the "CITY") approved a second amendment to the final PUD for the SUBJECT REALTY on August 20, 2007 according to Ordinance 07-O-0075; and,

WHEREAS, a meeting was conducted by the Plan Commission/Zoning Board of Appeals of the CITY commencing on September 7, 2016, pursuant to the CITY'S regulations relating to amendments to a final PUD; and,

WHEREAS, at the meeting, the APPLICANT provided spoke in support of its application, and all other 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. 16-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. The third amendment to the final PUD for the SUBJECT REALTY approved by Ordinance 07-O-0075 is hereby repealed in its entirety. All future signage proposed on the SUBJECT REALTY shall be in accordance with the City's current sign regulations identified within the Zoning Code, which is Appendix A of the City Code.

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 \_\_\_\_ day of \_\_\_\_\_ 2016.

Alderman L. Chassee \_\_\_\_\_

Alderman J. Beifuss \_\_\_\_\_

Vacant – Ward 2

Alderman J. Sheahan \_\_\_\_\_

Alderman L. Grodoski \_\_\_\_\_

Alderman A. Hallett \_\_\_\_\_

Alderman S. Dimas \_\_\_\_\_

Alderman M. Ferguson \_\_\_\_\_

Alderman J.C. Smith, Jr. \_\_\_\_\_

Alderman K. Meissner \_\_\_\_\_

Alderman G. Garcia \_\_\_\_\_

Alderman R. Stout \_\_\_\_\_

Alderman J.F. Banas \_\_\_\_\_

Alderman N. Ligino-Kubinski \_\_\_\_\_

APPROVED as to form: \_\_\_\_\_  
City Attorney

APPROVED this \_\_\_\_ day of \_\_\_\_\_ 2016.

\_\_\_\_\_  
Mayor, Ruben Pineda

ATTEST:

\_\_\_\_\_  
City Clerk, Nancy M. Smith

PUBLISHED: \_\_\_\_\_

## **EXHIBIT “A”**

### **LEGAL DESCRIPTION**

Lots 1 through 14, 20 and 21 in Bowling Green Center Industrial Resubdivision, being a subdivision located in the Northeast Quarter of Section 16, Township 39 North, Range 9, East of the Third Principal Meridian, according to the plat thereof recorded October 28, 2005 as Document R2005-241488, in DuPage County, Illinois.

P.I.N.s: 04-16-202-072 (Lot 1); 04-16-202-073 (Lot 2); 04-16-202-074 (Lot 3); 04-16-202-075 (Lot 4); 04-16-202-076 (Lot 5); 04-16-202-077 (Lot 6); 04-16-202-078 (Lot 7); 04-16-202-079 (Lot 8); 04-16-202-080 (Lot 9); 04-16-202-081 (Lot 10); 04-16-202-083 (Lot 11); 04-16-202-084 (Lot 12); 04-16-202-085 (Lot 13); 04-16-202-086 (Lot 14); 04-16-202-082 (Lot 20); and 04-16-202-087 (Lot 21).



## **EXHIBIT “B”**

### **RECOMMENDATION 16-RC-0013**

**TO:** The Honorable Mayor and City Council

**SUBJECT:** PC 16-17  
Third amendment to the final PUD for the Bowling Green Business Center  
245 W. Roosevelt Road  
Stahelin Properties

**DATE:** September 7, 2016

**DECISION:** The motion to approve a third amendment to the final PUD for the Bowling Green Business Center request unanimously passed by a (6-0) vote:

#### **RECOMMENDATION**

Per Article 15.8 of Appendix A (the Zoning Code) of the City of West Chicago Municipal Code regarding planned unit developments, the Plan Commission/Zoning Board of Appeals shall set forth to the City Council the reason(s) for their recommendation, and said recommendation shall set forth with particularity what respects the proposal would be in the public interest including, but not limited to, findings of fact on the following:

- (A) In what respects the proposed plan is consistent with the Comprehensive Plan and the stated purpose and intent of the planned unit development regulations.

The City's Comprehensive Plan does not address topics such as private property signage; therefore the proposed planned unit development amendment's consistency with the Comprehensive Plan cannot be evaluated.

The intent of the master sign plan approved for the Center in 2007 was to create a cohesive appearance throughout the Center with respect to signage. Eliminating the master sign plan and defaulting to the City's current sign regulations would potentially deviate from that cohesive appearance, but would most likely not result in any negative aspects because the City's existing sign regulations require many of the same objectives that were established with the master sign plan (i.e. landscaping required around freestanding signs, limitations on the quantity, area, and height of signage, etc.)

- (B) The extent to which the proposed plan meets the requirements and standards of the planned unit development regulations.

The intent of the master sign plan approved for the Center in 2007 was to create a cohesive appearance throughout the Center with respect to signage. Eliminating the master sign plan and defaulting to the City's current sign regulations would potentially deviate from that

cohesive appearance, but would most likely not result in any negative aspects because the City's existing sign regulations require many of the same objectives that were established with the master sign plan (i.e. landscaping required around freestanding signs, limitations on the quantity, area, and height of signage, etc.)

The proposed amendment does not specifically identify any impacts to the established planned unit development requirements and standards.

- (C) The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property including, but not limited to, the density, dimension, area, bulk and use and the reasons why such departures are deemed to be in the public interest.

