

CITY OF WEST CHICAGO

WHERE HISTORY & PROGRESS MEET

DEVELOPMENT COMMITTEE

Monday, August 13, 2018
7:00 P.M. - Council Chambers

AGENDA

1. Call to Order, Roll Call, and Establishment of a Quorum
2. Approval of Minutes
 - A. July 9, 2018
3. Public Participation
4. Items for Consent
 - A. Garage 360 – 397 Charles Court – Special Use
 - B. DuPage Airport Authority – Airport Zoning District Text Amendment & Intergovernmental Agreement Amendment
 - C. Wojnarowski Residence - 2660 Sandpiper Trail – Easement Encroachment Agreement
 - D. Anona West – 129 Fremont Street – Façade Grant Agreement
5. Items for Discussion
 - A. West Chicago Community Center – 151 W. Washington Street – Façade Grant Agreement
6. Unfinished Business
7. New Business
8. Reports from Staff
 - A. Project and Economic Development Updates
9. Adjournment

Draft

MINUTES

DEVELOPMENT COMMITTEE

July 9, 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 Melissa Birch Ferguson, Michael Ferguson, Bonnie Gagliardi, Jayme Sheahan and Rebecca Stout present. Alderman James Beifuss arrived just after roll had been taken and Alderman Matt Garling arrived at 7:12 p.m.

Also in attendance was Community Development Director, Tom Dabareiner.

2. Approval of Minutes.

A. May 14, 2018.

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

3. Public Participation. None.

4. Items for Consent.

A. Norix Group – 1 Innovation Drive – Concept Plan.

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

5. Items for Discussion.

Development Committee Minutes
July 9, 2018

A. Clean Car Wash – 705 E. Roosevelt Road – Special Use.

Tom Dabareiner explained the evening's Agenda, stating the first three items under Items for Discussion would typically have been included as Items for Consent, but the recent holiday required it to be prepared prior to the meeting of the Plan Commission/Zoning Board of Appeals (PC/ZBA).

Mr. Dabareiner provided an item update. The applicant is requesting a special use for a car wash. He mentioned the unique layout of the proposed development—both in the shape and grade change of the lot—and its access points. The PC/ZBA unanimously approved this item at their meeting, although there were some concerns raised about traffic stacking. In response, the applicant supplied information that up to 30 cars can be stacked, and staff is now satisfied that adequate stacking has been provided for. A question was also raised that a local municipality may be attempting to reduce its number of car washes, but staff research concluded this allegation is false. Staff is recommending approval of this car wash.

Alderman Beifuss stated he is in favor. This site has been empty for a while and has presented issues for businesses to locate here. It also has unusual topography. However, it seems appropriate for a car wash.

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

B. American Highway Truck Service – 1401 Harvester Road – Special Use.

Tom Dabareiner summarized this item for the members. The applicant requests approval of a special use for a truck repair facility in conjunction with its existing cartage and freight facility. The property is currently zoned Manufacturing and any type of motor vehicle repair is allowed by special use in this zoning district. The petitioner already currently offers vehicle repair to their own fleet vehicles, but they now wish to offer basic repair services to outside parties also. Mr. Dabareiner indicated there was virtually no discussion among the PC/ZBA members and they were unanimously in favor.

Alderman Beifuss asked if staff identified any issues with the site that might cause a problem. Mr. Dabareiner answered that any concerns staff had raised—storage of vehicles on site and designation of parking spaces—have already been addressed by the applicant.

Alderman Beifuss moved and Alderman Ferguson seconded the motion to approve Item B for Discussion. Voting Aye: Aldermen Beifuss, Birch Ferguson, Ferguson, Gagliardi, Sheahan and Stout. Voting Nay: 0.

C. Shell Gas Station – 1307 S. Neltnor Boulevard – Special Use Amendment.

This item was summarized by Tom Dabareiner. The owner of the Shell Gas Station is requesting approval of a second amendment to an existing special use for a car wash in order to add 5 manual detailing stations. These stations already exist, and this is an after-the-fact request. Staff has concerns about the appearance, but in general they are supportive. PC/ZBA agreed with staff and while they were unhappy with the fact that the stations are already in place, they agreed unanimously to approve the amendment.

Alderman Beifuss asked if cars used to park there, and Alderman Stout confirmed that the detailing station area was previously used for parking.

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

D. BP Gas Station – 1905 Franciscan Way – Appearance Code Appeal.

Tom Dabareiner first distributed an example of the brick stain proposed by the applicant to the Committee members and then summarized this item. The new property owner is requesting a waiver of the City's Appearance Code in order to stain the brick façade of the existing building from an orange-red color to a charcoal gray. The stain request is part of an overall makeover of the site that includes updating the exterior of the building and fueling canopy; replacing and/or updating the exterior lighting, car wash equipment and fuel pumps, and landscaping; and adding a new restaurant and outdoor seating area. The applicant feels that brick staining is an important part in their rebranding of the site. However, the City's Appearance Code prohibits any exterior brick or stone surfaces from being painted as it is intended to prevent long-term maintenance problems. Mr. Dabareiner pointed out the petitioner was present.

Alderman Beifuss recalled when the local bowling alley requested a waiver to the Appearance Code and how they had a discussion about brick painting versus staining. Alderman Stout stated that the bowling alley was granted the waiver

because the work had already been done and the removal was both too cost-prohibitive and could have potentially damaged the brick surface. It was ultimately not something that would have been allowed had they requested permission prior. A brief discussion followed about whether a maintenance bond was required in that instance.

Alderman Beifuss indicated there may be an instance where you are trying to match different types of brick, but in the case of this business, all the brick is already the same color. While he stated he understands their desire to brand their business, the City's Appearance Code does not allow for staining or painting brick. Alderman Stout recalled when Jiffy Lube requested to have exterior brick painted/stained as part of their re-branding, but were denied because of the Appearance Code.

Alderman Ferguson stated that he read over the information provided about the stain and he does not foresee any issues with maintenance. The product information shows that it penetrates the brick and does not surface coat it, and that it seems to be longer lasting than paint. He also said he understands how appearance would be a problem for paints that blister and pop. Alderman Stout stated concerns about setting a precedent if they were to allow for a waiver.

Alderman Garling agreed with the ordinance about the potential for maintenance concerns and cohesiveness in the brick color. Alderman Sheahan agreed that it should not be allowed if the ordinance does not permit it. Alderman Beifuss asked if this item was sent to PC/ZBA and Mr. Dabareiner said that it was not. Alderman Beifuss recommended denial of the request based on the Appearance Code and the already existing cohesiveness of the property in question. While he would understand an instance of needing to match a repaired area or restore a historic building, he stated he does not feel comfortable with setting a precedent.

