



WHERE HISTORY & PROGRESS MEET

Approved July 9, 2018

MINUTES

DEVELOPMENT COMMITTEE

May 14, 2018, 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 James Beifuss, Michael Ferguson, Bonnie Gagliardi, Matt Garling, Jayme Sheahan and Rebecca Stout present.

Also in attendance was Community Development Director, Tom Dabareiner and City Administrator, Michael Guttman.

2. **Approval of Minutes.**

A. **April 9, 2018**

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

3. **Public Participation.** None.

4. **Items for Consent.**

A. **Annual Adoption of Official Zoning Map.**

B. **Ditch Witch Midwest – 1555 Atlantic Drive – Special Use, Final PUD and Plat of Resubdivision.**

C. **Luxury Car Outlet – 601 W. Roosevelt – Text Amendment, Special Use and Variances.**

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- D. The Crusher – 651 W. Washington Street – Special Use, Variances and Plat of Consolidation.**
- E. Wett Car Wash – 193 W. North Avenue – Special Use and Final PUD Amendment.**
- F. Airhart Construction – 563 Hickory Lane – Easement Encroachment Agreement.**

Alderman Beifuss asked that Items C and D be pulled from consent for an update.

Alderman Beifuss moved and Alderman Gagliardi seconded the motion to approve Items A, B, E and F for consent. Voting Aye: Aldermen Beifuss, Ferguson, Gagliardi, Garling, Sheahan and Stout. Voting Nay: 0.

- 4C. Luxury Car Outlet – 601 W Roosevelt – Text Amendment, Special Use and Variances.**

Tom Dabareiner stated the applicant was in attendance for any specific questions from the members, and he then provided the item summary. A text amendment has been applied for and the requirements discussed at the January meeting to allow used automobile sales as a special use in the B-2 and B-3 zoning districts have been met. Those requirements included a minimum lot of two acres, a minimum lot width of 300 feet and a minimum building area of 10,000 square feet. Staff is recommending approval and the Plan Commission/Zoning Board of Appeals (PC/ZBA) recommended approval at their May 1st meeting. Alderman Beifuss asked for an explanation of the landscape changes and Mr. Dabareiner explained that landscaping had been planned throughout the property, but as it would not have much of a positive visual impact on the inaccessible areas, it was agreed that it could be omitted from the plans. This variance would also keep the inventory cleaner. Alderman Beifuss then asked about the change in the type of landscape materials and a response was provided by Mr. Tracy Kasson with Rathje & Woodward, a representative with the petitioner. He explained that the variance was allowed to help keep the organic matter from plants and trees off the inventory parked at the back of the property, inside the fence but not visible to the public.

Alderman Sheahan moved and Alderman Beifuss seconded the motion to approve Item 4C for consent. Voting Aye: Aldermen Beifuss, Ferguson, Gagliardi, Garling, Sheahan and Stout. Voting Nay: 0.

- 4D. The Crusher – 651 W Washington Street – Special Use, Variances and Plat of Consolidation.**

Tom Dabareiner summarized this Item, and he stated that the petitioner is requesting a special use for a salvage and recycling facility with an ancillary outside storage yard, a

variance to increase the height of the storage yard screen wall and a plat of consolidation. He noted that the PC/ZBA unanimously approved the applicant's request at their May 1st meeting. He also indicated representatives from the Crusher were in attendance. Alderman Beifuss asked about the fence height and the applicants, Gerry and David Neumaier, responded it is higher on the north end by the railroad tracks (22 feet) to diminish visibility and it is also higher next to the retention pond (14 feet). Alderman Beifuss also asked if some improvements were going to be phased in over time and the applicants responded affirmatively.

Alderman Garling moved and Alderman Sheahan seconded the motion to approve Item 4D for consent. Voting Aye: Aldermen Beifuss, Ferguson, Gagliardi, Garling, Sheahan and Stout. Voting Nay: 0.

5. Items for Discussion.

It was agreed that Agenda Item 6, under Unfinished Business, would be moved to Agenda Item 5, Items for Discussion.