The proposed amendment does not depart from the zoning regulations because the applicant's desire is to revert back to adherence with the current Zoning Code standards in lieu of adherence to the conditions established in the current planned unit development.

The tenant specific monument sign within the Center for Access Medical that was approved as part of the 2007 planned unit development amendment was a deviation from the City's sign regulations in place at that time. If the proposed amendment is approved this sign would become legal non-conforming and therefore, be subject to the City's legal non-conforming regulations identified in Article 8.6 (legal non-conforming structures) of the City's Zoning Code. Also, if the applicant chose to install any of the lacking signage from the master sign plan in the future the signage would have to comply with the City's current sign regulations, which require landscaping around the base of all freestanding signage and limitations on the area, height, and quantity of freestanding signs within the Center.

- (D) The method by which the proposed plan makes adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects designated common open space and furthers the amenities of light and air, recreation and visual enjoyment.

The proposed amendment to the Bowling Green Business Center planned unit development does not identify or address any potential impacts on public services, adequate control over vehicular traffic, protection of designated common open space, or if the amendment furthers the amenities of light and air, recreation and visual enjoyment on the subject property and surrounding community.

- (E) The relationship and compatibility of the proposed plan to the adjacent properties and neighborhood.

The proposed amendment to the Bowling Green Business Center planned unit development should not affect the relationship and compatibility of the subject property to the adjacent properties and neighborhood because the proposed amendment is focused on



signage, which is a minor aspect within the overall planned unit development and is further regulated by the City's Zoning Code.

- (F) The desirability of the proposed plan with regard to physical development, tax base and the economic well-being of the City.

The proposed amendment to the Bowling Green Business Center planned unit development should not affect the physical development, tax base and the economic well-being of the City because the proposed amendment is focused on signage, which is a minor aspect within the overall planned unit development and is further regulated by the City's Zoning Code.

Respectfully submitted,

Barbara Laimins  
Chairman

**VOTE:**

<u>For</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>
M. Schafer			D. Faught
D. Kasprak			
S. Hale			
R. Mireault			
B. Laimins			
C. Dettmann			



## CITY OF WEST CHICAGO

### DEVELOPMENT COMMITTEE AGENDA ITEM SUMMARY

**ITEM TITLE:**

Special Use for an Outside Storage Yard  
187 W. Grandlake Boulevard  
Best Way Landscaping

Ordinance No. 16-O-0031

AGENDA ITEM NUMBER: 4.C.

FILE NUMBER: \_\_\_\_\_

COMMITTEE AGENDA DATE: Sept. 12, 2016

COUNCIL AGENDA DATE: \_\_\_\_\_

**STAFF REVIEW:** John D. Said

SIGNATURE 

**APPROVED BY CITY ADMINISTRATOR:** Michael Guttman

SIGNATURE \_\_\_\_\_

**ITEM SUMMARY:**

The applicant and contract purchaser of the property, Gustavo Mancera of Wheaton Landscaping, is requesting approval of a special use for an outside storage yard at 187 W. Grandlake Boulevard. The subject property is one acre in area and is located on the north side of W. Grandlake Boulevard at the intersection of Elliott Avenue.

The subject property is "bread slice" shaped, meaning it is long and narrow (66 feet wide by 660 feet deep). The subject property was formerly used as a legal non-conforming single family residence, but has since been converted to a permitted office based use. There is a 747 square foot structure located at the south end of the property and there is an existing wetland at the north end of the property. The majority of the property is currently undeveloped. The subject property, and all properties in the immediately vicinity, are zoned Manufacturing District as they are part of a larger, stand-alone area of industrial uses bound by a single family residential neighborhood to the east, Reed-Keppler Park to the north, the City's downtown to the south, and railroad tracks to the west.

The applicant operates a burgeoning landscape contractor business that is in need of a larger site to operate from. The applicant intends to use the existing principal structure on-site as his business's office space and install an enclosed storage yard approximately 22,000 square feet in area centrally located on the subject property. The site has an existing entrance along the east property line and a small asphalt parking area immediately north of the building. The applicant intends on installing a second entrance along the west property line. All of the proposed paving is expected to be completed in phases due to the amount of paving proposed. The applicant is also proposing to enclose the storage yard with an 8 foot tall chain-link fence with slats to comply with the City's storage yard screening requirements. There will be a singular gate access at the south end of the storage yard enclosure. The applicant is also providing a Code required stormwater detention basin between the north end of the proposed storage yard and the existing wetland on-site. Lastly, the applicant is proposing some Code required landscape improvements to the property's front yard along Grandlake Boulevard to enhance the aesthetics of the site.

At its September 7, 2016 meeting, the Plan Commission/Zoning Board of Appeals (PC/ZBA) unanimously recommended approval of a special use for an outside storage yard at 187 W. Grandlake Boulevard as presented by a (6-0) vote. Its recommendation is included as Exhibit "B" of the attached ordinance.

The DuPage County Forest Preserve District provided the attached letter, dated September 7, 2016, regarding the property. This letter was read into the public record during the public hearing at the Plan Commission meeting.

**ACTIONS PROPOSED:**

Consideration of a special use for an outside storage yard at 187 W. Grandlake Boulevard.

