



WHERE HISTORY & PROGRESS MEET

DEVELOPMENT COMMITTEE

**Monday, October 9, 2017
7:00 P.M. - Council Chambers**

AGENDA

1. Call to Order, Roll Call, and Establishment of a Quorum
2. Approval of Minutes
 - A. September 11, 2017
3. Public Participation
4. Items for Consent
 - A. Frank's Auto Repair - 927 W. Washington St. - Special Uses & Variance
 - B. Burrito King – 200 S. Neltnor Blvd. – Façade Agreement
5. Items for Discussion
 - A. Proposed Roosevelt Rd./Fabyan Pkwy. T.I.F. District
6. Unfinished Business
7. New Business
8. Reports from Staff
9. Adjournment

Draft

MINUTES

DEVELOPMENT COMMITTEE

September 11, 2017, 7:00 P.M.

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

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

Roll call found Aldermen James Beifuss, Melissa Birch Ferguson, Michael Ferguson, and Bonnie Gagliardi present.

Also in attendance was Interim Director of Community Development, Bill Ganek.

2. Approval of Minutes.

A. August 14, 2017

Alderman Gagliardi moved and Alderman Ferguson seconded a motion to approve the minutes. Voting Aye: Aldermen Beifuss, Birch Ferguson, Ferguson and Gagliardi. Voting Nay: 0.

3. Public Participation. None.

4. Items for Consent.

A. 1760 & 1860 Western Drive – INX International – Special Use.

B. 1650 N. Neltnor Boulevard – Christian Brother's Automotive – Special Use, Final PUD, & Resubdivision.

C. 445 Belleview Avenue – Kaylor Residence – Resubdivision.

Alderman Beifuss requested that Item B be moved to Agenda Item 5, Items for Discussion.

Alderman Gagliardi moved first and Alderman Birch Ferguson seconded the motion to approve Items for Consent A. & C. Voting Aye: Aldermen Beifuss, Birch Ferguson, Ferguson and Gagliardi. Voting Nay: 0.

5. Items for Discussion

A. 1650 N. Neltnor Boulevard – Christian Brothers Automotive – Special Use, Final PUD, & Resubdivision

Bill Ganek provided the Item summary. Christian Brothers Automotive is requesting approval for a Planned Unit Development (PUD), a special use for an automotive care center, and a plat of resubdivision. The current property is zoned B-3, Regional Shopping District and the applicant is proposing to develop this vacant parcel as an auto repair facility specializing in light repair services. The proposed facility will consist of a 6,000 square foot building and will be located on the northern 1.4 acres of the lot. Mr. Ganek also reviewed other components of the proposed development including vehicular access points and traffic circulation, parking, stormwater detention, landscaping, exterior building finishes and lighting, signage and plat of subdivision, all of which comply with City Code. The Plan Commission/Zoning Board of Appeals (PC/ZBA) has already recommended approval.

Alderman Ferguson expressed his support of this development and Alderman Beifuss agreed, stating that while there is difficulty in attracting retail to this area, the proposed use seems like a compatible ancillary use. He then asked about the additional requirements for the special use that were put forth by the PC/ZBA and Mr. Ganek reviewed those conditions for the Committee members. Alderman Beifuss commented that this repair facility has stronger requirements and that it is a good plan. He recommended it for approval.

Alderman Gagliardi moved first and Alderman Ferguson seconded the motion to approve Item A. Voting Aye: Aldermen Beifuss, Birch Ferguson, Ferguson and Gagliardi. Voting Nay: 0.

B. 601 W Roosevelt Road – Burris Equipment – Conceptual Review

Bill Ganek summarized this Item for the Committee. The applicant is interested in a 2.4 acre site, which was formerly the Haggerty Ford dealership, in order to locate a construction and turf equipment sales and repair business. They plan to renovate both the interior and exterior of the existing building and establish a fenced storage yard at the rear of the site to screen rental and new and used equipment for sale. The applicant desires to display/store some new equipment in front of the building. Mr. Ganek stated

that the applicant anticipates generating 7 million in revenue, the sales tax from which would benefit the City. Mr. Ganek then explained the reasons for the Committee's conceptual review. Equipment leasing and sales is currently a special use in the City's Manufacturing district, and so while the proposed site is currently zoned B-2, General Business district, the applicant would require a text amendment to add contractor's equipment sales and leasing as an allowable use. City staff is recommending that said use be added as a special use to allow the City greater oversight in ensuring that any negative aspects are properly mitigated for any uses that might occur in the future. Furthermore, a definition would be created to clearly define this use and set forth minimum regulations. A prerequisite to demonstrate compliance with the use restrictions would be required prior to application for the special use. Staff has put together a list of preliminary use restrictions for considerations. Mr. Ganek introduced the applicant in attendance, Mr. Bryan Heinrichs of Burris Equipment.

Mr. Heinrichs addressed the Committee and spoke about his company's interest in locating to West Chicago. They are looking to open a fourth facility in the Chicagoland area and prefer a location on a main thoroughfare, with 3 or more acres. He explained that his company is a full service rental, sales, parts and service provider, with the majority of their business being sales.

Alderman Ferguson asked how the applicant would plan to upgrade this facility, which has been vacant for some time. Mr. Heinrichs replied that all of the asphalt would have to be torn out and replaced, but some of it would be removed and replaced with grass and trees. He also talked about plans for landscaping and referenced the photos submitted of some of their other facilities. He mentioned that the exterior of the building would require re-painting and replacement of front fascia, among other items noted. He estimated they would need to spend one half to three quarters of a million dollars in site improvements and commented on plans for fencing to screen their equipment storage, with the largest piece of equipment weighing 25,000 lbs.

Alderman Gagliardi asked about the new equipment they would promote in front of the dealership building and Mr. Heinrichs replied that it would be brand new equipment only, from 15 to 25 pieces, with no rentals displayed. He stated that the front of the building would not be blocked by the promotional equipment and customers would load and unload at the back of the building.