6A. Central Main Redevelopment Plan Update – Block 5 Review.

Tom Dabareiner provided a summary. Some changes to the Block 5 design were requested at the Committee's last meeting in April. Copies of revised, Illustrative 3D Scenarios were provided by Farr Associates and were distributed among the members for review. Staff is looking for a recommendation to accept this Central-Main Street Redevelopment Plan. The next phase would be to create a Request for Proposals (RFP) for future development. Further analysis is also desired for stormwater management.

Alderman Beifuss asked for more details regarding stormwater in the design, and Mr. Dabareiner replied that the details of vaults and designs would not come until proposals are submitted and they have a better idea of surface areas and parking. The current Plan is only conceptual, intended to serve as a guideline to potential developers to understand the City's parameters with regards to height, massing, parking, etc. He added that once they have a proposal in front of them is when the serious discussions of details can begin.

Alderman Ferguson stated that he does not believe that the topographical layout of Block 5 was addressed in the revised diagram. Given the shallow lots of the properties on the south side of Colford Street, he expressed concerns about those residents having to look too closely into a potential building on Main Street. Mr. Dabareiner responded that there may be other options with regards to building design, but he commented on the challenges of having a limited amount of land while maintaining the goal of having 150, even 180 units.

Alderman Garling asked why Block 5 needs to stand on its own in terms of unit count on a single block, and Mr. Dabareiner replied that there would be more options available if

there are several, single block developers. For example, Block 5 would be very attractive for transit-oriented development given its location across from the train station. Alderman Garling then expressed concern about the height of Block 5 and asked about the possibility of lowering its density to 120 units while increasing the density on another block. Mr. Dabareiner replied it may difficult in that the current design combines the density of Blocks 3 and 4 in order to equal a minimum of 150 units and thereby attract a single developer.

Alderman Beifuss shared concerns about the height of the building on Block 5, and he added concerns about the shallow lots of the Colford properties which back to Main Street, the changing elevation from east to west along this lot line and the effect on property values for the homes on both sides of the Colford Street. He asked if the goals of the Plan are to meet the City's goals or those of a developer. He voiced concern for the 420 proposed new units, with only a paltry amount of park or green space, which amounts to less than half an acre of total park space. He pointed out that the City's demographic has more people to a household relative to other communities. He stated that this Plan is not what he recalls was envisioned in their earlier brainstorming sessions and nor does it make proper allowances for the demographics of this City. Finally, he expressed concerns about some areas of Block 4 where property not owned by the City on Chicago Street would be affected. Alderman Garling echoed the concerns of Alderman Beifuss and asked about the demographics of the existing residential building on Main Street.

Michael Guttman answered that they do not have those demographics. He went on to say that if the Plan was approved, the message would be sent that 1) apartments are now acceptable as they were previously not; 2) open spaces and stormwater features are important; and 3) density closest to Main Street on Block 5 is suitable while density closer to Colford is not. He also added that they do not know the demographics of the Plan yet, but stated they are not playing to the developers as the market studies indicate that much higher density can be accommodated in these areas than what is being proposed. He returned to the earlier question regarding the demographics of the existing building on Main Street and commented that it has changed a lot since it was built but it currently has decent rental incomes. Mr. Guttman indicated that it is important to understand the Plan's key components for now and staff can go from there. If a proposal is brought to the members that they are not in favor of, they can always refuse the plan and start over. However, they need to start somewhere.

Alderman Stout stated that because what they are looking at is very conceptual and because they will have every opportunity to make changes to any proposals as they see fit, she finds no reason why they would not approve the Plan at this time.

Mr. Guttman encouraged the members to let their concerns be known and they will see how the development community responds. Alderman Beifuss reiterated his concerns about wanting more green space and the density on Block 5 being too great, pointing out

traffic from three directions at that intersection. He added concerns about the parking on Block 1, especially with regards to a current lack of street parking for downtown businesses, and finally, that the density seems weighted more toward the developer than the residents. He expressed hesitation with accepting the Plan with all the caveats he indicated.