**COMMITTEE RECOMMENDATION:**





**Forest Preserve District  
of DuPage County**

35580 Naperville Road  
P.O. Box 5000  
Wheaton, IL 60189

630.933.7200  
Fax 630.933.7204  
TTY 800.526.0857  
[dupageforest.org](http://dupageforest.org)

Via email: [JHarris@westchicago.org](mailto:JHarris@westchicago.org)

September 7, 2016

Barbara Laimins, Chairperson  
Plan Commission and Zoning Board of Appeals  
City of West Chicago  
475 Main Street  
West Chicago, IL 60185

Re: Public Hearing – 187 West Grandlake Blvd., West Chicago  
PIN: 04-04-400-011

Dear Ms. Laimins,

The Forest Preserve District of DuPage County recently received a Notice of Public Hearing regarding Best Way Landscaping's special use request for an outdoor storage yard. We appreciate receiving timely notification of such requests that may have an impact on District property, and thank you for the opportunity to comment.

The property is immediately adjacent to valuable habitat and wetlands. A large portion of the site will be paved or other impervious surfaces, and increased runoff can cause destruction of natural habitat. The District trusts that DuPage County Stormwater requirements are being met and the use of Best Management Practices will be implemented. Also, according to the Site Plans a silt fence would be placed on District property. The silt fence will need to be contained fully within the subject property.

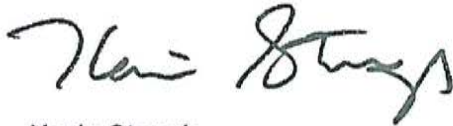
The District is committed to protecting water quality and recommends that the owner refrain from using asphalt sealants that contain coal tar products. These sealants contain Polycyclic Aromatic Hydrocarbons (PAHs) which pose adverse threats to aquatic organisms, plants, and humans when subjected to long-term exposure. The DuPage County Environmental Committee has urged committee members and communities to help prevent the use of coal tar asphalt sealants in our communities.



Along the west property line of the subject property, there are several encroachments on to Forest Preserve District property. Two of these encroachments include a fence portion located along the southwest corner of the property, and vehicular use along the entire west property line. The fence will need to be removed off District property, and all use of District property should cease.

We hope you will allow us the opportunity to review and comment on any revisions to plans as this project moves forward. Please consider this as the Forest Preserve District's request that this letter be entered into the public record at the Plan Commission/Zoning Board of Appeals meeting on Wednesday, September 7<sup>th</sup>, 2016. If you have any questions, please contact me at (630) 933-7235.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Stough". The signature is fluid and cursive, with the first name "Kevin" and last name "Stough" clearly distinguishable.

Kevin Stough  
Manager of Land Preservation

cc: Joe Cantore, President  
Al Murphy, District 6 Commissioner  
Dan Zinnen, Director of Resource Management and Development

## **ORDINANCE NO. 16-O-0031**

### **AN ORDINANCE APPROVING A SPECIAL USE FOR AN OUTSIDE STORAGE YARD AT 187 W. GRANDLAKE BOULEVARD**

WHEREAS, on or about January 21, 2016, Gustavo Mancera of Best Way Landscaping (the "APPLICANT"), filed an application for a special use 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, Notice of Public Hearing on said application was published in the Daily Herald on or about August 20, 2016, 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 September 7, 2016, 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.16-RC-0014, 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 special use 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 subject property shall be developed in substantial compliance with the Site Development Plan prepared by Morris Engineering, Inc., dated October 21, 2015 with a final revision date of August 3, 2016 attached hereto and incorporated herein as Exhibit "C".
2. The subject property's landscape improvements shall be installed in substantial compliance with the Landscape Plan prepared by Best Way Landscaping, dated December 12, 2015 attached hereto and incorporated herein as Exhibit "D". All of the landscape improvements shall be completed within thirty (30) days after the installation of the Phase IV paving improvements identified on the Site Development Plan.
3. All of the Phase IV paving improvements, as depicted on the Site Development Plan, shall be completed prior to or in conjunction with the Phase I paving improvements.
4. The applicant shall not utilize any unpaved portion of the designated outside storage yard until such time that all of the required paving improvements for that portion of the storage yard are paved in accordance with City standards.

5. The applicant shall not utilize any portion of the designated storage yard until the entire storage yard is fully enclosed with the required fencing, as depicted on the Site Development Plan.
6. The subject property shall be mass graded in accordance with the approved engineering plans for the property and all of the required stormwater detention and best management practices improvements shall be installed prior to or in conjunction with the Phase I and IV paving improvements.
7. The storage yard shall only contain items that are directly related to the on-site business operations.
8. No items stored within the storage yard on the subject property, other than vehicles, shall exceed the height of the storage yard fence.
9. No outside storage on the subject property shall block, hinder, restrict, or render unusable any required fire lanes or storage yard gates.
10. No portion of the storage yard shall be leased or rented to another occupant unless said tenant also has a designated business presence (i.e. office space) within the principal structure on-site.

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 \_\_\_\_ day of \_\_\_\_\_ 2016.