Bill Ganek reviewed the use restrictions put forth by staff for the Committee's consideration, which included that used equipment sales, equipment leasing and repair must be ancillary to new equipment sales, outside storage or parking of equipment must be located behind the building and properly screened, equipment display areas would be limited in area and location and could include a certain number of new pieces only,

height restrictions would apply for parking and storage, and all repair work would be conducted inside the building. Mr. Ganek commented that staff is concerned that the building and site look like a commercial use.

Alderman Beifuss asked about the distinction for sales tax revenue from goods being leased versus those being sold and Mr. Ganek answered that while there is no sales tax on leased equipment or repairs, there is for new or used equipment or parts sales. Mr. Heinrichs stated his initial purchase of equipment is taxable, as he is, in effective, selling the equipment to himself, but that any renting out of equipment is not taxable, unless it were to be sold. Mr. Ganek commented on the need to require any sale to the owners (in the form of equipment purchasing) for later leasing would need to be credited to the West Chicago facility. Mr. Heinrichs said that that is their current practice at the other facilities, and he estimated that about 1.4 million of their 7 million annual sales do not generate sales tax revenue.

Alderman Beifuss commented on the matter of a text amendment and the creation of a special use to ensure that similar uses do not go in undesirable locations in the future, such as next to residential housing. He also stated that the potential location on a state road has a similarity with the location of dealerships and that in general, he likes the idea.

Alderman Birch Ferguson stated that she supports the plan, noting that it would be a special use in the B-2 and that staff would work on a text amendment as discussed. For the time being, she is giving the applicant the green light to apply.

Discussion continued between Alderman Beifuss and the applicant regarding the proposed restriction of used equipment sales being kept ancillary to new equipment sales, the paving and fencing/screening planned.

Alderman Ferguson expressed concern about this business being close to but not adjacent to multifamily housing. He suggested fencing to prohibit anyone entering the storage area and asked about the use of lighting. The applicant replied and a brief discussion ensued about the type of lighting to be used so as to potentially reduce glare.

Alderman Beifuss concluded that there was a consensus among the members present that they are in favor of the plan. However, he asked staff to consider location limitations, such as on a state road, and to consider imposing size limitations, such as a minimum lot size if this plan were to move forward.

6. Unfinished Business. None.

7. New Business. None.

Development Committee Minutes
September 11, 2017

8. Reports from Staff.

Bill Ganek informed the members that the Community Development Department is gearing up for the annual renewals of the Business Registration and Residential Rental Licensing, which are due by the end of the year. He then stated that Aldi has received the approval for an addition to their existing store, and that if the members agree to it, staff is requesting that it go straight to City Council for approval. The applicant has stated that they would like the addition enclosed before the winter season. The Committee members agreed. Mr. Ganek also mentioned that at next month's meeting, the members would be looking at the proposal from Frank's Automotive to relocate their business. Finally, he stated that the Central Main Street Redevelopment Plan is being finalized and will be forthcoming shortly to the Committee.

Alderman Ferguson moved and Alderman Birch Ferguson seconded the motion to adjourn the Development Committee meeting at 7:44 P.M. The Committee members unanimously agreed and the motion carried.

Respectfully submitted,

Jane Burke

CITY OF WEST CHICAGO

CITY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:

Special Uses for Auto Repair, Self-Storage Facility, &
Outdoor Storage and Setback Variance
Frank's Auto Repair
927 W. Washington Street

Ordinance No. 17-O-0039

AGENDA ITEM NUMBER: 4. A.**FILE NUMBER:** _____**COMMITTEE AGENDA DATE:** Oct. 9, 2017**COUNCIL AGENDA DATE:** _____**STAFF REVIEW:** Bill Ganek**SIGNATURE** **APPROVED BY CITY ADMINISTRATOR:** Michael Guttman**SIGNATURE** _____**ITEM SUMMARY:**

Keith Parks of Frank's Auto Repair is requesting the approval of three special uses for an automobile repair shop, a self-storage facility, and outside storage associated with the construction of a new facility to be located at 927 W. Washington Street. Mr. Parks is also requesting a variance to reduce the required rear yard landscape setback. The vacant subject property is approximately 1 acre in area and is located on the north side of W. Washington Street between Town Road and Fenton Lane.

The applicant is proposing to construct a 5,000 square foot building with ancillary parking and an outside storage yard located north of (behind) the building. The proposed building will be used for an automobile repair shop. Approximately 1,000 square feet of the building will be utilized for office and the customer service area. The remaining 4,000 square feet will be used as auto repair shop space. The storage yard will be used for the parking of vehicles being repaired as well as leased parking space for the storage of third party vehicles such as autos, boats, and RVs. The storage yard will be paved and screened with an 8 foot tall solid screen privacy fence and landscaping, as required by City Code.

As part of the development of the property the applicant is also requesting a variance to reduce the required rear yard landscape setback from 15 feet to 10 feet in order to maximize the area of the proposed storage yard.

Final engineering has not been approved as of the completion of this staff report. However, final engineering will be approved prior to the issuance of a building permit for the site. If any significant modifications to the site design or layout are implemented then the development will have to go back through the approval process for further consideration. Stormwater detention is being provided for in a regional detention basin located north of the subject property. There are ancillary drainage swales being proposed along the north lot line, in the landscape buffer that separates the parking lot from the storage yard, and immediately south of the building.

The subject property will share a private driveway with the adjacent site to the east. The shared driveway is located in an existing shared access easement. The subject property will then have two access points onto the shared private driveway, both of which will be located north of the proposed building, be used to gain access to the proposed storage yard and overhead doors on the north façade of the building, and both are designed for two-way traffic flow. All aspects of the subject property's proposed traffic circulation comply with the City's minimum Code requirements.

City Code requires a minimum of 8 parking spaces on-site based on the proposed total square footage of the building (4 parking spaces per every 1,000 square feet of office/customer service floor area and 1 parking spaces per every 1,000 square feet of repair shop floor area). 8 total parking spaces are proposed to be located outside of the storage yard. All of the proposed parking complies with the City's minimum design requirements for quantity, stall length, and stall width.