Mr. Guttman asked the members to approve the plan and reminded them that they can still review the RFP or RFQ (Request for Qualifications) before it goes out and they can make suggestions at that time. He cautioned that too much detail at this point might result in not receiving any proposals. While the members concerns are very critical, he suggested it is better to provide parameters and then let the developers figure out the solutions. He recommended that the members' concerns about wanting more green space and less density could be included in a motion.

Alderman Garling suggested that they move forward with the caveats of 1) having more green space and 2) lessening the visual impact for existing residential structures, particularly Blocks 1 and 5. Alderman Beifuss agreed, so long as those caveats are included. Alderman Stout reassured that his concerns have been adequately expressed and would be included as caveats in the Plan approval.

Alderman Gagliardi stated she felt they should move forward, agreeing that they must start somewhere. She recognized that the current Plan may differ from the end result but it will have to be something everyone agrees on. It is important to begin while the economy is good. Alderman Sheahan agreed.

Alderman Beifuss stated that this is his neighborhood and he needs to advocate for it. He cautioned that they may not start for years down the road and the Plan document they approve today will outlast them. His concern is that they get it right. Alderman Stout said that the Plan is an outline and that the concerns mentioned will be added as caveats. However, they need to move forward to begin to receive some proposals back.

Tom Dabareiner stated that there would be an additional cost if more changes are made to the Plan. Michael Guttman pointed out that while Alderman Beifuss has concerns about the overall density, Alderman Garling is concerned with the visual impact on the surrounding residential areas. Alderman Beifuss asked if this Plan meets the goal of improving the downtown and who benefits from it. While he believes density is needed in the downtown, he wondered if adding density helps businesses and schools alike. Mr. Guttman responded that they won't know the answers until they have a proforma for a development opportunity in front of them. He commented on some of the drawbacks of the consultant's Plan, but stated he thought the residential market analysis for this Plan was very well done. The commercial market analysis, on the other hand, showed there is no demand for retail, save maybe restaurants, and so more population density is needed. He reiterated that they adopt the Plan with caveats and see what the reaction from the development community is.

Tom Dabareiner pointed out that any Plan to be approved would include the motion and the conditions, which would then become the single document that would go out to developers and no more money would need to be spent on more changes by the consultant. A brief discussion followed among Aldermen Garling and Stout and Mr. Guttman about the best way to move forward.

Alderman Beifuss agreed that he would like to see the caveats put into the motion. He reiterated his concerns over the density of Block 5 but stated he liked Alderman Garling's idea of combining the density of more than one block and wondered if each block needed to stand alone as a development. Mr. Guttman responded they would not. He encouraged them to maximize their flexibility by stating their concerns but not their design objectives. He cautioned that things will change over time anyway, and the Plan is merely a foundation, a place to start.

Alderman Beifuss again stated that he does not like the density on Block 5 and he wants more green space. Alderman Stout assured him that his concerns were already made clear, and the members agreed to approve the Central-Main Redevelopment Plan.

5A. Used Automobile Sales Text Amendment – 1240 W Roosevelt Road – Conceptual Review.

Tom Dabareiner provided the members with this Item summary, briefly outlining the recent pursuit of a Text Amendment to the Zoning Code to allow for used automobile sales in the B-2 and B-3 zoning districts by another applicant. Staff was recently approached by Reliable Wheels regarding a similar request for used automobile sales in the ORI Zoning District. He reviewed the applicant's current location characteristics and described their desire to expand their current dealership through a series of three phases. Staff does not recommend this type of text amendment to the ORI Zoning District as it is not the intent of this Zoning District. He provided examples of how the retail sales requirements in this zoning are not compatible with automobile sales. However, should the Committee favor this use, the recommendation is for a Special Use with direction to develop additional use restrictions. Furthermore, staff opposes the applicant's proposal primarily due to the phased approach as the project would need to be completed before it meets the minimum use restrictions.