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

E. Niala Conte Boutique – 1250 W. North Avenue – Appearance Code Appeal.

This item was summarized by Tom Dabareiner. He stated the petitioner, who was present, is requesting a waiver from the City's Appearance Code to allow for the use of non-channel letter wall signage on his multi-tenant commercial building. He desires to install canvas skinned awnings, which will envelope a significant portion of the facades where tenant signage typically is placed. The waiver of the

channel letter only wall sign requirement is requested because it would be very difficult to mount channel letter signage to the awnings and it would not look aesthetically pleasing. If approved, City staff recommends a condition of approval to again require channel lettering if the awnings are removed or the tenant desires to mount wall signage.

Alderman Beifuss asked about definition of canvas-skinned awnings and their purpose in this instance. Mr. Dabareiner replied that they are typical awnings where the lettering would be printed on them. The purpose of their use is to match existing metal awnings on the northern portion of the building and to bring about a certain French character to the building. Alderman Stout expressed she is in favor of the waiver as it is in keeping with the rest of the building so long as there is a stipulation put in place that if they are ever removed, channel lettering signage would be required.

Alderman Beifuss moved and Alderman Birch Ferguson seconded the motion to approve Item E. Voting Aye: Aldermen Beifuss, Birch Ferguson, Ferguson, Gagliardi, Garling, Sheahan and Stout. Voting Nay: 0.

F. Reliable Wheels - 1240 W. Roosevelt Road – Zoning Map Amendment Conceptual Review.

The petitioner Bill Suchy, owner of Reliable Wheels, addressed the Committee. He thanked the members for the opportunity to speak again and reviewed his plans for the redevelopment of this property, which include building a new state-of-the-art facility. His timeframe has changed since he last addressed the members and he is ready to begin construction of the building now. He also plans to demolish both the existing commercial and residential buildings on his property to begin construction. Mr. Suchy has already begun making improvements to the property as he has paved the lot, added a privacy fence, and cleared the property of trees and other debris. He stated his desire to have the property returned to its original B-2 zoning and that he is loyal to the City of West Chicago in having been in business for over 23 years. He stressed his plans are the best use for this triangular-shaped property with railroad tracks, a retention pond and one commercial neighbor, Peerless Fence, surrounding him. He offered to share letters of financing approval from his bank and support from Peerless Fence. Finally, he indicated he exceeds the minimum lot requirement of 2 acres for used car dealerships as his property is 3.86 acres.

Tom Dabareiner pointed out they had discussed the possibility of rezoning this property from ORI to B-2 at their meeting in May and staff performed a quick analysis. While it appeared at that time that the applicant would fall short of meeting certain requirements, in light of the petitioner's statement tonight that he is ready to begin a complete overhaul of the property immediately, he will probably meet the criteria for rezoning and/or a used car dealership.

Alderman Stout commented that it seems the applicant would meet the acreage and phasing requirements and if so, the criteria for B-2 zoning would be met. Mr. Dabareiner agreed, stating that if phasing is no longer planned, then the acreage requirement would be met. Alderman Stout indicated that if the applicant can provide further clarification about his plans, they can most likely support rezoning. Mr. Dabareiner offered to have Mr. Suchy work with staff on providing what is needed to present his plan to the Committee.

Mr. Suchy offered to share his site plans with the members and he reiterated his loyalty to West Chicago and that he wishes to have the same opportunities shown to him as to any new business.

Alderman Beifuss stated that he would support going back to B-2. When looking at a map and understanding what surrounds this property, it is difficult to imagine what other type of use might be located here. He commented he does not see the potential for office or research at this site; recent approvals in the airport district have been more for industrial and distribution/warehousing. There would also be a substantial amount of retail sales tax to be generated from this business. It would be a benefit to everyone to upgrade the parcel, make it more cohesive and eliminate the non-conforming uses. He was not in favor of making this use a special use in ORI. Alderman Sheahan agreed.

Alderman Stout concluded that the members have a favorable response to the applicant's conceptual review. Mr. Suchy asked about what comes next and Mr. Dabareiner responded with which steps to take.

6. **Unfinished Business.** None.
7. **New Business.** None.
8. **Reports from Staff.**
 - A. **Light complaints and LEDs.**

Mr. Dabareiner stated that some concerns were raised at their last meeting about lighting at some locations around the City. He indicated that those sites were visited and it was found that their lighting was replaced by LEDs with greater lumens, despite being lower wattage. However, after discussing the issue with the owners, they agreed to either lower the lumens or revert back to the former lighting.

Alderman Beifuss stated that the current approach is more complaint driven, but he wondered if there a proactive approach whereby staff would go to check if retrofitting of lights has taken place. Mr. Dabareiner responded that it would require additional time and money to add that level of service. A discussion followed between Mr. Dabareiner and Alderman Beifuss about the procedure for measuring lighting, the contractors' hours and the viability for a proactive approach, and the procedure for responding to complaints.

Alderman Birch Ferguson suggested that staff include an informational piece about lighting upgrades along with the annual Business Registration renewal mailing. Mr. Dabareiner agreed that he would be willing to do so. Alderman Beifuss stated that he supported that idea.

B. Project and Economic Development Updates.

Mr. Dabareiner highlighted some recent economic developments that include 5 new businesses that have opened with 12 new jobs. He also mentioned that permits have been issued for Luxury Car Outlet and Suncast. Finally, plans have been submitted for Wet Car Wash, Everclean Car Wash and Little Prince Daycare, and a ground breaking is planned for Ditch Witch.

9. Adjournment

Alderman Birch Ferguson moved and Alderman Ferguson seconded the motion to adjourn the Development Committee meeting at 7:48 P.M. The Committee members unanimously agreed and the motion carried.

Respectfully submitted,
Jane Burke

CITY OF WEST CHICAGO

DEVELOPMENT COMMITTEE AGENDA ITEM SUMMARY

ITEM TITLE:

Special Use for a Motor Vehicle Body Shop
Garage 360
397 Charles Court

Ordinance No. 18-O-0048

AGENDA ITEM NUMBER: 4. A.

