

CITY OF
WEST CHICAGO

WHERE HISTORY & PROGRESS MEET

Approved 12/1/20

MINUTES

**PLAN COMMISSION/ZONING BOARD OF APPEALS
NOVEMBER 4, 2020 7:00 P.M.**

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

Chairperson Laimins called the meeting to order via “Zoom” at 7:00 p.m. Roll call found Chairperson Laimins, Commissioners Hale, Kasprak, Dettman, Henkin, and ex-officio Commissioner Banasiak present. Commissioner Faught and Devitt were excused. A quorum was established. All members were participating through “Zoom”.

Staff in attendance through “Zoom” were City Planner John Sterrett and Community Development Director Tom Dabareiner.

2. Chairman’s Comments

Chairperson Laimins stated that all votes would be by roll call and that all discussion on an item, including the recommendation, would occur during the public hearing. Also, no new evidence may be entered into the record during the hearings. Chairperson Laimins also stated that Mayor Pineda has stated that in person meetings are not practical nor prudent at this time.

3. Approval of Draft Minutes of the October 6, 2020 Plan Commission Meeting

Commissioner Hale made a motion, seconded by Commissioner Dettman, to approve the draft meeting minutes of the October 6, 2020 Plan Commission meeting. A roll call vote found Commissioners Hale, Dettman, Henkin, Kasprak, and Chairperson Laimins voting in favor. With a roll call vote of five (5) “yes” and zero (0) “no”, the motion carried and the draft minutes of the October 6, 2020 Plan Commission meeting were approved.

4. Public Hearing and Review of Case PC 20-16, Zoning Text Amendment

Commissioner Kasprak made a motion, seconded by Commissioner Henkin, to open the public hearing. A roll call vote found Commissioners Kasprak, Henkin, Dettman, Hale, and Chairperson Laimins voting in favor. With a roll call vote of five (5) “yes” and zero (0) “no”, the motion carried and the public hearing was opened.

John Sterrett, City Planner, 475 Main Street, West Chicago, IL 60185, was sworn in.

Mr. Sterrett stated that this is a Zoning Text Amendment proposed by City Staff to amend Article 8 of the Zoning Code which would delete Section 8.9 in its entirety and replace it with provisions giving the Zoning Administrator the discretion to allow a discontinued legal nonconforming use to resume on a property.

Currently, Section 8.8 of the Zoning Code allows nonconforming uses that were legally established but no longer comply with the zoning district they are located in, to continue on the property provided the use adheres to various requirements. These requirements include not intensifying the use, not relocating the use, nor changing the use and also that the use never becomes dormant for a period of at least 12 consecutive months. If this occurs, the legal status of the nonconforming use is lost and the property must comply with the regulations in the particular zoning district. Staff has seen situations arise recently with property owners who wish to continue a legal nonconforming use that has been discontinued for longer than the 12 month timeframe. Staff has seen cases where uses are discontinued for 18 to 24 months before the use can realistically resume. Regardless of what the situation may be, even if it is outside the control of the property owner, the use, nonetheless, loses that legal status after 12 months of discontinuance.

Some examples include a recent special use request that the Plan Commission heard in Spring, dealing with 1201 Hawthorne Lane for outside storage, a two-flat residence in a single-family residence district, and the Cascade Drive-in theater in the Estate residence district. Staff is proposing the text amendment that would allow a discontinued legal nonconforming use to resume on a property if it has surpassed the 12 month dormancy period. The Zoning Administrator would have the discretion to approve the resumption of a discontinued use provided certain criteria are met, including:

- (1) The property owner, within thirty-six (36) months of the date of discontinuation, has notified the Zoning Administrator in writing of the intent to resume the nonconforming use.
- (2) The nonconforming use was in operation for a minimum of ten (10) years prior to its discontinuation.
- (3) The resumed use shall not be intensified nor extended to occupy a greater area of land than was previously occupied by the nonconforming use on the date it was discontinued.
- (4) The traffic, hours of operation, noise, and other operating characteristics of the resumed use will result in no greater adverse impact on the neighborhood than that of the nonconforming use prior to its discontinuation.
- (5) No modifications or improvements shall be made to the property that will increase the degree of nonconformity of the resumed use.
- (6) Rezoning the subject property could result in an inappropriate spot zoning.
- (7) The resumed use will not injure the value or usability of adjoining or abutting property.
- (8) The nonconforming use shall be resumed within twelve (12) months following the date of approval by the Zoning Administrator. Failure to resume the nonconforming use within this time period shall require the land to conform to the applicable district regulations and no subsequent resumption may be considered for the nonconforming

use. The Zoning Administrator, however, shall have the discretion to extend this deadline.

The text amendment will also delete Section 8.9 in its entirety. This section outlines an amortization schedule to eliminate nonconforming buildings, structures and uses based on the assessed valuation of the building in question. This section has been enforced by the City just once which resulted in a lawsuit against the City, in which the court ruled against the enforcement. Since then, the City has not enforced the amortization schedule as a result of this court ruling and staff is therefore proposing its elimination.

