



WHERE HISTORY & PROGRESS MEET

Approved March 11, 2019

MINUTES

DEVELOPMENT COMMITTEE

February 11, 2019, 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, Melissa Birch Ferguson, Bonnie Gagliardi, Matt Garling, Jayme Sheahan and Rebecca Stout present.

Also in attendance was Community Development Director, Tom Dabareiner.

2. **Approval of Minutes.**

A. **January 14, 2019.**

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

3. **Public Participation.** None.

4. **Items for Consent.**

A. **560 W. North Avenue, Special Use Permits for a Used Motor Vehicle Dealership, and Motor Vehicle Care and Repair Facilities.**

B. **Norix, 1 Innovation Drive, Final Development Plan Review**

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

Development Committee Minutes
February 11, 2019

5. Items for Discussion.

A. U-Haul, North Avenue at Neltnor, Revisions to the Concept Plan – Review and Discussion.

Tom Dabareiner provided this item update. U-Haul and their development arm, Amerco, have submitted a revised site plan since they met last month to discuss the concept. The changes eliminate the 3-story building once proposed for the property's northwest corner, retain the new warehousing facility, and reduce the storage units from 950 to 504. The visual impact has stayed the same, however, as it remains spread across the property. Staff stands behind their original memo from the January Development Committee meeting in which several problems were identified with this plan. He noted the applicant was present.

Alderman Garling asked about the proposed 1-story building in the plan. The applicant present, Ms. Angela Farley of U-Haul, stated it was just decided that same day to remove it from the plan. Alderman Garling asked about what another area in the plan was meant to signify, and Ms. Farley responded that is the proposed area for the location of the showroom.

Alderman Beifuss stated that he agrees with staff's position and those expressed at the last meeting. He expressed concern with changing the feel of this current B-3 Retail area to Manufacturing. The City has a lot of Manufacturing area already, with plenty of space to be built out, but there is, however, a limited amount of B-3, he noted. He also expressed concern about losing the synergistic elements of a retail area with this type of use, which does not drive foot or car traffic. He furthered stated that this is not the way to go and is not in keeping with the City's Comprehensive Plan. He recalled only ever having had to make a change to the Plan once in the past, and he does not see it happening again.

Alderman Stout indicated that she had already expressed her concerns at last month's meeting, and the newest changes are not very different from before. The proposed use would create an industrial feel for this corner. She does not see this plan as a good fit. She stated she loves the U-Haul company and loves what they have done at their other locations, but this is just not the right location for them at what is such an important corner for business in the City.

Angela Farley remarked that they intend to keep all existing businesses and will work to recruit new retail into the vacant units.

Dave Dresdner, one of the owners of the property, addressed the Committee. He apologized for the last-minute changes to the plans they had submitted. He explained that they tried their best to incorporate the feedback they received at last month's meeting into their revisions. At this time, he expressed his concern for the future of this property,

which he has owned for 13 years. They have tried harder than anyone to lease this space—marketing it to anyone imaginable while carrying it at a huge expense—and there has been no interest. They did find a swap mart that was interested at one point, but the City did not support this use. Later there was an Indian banquet hall, but that did not pan out either. He emphasized that there are no other options. Traditional retail is dead he stated. There is no retailer interested. He understands the importance of retail for the City's tax revenue, but this use being proposed is not going to be as economically successful for them as traditional retail. It is a choice of necessity and if not this use, then it is going to be vacant. He recalled 10 months ago when they were in talks with a company interested in baseball batting cages and then suddenly, they were approached by U-Haul. They asked the Committee for their preference, and they were told U-Haul. It was viewed as a more stable user for the long term. He also remarked that U-Haul has never once closed one of their facilities. They have been working closely with U-Haul for the past ten months now and U-Haul has responded to the concerns heard at the last meeting to not cover the area with storage. He is dumbfounded and concerned. U-Haul will solidify this corner and serve as an anchor as it will bring foot traffic. He continued that an occupied center with some life in it is better than it being vacant. He asked the members to consider the changes U-Haul has made and in having done what they were asked. He thanked the members for their time.

A brief discussion followed among Alderman Stout and Mr. Dabareiner about looking at the zoning possibilities once more to determine if the zoning could remain as is if less space is being taken up by storage. Alderman Garling asked that staff look at the zoning again and bring the concept back to the Committee one more time. His concern from the beginning has been that with this use, they are leaving a lot of dead space in the parking lot that would sit there for forever and not be utilized.

Alderman Gagliardi expressed concern about the corner and the fact that perhaps some use there is better than nothing. They hear every day that stores are closing. This may be their only option.

Alderman Beifuss remarked that he is struck by the difference between this corner and the Menard's corner and that investment is one of the things that needs to happen in order for it to be successful. He said it was mentioned that an Indian banquet hall was interested at one time, but investment was needed in order to subdivide the space. Mr. Dresdner responded that they have unlimited resources to invest and money is not an issue. Alderman Beifuss stated that a use like this is more like an ad hoc industrial use, and it is not the right way to go. He commented that the Norix design is the right building in the proper setting for industrial. Furthermore, this use would not be in keeping with their Comprehensive Plan. While the members hear this is the only use that would work here, he has to look at these plans in the context of what the community expects, and he does not feel this is what they expect.

Alderman Birch Ferguson stated she wanted to reiterate that she is comfortable with the first version of only repurposing the former Hobby Lobby building, and that adding the elbow with the outside storage is too much for this location.