FILE NUMBER: _____

COMMITTEE AGENDA DATE: Aug. 13, 2018

COUNCIL AGENDA DATE: _____

STAFF REVIEW: Tom Dabareiner, AICP

SIGNATURE 

APPROVED BY CITY ADMINISTRATOR: Michael Guttman

SIGNATURE _____

ITEM SUMMARY:

Jayson Farina, owner of Garage 360, is requesting the approval of a special use for a motor vehicle body shop. The subject property is approximately 1.5 acres in area and is located on the east side of Charles Court between W. Washington Street and Helena Drive. The property is currently zoned M, Manufacturing district.

In 2013 the subject property was granted special uses for a motor vehicle repair shop and internet based motor vehicle sales that are associated with another tenant in the building (Platinum Motor Cars). A motor vehicle repair shop is permitted to perform repair and replacement of engines, transmissions, drive trains in addition to service and incidental repair to motor vehicles. A motor vehicle body shop is permitted to repair, straighten or paint a motor vehicle's body or frame as well as perform general maintenance and engine repair as an ancillary function of the body work.

The subject property has an existing 16,200 square foot building with a parking lot in front, a drive aisle along the north side of the property, and a recessed loading dock in the rear with a large paved area around the dock for vehicle maneuvering. The rear of the property is also enclosed with a six foot tall privacy fence. The applicant's portion of the building is approximately 8,800 square feet in area. The remaining 7,400 square feet of the building is occupied by Platinum Motor Cars. The applicant's primary business operations will consist of painting (inside an approved spray booth) and hydro dipping motor vehicle body parts.

At its August 7, 2018 meeting, the Plan Commission/Zoning Board of Appeals (PC/ZBA) unanimously recommended approval of a special use to operate a motor vehicle body shop in conjunction with an existing motor vehicle repair shop and internet based motor vehicle sales facility at 397 Charles Court by a (5-0) vote. Their recommendation is included as Exhibit "B" of the attached ordinance.

ACTION PROPOSED:

Consideration of a special use for a motor vehicle body shop at 397 Charles Court.

COMMITTEE RECOMMENDATION:

ORDINANCE NO. 18-O-0048

AN ORDINANCE APPROVING A SPECIAL USE FOR A MOTOR VEHICLE BODY SHOP AT 397 CHARLES COURT

WHEREAS, on June 20, 2018, Jayson Farina of Garage 360 (the "APPLICANT"), filed an application for a special use for a motor vehicle body shop for the property located at 397 Charles Court and legally described on Exhibit "A", which is attached hereto and incorporated herein as the "SUBJECT REALTY"; and,

WHEREAS, Notice of Public Hearing on said special use application was published in the Daily Herald on July 20, 2018, 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 August 7, 2018, pursuant to said Notice; and,

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

WHEREAS, the corporate authorities of the City of West Chicago have received the recommendation of the Plan Commission/Zoning Board of Appeals for the special use which contains specific findings of fact, pursuant to Recommendation No. 2018-RC-0021, a copy of which is attached hereto as Exhibit "B" which is, by this reference, incorporated herein.

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

Section 1. A special use for a motor vehicle body shop in conformance with Section 5.5 and Section 11.2-4(E) of the Zoning Ordinance is hereby granted for the SUBJECT REALTY, subject to compliance with the following conditions:

1. Only vehicles related to the business shall be parked or stored on the SUBJECT REALTY.
2. Any business related vehicles parked or stored outside shall be kept inside the fence enclosure and shall be maintained in good physical and operational condition (i.e. no damaged or missing body parts, flat tires, broken/missing windows, etc.).

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 _____ 2018.

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 _____ Alderman M. Garling _____

Alderman R. Stout _____ Alderman G. Garcia _____

Alderman N. Ligino-Kubinski _____ Alderman B. Gagliardi _____

APPROVED as to form: _____
Patrick K. Bond, City Attorney

APPROVED this ____ day of _____ 2018.

Mayor Ruben Pineda

ATTEST:

City Clerk Nancy M. Smith

PUBLISHED: _____

EXHIBIT "A"

LEGAL DESCRIPTION

Lot 50 in the First Addition to the Jel-Sert II Industrial Commercial Park, being a subdivision located in the east half of Section 8, Township 39 North, Range 9, East of the Third Principal Meridian, according to the plat thereof recorded August 22, 1986 as Document No. R86-099009, in DuPage County, Illinois.

P.I.N.: 04-08-408-002.

EXHIBIT "B"

RECOMMENDATION NO. 2018-RC-0021

TO: The Honorable Mayor and City Council

SUBJECT: PC 18-18
Special use for a motor vehicle body shop
Garage 360
397 Charles Court

DATE: August 7, 2018

DECISION: The Plan Commission/Zoning Board unanimously recommended approval of the special use for a motor vehicle body shop for the SUBJECT REALTY by a (5-0) vote, subject to the following conditions of approval:

1. Only vehicles related to the business shall be parked or stored on the SUBJECT REALTY.
2. Any business related vehicles parked or stored outside shall be kept inside the fence enclosure and shall be maintained in good physical and operational condition (i.e. no damaged or missing body parts, flat tires, broken/missing windows, etc.).

RECOMMENDATION

After review of the requested special use for a motor vehicle body shop for the SUBJECT REALTY, the Plan Commission/Zoning Board of Appeals (PC/ZBA) recommended approval based on 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 motor vehicle body shop intended to be an asset to the community utilizing an industrial site with a viable commercial use. Furthermore, a similar motor vehicle repair facility is already located on the premises.

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

The site is located in an industrial area and the City's existing regulations governing such a use prohibit any vehicles on-site from being visible from the outside.

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

The proposed use should not have a negative impact on the surrounding neighborhood in which it is located due to the fact that the primary operations of the business will be contained within the existing building.

(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 motor vehicle body shop use is listed as a special use, per the Manufacturing district regulations established in Section 11.2-4 (E) of the Zoning Code.

Respectfully submitted,

Barbara Laimins
Chairperson

VOTE:

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

CITY OF WEST CHICAGO

DEVELOPMENT COMMITTEE AGENDA ITEM SUMMARY

ITEM TITLE:

Sixth Amendment to the IGA with the DAA and Text Amendments to Section 10.5 of the Zoning Regulations

IGA Resolution No. 18-R-0004
Text Amendment Ordinance No. 18-O-0003

AGENDA ITEM NUMBER:4. B.**FILE NUMBER:****COMMITTEE AGENDA DATE:** Aug. 13, 2018**COUNCIL AGENDA DATE:****STAFF REVIEW:** Tom Dabareiner, AICP**SIGNATURE****APPROVED BY CITY ADMINISTRATOR:** Michael Guttman**SIGNATURE****ITEM SUMMARY:**

Please note that a public hearing is required to be held at the City Council level for any amendments to the Intergovernmental Agreement between the City and the DuPage Airport Authority. That public hearing has been properly published in the Daily Herald, as required, and the public hearing has been scheduled for commencement at the August 20, 2018 City Council meeting.