Without further discussion from the Plan Commission, Commissioner Dettman made a motion, seconded by Commissioner Henkin, to recommend approval of the proposed Zoning Text Amendment to the City Council. A roll call vote found Commissioners Dettman, Henkin, Hale, Kasprak, and Chairperson Laimins voting in favor and no one voting against. With a roll call vote of five (5) “yes” and zero (0) “no”, the motion carried and the proposed Zoning Text Amendment will be forwarded to the City Council with a positive recommendation.

Mr. Sterrett stated that the Development Committee will review the proposed Zoning Text Amendment and the Plan Commission’s recommendation at their November 9th meeting.

Commissioner Kasprak made a motion, seconded by Commissioner Dettman, to close the public hearing. A roll call vote found Commissioners Dettman, Kasprak, Henkin, Hale, and Chairperson Laimins voting in favor and no one voting against. With a roll call vote of five (5) “yes” and zero (0) “no”, the motion carried and the public hearing was closed.

5. Public Hearing and Review of Case PC 20-11, Zoning Text Amendment

Commissioner Dettman made a motion, seconded by Commissioner Henkin, to open the public hearing. A roll call vote found Commissioners Dettman, Henkin, Hale, Kasprak, and Chairperson Laimins voting in favor and no one voting against. With a roll call vote of five (5) “yes” and zero (0) “no”, the motion carried and the public hearing was opened.

Commissioner Hale made a motion, seconded by Commissioner Kasprak, to continue the public hearing to the December 1, 2020 Plan Commission meeting. A roll call vote found Commissioners Hale, Kasprak, Dettman, Henkin, and Chairperson Laimins voting in favor and no one voting against. With a roll call vote of five (5) “yes” and zero (0) “no”, the motion carried and the public hearing was continued to December 1, 2020.

Commissioner Kasprak made a motion, seconded by Commissioner Henkin, to close the continued public hearing until the December 1, 2020 Plan Commission meeting. A roll call vote found Commissioners Kasprak, Henkin, Dettman, Hale, and Chairperson Laimins voting in favor and no one voting against. With a roll call vote of five (5) “yes” and zero (0) “no”, the motion carried and the continued public hearing was closed until the December 1, 2020 Plan Commission meeting.

6. Public Hearing and Review of Case PC 20-12, Special Use Permit

Commissioner Dettman made a motion, seconded by Commissioner Henkin, to open the public hearing. A roll call vote found Commissioners Dettman, Henkin, Hale, Kasprak, and Chairperson

Laimins voting in favor and no one voting against. With a roll call vote of five (5) “yes” and zero (0) “no”, the motion carried and the public hearing was opened.

Commissioner Kasprak made a motion, seconded by Commissioner Henkin, to continue the public hearing to the December 1, 2020 Plan Commission meeting. A roll call vote found Commissioners Kasprak, Henkin, Hale, Dettman, and Chairperson Laimins voting in favor and no one voting against. With a roll call vote of five (5) “yes” and zero (0) “no”, the motion carried and the public hearing was continued to December 1, 2020.

Commissioner Hale made a motion, seconded by Commissioner Henkin, to close the continued public hearing until the December 1, 2020 Plan Commission meeting. A roll call vote found Commissioners Hale, Henkin, Dettman, Kasprak, and Chairperson Laimins voting in favor and no one voting against. With a roll call vote of five (5) “yes” and zero (0) “no”, the motion carried and the continued public hearing was closed until the December 1, 2020 Plan Commission meeting.

7. Public Hearing and Review of Case PC 20-14, Special Use Permit

Commissioner Dettman made a motion, seconded by Commissioner Kasprak, to open the public hearing. A roll call vote found Commissioners Dettman, Kasprak, Henkin, Hale, and Chairperson Laimins voting in favor and no one voting against. With a roll call vote of five (5) “yes” and zero (0) “no”, the motion carried and the public hearing was opened.

Commissioner Kasprak made a motion, seconded by Commissioner Henkin, to continue the public hearing to the December 1, 2020 Plan Commission meeting. A roll call vote found Commissioners Kasprak, Henkin, Hale, Dettman, and Chairperson Laimins voting in favor and no one voting against. With a roll call vote of five (5) “yes” and zero (0) “no”, the motion carried and the public hearing was continued to December 1, 2020.

Commissioner Dettman made a motion, seconded by Commissioner Hale, to close the continued public hearing until the December 1, 2020 Plan Commission meeting. A roll call vote found Commissioners Dettman, Hale, Henkin, Kasprak, and Chairperson Laimins voting in favor and no one voting against. With a roll call vote of five (5) “yes” and zero (0) “no”, the motion carried and the continued public hearing was closed until the December 1, 2020 Plan Commission meeting.

8. Other Commission Business

None.

9. Previous Petitions and General Development Update

Mr. Sterrett stated that there will be a meeting on December 1, 2020.

10. Adjournment

Commissioner Hale made a motion, seconded by Commissioner Henkin, to adjourn the meeting. A roll call vote found Commissioners Hale, Henkin, Dettman, Kasprak, and Chairperson Laimins voting in favor. With a roll call vote of five (5) “yes” and zero (0) “no”, the motion carried and the Plan Commission, at 7:21 p.m., was adjourned.

Respectfully Submitted by: John Sterrett, City Planner