

CITY OF WEST CHICAGO

WHERE HISTORY & PROGRESS MEET

Approved 2/16/21

MEETING MINUTES

PLAN COMMISSION/ZONING BOARD OF APPEALS

February 2, 2021 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 Dettman, Hale, Kasprak, Devitt, and Banasiak present. Commissioner Henkin was absent. 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 Mayor Pineda has determined that in-person meetings at this time are not practical nor prudent. Chairperson Laimins also 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.

3. Approval of the Draft Minutes of the January 5, 2021 Plan Commission Meeting

Commissioner Banasiak made a motion, seconded by Commissioner Kasprak, to approve the January 5, 2021 Plan Commission meeting minutes. A roll call vote found Commissioners Banasiak, Kasprak, Dettman, Hale, Devitt, and Chairperson Laimins voting in favor and no one voting against. With a roll call vote of six (6) “yes” and zero (0) “no”, the motion carried and the minutes were approved.

4. Public Hearing and Review of Case PC 20-21, Zoning Text Amendment

Commissioner Banasiak made a motion, seconded by Commissioner Devitt, to open the public hearing. A roll call vote found Commissioners Banasiak, Devitt, Kasprak, Dettman, Hale, and Chairperson Laimins voting in favor and no one voting against. With a roll call vote of six (6) “yes” and zero (0) “no”, the motion carried and the public hearing was opened at 7:04 p.m.

Mr. Sterrett was sworn in. Mr. Sterrett stated that this is a zoning text amendment that clarifies that Recreational Vehicles are permitted in residential districts only when the principal use of the property is residential. This stems from an administrative appeal hearing last December in which the owner of a residentially zoned but commercially used property believed they were entitled to keep a recreational vehicle on the property because they believed they qualified to do so under Section 13.1-13(A)(14) of the Zoning Code because of their residential zoning. Staff stated, and this was agreed with by Plan Commission, that this section only applies to the parking of RVs when it is

accessory to the principal use of residential. To Codify the decision of the Plan Commission, staff is proposing the text amendment to remove any confusion and very narrowly state that RVs are permitted in residentially zoned property only if that lot contains a principal use of residential. This will prevent any confusion in the future and avoid other potential violations.

Staff recommends the Plan Commission pass a motion recommending approval of the Zoning Text Amendment.

The Plan Commission found that the amendment is in keeping with the purpose of the Zoning Code. The Plan Commission is of the opinion that this proposed amendment will protect, promote, and improve the public health, safety, morals, convenience, order, appearance, prosperity and the general welfare of the citizens of West Chicago community.

Commissioner Dettman made a motion, seconded by Commissioner Banasiak, to recommend approval of the proposed Zoning Text Amendment. A roll call vote found Commissioners Dettman, Banasiak, Kasprak, Hale, Devitt, and Chairperson Laimins voting in favor and no one voting against. With a roll call vote of six (6) "yes" and zero (0) "no", the motion carried and the proposed Zoning Text Amendment was recommended for approval.

Mr. Sterrett stated this would move onto the Development Committee on Monday, February 8, 2021.

Commissioner Devitt made a motion, seconded by Commissioner Hale, to close the public hearing. A roll call vote found Commissioners Devitt, Hale, Kasprak, Banasiak, Dettman, and Chairperson Laimins voting in favor and no one voting against. With a roll call vote of six (6) "yes" and zero (0) "no", the motion carried and the public hearing was closed at 7:14 p.m.

5. Public Hearing and Review of Case PC 20-17, Zoning Text Amendment

Commissioner Kasprak made a motion, seconded by Commissioner Banasiak, to open the public hearing. A roll call vote found Commissioners Kasprak, Banasiak, Devitt, Dettman, Hale, and Chairperson Laimins voting in favor and no one voting against. With a roll call vote of six (6) "yes" and zero (0) "no", the motion carried and the public hearing was opened at 7:15 p.m.

Mr. Sterrett was sworn in. Mr. Sterrett stated that when the Commission discussed this item in December, the Commission was interested in allowing short-term home rentals in more than just single-family detached units, which was the original proposal by staff. The Commission was interested in expanding short-term home rentals in multi-family units such as two-family, townhomes, and condominiums.

Staff is proposing that, in addition to single-family detached homes being allowed to be a short-term home rental as a permitted use, two-family and townhome units be permitted but only with approval of a special use permit. Staff is of the opinion that there are major differences between detached and attached units, the most obvious being that multi-family units such as two-family and townhomes have shared walls. This aspect could severely impact a neighbor with disturbances such as loud noise, vibrations, traffic, and other unwanted activity.

Based on this, staff is of the opinion that occupants in adjacent units should be notified of a proposed short-term home rental and the ability to voice any concerns. This could avoid potential negative impacts thus reducing complaints and ensuring compliance with the short-term home rental. In the case of condominiums, Staff is not recommending that short-term home rentals include these types of units because in addition to shared walls, there are other shared elements such as entrances, corridors, driveways and garages. Apartments would not qualify because these must be owner occupied units. Since this is a new concept staff believes it is best to take the slow approach in allowing these. This gives the City the ability to see how things go at first and perhaps revisit this at a later date to expand where short-term home rentals are allowed.

The Plan Commission expressed concern that the requirement for townhomes and duplexes to obtain a special use permit could have discriminatory effects. The Plan Commission was in favor of allow all residential units, with the exception of apartments, the ability to seek a short-term home rental license without the requirement of first seeking a special use permit. The Commission brought up the possibility of Homeowners Associations (HOA) possibly regulating short-term home rentals. Director Tom Dabareiner was sworn in and stated that the City has not authority to enforce any restrictions or covenants of an HOA. The Commission also wanted to make clear that holding title to the property should not necessarily be a requirement for the ability to obtain a license for short-term home rentals in instances where a mortgage company holds the title. Mr. Sterrett stated that changes could be made to the text based on the comments from the commission and be brought back in March.

Commissioner Devitt made a motion, seconded by Commissioner Hale, to continue the public hearing to March 2, 2021. A roll call vote found Commissioners Devitt, Hale, Banasiak, Kasprak, Dettman, and Chairperson Laimins voting in favor and no one voting against. With a roll call vote of six (6) “yes” and zero (0) “no”, the motion carried and the public hearing was continued to March 2, 2021.

6. Other Commission Business

Mr. Sterrett announced that there will be a meeting on February 16, 2021 related to the Comprehensive Plan update.

7. Previous Petitions and General Development Update

None.

8. Adjournment

Commissioner Hale made a motion, seconded by Commissioner Kasprak, to adjourn the meeting. A roll call vote found Commissioners Hale, Kasprak, Dettman, Devitt, Banasiak, and Chairperson Laimins voting in favor and no one voting against. With a roll call vote of six (6) “yes” and zero (0) “no”, the motion carried and the Plan Commission, at 8:13 p.m., was adjourned.

Respectfully Submitted,
John Sterrett, City Planner