The City and the DuPage Airport Authority (DAA) entered into an Intergovernmental Agreement (IGA) on March 22, 2001, which outlined the terms of development of land owned by the DAA and established the Airport Zoning District regulations. The IGA has been amended five times since its adoption. The DAA now desires to amend the IGA a sixth time to address a few zoning related amendments that are designed to encourage development within the DuPage Business Center (DBC). Specifically, the proposed amendments primarily affect the area of the Airport zoning district known as the Commercial Parcels Zone, which is the developable areas of the land owned by the DAA or commonly referred to as the DBC (formerly known as the DuPage National Technology Park). Overall the proposed amendments are considered to be minor in nature and are intended to increase the ability to further develop the DBC, clarify the development requirements, and streamline the development review and approval process. The text amendments to the Airport Zoning District regulations are what is necessitating the sixth amendment to the IGA.

A majority of the previous amendments to the IGA were a result of text amendments to the Airport Zoning District regulations. The City's Zoning Code requires public hearings conducted by the Plan Commission for all text amendments. The current language of the IGA also requires a public hearing for all amendments to the IGA that is conducted by the City Council. In an effort to streamline the IGA amendment process City staff and the DAA are proposing language in this latest IGA amendment that eliminates the public hearing before the City Council for any IGA amendments that involve a text amendment to the Airport Zoning District regulations.

CITY OF WEST CHICAGO

At its August 7, 2018 meeting, the Plan Commission/Zoning Board of Appeals (PC/ZBA) unanimously recommended approval of the requested Airport Zoning District text amendments by a (5-0) vote. Their recommendation is included as Exhibit A to the attached text amendment ordinance. The Plan Commission did not consider the amendment to the IGA because it is not part of the Commission's established purview.

ACTION PROPOSED:

Consideration of a sixth amendment to the IGA between the City and the DAA and consideration of text amendments to Section 10.5 (the Airport Zoning District) of the City's Zoning Code.

COMMITTEE RECOMMENDATION:

RESOLUTION NO. 18-R-0073

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A SIXTH AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE DUPAGE AIRPORT AUTHORITY AND THE CITY OF WEST CHICAGO

WHEREAS, the CITY OF WEST CHICAGO is a municipal corporation established and existing as a body politic and corporation under the laws of the State of Illinois and governed pursuant to the provisions of the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and,

WHEREAS, the DUPAGE AIRPORT AUTHORITY is a duly organized and existing body politic and corporate governed by the provisions of the Airport Authorities Act, (70 ILCS 5/1-1 *et seq.*); and,

WHEREAS, the PARTIES are "units of local government" as defined in Article VII, Section 1 of the Illinois Constitution of 1970, and, therefore, pursuant to Section 10 of Article VII, have the power to contract among themselves to obtain or share services and to exercise, combine or transfer any power or function in any manner not prohibited by law or ordinance; and,

WHEREAS, pursuant to the Intergovernmental Cooperation Act (5 ILCS 220/1 *et. seq.*), the PARTIES may contract with each other to perform any governmental service, activity or undertaking which either is authorized by law to perform, and may jointly exercise and enjoy any of their power or powers, privileges or authority; and,

WHEREAS, pursuant to the authority cited herein above, on March 12, 2001, the CITY OF WEST CHICAGO approved an Intergovernmental Agreement with the DUPAGE AIRPORT AUTHORITY, which was executed on March 22, 2001 as reflected in Ordinance No. 1603; and,

WHEREAS, the CITY OF WEST CHICAGO, on March 19, 2001, adopted a Zoning Text Amendment, Procedures relative to the zoning and procedures for the airport property, and Ordinance No. 4419; and,

WHEREAS, the CITY OF WEST CHICAGO, on December 17, 2001, approved the First Amendment to the Intergovernmental Agreement with the DUPAGE AIRPORT AUTHORITY pursuant to Resolution No. 01-R-0093; and,

WHEREAS, the CITY OF WEST CHICAGO, on August 15, 2005, approved the Second Amendment to the Intergovernmental Agreement with the DUPAGE AIRPORT AUTHORITY pursuant to Resolution No. 05-R-0092; and,

WHEREAS, the CITY OF WEST CHICAGO, on October 17, 2011, approved the Third Amendment to the Intergovernmental Agreement with the DUPAGE AIRPORT AUTHORITY pursuant to Resolution No. 11-R-0099; and,

WHEREAS, the CITY OF WEST CHICAGO, on January 5, 2015, approved the Fourth Amendment to the Intergovernmental Agreement with the DUPAGE AIRPORT AUTHORITY pursuant to Resolution No. 14-R-0083; and,

WHEREAS, the CITY OF WEST CHICAGO, on January 18, 2016, approved the Fifth Amendment to the Intergovernmental Agreement with the DUPAGE AIRPORT AUTHORITY pursuant to Resolution No. 16-R-0004; and,

WHEREAS, on June 20, 2018, the DUPAGE AIRPORT AUTHORITY, acting through its Board, approved the Sixth Amendment to Intergovernmental Agreement which amends Exhibit "B" of the original Agreement as amended, amending Section 10.5 of the City's Zoning Code; and,

WHEREAS, the CITY OF WEST CHICAGO has determined it to be in the best interest of the residents of the CITY to consider the proposed Sixth Amendment to Intergovernmental Agreement to amend the Airport Zoning District regulations; and,

WHEREAS, the CITY OF WEST CHICAGO finds it reasonable and necessary to cooperate with the DUPAGE AIRPORT AUTHORITY to provide for the zoning and procedures relative to the development of the DUPAGE AIRPORT AUTHORITY property; and,

WHEREAS, the CITY OF WEST CHICAGO has determined that it is in the best interest of the residents of the CITY to undertake, in cooperation with the DUPAGE AIRPORT AUTHORITY, the Sixth Amendment to Intergovernmental Agreement under terms mutually acceptable to the PARTIES.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of West Chicago as follows:

Section 1. The recitals set forth above are incorporated herein and made a part hereof.

Section 2. A copy of the Sixth Amendment to Intergovernmental Agreement is attached hereto and incorporated herein by reference as Exhibit "A".