Alderman L. Chassee	_____	Alderman J. Beifuss	_____
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VACANT – Ward 2		Alderman J. Sheahan	_____
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Alderman L. Grodoski	_____	Alderman A. Hallett	_____
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Alderman S. Dimas	_____	Alderman M. Ferguson	_____
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Alderman J.C. Smith, Jr.	_____	Alderman K. Meissner	_____
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Alderman G. Garcia	_____	Alderman R. Stout	_____
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Alderman J.F. Banas	_____	Alderman N. Ligino-Kubinski	_____
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APPROVED as to form: \_\_\_\_\_  
City Attorney

APPROVED this \_\_\_\_ day of \_\_\_\_\_ 2016.

\_\_\_\_\_  
Mayor, Ruben Pineda

ATTEST:

\_\_\_\_\_  
City Clerk, Nancy M. Smith

PUBLISHED: \_\_\_\_\_



## **EXHIBIT “A”**

### **LEGAL DESCRIPTION**

The west 4 rods of the east 8 rods of the south 40 rods of that part of the north half of the southeast quarter of Section 4, Township 39 North, Range 9, East of the Third Principal Meridian, described by commencing on the division line, 1,156.3 feet west of the southeast corner of said north half of the southeast quarter of Section 4, and running thence north 2 degrees 35 minute west 16.5 feet for a point of beginning; thence west 16.5 feet north of and parallel with the division line, 258.2 feet, thence north 31 degrees 54 minutes west 749.6 feet; thence south 82 degrees 15 minutes west 127.2 feet; thence north 35 degrees 31 minutes west 113 feet; thence north 89 degrees 56 minutes west 180.2 feet to the east line of the Elgin, Joliet and Eastern Railroad; thence north 35 degrees west along said east line of the Elgin, Joliet and eastern Railroad 84 feet to an old fence line, thence south 76 degrees 9 minutes east along the fence line 846 feet to an angle in the fence, and also the center of a large tree stump, thence south 83 degrees 35 minutes east 334.5 feet to the north and south fence; thence south along said fence 714.5 feet to the place of beginning, in DuPage County, Illinois.

P.I.N.: 04-04-400-011.

## **EXHIBIT “B”**

### **RECOMMENDATION 16-RC-0014**

**TO:** The Honorable Mayor and City Council

**SUBJECT:** PC 16-05  
Special use for an outside storage yard  
187 W. Grandlake Boulevard  
Gustavo Mancera of Best Way Landscaping

**DATE:** September 7, 2016

**DECISION:** The motion to approve the request unanimously passed (6-0).

#### **RECOMMENDATION**

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

1. The subject property shall be developed in substantial compliance with the Site Development Plan prepared by Morris Engineering, Inc., dated October 21, 2015 with a final revision date of August 3, 2016 attached hereto and incorporated herein as Exhibit “C”.
2. The subject property’s landscape improvements shall be installed in substantial compliance with the Landscape Plan prepared by Best Way Landscaping, dated December 12, 2015 attached hereto and incorporated herein as Exhibit “D”. All of the landscape improvements shall be completed within thirty (30) days after the installation of the Phase IV paving improvements identified on the Site Development Plan.
3. All of the Phase IV paving improvements, as depicted on the Site Development Plan, shall be completed prior to or in conjunction with the Phase I paving improvements.
4. The applicant shall not utilize any unpaved portion of the designated outside storage yard until such time that all of the required paving improvements for that portion of the storage yard are paved in accordance with City standards.
5. The applicant shall not utilize any portion of the designated storage yard until the entire storage yard is fully enclosed with the required fencing, as depicted on the Site Development Plan.
6. The subject property shall be mass graded in accordance with the approved engineering plans for the property and all of the required stormwater detention and best management practices improvements shall be installed prior to or in conjunction with the Phase I and IV paving improvements.
7. The storage yard shall only contain items that are directly related to the on-site business operations.
8. No items stored within the storage yard on the subject property, other than vehicles, shall exceed the height of the storage yard fence.
9. No outside storage on the subject property shall block, hinder, restrict, or render unusable any required fire lanes or storage yard gates.



10. No portion of the storage yard shall be leased or rented to another occupant unless said tenant also has a designated business presence (i.e. office space) within the principal structure on-site.

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 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 non-conforming 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 requested outside storage yard special use are designed enhance the site and to bring the subject property 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 outside storage yard use is designed to protect the public's health, safety and welfare by containing and screening the items within the yard from the adjacent properties and protecting the existing wetlands on-site by enforcing the required buffer.

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

The proposed outside storage yard use should not have a negative impact on the surrounding neighborhood in which it is located because the area is predominantly occupied by a variety of industrial based uses, many of which also have outside storage yards.

