

CITY OF WEST CHICAGO

WHERE HISTORY & PROGRESS MEET

MINUTES

Development Committee

February 14, 2011

APPROVED AT THE APRIL 11, 2011 MEETING

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

Chairman Pineda called the meeting to order at 7:00 p.m.

Roll call found Aldermen James Beifuss, Nicholas Dzierzanowski, Joseph Gianforte, H. Ronald Monroe, Alan Murphy, Ruben Pineda and Rebecca Stout present.

Also in attendance was Community Development Director Joanne Kalchbrenner.

2. Approval of Minutes.

A. Development Committee, December 13, 2010. Alderman Gianforte made a motion, seconded by Alderman Stout, to approve the minutes of the December 13, 2010 Development Committee Meeting. Voting yea: Aldermen Gianforte, Stout, Murphy, Beifuss, Dzierzanowski, Monroe, Murphy and Pineda. Voting Nay: 0. Motion carried.

3. Public Participation

Alderman Matt Fuesting spoke regarding the proposed fence height in a corner side yard amendment's impact on the Cornerstone Lakes Subdivision, whose covenants indicate that fences in the corner side yard shall be 6 feet in height. The association attempted to amend the regulations several years ago to allow 4 foot high fences but there was strong opposition from the residents. It is his opinion that 90 to 100 residents would protest the proposed amendment. There is at least one resident with an in-ground pool that will have an issue. Alderman Fuesting suggested granting an exception for the Cornerstone Lakes Subdivision

4. Items for Consent.

A. Illinois Vehicle Insurance Agency – 110 S. Neltnor Boulevard, #9, Façade Grant

B. Jim Burns – 1200 W. Hawthorne Lane (Hawthorne's Backyard), Proposed Amendment to Annexation Agreement

Chairman Pineda read the Items for Consent and asked if any alderman wanted to remove an item from the consent agenda. No one removed an item for consent.

Alderman Stout made a motion, seconded by Alderman Murphy, to move the items from the consent agenda to City Council on Monday, February 21, 2011. Voting yea: Aldermen Dzierzanowski, Gianforte, Monroe, Beifuss, Murphy, Pineda and Stout. Voting Nay: 0. Motion carried.

5. Items for Discussion

- A. Forming America – 1200 Prince Crossing Road, Special use Permit Update
- B. Fence height in corner side yards Street
- C. Driveway regulations in R-5 Single-Family Zoning District

A. Forming America – 1200 Prince Crossing Road, Special Use Permit Update

Chairman Pineda asked staff for an update on the status of Forming America's compliance with the conditions of approval of the special use permit. Ms. Kalchbrenner advised that the detention pond has been constructed and appears to be functioning properly but the gravel storage area has not been paved. Chairman Pineda asked owner Jim Langkamp to provide the Committee with the reason that he has not complied with the special use permit and his proposed timing. Mr. Langkamp indicated that he completed construction of the detention pond but is still trying to get rid of the clay spoils. He is attempting to find sites that need clay to reduce the removal cost. Due to the current economic situation he has not been able to afford to pave the storage area. He has been able to keep his business open but does not have adequate income to pave. Alderman Murphy asked Mr. Langkamp for his proposed timing to comply with the conditions. Mr. Langkamp responded that he plans to finish removing the spoils and establish the subgrade in 2011 and pave in 2012. Chairman Pineda wanted to confirm that Mr. Langkamp would be able to finish the subgrade this year. He wants the work done but doesn't want to put Forming America out of business. Alderman Dzierzanowski expressed concern that when Mr. Langkamp originally obtained the special use permit he didn't want to pave because he was too busy and now he doesn't want to pave because he is too slow and cannot afford to pave. Alderman Dzierzanowski is willing to allow the revised timing but does not want any further excuses. Alderman Pineda agreed that there could be no further excuses. Alderman Biefuss asked if Mr. Langkamp is using his own trucks to remove the clay and Mr. Langkamp responded that he is working with some of his clients who owe him money to use their trucks. Alderman Biefuss asked how much clay still needs to be removed and Mr. Langkamp responded that approximately 400 truckloads are left. The Committee indicated that the timing proposed by Mr. Langkamp would be acceptable. Ms. Kalchbrenner asked when the Development Committee wants an update on Forming America from Mr. Langkamp. There was consensus that the Committee would like an update in June.

B. Fence height in corner side yards

Chairman Pineda requested staff to provide a brief overview. Ms. Kalchrenner stated that the City received a complaint that the City's current fence regulations for corner lots cause a safety hazard and was directed to present the issue to the Development Committee for direction. She noted that currently the City allows a maximum height fence of 6 feet in a corner side yard for any style of fencing. Ms. Kalchbrenner commented that the Development Committee discussed this issue at its August 9th meeting and again at its December 13, 2010 meeting, where the committee asked the minimum fence height around pools and how amending the code would impact homeowner's covenants.