The applicant is proposing landscaping along the south, east, and west property lines. The landscaping is a mixture of shade and evergreen trees, shrubs and perennials, as required by City Code. The applicant is also proposing landscaping in the parking lot landscape islands and around the building's foundation, as required by City Code. The applicant is required to provide landscaping along the north property line, but is requesting that in conjunction with the reduction is the required landscape setback along said north lot line that the required landscaping be installed along the east and west sides of the storage yard. This will effectively provide greater screening of the storage yard from Washington Street. All of the proposed landscaping on-site complies with the City's minimum landscaping requirements, subject to approval of the requested variance.

The applicant is proposing a metal exterior industrial building with a flat roof. There will be a 3 foot band of masonry material along the base of the building for aesthetics. The (rear) north facade of the building will have 6 overhead doors. The subject property is not required to comply with the City's Appearance Code requirements because all property zoned Manufacturing is exempt.

At its October 3, 2017 meeting, the Plan Commission/Zoning Board of Appeals (PC/ZBA) recommended approval of the special uses for an automobile repair shop, a self-storage facility, and outside storage, as well as a variance to reduce the required rear yard landscape setback from 15 feet to 10 feet for the property commonly known as 927 W. Washington Street by a (5-0) vote. Their recommendation is included as Exhibit "B" of the attached ordinance.

ACTION PROPOSED:

Consideration of special uses for an automobile repair shop, a self-storage facility, and outside storage, as well as a variance to reduce the required rear yard landscape setback from 15 feet to 10 feet for the property commonly known as 927 W. Washington Street.

COMMITTEE RECOMMENDATION:

ORDINANCE NO. 17-O-0039

AN ORDINANCE APPROVING SPECIAL USE PERMITS FOR AN AUTOMOBILE REPAIR SHOP, A SELF-STORAGE FACILITY, AND OUTSIDE STORAGE IN CONJUNCTION WITH A SETBACK VARIANCE FRANK'S AUTO REPAIR – 927 W. WASHINGTON STREET

WHEREAS, on April 4, 2017, Keith Parks of Frank's Auto Repair (the "APPLICANT"), filed a special use permit application for an automobile repair shop, a self-storage facility, and outdoor storage for the property located at 927 W. Washington Street and legally described on Exhibit "A", which is attached hereto and incorporated herein as the "SUBJECT REALTY"; and,

WHEREAS, on April 4, 2017 the APPLICANT also filed a variance application to reduce the required rear yard landscape setback from fifteen feet to ten feet for the SUBJECT REALTY; and

WHEREAS, Notice of Public Hearing on said application was published in the Daily Herald on September 16, 2017, 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 October 3, 2017; 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 for the requested special use permits and variance which contains specific findings of fact, pursuant to Recommendation No. 2017-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. Special use permits for an automobile repair shop, a self-storage facility, and outdoor storage in conformance with Section 5.5 and Sections 11.2-4(C)(T) and (W) of the Zoning Ordinance are hereby granted for the SUBJECT REALTY, subject to compliance with the following conditions:

1. The SUBJECT REALTY shall be developed in substantial conformance with the Site Plan prepared by Webster, McGrath & Ahlberg, LTD., dated April 3, 2017, with a final revision date of August 24, 2017, a copy of which is attached hereto and incorporated herein as Exhibit "C".
2. The SUBJECT REALTY shall be developed in substantial conformance with the Landscape Plan prepared by Webster, McGrath & Ahlberg, LTD., dated April 3, 2017, with a final revision date of August 24, 2017, a copy of which is attached hereto and incorporated herein as Exhibit "D".
3. The storage yard shall only contain items that are directly related to the automobile repair shop or self-storage facility businesses occupying the SUBJECT REALTY.
4. No items stored within the storage yard, other than vehicles, shall exceed the height of the storage yard fence.
5. No outside storage shall block, hinder, restrict, or render unusable any required fire lanes.

Section 2. A variance to reduce the required rear yard landscape setback from fifteen feet to ten feet is hereby granted for the SUBJECT REALTY.

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 _____, 2017

Alderman J. Beifuss	_____	Alderman L. Chassee	_____
Alderman J. Sheahan	_____	Alderman H. Brown	_____
Alderman A. Hallett	_____	Alderman Ferguson	_____
Alderman Birch Ferguson	_____	Alderman S. Dimas	_____
Alderman K. Meissner	_____	Vacant – Ward 5	_____
Alderman R. Stout	_____	Alderman G. Garcia	_____
Alderman N. Ligino-Kubinski	_____	Alderman B. Gagliardi	_____

APPROVED as to form: _____
City Attorney

APPROVED this ____ day of _____, 2017

Mayor, Ruben Pineda

ATTEST:

City Clerk, Nancy M. Smith

PUBLISHED: _____

EXHIBIT “A”

LEGAL DESCRIPTION

Lot 2 in Westgo Properties 4th Resubdivision, being a subdivision of part of the northwest quarter of Section 9, Township 39 North, Range 9, East of the Third Principal Meridian, according to the plat thereof recorded September 28, 2016 as Document R2016-105619, in DuPage County, Illinois.

P.I.N. 04-09-101-042.

EXHIBIT “B”

RECOMMENDATION NO. 2017-RC-0014

TO: The Honorable Mayor and City Council

SUBJECT: PC 17-05
Special Use Permits & Variance
Frank’s Auto Repair
927 W. Washington Street

DATE: October 3, 2017

DECISION: The Plan Commission/Zoning Board unanimously recommended approval of the special use permits for an automobile repair shop, a self-storage facility, and outdoor storage and a variance to reduce the required rear yard landscape setback from fifteen feet to ten feet for the SUBJECT REALTY by a (5-0) vote.

RECOMMENDATION

After review of the requested special use permits, the Plan Commission/Zoning Board of Appeals (PC/ZBA) recommended approval according to the following 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 automobile repair shop, self-storage facility, and outside storage special uses are all appropriate uses for the subject property, which is located in the middle of an industrial area.

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

The proposed automobile repair shop, self-storage facility, and outside storage special uses are all designed and located to be operated that the public health, safety and welfare will be protected.