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



Respectfully submitted,

Barbara Laimins  
Chairman

**VOTE:**

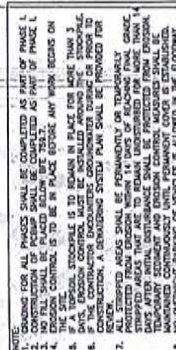
<u>For</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>
D. Kasprak			D. Faught
R. Mireault			
B. Laimins			
C. Dettmann			
M. Schafer			
S. Hale			

## **EXHIBIT “C”**

(insert Site Development Plan here)

[illegible]

1450-1474 • J. Neurosci., July 26, 2006 • 26(30):1450–1459



PUMP VOLUME REQUIREMENTS	
MINIMUM FALL	1.25"/50 FT
MINIMUM NEW IMPROVED AREA	22,631 SQ FT
22,631 x 1.35/12 =	2,157.4 CU FT

PROPOSED BIOSHALE VOLUME	
BIOSHALES	AREA
254.00	651.21
754.00	1,157.48
757.00	1,776.80
754.00	1,776.80
	2,187.50

- EXISTING BUILDING
- EXISTING CONCRETE
- EXISTING ASPHALT
- EXISTING GRAVEL DRIVEWAY
- EXISTING IMPERVIOUS AREA

EXISTING BUILDING  
EXISTING CONCRETE  
EXISTING ANCHORS  
PROPOSED PAVING PHASE I  
PROPOSED PAVING PHASE II  
PROPOSED PAVING PHASE III  
PROPOSED PAVING PHASE IV  
TOTAL IMPERVIOUS AREA

187 WEST GRAND LAKE BOULEVARD  
WEST CHICAGO, ILLINOIS

Montz Engineering, Inc.  
Civil Engineering • Consulting  
Land Surveying  
113 Westmore Road, Lisle, IL 60532  
Phone: (630) 271-0770  
Survey: (630) 271-0559  
Fax: (630) 271-0774  
Website: www.montz.com



FILE NO. 58  
DATE 10-15-52  
CHG BY LF  
APPROV BY 30  
BY 10-15-52  
10-15-52  
2  
OF 4 PAGES  
ENCLOSURE 15-10-52

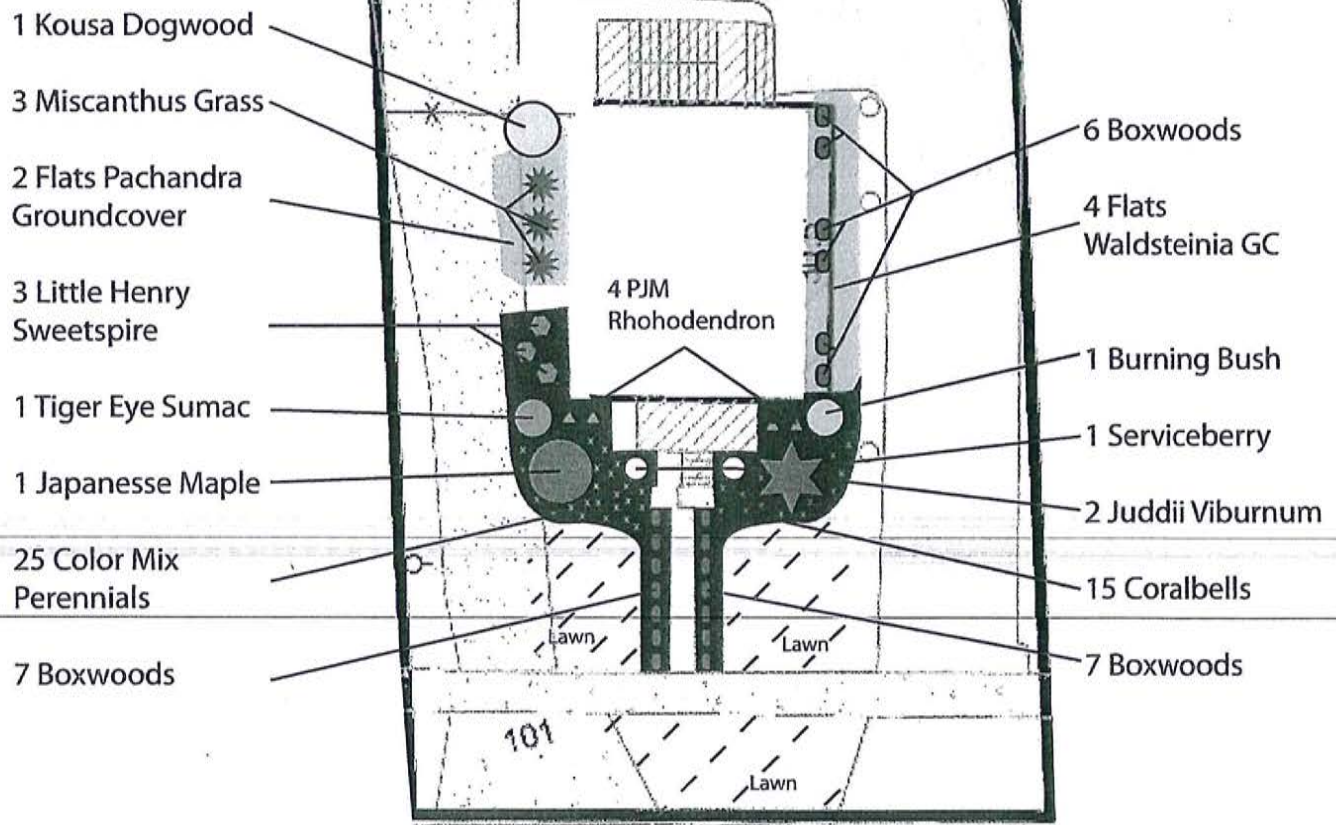


## **EXHIBIT “D”**

(insert Landscape Plan here)