Alderman Stout stated she would also like clarification on the possibility of changing the zoning requirements, given that the applicant has made another change to the plan the members were not aware of prior to the meeting. Although the final zoning is still unknown, she is inclined to agree with Aldermen Beifuss and Birch Ferguson that this use is not the best option for this corner. If the use still requires rezoning to Manufacturing, then this is a nonstarter for her as it is not in keeping with the Comprehensive Plan nor with what they envision for the corridor of Routes 64 and 59. She asked that it come back before them again with more information. Mr. Dabareiner asked the applicant to submit a final plan ahead of time as last-minute changes make it hard to analyze responsibly.

B. Forming America – 4th Amendment to the Special Use Approval to extend the completion deadline for a hard surface to September 30, 2019.

It was noted that the applicant was not present. Mr. Dabareiner assured the members the applicant was made aware of tonight's meeting and there followed a brief discussion as to whether they should move forward with their discussion tonight. Alderman Beifuss asked staff for an update and discussion.

Mr. Dabareiner briefed the members on this discussion item. Forming America is requesting a fourth amendment to its special use for outside storage at their existing facility. The original special use was granted in August, 2007, with subsequent amendments granted in 2011, 2014 and 2016. Under the fourth amendment proposed, they are requesting an extension of the deadline to November 30, 2019. This deadline was discussed at the January meeting of the Plan Commission/Zoning Board of Appeals (PC/ZBA), and they generated a motion to move the deadline up to September 30th, thinking an earlier deadline would provide some leeway for any additional or pending work needed. Mr. Dabareiner mentioned the applicant used a different paving material other than concrete or asphalt, which they believed would provide a hard enough surface. However, staff received information that suggests the Fire Department requires an asphalt surface, but they will ask for confirmation of this in writing before going forward. PC/ZBA voted 3-2 in favor of the motion to approve the fourth amendment with the September 30th deadline. However, since three votes are insufficient for approval, a supermajority of the City Council is now required to approve the proposed amendment. He added that the two votes against were not about the deadline, but rather because they were in favor of moving to code enforcement right away.

Alderman Beifuss asked for clarification about the PC/ZBA's rationale for advancing the deadline. Mr. Dabareiner answered that the commissioners explored several options for advancing the deadline, and while the business owner was not present at that meeting, a

representative from Forming America indicated that later in the year is better for them given when their busy season is.

Alderman Birch Ferguson stated that she was optimistic all parties had reached a final understanding at their last meeting together in October. She expressed disappointment they did not see any response from them on subsequent meeting agendas and that they are not present tonight. She stated she agrees with the Plan Commission in that code enforcement is the best option at this point.

Alderman Garling stated a deadline of two less or two more months does not make a difference. He noted this is a business he passes by daily and it is not far from his home. They are good neighbors as they are not noisy or dusty. He also expressed disappointment at not seeing them present tonight, but he would like to give them one more chance before starting code enforcement. He agreed with Alderman Birch Ferguson that he thought they had made it clear about what was expected at the October meeting as well.

Alderman Beifuss said the idea at their October meeting was to give them one last chance before code enforcement. He recalled there were some other issues beyond their control that caused delays in the past, but the new deadline should be their last chance.

Alderman Stout indicated that Forming America did not apply for an extension when they knew they were not going to meet the deadline. She also understood that was their last chance, and yet they ignored the deadline knowingly. Furthermore, they went on to use a sub-standard form of asphalt. She stated she believes they are out of chances and asked what the process for code enforcement would be. Mr. Dabareiner responded that they could ticket every day and ask for the maximum fine of \$750.00 for each day. Per state law, the maximum total fine amount is \$40,000. The option after that is Circuit Court.

Alderman Garling stated that his struggle with using code enforcement now is that they cannot pave this time of year. It would seem unfair to start enforcing the code now without giving them one more chance to comply when the weather is better. Alderman Stout asked if perhaps a mid-range deadline would be more suitable as she does not agree to extending the deadline all the way to the fall again. Alderman Beifuss agreed with Alderman Garling. It makes sense to extend the deadline to September 30th in order to give them the opportunity to come into compliance. Alderman Stout said she preferred a July deadline.

Alderman Gagliardi stated that a September 30th deadline is too generous and agreed with Alderman Stout. She suggested a June deadline in order to give them a few months to work. She does not want to wait another year to see what happens.

Alderman Birch Ferguson agreed with Alderman Gagliardi that June or July is a better way to go so as to explain that this is their last chance. Alderman Sheahan also agreed that June or July is better as they were told already at the last meeting that that was their last chance. Alderman Garling agreed to July. Alderman Beifuss agreed with the PC/ZBA deadline of September 30th.

Alderman Stout added that it also needs to be made clear that the use of the substandard asphalt is not acceptable, and it was not a surface that was approved initially. A brief discussion followed about obtaining confirmation from the Fire Department. It was then decided to reinforce the Development Committee's previous direction that asphalt be used, along with the confirmation from the Fire Marshall to back that up. The final consensus among the members was for a deadline of July 31st, 2019.

6. **Unfinished Business.** None.
7. **New Business.** None.
8. **Reports from Staff.** None.
9. **Adjournment.**

Alderman Sheahan moved and Alderman Gagliardi seconded the motion to adjourn the Development Committee meeting at 7:38 P.M. The Committee members unanimously agreed and the motion carried.

Respectfully submitted,
Jane Burke