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

The proposed uses should not have a negative impact on the surrounding neighborhood in which it is located due to the industrial nature of the proposed uses and the surrounding neighborhood.

- (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 automobile repair shop is listed as a special use per Section 11.2-4 (C) of the Zoning Code. The proposed outdoor storage is listed as a special use per Section 11.2-4 (T) of the Zoning Code. The proposed self-storage facility is listed as a special use per Section 11.2-4 (W) of the Zoning Code.

The Plan Commission recommended approval of the special use permits subject to the following conditions of approval:

1. The SUBJECT REALTY shall be developed in substantial conformance with the Site Plan prepared by Webster, McGrath & Ahlberg, LTD., dated April 3, 2017, with a final revision date of August 24, 2017.
2. The SUBJECT REALTY shall be developed in substantial conformance with the Landscape Plan prepared by Webster, McGrath & Ahlberg, LTD., dated April 3, 2017, with a final revision date of August 24, 2017.
3. The storage yard shall only contain items that are directly related to the automobile repair shop or self-storage facility businesses occupying the SUBJECT REALTY.
4. No items stored within the storage yard, other than vehicles, shall exceed the height of the storage yard fence.
5. No outside storage shall block, hinder, restrict, or render unusable any required fire lanes.

After review of the requested variance, the Plan Commission/Zoning Board of Appeals (PC/ZBA) recommended approval according to the following findings of fact:

- (1) The particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or loss of revenue, if the strict letter of the regulations were carried out:

The subject property is unique in that the proposed storage yard abuts another existing storage yard to the north, which if constructed in compliance with Code, would result in a 15 foot landscape buffer that serves no real purpose or intent to screen the subject property storage yard from the adjacent properties.

- (2) The condition upon which the requested variance is based would not be applicable, generally, to other property within the same zoning classification:

The requested variance could be applied to other lots in the same zoning district if their rear yards abutted a storage yard in an adjacent property. This circumstance is most likely very unique though.

- (3) The alleged difficulty or hardship has not been created by any person presently having an interest in the property:

The applicant has created this hardship as part of his desired development of the subject property.

- (4) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located:

The granting of the variance should not be expected to be detrimental to the public welfare or surrounding neighborhood. The existing neighborhood consists of industrial based uses with outside storage yards.

- (5) The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety or substantially diminish or impair property values within the neighborhood:

The requested variance should not result in the negative effects listed above.

- (6) The proposed variance complies with the spirit and intent of the restrictions imposed by this code:

The requested variance complies with the spirit and intent of the Code to screen the subject property's proposed storage yard from adjacent uses. However, the adjacent use is an existing storage yard and screening between abutting storage yards is deemed unnecessary.

VOTE:

<u>For</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>
Dettman			Laimins
Devitt			Schafer
Hale			
Kasprak			
Faught			

Respectfully submitted,

Steve Hale
Vice Chairperson

EXHIBIT “C”

(Insert the Site Plan here)

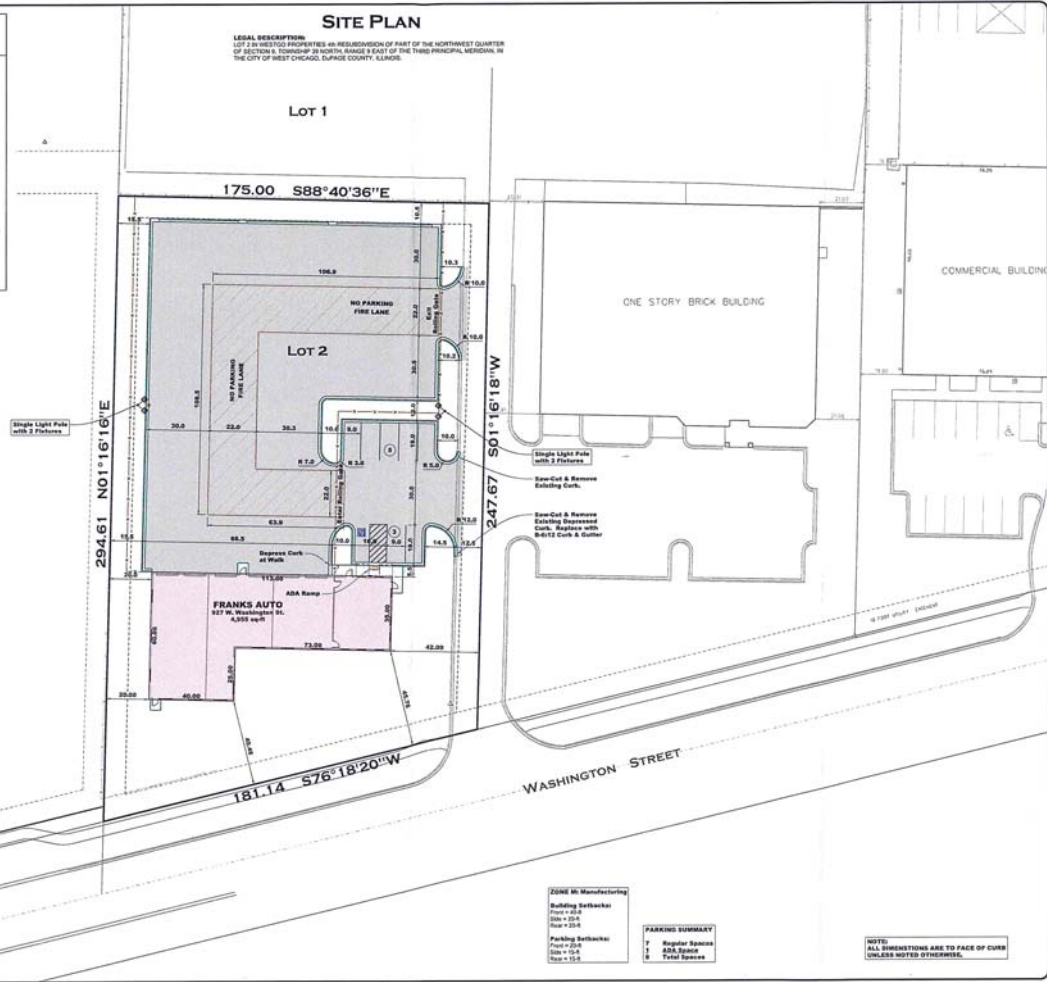
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EXHIBIT “D”