# LANDSCAPE PLAN

187 WEST GRAND LAKE BLVD  
WEST CHICAGO IL, 60185



Prepared For:  
Best Way Landscaping  
2296 Elm Street  
West Chicago, IL 60185

66.00' (M)  
DATE: 12/12/2015  
SCALE: 1" = 20'

Prepared By:  
Best Way Landscaping  
2296 Elm Street  
West Chicago, IL 60185

## CITY OF WEST CHICAGO

### DEVELOPMENT COMMITTEE AGENDA ITEM SUMMARY

**ITEM TITLE:**

Fifth Amendment to the Anthony Final PUD  
SWC of Route 59 & E. Washington St.  
Chaudhari 27 Samaj of North America  
  
Ordinance No. 16-O-0032

**AGENDA ITEM NUMBER:** 4.D.**FILE NUMBER:** \_\_\_\_\_**COMMITTEE AGENDA DATE:** Sept. 12, 2016**COUNCIL AGENDA DATE:** \_\_\_\_\_**STAFF REVIEW:** John D. Said, AICP**SIGNATURE** **APPROVED BY CITY ADMINISTRATOR:** Michael Guttman**SIGNATURE** \_\_\_\_\_**ITEM SUMMARY:**

Chaudhari 27 Samaj of North America, a religious organization, is requesting approval of a fifth amendment to the final PUD of the Anthony development located at the southwest corner of Route 59 and E. Washington Street. This PUD amendment entails eliminating the specific list of uses allowed within this development and defaulting to the uses allowed per the City's Zoning Code for the zoning district in which this development is currently designated.

The preliminary PUD for the Anthony development was approved in 1978. The final PUD was approved in 1984. As part of the 1984 final PUD there was a specific list of uses allowed on each of the lots within the PUD. There were then subsequent amendments to the final PUD, including the allowable uses list, in 1986, 1988, and two amendments in 1990.

The 4 acre subject property is currently zoned B-2, General Business District. The subject property is subdivided into 5 lots; 4 buildable lots and a fifth outlot used as a private internal road. The current uses of the lots are as follows:

Lot 1: restaurant (Egg Yolk Café) – 100 S. Neltnor Blvd.

Lot 2: office building – 550 E. Washington Street

Lot 3: parking lot

Lot 4: multi-tenant strip mall - 110 S. Neltnor Blvd.

Lot 5: "T" shaped private drive

The applicant is a religious organization that would like to purchase Lots 2 and 3 to use for their religious activities. However, per the permitted uses list specific to this PUD a religious use is not permitted. The applicant is therefore requesting an amendment to the PUD to eliminate the list of permitted uses that is specific to this PUD and default to the uses allowed within the City's Zoning Code per the PUD's underlying B-2 zoning. A religious use is a permitted use in the City's B-2 zoning district. All of the existing uses within the PUD are currently in compliance with the PUD's permitted uses list. These uses will remain in compliance with the uses allowed per the City's B-2 zoning district regulations if the proposed PUD amendment is approved as presented.



Typically PUD's are the most common type of large scale development that adopts their own list of allowable uses specific to their development. Adopting a list of allowable uses that is specific to a particular development is uncommon because each zoning district within the City already has its own list of permitted and special uses established within the Zoning Code that is automatically applied to a property in the absence of a development specific list of allowable uses. A development specific list of allowable uses would supersede the City's uses allowed per the property's underlying zoning district, unless specifically approved otherwise as part of the approval of the PUD. Also, the Zoning Code is routinely amended to add new uses, modify existing allowable uses, or delete uses that are no longer deemed appropriate. These Code amendments ensure that the uses allowed in each zoning district remain current with development trends and the City's goals for how property within the City would be best used.

There are certain uses on the Permitted Uses list specific to the Anthony PUD Lots that are not allowed in the B-2 zoning district. A majority of the allowable uses in the PUD are very specific in nature and would be generally covered under the "Retail Establishments" use classification when compared to the B-2 zoning district.

There are also certain uses that are allowed in the B-2 Zoning District that are not allowed in the Anthony PUD. This list is much more extensive and allows for a much greater array of commercial uses.

There are also the following uses that are identified on both the PUD and B-2 lists, but are permitted on each list in a different manner:

Banks and financial institutions are permitted uses in the PUD and special uses in B-2.

Drug stores are only permitted in an office building in the PUD and are permitted uses in B-2.

Photography studios are permitted in the PUD and B-2 does not specifically identify photography, but does recognize other types of studios, such as music and dance, as permitted.

Antique stores are permitted in the PUD and resale stores are permitted in B-2. All antiques are considered resale items, but not all resale items are considered antiques.

Tailor shops are permitted in the PUD and dry cleaners are permitted in B-2, where that service is typically provided.

Telegraph offices are permitted in the PUD and offices in general are permitted in B-2.

Real estate offices are permitted in B-2 and office buildings are permitted in the PUD.

The greater array of allowable uses in the B-2 zoning district, especially those uses currently allowed by special use, are not desirable for this particular corner/development because of the prominence of this corner as the eastern gateway to the City's downtown and the City's goals of enhancing the pedestrian and transit oriented development in the downtown, as most recently reflected in the Strategic Plan adopted in May of 2016.