Section 3. The Mayor is authorized to execute Exhibit "A".

Section 4. The City Administrator is hereby authorized to take such action as is required and may be necessary to carry out the terms of the AGREEMENT, upon its execution.

Section 5. Upon its execution, the City Clerk is directed to transmit certified copies of this Resolution along with a fully executed copy of the AGREEMENT to the Mayor, the City Administrator, Corporation Counsel and the DuPage Airport Authority.

APPROVED this _____ day of _____ 2018.

AYES: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

Mayor Ruben Pineda

ATTEST: _____
City Clerk Nancy M. Smith

Exhibit “A”

(insert Intergovernmental Agreement here)

SIXTH AMENDMENT TO INTERGOVERNMENTAL AGREEMENT

THIS SIXTH AMENDMENT TO INTERGOVERNMENTAL AGREEMENT (the "Sixth Amendment") is made and entered into as of this 20th day of June, 2018 by and between the City of West Chicago, an Illinois municipal corporation, situated in DuPage County, Illinois (hereinafter referred to as the "CITY") and the DuPAGE AIRPORT AUTHORITY, an Illinois special district, situated in DuPage County, Illinois (hereinafter referred to as the "AUTHORITY"); the CITY and the AUTHORITY are sometimes hereinafter referred to individually as "Party" and collectively referred to the "Parties".

WITNESSETH

WHEREAS, the CITY and the AUTHORITY are Parties to that certain Intergovernmental Agreement dated March 22, 2001 (the "Intergovernmental Agreement") pursuant to which they agreed to certain matters relating to property owned by the AUTHORITY within the CITY's boundaries (the "PROPERTY"); and

WHEREAS, the Parties to the Intergovernmental Agreement entered into a First Amendment to Intergovernmental Agreement on or about December 17, 2001; and

WHEREAS, the Parties to the Intergovernmental Agreement entered into a Second Amendment to Intergovernmental Agreement on or about August 15, 2005; and

WHEREAS, the Parties to the Intergovernmental Agreement entered into a Third Amendment to Intergovernmental Agreement on or about September 14, 2011; and

WHEREAS, the Parties to the Intergovernmental Agreement entered into a Fourth Amendment to Intergovernmental Agreement on or about January 5, 2015; and

WHEREAS, the Parties to the Intergovernmental Agreement entered into a Fifth Amendment to Intergovernmental Agreement on or about January 18, 2016; and

WHEREAS, the Parties wish to enter into this Sixth Amendment to modify the terms of the Intergovernmental Agreement and one of the exhibits attached thereto; and

WHEREAS, the Corporate Authorities of the CITY have proceeded, as required by law, and passed and approved an ordinance causing the CITY's Code to be amended so as to incorporate into the CITY's ZONING ORDINANCE the provisions of the Sixth Amendment and have concurrently passed and approved the Sixth Amendment; and

WHEREAS, the AUTHORITY's Board of Commissioners has authorized the execution of this Sixth Amendment by the passage of a Resolution providing for such execution and approval, passed or adopted upon the affirmative vote of the majority of the Commissioners; and

WHEREAS, the Parties have determined that it is in their best interests to enter into this Sixth Amendment, pursuant to the lawful authority conferred upon the Parties as units of local government as specified in the preceding Recitals.

NOW, THEREFORE, in consideration of the foregoing Recitals and mutual covenants and agreements hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties do hereby agree as follows:

1. **Recitals.** The above Recitals are hereby incorporated into and made a part of this Sixth Amendment as though fully set forth in this Paragraph 1.
2. **Modification of Intergovernmental Agreement.** Except as expressly amended by this Sixth Amendment, the Intergovernmental Agreement shall remain in full force and effect, in accordance with its terms, provisions and conditions.
3. **Definitions.** Except as otherwise set forth in this Sixth Amendment, all capitalized terms used herein will have the respective meanings given them in the Intergovernmental Agreement and Amendments thereto (collectively the "Intergovernmental Agreement").
4. **Amendments to Article IV - Zoning.** Exhibit B provided in part "A. ZONING GRANT" of Article IV of the Intergovernmental Agreement shall be replaced with the new Exhibit "B" attached hereto.

5. **Future Modifications to Section 10.5 of the West Chicago Zoning Ordinance.** It is hereby agreed that any modifications to Section 10.5 of the West Chicago Zoning Ordinance may be agreed to by the Parties via letter format upon approval by both Parties' respective Boards and compliance with the proper statutory and local Code requirements. It will not be necessary to amend the Intergovernmental Agreement for future changes to Section 10.5 unless one of the Parties requires it.

6. **Mutual Cooperation.** Should any person having proper standing to do so bring a cause of action before any court of competent jurisdiction challenging the method or procedures by or through which the Parties entered into this Sixth Amendment, the Parties agree that they shall fully cooperate to defend such cause of action. Further, and in addition to the foregoing sentence, the Parties agree that they shall, to the extent legally permissible, execute such petitions, issue such notices, conduct such meetings, including all lawfully required public hearings and to promptly pass and adopt such ordinances and resolutions and otherwise promptly exercise the respective lawful authority to effectuate the intent of this Sixth Amendment to the Intergovernmental Agreement.

7. **Recordation.** The Parties agree to do all things necessary to cause this Sixth Amendment be recorded in the Office of the Recorder of Deeds, DuPage County, Illinois.

8. **Severability.** In the event that any phrase, paragraph, or portion of this Sixth Amendment is found to be invalid, illegal or unenforceable by any court of competent jurisdiction, such finding of invalidity, illegality or unenforceability shall not affect the validity, legality or enforceability of the remaining portions of this Sixth Amendment. None of the Parties hereto shall contest the validity, legality, or enforceability of any phrase, paragraph or portion of this Sixth Amendment.

IN WITNESS WHEREOF, the Parties hereto have caused this Sixth Amendment to be executed and delivered the day and the date first written above.