Staff continued to conduct additional research on the issue. The code requires a minimum fence height of four feet around a swimming pool. In regard to the homeowner's covenants, amending the code would not change association regulations, which would cause an issue in the Cornerstone Lakes subdivision, as previously noted by Aldermen Dzierzanowski and Fuesting. Staff also noted that there are currently contradictions in the code with the definitions of corner side and interior side yard setbacks. The current regulations are also inequitable. Owners of two adjacent properties that share a common lot line are subject to two sets of rules. The owner of the corner lot may erect a six foot high fence on the common lot line but the owner of the interior lot would only be allowed to erect a four foot high fence.

Alderman Biefuss advised that his opinion is that it would only be appropriate to reduce the height of fences in the corner side yard in the vision triangle when the proposed fence is adjacent to an alley or driveway and that staff should be able to take the additional time to review aerials or go to the property to see what is next to it. Alderman Dzierzanowski indicated that he had spoken with the City Administrator Guttman who suggested that fences in the corner side yard setback be limited to four feet when they are adjacent to an alley. Another option would be to limit the height of fences in the corner side yard in the R-5 district but allow higher fences in other districts. Alderman Murphy asked if covenants supersede the city code and Ms. Kalchbrenner responded no. Covenants can be more restrictive than the city code. Additionally, the city code can be more restrictive than covenants. Alderman Stout indicated that she agrees with Alderman Biefuss, and fence height should be limited to four feet in height only in the vision triangle.

Alderman Dzierzanowski indicated that there may be lots in Cornerstone Lakes that would not meet the vision triangle, such as on Camden Lane. Alderman Fuesting added that there may be other lots on Lehman and Culver. Ms. Kalchbrenner indicated that staff would research the lots in Cornerstone Lakes to determine if any of them would have an issue with the vision triangle. Alderman Biefuss wants the attorney to review the issue because the City should be able to supersede covenants if it is for safety reasons, but that he is opposed to reducing the height to four feet. Alderman Fuesting indicated that it would be very difficult to change the covenants because of the need to obtain a majority of the owner's approval and he is of the opinion that the City cannot supersede covenants. Ms. Kalchbrenner agreed. Alderman Dzierzanowski asked if the six foot high fences really are a safety concern and if there are any accident reports? Ms.

Kalchbrenner responded that she does not know about accidents but that the City receives complaints about visibility, particularly around the high school.

Alderman Pineda asked if there is any merit in discussing about limiting fence height based on the zoning district. Alderman Dzierzanowski asked if there is any property zoned R-4 and Ms. Kalchbrenner responded that the Ashmore Estates on Diversey is zoned R-4. The Committee did not wish to pursue regulations by zoning district.

Alderman Pineda asked the Committee members what they want to do and Alderman Biefuss responded that he would like staff to look at lots in the Cornerstone Lakes and obtain an attorney's opinion about superseding private covenants. The Committee members agreed and deferred action until the next meeting.

C. Driveway regulations in R-5 Single-Family Zoning District

Chairman Pineda requested staff to provide a brief overview. Ms. Kalchrenner stated that at its October 18, 2010 meeting, City Council approved a text amendment to allow driveways to have bump outs between the side of the garage and the side lot line. She added that during the City Council meeting, a question was raised as to whether or not the amended regulations should be applicable in the R-5 zoning district. She added further that staff was directed to raise the issue to the Development Committee to determine if the regulations should go back to the Plan Commission. Ms. Kalchbrenner commented that it is staff's opinion that prohibiting bump outs in the R-5 zoning district is not necessary because of other limiting factors associated with the district such as lot coverage. She noted that the additional factors would limit a property owner's ability to install a bump out. Ms. Kalchbrenner stated that staff is seeking direction regarding an additional amendment to the driveway regulations to prohibit bump outs in the R-5 zoning district. At the last meeting the Development Committee gave staff direction to provide examples of lots in the R-5 district showing bump out options, which are included in the agenda packet. Alderman Stout indicated that there are already enough restrictions in place and it is unnecessary to limit bump outs. The Development Committee members concurred and decided it is unnecessary to limit bump outs in the R-5 district.

6. Unfinished Business – None.

7. New Business

Alderman Dzierzanowski provided the Committee an update on the Kitching stormwater complaint to DuPage County regarding the Prestonfield pond. The County determined that the Prestonfield pond was constructed properly but that the business along Atlantic has altered the drainage. The County has given the City until June 1st to work with the business to correct the violation, although correcting the violation may not resolve the problem.

8. Reports from Staff – None.

9. Adjournment

Alderman Stout motioned to adjourn, seconded by Alderman Murphy. The members unanimously agreed. Motion carried. The meeting adjourned at 7:55 p.m.

Respectfully submitted,

Joanne Kalchbrenner