(Insert Landscape Plan here)

CITY OF WEST CHICAGO

DEVELOPMENT COMMITTEE AGENDA ITEM SUMMARY

ITEM TITLE:

Downtown Façade Grant Program Agreement
200 S. Neltnor Boulevard, Unit 400
Burrito King

Resolution No. 17-R-0060

AGENDA ITEM NUMBER:4.B.**FILE NUMBER:****COMMITTEE AGENDA DATE:** Oct. 9, 2017**COUNCIL AGENDA DATE:****STAFF REVIEW:** Bill Ganek**SIGNATURE****CITY ADMINISTRATOR REVIEW:** Michael Guttman**SIGNATURE****ITEM SUMMARY:**

Felipe Sanchez, the business owner of Burrito King, has requested Façade Grant Program funding for a new wall sign on his tenant space within the single story commercial building located at 200 S. Neltnor Boulevard. The proposed signage is an eligible improvement under the Program's guidelines and complies with the City's sign regulations.

Mr. Sanchez submitted three estimates for the illuminate channel letter wall sign, as required: 1) West Chicago Sign A Rama for \$3,622.39; 2) For Life Signs, Inc. for \$3,650.00; and 3) Naperville Sign A Rama for \$4,353.75. Based on the lowest quote by West Chicago Sign A Rama, the shared cost to be incurred by the City for the new sign will not exceed \$1,811.20. A copy of the Agreement is attached as Exhibit A of the attached Resolution.

The funding for the Program comes from the downtown T.I.F. district. Per the guidelines established for the Program the City may contribute up to 50% of the cost of the improvements, based on the lowest quotes submitted, if sufficient funding is available for the Program. City staff acknowledges that there are sufficient funds available to reimburse up to \$1,811.20 to Burrito King for the successful installation of the sign per the Program's guidelines.

ACTIONS PROPOSED:

Consideration of a Resolution authorizing the Mayor to execute a certain Downtown Façade Grant Program Agreement in the amount not to exceed \$1,811.20 to Burrito King for the tenant space located at 200 S. Neltnor Boulevard, Unit 400.

COMMITTEE RECOMMENDATION:

RESOLUTION NO. 17-R-0060

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE
A CERTAIN DOWNTOWN FAÇADE GRANT PROGRAM AGREEMENT -
BURRITO KING – 200 S. NELTNOR BOULEVARD, UNIT 400**

BE IT RESOLVED by the City Council of the City of West Chicago, in regular session assembled, that the Mayor is hereby authorized to execute a certain Downtown Façade Grant Program Agreement by and between Felipe Sanchez of Burrito King and the City of West Chicago, a copy of which is attached hereto and incorporated herein as Exhibit “A”.

APPROVED this ____ day of _____, 2017.

AYES: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

Mayor Ruben Pineda

ATTEST:

City Clerk Nancy M. Smith

Exhibit A to Resolution 17-R-0060

DOWNTOWN REHABILITATION FACADE PROGRAM AGREEMENT

This DOWNTOWN REHABILITATION FACADE PROGRAM AGREEMENT (hereinafter referred to as the "AGREEMENT") is entered into this 16th day of October, 2017, by and between the City of West Chicago, DuPage County, Illinois, an Illinois municipal corporation (hereinafter referred to as the "CITY") and Felipe Sanchez, (hereinafter referred to as the "APPLICANT") (the CITY and the APPLICANT are hereinafter collectively referred to as the "PARTIES");

WITNESSETH:

WHEREAS, the APPLICANT is the business owner at certain real property located at 200 S. Neltnor Boulevard, Unit 400, in West Chicago, (hereinafter referred to as the "SUBJECT REALTY") and legally described on Exhibit "A", which is attached hereto and incorporated herein; and,

WHEREAS, the SUBJECT REALTY is located within the CITY'S Downtown Redevelopment Project Area (hereinafter referred to as the "AREA"), duly established pursuant to the Tax Increment Allocation Redevelopment Act (hereinafter referred to as the "ACT"), 65 ILCS 5/11-74.4-1 et seq.; and,

WHEREAS, Chapter 4, Article V of the CITY'S Code of Ordinances establishes specific rules and regulations with respect to the alteration of historic structures in the AREA; and,

WHEREAS, Chapter 4 Article VI of the CITY'S Code of Ordinances establishes a facade program (hereinafter referred to as the "PROGRAM") whereby the CITY may make financial contributions toward the cost of certain exterior improvements with respect to commercial structures located within the AREA; and,

WHEREAS, the SUBJECT REALTY is improved with a commercial structure upon which the APPLICANT proposes to complete certain exterior improvements (hereinafter referred to as the "IMPROVEMENTS"), as detailed and depicted on the improvement plans and specifications (hereinafter referred to as the "PLANS"), which are attached hereto and incorporated herein as Exhibit "B"; and,

WHEREAS, the APPLICANT has applied, pursuant to the PROGRAM, for a financial contribution from the CITY toward the cost of the IMPROVEMENTS as detailed and depicted on the PLANS; and,

WHEREAS, the CITY has determined that it would further the achievement of the objectives of the AREA for the commercial structure located upon the SUBJECT REALTY to be improved as provided for on the PLANS and that said IMPROVEMENTS would qualify for financial contributions from the CITY pursuant to the PROGRAM; and,

WHEREAS, the CITY desires the IMPROVEMENTS be completed on the SUBJECT REALTY and agrees to financially contribute toward such IMPROVEMENTS based on the terms and conditions of this AGREEMENT and the PROGRAM; and,

WHEREAS, the APPLICANT desires to complete the IMPROVEMENTS in accordance with the terms and conditions of this AGREEMENT and the PROGRAM and desires to receive a financial contribution from the CITY for the completion of said IMPROVEMENTS.