The Anthony PUD property is designated as Downtown District on the City's Comprehensive Plan. The Downtown District land use designation calls for dense, multi-story, mixed-use commercial and transit oriented development intended to enhance and support the traditional downtown along Main Street. The proposed amendment to the Anthony PUD is not in character with the goals and objectives of the Comprehensive Plan for this area of the City because the amendment entails allowing uses on the subject property that are not mixed-use commercial or transit oriented. Thus the proposed use could negatively impact the surrounding neighborhood by potentially delaying the implementation of the City's Comprehensive Plan by occupying a property that is located within an area that is designated for denser more multi-story, mixed-use commercial and transit oriented development.



Lastly, The original Anthony planned unit development, which was approved in 1984, adopted a specific list of uses permitted within the development. The uses on the approved list are primarily commercial and service based, which is consistent with the City's current goals and objectives to establish dense, multi-story, mixed-use commercial and transit oriented development intended to enhance and support the traditional downtown along Main Street on the subject property. These goals and objectives are further supported by the City's current Comprehensive Plan and Strategic Plan land use designations for the subject property.

At its September 7, 2016 meeting, the Plan Commission/Zoning Board of Appeals (PC/ZBA) recommended unanimous denial of the requested fifth amendment to the Anthony Final PUD by a (6-0) vote. Their recommendation is included as Exhibit "B" of the attached ordinance.

**ACTIONS PROPOSED:**

Consideration of a fifth amendment to the Anthony Final PUD located at the southwest corner of Neltor Boulevard (IL Route 59) and E. Washington Street.

**COMMITTEE RECOMMENDATION:**

## **ORDINANCE NO. 16-O-0032**

### **AN ORDINANCE DENYING A FIFTH AMENDMENT TO THE ANTHONY FINAL PUD AT THE SOUTHWEST CORNER OF NELTNOR BOULEVARD (IL ROUTE 59) AND E. WASHINGTON STREET**

WHEREAS, on or about April 22, 2016, Chaudhari 27 Samaj of North America (the "APPLICANT"), filed an application for a fifth amendment to the Anthony final PUD located at the southwest corner of Neltnor Boulevard (IL Route 59) and E. Washington Street, 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 (the "CITY") approved the preliminary PUD for the SUBJECT REALTY on July 6, 1978 according to Ordinance 78-O-1378; and,

WHEREAS, the corporate authorities of the City of West Chicago (the "CITY") approved the final PUD for the SUBJECT REALTY on June 4, 1984 according to Ordinance 84-O-1746; and,

WHEREAS, the corporate authorities of the City of West Chicago (the "CITY") approved a first amendment to the final PUD for the SUBJECT REALTY on September 2, 1986 according to Ordinance 86-O-1893; and,

WHEREAS, the corporate authorities of the City of West Chicago (the "CITY") approved a second amendment to the final PUD for the SUBJECT REALTY on January 4, 1988 according to Ordinance 88-O-1999; and,

WHEREAS, the corporate authorities of the City of West Chicago (the "CITY") approved a third amendment to the final PUD for the SUBJECT REALTY on May 21, 1990 according to Ordinance 90-O-2299; and,

WHEREAS, the corporate authorities of the City of West Chicago (the "CITY") approved a fourth amendment to the final PUD for the SUBJECT REALTY on October 1, 1990 according to Ordinance 90-O-2359; and,

WHEREAS, the Notice of Public Hearing on said amendment to the final PUD was published in the Daily Herald on May 20, 2016, 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 on said amendment to the final PUD was conducted by the Plan Commission/Zoning Board of Appeals of the City of West Chicago, commencing on June 7, 2016, pursuant to said Notice; and,

WHEREAS, the Public Hearing was continued from June 7, 2016 to July 6, 2016 for further consideration; and,

WHEREAS, the Public Hearing was continued from July 6, 2016 to August 2, 2016 for further consideration; and,



WHEREAS, the Public Hearing was continued from August 2, 2016 to August 16, 2016 at which time it was concluded; and,

WHEREAS, during 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.16-RC-0015, recommending denial of the requested fifth amendment to the Anthony final PUD, a copy of which is attached hereto as Exhibit "B" which is, by this reference, is incorporated herein; and,

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 there is hereby denied a fifth amendment to the Anthony final PUD legally described on Exhibit "A".

Section 2. The City Council adopts the findings of fact attached hereto as Exhibit "B".

Section 3. 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 4. 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 \_\_\_\_\_ 2016.

Alderman L. Chassee	_____	Alderman J. Beifuss	_____
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VACANT – Ward 2		Alderman J. Sheahan	_____
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Alderman L. Grodoski	_____	Alderman A. Hallett	_____
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Alderman S. Dimas	_____	Alderman M. Ferguson	_____
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Alderman J.C. Smith, Jr.	_____	Alderman K. Meissner	_____
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Alderman G. Garcia	_____	Alderman R. Stout	_____
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Alderman J.F. Banas	_____	Alderman N. Ligino-Kubinski	_____
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APPROVED as to form: \_\_\_\_\_  
City Attorney

APPROVED this \_\_\_\_ day of \_\_\_\_\_ 2016.