David Sabathne, President and CEO of the Western DuPage Chamber of Commerce addressed the Committee members and spoke in support of used automobile sales in this Zoning District. He provided some brief background for the creation of ORI Zoning District in this area and commented on the current problem of stagnant property in this area. This location is an entry point to the City and yet it lacks appeal. Reliable Wheels, on the other hand, has been in business at this location for 23 years as a legal, non-conforming use, and the business owner now has the land space and wants to make improvements and add a new building. The owner could continue to operate at this location with no changes, but the applicant is interested in doing more. The zoning for the

area was done to support the airport. With the new TIF District put in place to enhance this area, the applicant's business would further meet that goal. Mr. Sabathne suggested redoing the zoning to support the businesses in the area. In addition, there would be additional retail sales tax dollars if this business were to expand. He fully supports the improvement and he would like to see a new building here they can be proud of.

Alderman Beifuss asked if, under the text amendment approved earlier, a Special Use must be granted to any applicant if the requirements are met and Mr. Dabareiner responded yes. A discussion between them followed regarding the amount of acreage in the ORI Zoning District and the potential implications for granting future Special Uses, and the location of this business and whether it makes sense for this property to be rezoned. The Zoning Map was consulted as part of this discussion.

Alderman Beifuss voiced concern that if a Special Use is granted then the potential exists to have to grant future Special Uses whenever the requirements are met and at whatever area in the ORI Zoning District. While he agrees with staff, he wondered if this area should be rezoned to B-2. Tom Dabareiner responded that they need to be concerned about spot zoning. Rezoning would need to happen for a larger area. In addition, as part of the TIF discussions, commitments have already been made to property owners in the same vicinity who are expecting it to be zoned ORI. There would be many factors to consider. Alderman Garling asked Alderman Beifuss for clarification about the concerns he previously expressed with regards to granting a Special Use. Alderman Beifuss responded that more used car dealerships could pop up any place the requirements are met within the ORI. He commented that it is an interesting circumstance because the current owner is not able to make any improvements as his business use is considered legal non-conforming.

Dave Sabathne mentioned the petitioner was in attendance to answer any questions the members might have.

The petitioner Bill Suchy, owner of Reliable Wheels, spoke to the Committee and shared a presentation. He explained that he was renting this property for 22 years, but recently purchased it and now he would like to do some improvements. Since he was not the owner previously, he was not able to make improvements to the property or building. While he could remain as legal non-conforming, he would like to do something more with this property. He commented that he would need 15,000 square feet of non-contiguous space but the improvements must be completed in stages as he currently has a renter living in a house at the rear of the property and they are also trying to clean up and improve the whole parcel. His property is located within the new TIF District, but they are one of only two businesses currently paying into it. Since the City is already striving to generate business in this TIF District, he asks that his property be returned to its original B-2 Zoning. Mr. Suchy shared some key features of his current business and his plans for expansion, including a photograph and rendering of the proposed building and a site plan. He explained that the phasing is needed in part, so they can continue their

current operations while they are constructing a new building. Finally, he shared some highlights of his redevelopment plan, and made mention of an investment of over \$4.6 million dollars, which would result in over \$6 million in sales tax revenue per year, increased property values for the new TIF District and a fresh, new look to the area.

Alderman Beifuss voiced his support of this business and their desire to expand and invest in West Chicago, but he reiterated concerns about granting a Special Use in ORI as it would apply to the entire zoning category throughout the City. He asked again about the possibility of B-2 Zoning for this property and whether this would impact the TIF. Mr. Dabareiner answered that staff would need to research this. Mr. Suchy added that Peerless Fence is moving in next door and they will be doing retail sales. He also stated he has already begun clearing trees on his property trying to get this ready.

Tom Dabareiner added that, apart from the consideration of rezoning, they would also need to look at the problem of phasing which would affect the minimum acreage and the building size requirements for used car sales. They would also have no way to guarantee that the phasing would be carried out, and this could result in going from one legal, non-conforming situation to another. This is a concern for Staff. However, Mr. Dabareiner stated, they could research another type of commercial zoning. Alderman Beifuss wondered if this parcel and nearby parcels would be better served by B-2 Zoning. In the ORI Zoning District, they are tending toward manufacturing and they are not seeing office uses. He indicated he is looking for a creative solution to this problem and finding out what would work well with the Code and yet benefit the petitioner and the City.