NOW, THEREFORE, in consideration of the foregoing premises and in further consideration of the mutual covenants, conditions and agreements herein contained, the PARTIES hereto agree as follows:

ARTICLE I
INCORPORATION OF RECITALS

The PARTIES hereby confirm and admit the truth and validity of the representations and recitations set forth in the foregoing recitals. The PARTIES further acknowledge that the same are material to this AGREEMENT and are hereby incorporated into and made a part of this AGREEMENT as though they were fully set forth in this Article I and the same shall continue for so long as this AGREEMENT is of force and effect.

ARTICLE II
AUTHORITY

This AGREEMENT is made and entered into by the PARTIES pursuant to and in accordance with the provisions of the ACT.

ARTICLE III
IMPROVEMENTS TO THE SUBJECT REALTY

The APPLICANT shall complete the IMPROVEMENTS on the SUBJECT REALTY in accordance with the terms and conditions of this AGREEMENT and in full compliance with all applicable codes, ordinances, rules, regulations, permits and any conditions attached thereto, whether imposed by the CITY or any other unit of local government or any Federal, State or governmental agency having jurisdiction over the SUBJECT REALTY or any portion thereof, and shall complete the IMPROVEMENTS in a good and workmanlike manner.

The APPLICANT shall furnish, or cause to be furnished, at his own expense, all the necessary materials, labor and equipment to complete the IMPROVEMENTS in accordance with the PLANS. The IMPROVEMENTS shall be subject to inspection by, and approval of, the CITY.

The APPLICANT shall pay to the CITY all plan review, inspection and other fees, prior to the issuance of any required building permits for the IMPROVEMENTS on the SUBJECT REALTY, as required by the CITY'S Code of Ordinances.

The APPLICANT shall complete the IMPROVEMENTS within twelve (12) months of the issuance of the building permit by the CITY for such IMPROVEMENTS. If the APPLICANT fails to complete the IMPROVEMENTS within the established timeframe the CITY may rescind the financial contribution agreed upon herein in this AGREEMENT.

ARTICLE IV
REDEVELOPMENT OF THE SUBJECT REALTY

Upon the APPLICANT'S completion of the IMPROVEMENTS on the SUBJECT REALTY as provided hereinabove, the APPLICANT shall give notice of completion to the CITY, and shall provide the CITY with all receipts, sworn contractor statements and lien waivers (hereinafter referred to as the "DOCUMENTATION") showing that all persons who have done

work, or have furnished materials with respect to the IMPROVEMENTS, and might be entitled to a lien therefore under any laws of the State of Illinois, have been paid in full for their work and are no longer entitled to such lien. The CITY shall inspect the IMPROVEMENTS as soon as practicable after receipt of the DOCUMENTATION, and if the IMPROVEMENTS are found to be in full compliance with the terms of this AGREEMENT and all applicable codes, ordinances, rules, regulations, permits and conditions as provided hereinabove, the CITY shall issue a final inspection report approving the IMPROVEMENTS. The City Council, following the issuance of said final inspection report and receipt of all of the required DOCUMENTATION, shall authorize payment of the CITY'S financial contribution toward the IMPROVEMENTS pursuant to the PROGRAM in an amount equal to the lesser of one thousand eight hundred eleven dollars and twenty cents (\$1,811.20), or one half of the amount actually paid by the APPLICANT for the IMPROVEMENTS, as indicated on the DOCUMENTATION submitted to the CITY, whichever is less.

ARTICLE V

TIME

Time is of the essence under this AGREEMENT and all time limits set forth herein shall be mandatory and shall not be waived except by a lawfully authorized and executed written waiver amendment to this AGREEMENT by the PARTIES excusing such timely performance.

ARTICLE VI

AMENDMENTS

This AGREEMENT sets forth all the promises, inducements, agreements, conditions and undertakings between the APPLICANT and the CITY relative to the IMPROVEMENTS identified herein this AGREEMENT , and there shall be no promises, agreements, conditions or understandings, either oral or written, express or implied, between them, other than as herein set forth. No subsequent alteration, amendment, change or addition to this AGREEMENT shall be binding upon the PARTIES hereto unless authorized in accordance with the law and reduced in writing and signed by the PARTIES. However, whenever under the provisions of this AGREEMENT any notice or consent of the CITY or the APPLICANT is required, or the CITY or the APPLICANT is required to agree or to take some action at the request of the other, such approval or such consent of such request shall be given for the CITY, unless otherwise provided herein, by the Mayor or his designee and for the APPLICANT by the APPLICANT or any agent as the APPLICANT so authorizes.

ARTICLE VII

NOTICES

All notices and requests required pursuant to this AGREEMENT shall be sent by certified mail as follows:

To the APPLICANT:

Burrito King
Felipe Sanchez
200 S. Neltnor Boulevard
Unit 400
West Chicago, IL 60185

or at such other addresses as either of the PARTIES may indicate in writing to the other either by personal delivery or by certified or registered mail, return receipt requested, with proof of delivery thereof.

4

STATE OF ILLINOIS)
)
COUNTY OF DU PAGE) SS.

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Ruben Pineda, Mayor of the City of West Chicago, and Nancy M. Smith, City Clerk, personally known to me to be the same persons whose names are set forth on the foregoing instrument as such Mayor and City Clerk respectively appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act and as the free and voluntary act of said City, for the uses and purposes therein set forth; and the said City Clerk then and there acknowledged that she, as custodian of the corporate seal of said City, did affix the corporate seal of said City to said instrument, as her own free and voluntary act and as the free and voluntary act of said City, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this _____ day of _____, 2017.

Notary Public

STATE OF ILLINOIS)
)
COUNTY OF DU PAGE) SS.

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Felipe Sanchez, personally known to me to be the same person whose name is set forth on the foregoing instrument appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his own free and voluntary act for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this _____ day of _____, 2017.