CITY OF WEST CHICAGO, an
Illinois municipal corporation

DUPAGE AIRPORT AUTHORITY,
an Illinois special district

By: _____
Ruben Pineda
Mayor

By:  _____
David Bird
Executive Director

ATTEST:

City Clerk

ATTEST:

 _____
Asst. Secretary

ORDINANCE NO. 18-O-0049

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF
THE CITY OF WEST CHICAGO – APPENDIX A
ARTICLE 10.5 OF THE ZONING CODE**

WHEREAS, The DuPage Airport Authority (the “APPLICANT”) proposes an amendment to Article 10.5 of the Zoning Code, which is Appendix A of the Code of Ordinances of the City of West Chicago to amend the Airport Zoning District regulations; and,

WHEREAS, Notice of Public Hearing on said application was published in the Daily Herald on July 20, 2018, 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 August 7, 2018, pursuant to said Notice; and,

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

WHEREAS, the corporate authorities of the City of West Chicago have received the recommendation of the Plan Commission/Zoning Board of Appeals which contains specific findings of fact, pursuant to Recommendation No. 18-RC-0022, a copy of which is attached hereto as Exhibit “A” which is, by this reference, made a part hereof.

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

Section 1. That Appendix A, Article 10, Section 10.5 of the Code of Ordinances of the City of West Chicago entitled “Airport Zoning District” is hereby deleted in its entirety and replaced with the language attached hereto as Exhibit “B”.

Section 2. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

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

PASSED this ____ day of _____ 2018.

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	_____	Alderman M. Garling	_____
Alderman R. Stout	_____	Alderman G. Garcia	_____
Alderman N. Ligino-Kubinski	_____	Alderman B. Gagliardi	_____

APPROVED as to form: _____
Patrick K. Bond, City Attorney

APPROVED this ____ day of _____ 2018.

Mayor Ruben Pineda

ATTEST:

City Clerk Nancy M. Smith

PUBLISHED: _____

Exhibit "A"

RECOMMENDATION # 18-RC-0022

TO: The Honorable Mayor and City Council

SUBJECT: PC 18-19
Text Amendment
Airport Zoning District

DATE: August 7, 2018

DECISION: The motion to approve the request was unanimously approved by a (4-0) vote.

After review of the proposed text amendment as presented, the Plan Commission/Zoning Board of Appeals finds that it does not pose a threat to the health, safety and welfare of the community. It is the Commission's opinion that the proposed amendments to the Airport Zoning District regulations will promote and encourage development in the DuPage Business Center in a manner that will protect the health, safety and welfare of the community and still attain the type of high quality development the City and DuPage Airport Authority desires within the Park.

Respectfully submitted,

Barbara Laimins
Chairperson

VOTE:

For
Faught
Henkin
Dettman
Devitt
Laimins

Against

Abstain

Absent
Kasprak
Hale

Exhibit “B”

(insert Section 10.5 language here)

10.5 - The Airport Zoning District.

10.5-1. - General regulations.

(A) *Title.* This document shall be known, and may be referred to, as the Airport Zoning District ordinance.

(B) *Authority and purpose.*

(1) There has been a legislative finding that it is in the best interest of the residents of the City of West Chicago that there be only one (1) airport within its corporate limits and that an airport known as the DuPage Airport has been established within the municipal boundaries of the City of West Chicago. It is the purpose of this District to establish a rational pattern of land uses and encourage the most appropriate use of individual parcels and land from time to time constituting the DuPage Airport, under the jurisdiction of the DuPage Airport Authority, will provide the following:

- (a) Protect the existing character, airport facilities and land uses;
- (b) Encourage compatibility among different land uses and develop architectural, landscape architectural and design standards to govern development;
- (c) Encourage and enhance the preservation of natural resources, aesthetic amenities and natural features;
- (d) Secure adequate natural light, clean air, privacy and a safe airport environment;
- (e) Promote and protect the public health, safety, morals and general welfare of the County of DuPage, the County of Kane, the City of West Chicago, surrounding communities and the DuPage Airport Authority;
- (f) Facilitate the most efficient use of existing and planned public facilities and utilities;
- (g) Protect existing public facilities and utilities from being overloaded due to excess development;
- (h) Reduce congestion and promote safety on streets and highways by limiting traffic generation through the control of land use intensity; and
- (i) Protect natural resources including vegetation.
- (j) Support sustainable building and site design development.

(C) *Public infrastructure.*

- (1) *Utilities.* All utility lines shall be installed underground.
- (2) *Civil engineering.* It is anticipated that civil engineering plans including items such as regional detention facilities, mass grading plans, and preliminary utility layout will be created for the Airport Zoning District, and that development of each lot will occur in compliance with these master engineering plans.
- (3) *Stormwater management.* Development of each lot shall accommodate stormwater management requirements of the City of West Chicago on its own lot or as part of a regional stormwater management facility. If a development utilizes a regional facility, calculations shall be provided demonstrating the total capacity of the facility, the amount of capacity presently committed to existing development, the amount available for use, the amount needed for the proposed development and the remaining capacity available for future development.

(4) *Right-of-way Improvement.* Developers of individual parcels shall protect all improvements within the right-of-ways during property improvements. Any damage to any improvement shall be replaced with in-kind repair in accordance with the City of West Chicago Code.

(D) *Administration and standards.*

- (1) Protect and respect the justifiable reliance of existing residents, business people and taxpayers on the continuation of the DuPage Airport Authority;
- (2) Establish standards for the review of applications filed pursuant to this Airport Zoning District Ordinance; and
- (3) Protect and enhance the taxable value of land and buildings.

(E) *Development review procedure.* Development approval shall follow Exhibit "C" of the Intergovernmental Agreement between the City of West Chicago and the DuPage Airport Authority, entered into March 22, 2001, as amended.

10.5-2. - Definitions.

Address street: The roadway on which the development parcel primary vehicular entrance is located.

Authority: The DuPage Airport Authority.

Botanical name: The Latin scientific name of a plant, a binomial consisting of "genus" and "species"; each plant has a unique botanical name.

Building height: The vertical distance measured from the average grade at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between two eaves and ridge for gable, hip or gambrel roofs. Chimneys, towers, cooling towers and any other projections shall not exceed 10 feet above the Building height.

Center island: A center island is created where two (2) rows of head-in parking are separated by a landscape island.

City: The City of West Chicago.

Common name: The English name of a plant; there is often more than one (1) common name to a plant, or one (1) common name shared by several plants.

Deciduous: Plants shedding or losing foliage at the end of the growing season.

End island: An end island is a landscaped island that terminates a row of parking.

Eye-level: A view point origin located 5'-6" (five feet six inches) above the ground plane.

Fleet vehicles: Automobiles and trucks (of Class D or less under the Illinois Motor Vehicle Code existing on June 1, 2005) owned or operated by an occupant of the building on the site where the storage will occur.

Floor area ratio: The gross floor area of the building or buildings on the zoning lot divided by the area of such zoning lot.