Alderman Garling asked about the timing for the three phases and what targets the applicant is trying to achieve. Mr. Suchy responded that he is looking to sell more cars and he feels his sales will double. He wants to take his business to the next level and give the City a site they can be proud of. By not owning the property before, he was not able to make any improvements. He said he chose to stay in West Chicago, despite opportunities to go elsewhere, has paid sales tax for 23 years, and is planning for a non-contiguous 15,000 square foot facility. He feels this should be a consideration for the City. In terms of the time frame, he has a lease he has to fulfill with his tenant. In terms of the billboard sign located on his property, he is currently in litigation to have the sign removed. He acknowledged it has been a stumbling block for the site. When asked again about the time frame for the phases, he stated he cannot provide one at this time but he is open to working with the City about the square footage of the building. Alderman Stout asked if 3 to 5 years was a realistic time frame, he responded that it was or perhaps sooner, depending on his tenant's lease.

Alderman Sheahan indicated that she is in favor of a Special Use as they have been in business for 23 years and the building they are planning is very nice looking. She would support either option—Special Use in ORI or rezoning to commercial—which would allow him to expand his business.

Alderman Stout maintained that this review is conceptual but asked if Staff should be directed to explore possible rezoning. Tom Dabareiner responded that if they open up the use restrictions for things such as open air displays in ORI, then the character of the ORI Zoning District would change significantly. He expressed being more open to exploring the rezoning to B-2 or B-3, and if there is an area here where it would make sense. Alderman Beifuss stated this would be a viable option, and he would support staff taking a look at it.

Mr. Sabathne commented that since the zoning was changed in this area as you go east, only a firehouse has been built. It is not an office park; it is manufacturing and distribution, largely because of the active train tracks running through the area. He understands the problem of spot zoning, but restated that virtually nothing has been built in this Zoning District in the last 20 years and certainly no office space. The Zoning for this area was never appropriate; it was to support the airport initiative. He asked about a possible time frame for rezoning back to what it was.

Mr. Suchy stated that he is willing to begin his improvements now. He has preapproved on a loan and has local people working with him. He thanked the members for their consideration.

Alderman Stout remarked that while the members are favorable to the applicant's idea, they do not support it as a Special Use in the ORI, and perhaps are more open to finding another zoning option. Alderman Beifuss added that they need Staff to go back and see if rezoning is a viable option and what area would be rezoned. The phasing concerns would also need to be addressed.

6. Unfinished Business.

A. Central Main Redevelopment Plan Update – Block 5 Review.

This item was moved to Agenda Item 5, Items for Discussion.

7. New Business.

Alderman Beifuss brought up a concern regarding the retrofitting of lights on commercial properties. When a new development is permitted, details are determined with regards to the kinds of lumens and at what height to prevent spill over onto another property. Consideration, however, also needs to be given to when lights are retrofitted and result in being too bright. He used an example of the McDonald's on Main Street and Neltnor where their lights are incredibly bright and spill over to the neighborhoods. He asked if this happened because new light fixtures replaced old ones. He wondered if there is something in the Code to address this and if this would be a code enforcement issue. Residents who live next to commercial property do not want their houses lit up at night.

Tom Dabareiner said that if there is a concern, a complaint would be received and a light meter could be used to measure from the property line. He commented that the risk exists anywhere for lights to become too bright as bulbs are replaced. He added that they are currently working on a light complaint and finding a way to address the problem. Alderman Beifuss asked if this is in the Code, and Mr. Dabareiner responded it is, but if the complaint is regarding the direction of the lighting, more so than intensity, it is a more difficult issue to address and enforce. A brief discussion followed about how Staff will respond to these issues on a case-by-case basis.

8. Reports from Staff. None.

9. Adjournment

Alderman Sheahan moved and Alderman Ferguson seconded the motion to adjourn the Development Committee meeting at 8:51 P.M. The Committee members unanimously agreed and the motion carried.

Respectfully submitted,
Jane Burke