Notary Public

EXHIBIT A

Subject Realty Legal Description

Lots 1 and 2 in Block 2 of William Elliott's Subdivision being a subdivision in the northwest quarter of Section 10, Township 39 North, Range 9, East of the Third Principal Meridian, according to the plat thereof recorded August 5, 1901 as Document R1901-074516, in DuPage County, Illinois.

P.I.N.s: 04-10-119-033 and 04-10-119-034

EXHIBIT B

(Insert PLANS here)

Sign*A*Rama West Chicago
JRC Enterprises LLC
946 N. Neilnor Blvd # 114
West Chicago IL 60185
United States
Phone: (630)293-7300
Fax : (630)293-7310
info@signarama-westchicago.com
www.signarama-westchicago.com



Quote # 5795 - Channel Letters

Expiration Date 09/22/2017

Sold To	Contact	Shipping/Install
BURRITO KING 200 s neltnor WEST CHICAGO IL 60185 United States	FELIPE SANCHEZ Phone : (773) 416-0809 Email : felipesr9@yahoo.com Address : 200 s neltnor WEST CHICAGO IL 60185 United States	

Quote #	Quote Date	Sales Rep	Payment Terms	PO	PO Date
5795	09/07/2017	Salvador Aguirre design@signarama-westchicago.com			

Items

#	Item	Qty	Unit Price	Total	Tax
1	Channel Letters BURRITO KING (4)	1	\$3,405.00	\$3,405.00	\$217.39

UL Approved Channel Letters. Using Sloan LED's., cast acrylic, and .040 aluminum returns.
UL Approved Fabrication. #e358236

Includes :
1.0 Hrs Installation Subcontracted - Installation Subcontracted

Total

Sub Total	Total Tax(%)	Final Price
\$3,405.00	\$217.39 (7.75%)	\$3,622.39

Downpayment (50.0 %) \$1,811.20

Terms And Conditions

Invoices & Cancellation of Orders: Sign-A-Rama (Vendor) prepares your order according to your specifications. Therefore, prior to its commencement, your order is only cancelable with the Vendor's prior written consent. After commencement of your order (the point at which materials are assembled and work has begun), your order is non-cancelable. The Customer is Solely Responsible for Proofreading Vendor does not assume any responsibility for the correctness of copy. Therefore, you must review and sign a proof prior to our commencement of your order. By signing your proof, you approve of its content and release the Vendor to commence our work. You are solely responsible for the content of the proof once it has been signed. However, if we should make an error in producing the work as proofed, please be assured that we will redo the work as quickly as possible and without charge to you. Vendor's Liability Vendor's total liability is hereby expressly limited to the services indicated on the invoice and Vendor will not be liable for any subsequent damages, consequential damages, or otherwise. All dates promised on this invoice are approximations unless the word "firm" is written and acknowledged by the Vendor.

Terms of Payment: Upon ordering, you must give Vendor a 50% deposit. Your balance will be due upon delivery and/or installation. Vendor may, at its sole discretion, extend credit terms to you upon approval. C collection Procedures: Invoices are considered delinquent thirty (30) days from the date that your order is completed. After the thirtieth day, a late charge of \$25.00, together with interest accruing at the rate of 1.5% per annum, or the maximum rate allowable by law is assessed. You shall be liable for all costs related to collection of delinquent invoices, including court costs and attorney's fees. Customer's Acceptance of Work: Customer's acceptance, either personal or through his/her agent(s) and/or employee(s) of the work ordered shall be deemed as full acceptance. This means that by accepting delivery of the work, customer affirms that the work substantially conforms to all expectations. Lost or Substantially Forgotten Work: If customer does not take possession of completed work within thirty (30) days from notification of completion, then the work will be considered lost or forgotten, and vendor will not be responsible for further loss. Customer will be billed and responsible for payment for work that has been completed

for **BURRITO KING**

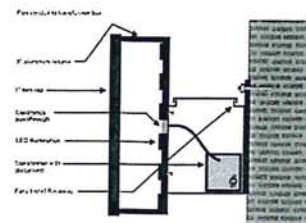
Net Due : **\$2,022.39** **Signature**

Date

QTY:1 CHANNEL LETTER SET



LED Raceway Mount



Side View

NOTE STORE FRONT: 25 FT

Job No.:	Date:
Order Date:	Salesperson:
Sign Dimensions:	Estimate:
0.000in x 0.000in	\$ \$0.00
Customer:	
FELIPE	
Company:	
BURRITO KING	
Address:	
200 S NELTNOR	
City:	State/ZIP:
WEST CHICAGO	60185
Phone:	
773-416-0809	
Fax:	

Signarama

The way to grow your business.
946 N. Neltor, Suite 114
West Chicago, IL 60185
630-293-7300 Fax 630-293-7310

UL #e358236

Qty. 1, Channel Letter

On Raceway: YES
Raceway color: BRICK
Trim cap color: BLACK
Return color: BLACK
Return size: 5"
Face color: RED & GREEN

Electrical within 5'? YES
Site modifications necessary? NO
Remove existing? NO
LED color: RED AND WHITE
Access to rear of sign: YES
Special Notes: (city requirements, etc.)

CITY OF WEST CHICAGO

DEVELOPMENT COMMITTEE AGENDA ITEM SUMMARY

ITEM TITLE:

Proposed Roosevelt Rd./Fabyan Pkwy T.I.F. District

Ordinances No. 17-O-0032, 17-O-0033, 17-O-0034

AGENDA ITEM NUMBER: 5. A.

FILE NUMBER: _____

COMMITTEE AGENDA DATE: October 9, 2017

COUNCIL AGENDA DATE: _____

STAFF REVIEW: Bill Ganek

SIGNATURE 

APPROVED BY CITY ADMINISTRATOR:

Michael Guttman

SIGNATURE _____

ITEM SUMMARY:

Camiros Ltd evaluated the feasibility of a Tax Increment Financing District (TIF) for the area around the Roosevelt Rd. and Fabyan Parkway intersection. The TIF Redevelopment Plan and Project Report is included with this summary. Pursuant to the Illinois Municipal Code a municipality must find that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of the redevelopment plan. The municipality must find: 1) that the redevelopment plan and project conform to the comprehensive plan for the development of the municipality as a whole, 2) the redevelopment plan establishes the estimated dates of completion of the project and retirement of obligations issued to finance redevelopment project costs, 3) that the redevelopment project area would not be reasonably be developed without the use of such incremental revenues, and 4) that such incremental revenues will be exclusively utilized for the development of the redevelopment area.