\_\_\_\_\_  
Mayor, Ruben Pineda

ATTEST:

\_\_\_\_\_  
City Clerk, Nancy M. Smith

PUBLISHED: \_\_\_\_\_

## **EXHIBIT "A"**

### **LEGAL DESCRIPTION**

LOTS 1, 2 AND 5 IN THE PRUDENTIAL REALTY COMPANY'S RESUBDIVISION OF THE ANTHONY PROEPRTY, BEING PART OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 24, 1984 AS DOCUMENT R84-86100 IN DUPAGE COUNTY, ILLINOIS. P.I.N.S: 04-10-117-005, 04-10-117-008 AND 04-10-117-009;

ALSO, LOTS 3 AND 4 IN THE FINAL PLANNED UNIT DEVELOPMENT PLAT OF LOTS 3 AND 4 IN THE PRUDENTIAL REALTY COMPANY'S RESUBDIVISION OF THE ANTHONY PROEPRTY, BEING PART OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 5, 1986 AS DOCUMENT R86-138064 IN DUPAGE COUNTY, ILLINOIS. P.I.N.S: 04-10-117-010 AND 04-10-117-011.



## **EXHIBIT “B”**

RECOMMENDATION 16-RC-0015

TO: The Honorable Mayor and City Council

SUBJECT: PC 07-26  
Fifth Amendment to the Anthony Final PUD  
Southwest corner of Neltnor Boulevard (IL Route 59) and E. Washington Street  
Chaudhari 27 Samaj of North America

DATE: September 7, 2016

DECISION: The motion to approve the request unanimously failed by a (0-6) vote.

### RECOMMENDATION

Per Article 15.8 of Appendix A of the City of West Chicago Municipal Code, the Plan Commission/Zoning Board of Appeals shall, after the public hearing, set forth to the City Council the reason(s) for their recommendation, and said recommendation shall set forth with particularity what respects the proposal would be in the public interest including, but not limited to, findings of fact on the following:

- (A) In what respects the proposed plan is consistent with the Comprehensive Plan and the stated purpose and intent of the planned unit development regulations.

The subject property is designated as Downtown District on the Comprehensive Plan. The Downtown District land use designation calls for dense, multi-story, mixed-use commercial and transit oriented development intended to enhance and support the traditional downtown along Main Street.

The proposed amendment to the Anthony planned unit development is not in character with the goals and objectives of the Comprehensive Plan for this area of the City because the amendment entails allowing uses on the subject property that are not mixed-use commercial or transit oriented. Thus the proposed use could negatively impact the surrounding neighborhood by potentially delaying the implementation of the City's Comprehensive Plan by occupying a property that is located within an area that is designated for denser more multi-story, mixed-use commercial and transit oriented development.

- (B) The extent to which the proposed plan meets the requirements and standards of the planned unit development regulations.

The original Anthony planned unit development, which was approved in 1984, adopted a specific list of uses permitted within the development. The uses on the approved list are primarily commercial and service based, which is consistent with the City's current goals and objectives to establish dense, multi-story, mixed-use commercial and transit oriented development intended to enhance and support the traditional downtown along Main Street on the subject property. These goals and objectives are further supported by the City's current Comprehensive Plan and Strategic Plan land use designations for the subject property.

The proposed amendment does not identify any impacts to the established planned unit development re-



quirements and standards.

- (C) The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property including, but not limited to, the density, dimension, area, bulk and use and the reasons why such departures are deemed to be in the public interest.

The proposed amendment to the Anthony planned unit development would modify the allowable uses on the subject property, thus potentially affecting the use and density of the subject property. The proposed amendment is deemed not to be in the public's best interest because the proposed use could negatively impact the surrounding neighborhood by potentially delaying the implementation of the City's Comprehensive Plan by occupying a property within an area that is designated for denser more multi-story, mixed-use commercial and transit oriented development.

- (D) The method by which the proposed plan makes adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects designated common open space and furthers the amenities of light and air, recreation and visual enjoyment.

The proposed amendment to the Anthony planned unit development does not identify or address any potential impacts on public services, adequate control over vehicular traffic, protection of designated common open space, or if the amendment furthers the amenities of light and air, recreation and visual enjoyment on the subject property and surrounding community.

- (E) The relationship and compatibility of the proposed plan to the adjacent properties and neighborhood.

The proposed amendment to the Anthony planned unit development would modify the allowable uses on the subject property, thus potentially affecting the relationship and compatibility of the subject property to the adjacent properties and neighborhood. The proposed amendment is deemed not to be in the public's best interest because the proposed use could negatively impact the surrounding neighborhood by potentially delaying the implementation of the City's Comprehensive Plan by occupying a property within an area that is designated for denser more multi-story, mixed-use commercial and transit oriented development.

- (F) The desirability of the proposed plan with regard to physical development, tax base and the economic well-being of the City.

The proposed amendment to the Anthony planned unit development is not considered desirable to physical development, tax base and the economic well-being of the City because the proposed use could negatively impact the surrounding neighborhood by potentially delaying the implementation of the City's Comprehensive Plan by occupying a property within an area that is designated for denser more multi-story, mixed-use commercial and transit oriented development.

Respectfully submitted,

Barbara Laimins  
Chairman

**VOTE:**

<u>For</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>
C. Dettmann			D. Faught
D. Kasprak			
R. Mireault			
B. Laimins			
M. Schafer			
S. Hale			