Hardscape: Exterior surface ground plane site improvement components of rigid construction (i.e.; roadways, curbs, walkways, parking areas, retaining walls).

Groundcover: A group of low-growing plants, usually no higher than twelve (12) or eighteen (18) inches.

Ground plane: The surface of the ground.

Intermediate island: An intermediate island is a landscaped island placed intermittently along a row of parking.

In-kind: Equal to in aesthetic, functionality, material used, and life cycle of the existing condition.

Landscape setback: An area designated for plant material between the right-of-way and parking lot, pavement, building or other accessory structure. Culverts, sewers, water mains and underground utility lines and facilities may be located within the landscape setback. Access driveways may cross the landscape setback.

Landscaped area: An area which is completely covered with grass, groundcover, shrubs, perennials, trees, or any other living plant material.

Landscape bed: An area composed of plant materials which is differentiated from adjacent landscaped area(s) or hardscape area(s) through a change in ground plane materials.

Landscape bed edging: A material or installation method used to delineate the perimeter of a landscape bed.

Light fixture: The combined components of foundation, pole, base cover and luminaire.

Limited manufacturing and assembly: Any production, fabrication, processing, cleaning, servicing, testing, repair, or storage of material, goods or products which shall conform to the performance standards set forth in Section 10.5-3(C)(1).

Lot, or zoning lot: A single tract of land having direct access to dedicated right-of-way which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control.

Lot line, exterior side: A lot line which abuts a street and which is not a front line or a rear lot line.

Lot Line, front: A lot line which abuts a street. On a lot abutting two (2) or more streets, the front lot line shall be the shortest lot line abutting a street.

Lot line, interior side: A lot line which abuts another lot and which is not a front lot line or a rear lot line.

Lot line, rear: A lot line or lot lines most distant from and most nearly parallel to the front lot line.

Mulch: Material placed on the surface encompassing plant material for the purposes of weed control and retaining soil moisture.

Ornamental tree: A deciduous tree, mature height less than thirty (30) feet, possessing qualities such as flowers and attractive foliage or shape.

Park: The DuPage Business Center under the authority of the DuPage Airport Authority.

Parkway: That portion of the public way between the street and the nearest parallel property line, including sidewalk area.

Parkway planting area: An area between the sidewalk or lot line and the back of curb used for landscaping.

Parkway tree: A permitted shade tree planted in the public parkway.

Shade tree: A large-scale deciduous tree with a mature height greater than thirty (30) feet generally having a single stem and planted primarily for shade.

Shrub: Small-scale plants, generally without a single stem, used as hedges, foundation planting, borders, and accents, possessing qualities such as flowers and attractive foliage or shape.

Side yard: An area between the side building facade and the side property line.

Yard, exterior side: A required yard adjoining a street which extends the full depth of a lot, along an exterior or side lot line, excluding the area within a front yard.

Yard, front: A required yard which extends the full width of a lot along a front lot line which faces an address street.

Yard, interior side: A required yard adjoining another lot which extends the full depth of a lot along an interior side lot line, excluding the areas within a front yard and/or rear yard.

Yard, rear: A required yard which extends the full width of a lot along a rear lot line. The exterior side yard requirements shall prevail over the rear yard requirements.

10.5-3. - Sub planned unit development (PUD).

Within the Airport Zoning District there may be more than one (1) sub PUD. All land located within the Airport Zoning District shall be classified in one (1) of the following parcels which, in each case, shall conform to the regulations hereinafter set forth.

(A) *Airport Parcels Zone.* Within the Airport Zoning District there shall be one (1) airport parcel or zoning lot which shall be developed as a PUD. Its principal use shall be a public airport together with all associated accessory uses and amenities, which are used for or useful as an aid to the landing, taking off, navigation, repair, maintenance or storage of aircraft, including, but not limited to, air traffic control towers, hangars, terminals, fuel farms, ground maintenance buildings, administrative offices, flight instruction buildings or offices, automobile rentals, food service, aircraft repair or maintenance buildings or offices, roads, parking, runways, taxiways, ramp areas, clear zones, noise impact areas and air space requirements areas.

(B) *Golf Course Parcels Zone.* Within the Airport Zoning District there shall be not more than two (2) golf course parcels which shall be single zoning lots developed as PUDs. Their principal use shall be a golf course and the following accessory uses and amenities which are used or useful in the operation of the golf courses, including, but not limited to, maintenance and storage facilities, practice facilities, driving range, clubhouse, food and beverage facilities, swimming pools, tennis courts, other recreational facilities, hotels, cottages and other lodging facilities (not intended for permanent occupancy), facilities for meetings, benefits, banquets and the like held at the golf courses.

(C) *Commercial Parcels Zone.*

(1) *Purpose.* The commercial parcels zone is intended to serve as a multi-use zone which may contain multiple PUDs on multiple zoning lots that incorporates business, research, recreational, technology, and light industrial uses. All or any portions of the commercial parcels zone may be classified and developed without PUDs. It is the intent of Section 10.5-3(C) to separate, where possible, uses which conflict with one another. As part of the site plan review process, the applicant will be encouraged to develop uses that are consistent in terms of character and function.

Any use that produces adverse effects upon the property in terms of public health, safety or welfare, or which may be harmful to the DuPage Airport, or which does

not comply with the intent of the development plan shall be precluded. No use shall be permitted which does not comply with State and/or Federal regulations.

- (2) *Permitted uses.* All permitted uses may include offices as accessory uses.
- (a) *Office, research and technology.*
Corporate offices;
General offices;
Government offices, fire and police stations;
Medical and dental offices and clinics;
Professional offices;
Agricultural research;
Computer and data processing facilities;
Educational and/or training facilities;
Engineering and testing facilities;
Laboratories for professional, medical and scientific instruments, equipment and supplies;
Research and development operations;
Telemarketing operations;
Day care center as ancillary to another office, research and technology use;
- (b) *Light industrial.*
Limited manufacturing and assembly;
Printing and publishing operation;
Public utilities;
Warehouse and distribution;
Day care center as ancillary to another light industrial use.
- (c) *Commercial.*
Bank, savings and loan, credit union;
Beauty parlor and barber shop;
Catering facility;
Conference center;
Day care center;
Dry cleaning and laundry;
General recreation parks;
Health clubs;
Home improvement center;
Hotel and convention center;
Motor vehicle rental (excluding trucks over Class B license);
Museums;
Passenger railroad station;
Photography studio;
Playgrounds and athletic areas;
Printing, publishing, and blueprinting with retail sales;
Public or private recreational facilities;
Resorts;

Restaurant, sit down;
 Retail and wholesale trade;
 Sod and crop farms;
 Swimming pools/ice skating rinks;
 Theater;
 Veterinarian clinic with no outside kennel;

(d) *Accessory uses.*

Accessory uses and accessory structures, as defined in Section 10.5-6.