Project Area Overview:

The proposed TIF area is irregular in shape and includes properties generally bounded by Roosevelt Road on the north, the Burlington Northern Santa Fe Railroad on the south and east and west lines of property lines of potential development sites generally fronting Fabyan Parkway and Roosevelt Road including three parcels west of Kress Road (See map in Project Report). The land use pattern currently consists of limited commercial uses and vacant land and buildings. The area contains a total of 22 tax parcels and is approximately 161 acres in size. Approximately 9 acres are devoted to public rights-of-way, leaving 152 acres of net land area. Vacant land totals approximately 118 acres and 34 acres are improved. The zoning classifications within project area are Office/Research/Light Industrial (ORI), Manufacturing (M), and Airport (A).

TIF Eligibility:

The TIF eligibility analysis in the Camiros Report concluded that the project area qualifies for designation as a redevelopment project area because it is a combination of an improved conservation area and blighted vacant area in accordance with the definitions in the Act.

In order to be designated as a conservation area, 50% or more of the buildings must be 35 years of age or older. The Project Area contains 17 buildings of which 12 (70.6%) are at least 35 years of age. The Act also requires that at least three of 13 factors (defined in the Act) must be meaningfully present for the designation as a conservation area. Five factors were found to meet these requirements and are as follows 1) obsolescence, 2) Deterioration, 3) Inadequate utilities, 4) Lack of Community Planning and 5) Lagging or Declining EAV.

Vacant land qualifies as a blighted area if two of six eligibility factors listed in the act are found to be meaningfully present. Three factors were shown to be present and include: 1) Obsolete Platting, 2) Deterioration of Structures or Site Improvements in Neighboring Areas Adjacent to the Vacant Land, and 3) Lagging or Declining EAV.

Redevelopment Plan and Project:

Public intervention is needed to achieve the City's development objectives for the Project Area; which are to stabilize the tax base, attract new businesses, eliminate and provide necessary utilities and infrastructure. The Plan seeks to achieve the goals and objectives outlined in Chapter 4 (page 9) of the Camiros report and Chapter 5 (page 10) describes the Redevelopment Plan.

TIF Approval Process:

There is a defined process with specific notification requirements that a proposed TIF must follow before approval. In August the Development Committee and the City Council reviewed the requirements for a TIF calling for a meeting of the Joint Review Board and setting the date of the public hearing which is scheduled for 10/16/2017. The Joint Review Board meeting was held on 9/12/2017 and discussed the plan and informally in discussion concurred that this Roosevelt Rd. / Fayban Pkwy Redevelopment Plan TIF satisfied the criteria for a TIF district. However, the members agreed to continue the JRB meeting until 10/10/2017 to have additional time to review the plan. It is expected at this meeting on 10/10/2017 that a formal determination will be completed. Following the hearing on 10/16/2017 the City council will consider three ordinances necessary to approve the TIF District. These three ordinances are attached for introduction before the City Council at the 11/6/2017 regular meeting.

Staff is providing this information for Committee review and discussion prior to proceeding to the public hearing and City Council consideration of the three ordinances.

ACTIONS PROPOSED:

Acknowledgment that the eligibility criteria identified in the Roosevelt Rd./ Fabyan Parkway TIF Redevelopment Plan and Project Prepared by Camrios, Ltd dated July 2017 are met and recommend approval of Ordinances Nos. 17-O-0032, 17-O-0033 and 17-O-0034 to the City Council.

COMMITTEE RECOMMENDATION:

ROOSEVELT ROAD/FABYAN PARKWAY TIF REDEVELOPMENT PLAN AND PROJECT

Prepared for:

The City of West Chicago

By:

Camiros, Ltd.

Date: July 2017

TABLE OF CONTENTS

1. Introduction	1
2. Project Area Description	5
3. Eligibility of the Project Area for Designation as a Redevelopment Project Area	7
4. Redevelopment Plan Goals and Objectives	9
5. Redevelopment Plan	10
6. Redevelopment Project Description	12
7. General Land Use Plan and Map	13
8. Redevelopment Plan Financing	14
9. Housing Impact Study Applicability	23
10. Provisions for Amending the Plan	24
11. City of West Chicago Commitment to Fair Employment Practices and Affirmative Action	25
 APPENDIX A (FIGURES 1-3)	 A-1
APPENDIX B (ROOSEVELT ROAD/FABYAN PARKWAY TIF REDEVELOPMENT PROJECT AREA LEGAL DESCRIPTION)	B-1
APPENDIX C (ROOSEVELT ROAD/FABYAN PARKWAY TIF REDEVELOPMENT PROJECT AREA ELIGIBILITY STUDY)	C-1
APPENDIX D (INITIAL EQUALIZED ASSESSED VALUE (EAV) OF PROPERTY WITHIN THE ROOSEVELT ROAD/FABYAN PARKWAY TIF REDEVELOPMENT PROJECT AREA)	D-1

LIST OF FIGURES

FIGURE 1.	REDEVELOPMENT PROJECT AREA BOUNDARY	A-2
FIGURE 2.	EXISTING ZONING	A-3
FIGURE 3.	GENERAL LAND USE PLAN	A-4
FIGURE A.	ROOSEVELT ROAD/FABYAN PARKWAY TIF STUDY AREA	C-18

LIST OF TABLES

TABLE 1	ESTIMATED REDEVELOPMENT PROJECT COSTS	18
TABLE A.	COMPARATIVE INCREASE IN EQUALIZED ASSESSED VALUE (EAV)	C-14
TABLE B.	CONSERVATION AREA ELIGIBILITY FACTOR SUMMARY	C-17
TABLE C.	BLIGHTED VACANT AREA ELIGIBILITY FACTOR SUMMARY	C-17