(3) *Special uses.* (In accordance with Section 5.4-6 of the City Zoning Code).

Alternative electric suppliers unless ancillary to a permitted or special use;
 Banquet hall;
 Fuel sales and storage;
 Heliports;
 Motor vehicle repair;
 Motor vehicle sales
 Motor vehicle service stations;
 Outside storage;
 Places of assembly;

(4) Bulk, setbacks and yard requirements.

(a) *Maximum building height of 55' (fifty-five feet)*

* Subject to Federal Aviation Administration (FAA) Regulations.

(b) *Minimum zoning lot area.*

Non-commercial	2 acres
Commercial	1 acre

(c) *Minimum zoning lot width of 150' (one hundred fifty feet).*

(d) *Minimum front and exterior side yard for building of 40' (forty feet) and 20' (twenty) for paving.*

(e) *Minimum interior side yard for building of 20' (twenty feet) and 15' (fifteen) for paving.*

(f) *Minimum rear yard for building of 20' (twenty feet) and 15' (fifteen) for paving.*

(g) *Maximum floor area ratio.**

Hotel and Motel	1.00
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All other uses	0.60
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* Includes parking garages.

- (5) *Multiple buildings on a lot.* As part of planning for the commercial parcels zone, it may be appropriate to consider proposals for multiple buildings on one (1) zoning lot in order to achieve a unified use, appearance and architectural style. "Unified use" shall mean that all uses on any one (1) zoning lot shall be limited to those uses grouped in the separate use categories contained in Subsections 10.5-3(C)(2)(a)—(d), together with and accessory uses and accessory structures. Multiple buildings may be permitted on a lot provided that each building conforms to all regulations set forth in this ordinance. Subject to the applicable building codes, 40' (forty feet) shall be maintained between buildings, except for accessory uses, which shall comply with Section 10.5-6

10.5-4. - Architectural and development guidelines.

(A) *Parking, driveways and sidewalks.*

- (1) No on-street parking shall be allowed. Parking access shall be of sufficient size to serve the business use conducted on a lot. No parking area or driveway shall be located within ten (10) feet of any building except for drop off areas (to be consistent with Section 10.5-5(J)(1)).
- (2) All surfaces used as parking, driveways or walkways shall be minimally paved in accordance with City of West Chicago specifications.
- (3) Pedestrian and bicycle paths may be installed where practical. Sidewalks shall be required pursuant to the City of West Chicago's Ordinances.
- (4) All parking shall be completed in compliance with section 10.5-7 of this Airport Zoning District Ordinance.
- (5) Devices restricting access (i.e. gates, gate arms, fences, barricades or bollards) shall not be permitted at any driveway, curb cut, or ingress and/or egress; unless previously approved by the Authority and the City.

(B) *Loading and service areas.*

- (1) No loading or servicing shall be conducted between a building and any street, unless approved by the Authority and City.
- (2) No loading spaces are to be located closer to any public right-of-way than the façade of the building facing such right-of-way, unless approved by the Authority and City.
- (3) Loading and servicing shall be designed so that the entire operation is conducted within the confines of the zoning lot. No loading vehicles may extend beyond the lot line.
- (4) Loading and servicing areas shall be either (i) screened from streets and building entrances by means of a landscape screening buffer, earthen berm, or combination of landscaping and berming, or (ii) shall be designed as an integral part of the building architecture.
- (5) All areas used for loading and servicing shall be paved in accordance with City Code.
- (6) All loading shall be in compliance with Section 10.5-8 of this Airport Zoning District Ordinance.

(C) *Outside storage and equipment.*

- (1) Accessory structures shall not be deemed to constitute outside storage. Parking of fleet vehicles shall not constitute outside storage. All outside storage shall be on a paved surface and shall only be permitted in the rear or interior side yards. Outside storage of fixed machinery shall be permitted on any zoning lot for which the principal use is light industrial, provided that the fixed machinery shall be either (i) screened from streets and building entrances by means of a landscape screening buffer, earthen berm, or combination of landscaping and berming, or (ii) shall be designed as an integral part of the building architecture. All other types of outside storage such as articles, goods, materials, equipment, stock in trade and similar items, shall be permitted by special use only and shall be screened with fencing or landscaping.
- (2) Vehicles shall be stored in within the rear yard unless otherwise approved by the Authority and City. . If vehicles are to be stored for more than seventy-two (72) hours, they shall be stored in an area screened from adjacent sites, streets and sidewalks and comply with all setback requirements.
- (3) There shall be no outside production or assembly of products, material, equipment or other business operations.

(D) *Fencing and walls.*

- (1) No fence or wall of any kind shall be constructed without a fence permit issued from the City.
- (2) Materials and colors of fences and walls shall be compatible with building architecture.
- (3) Barbed wire fences are prohibited, except as required by public utilities.
- (4) Chain link fences shall be permitted in side and rear yards..
- (5) Fences shall be a maximum of six (6) feet in height.
- (6) Fences shall be permitted in the rear and side yards only, except that decorative fences shall be permitted, upon approval of the Authority, in front yards in the Commercial Parcels Zone when site security is a requirement of the building occupant(s). Said fences shall not be located within the required front yard landscape setback.

- (E) *Waste and refuse.* All waste material and refuse shall be securely stored and maintained internally in (i) enclosed receptacles within the building until removed by a licensed scavenger service or (ii) exterior trash enclosures so long as they are fully screened by building materials or other opaque substances consistent with the principal building architecture. Design and materials of the waste enclosure shall be compatible with the building architecture/character and materials.

(F) *Site lighting.*

- (1) Lights shall not be placed to cause glare or spillage on other adjacent sites or property. Intensity of lighting shall be no greater than required for vehicle and pedestrian safety.
- (2) Lighting and photometric plans shall be designed in a manner so as not to interfere with the aviation operations of the DuPage Airport. All lighting shall be directed toward the ground and have no spillage above the light itself.
- (3) All lighting plans shall comply with City Code. Light levels for all pedestrian and bike pathways, including emergency exit walkways, shall be illuminated at one half (1/2) foot candle when measured on the paved surface.