

# PLAN COMMISSION AND ZONING BOARD OF APPEALS

## MINUTES

March 1, 2018

**ROLL CALL:** Chairwoman Ochoa – Present  
Commissioner Hollingshead – Present  
Commissioner Wood – Present  
Commissioner Kloth – Present  
  
Commissioner Cvengros – Present  
Commissioner Mercure – Present  
Commissioner Albarracin – Present

**ALSO PRESENT:**  
Sandi Pastell – Present  
Trustee Larry Wells – Present  
Jerry Nellessen – Community  
Development Director - Absent  
Jon Kindseth - Administrator  
Jon Wildenberg – Village Planner

**MOTION:** Commissioner Wood  
**2<sup>nd</sup>:** Commissioner Mercure

**Approval of the minutes from the  
Plan Commission and Zoning  
Board of Appeals meeting of February 1,  
2018.**

**ROLL CALL:** Chairwoman Ochoa, by voice vote for the approval of the minutes:

**Ayes – 7**  
**Nays – 0**  
**Absent – 0**  
**Vacancy - 0**

Chairwoman Ochoa then asked for the Village Board Report. Trustee Wells stated that there was nothing to report.

Chairwoman Ochoa moved to the first item on the Agenda and that the public hearing remained open from the February 1, 2018 meeting. The Public Hearing for petitioner, Dolan Realty Advisors, LLC for Verizon Wireless, is requesting approval of a Conditional Use Permit to install a cell tower on property located on Ruth Avenue in the Village of Beach Park. The subject property is zoned SR Suburban Residential and is located on Village owned property. The petitioner is also requesting approval of Variances to increase the maximum height of a structure permitted from 35 feet to 1015 feet, decrease the required set-back(s) and any other zoning relief as may be necessary for this project and from any other standards of the Village of Beach Park Zoning Ordinance and Chapter 18.04 Personal Wireless Service Facilities of Title 18 – Telecommunications of the Village of Beach Park Municipal Code presented in submitted exhibits or discovered during the proceedings of the Public Hearing.

Chairwoman Ochoa asked if the legal description was noted in the petition, notice was published and the property posted. It was confirmed by Sandi Pastell that yes, all has been done as legally required on January 9, 2018 in the News-Sun.

Chairwoman Ochoa then swore in all applicants that would be testifying in tonight's hearings. Chairwoman Ochoa then asked for the applicants' testimony. Jon Kindseth, with the applicants' permission, then gave the applicant testimony. Jon Kindseth explained that the cell tower is

being placed on Village owned property in an alleyway directly behind Speedway. Jon Kindseth stated that the majority of the property is wetlands so this is the best use for the property.

Jon Kindseth stated that the cell tower will look like the one that was just constructed at the Village Hall and that the first client on the tower will be Verizon. Chairwoman Ochoa then asked for the staff report. Jon Wildenberg stated that the zoning for this site is kind of unusual; however, the Zoning Ordinance does take it into account and can be allowed via conditional use permit. Jon Wildenberg stated that the property to the east half of the right-of-way is zoned B-1, business district and the property to the west half of the right-of-way is zoned SR, suburban residential. Jon Wildenberg stated that the property will be accessed by a twelve (12) foot wide access easement connected to Green Bay Road via the Speedway site and should be sufficient for service vehicles to access the site.

Jon Wildenberg stated that the applicant did provide propagation maps showing the need for the tower and that they can co-locate up to four cell phone service providers. Jon Wildenberg stated that the petitioner has confirmed that all Federal Communications Commission and Federal Aviation Administration standards have been met. Jon Wildenberg stated that the final height of the tower will be subject to the FAA regulations and could be as high as 110 feet. Jon Wildenberg also stated that the petitioner can supply a fall zone study showing that the monopole would crumble upon itself and not fall over and that this information could be provided at the permit stage.

Jon Wildenberg reminded the commission that the petitioner is required to receive all approvals from the FAA in order to proceed in which they will state the height of the tower which will be no more than 110 feet. Jon Wildenberg stated that the commission can also dictate what color the monopole will be; however, the site does have good screening. Jon Wildenberg stated that the landscape plan meets the ordinance requirements and that they are showing a 6-foot chain link fence and that the commission could state they would prefer solid wood fencing. Jon Wildenberg stated that there is not much for lighting; however, they really do not need it unless the FAA requires it.

Chairwoman Ochoa then asked for comments from the commission. Commissioner Cvengros asked if this will affect the take-off and landing of planes and was told that the FAA will direct that. Commissioner Cvengros then asked why they went from 35-feet to 110-feet. Jon Kindseth stated that there is more coverage area with a taller monopole and it also allows more service providers. Jon Kindseth stated that the airport has reviewed the plan and had no issues. Commissioner Wood asked if the commission has to address the lighting and Jon said no, the FAA will. Commissioner Albarracin is concerned about having another eye sore within the Village within 2 miles of each other. Jon Kindseth said as there is more cell phone usage there is a need for more towers and that they can be within a half mile radius. Commissioner Mercure asked if the Village could see more of these and Jon Kindseth responded that yes, we could as the propagation maps show that they are needed.

Chairwoman Ochoa asked the Commission if they are okay with the 6-foot chain link fence and all are okay with the chain link, okay with the color of the monopole and okay with the FAA directing the lighting. Commissioner Hollingshead stated he wants to make sure that the monopole collapses onto itself and to ensure that that is covered in the permit.

Chairwoman Ochoa asked for a motion to open public comment. Commissioner Hollingshead made the motion. Commissioner Wood seconded. Chairwoman Ochoa asked if there were any

written statements received. Recording Secretary Sandi Pastell stated that no, there were no written or verbal statements made.

Chairwoman Ochoa asked if there were any public comments. Hearing none, Chairwoman Ochoa asked for a motion to close the public comment. Commissioner Hollingshead motioned to close the public comment. Commissioner Wood seconded. By voice vote the public comment was closed unanimously.

Chairman Ochoa then asked for a motion to recommend approval of the Conditional Use Permit. Commissioner Wood motioned to recommend approval. Commissioner Kloth seconded. By roll call vote the recommendation was unanimously approved for the Conditional Use Permit

Chairwoman Ochoa moved to the second item on the Agenda. The Public Hearing for petitioner, Benjamin W. Hughes, is requesting approval of Variances from Article 2, Section 2.3 Lot Area, Yard and Bulk Requirements in All Zones, Section 2.3.4 Rear Yard of the Village of Beach Park Zoning Ordinance to reduce the rear yard setbacks and any other zoning relief or departure from said Zoning Ordinance as may be required for this project or discovered as part of the public hearing proceedings. This will also include the purchase of the right-of-way to the West of the property adding an additional 2,092 square feet. This property is located in an B-1 Business District.

Chairwoman Ochoa asked if the legal description was noted in the petition, notice was published and the property posted. It was confirmed by the Recording Secretary Sandi Pastell that yes, all has been done as legally required on February 7, 2018 in the News-Sun.

Chairwoman Ochoa then asked for the applicant(s) to please approach the applicant table to give a brief description of their request. Benjamin Hughes stated that his business is growing and that he needs to expand the building and wants to remain in Beach Park rather than looking for another site. Benjamin Hughes stated that he wants to add and addition onto the existing building and purchase the right-of-way to the west of his property.

Chairwoman Ochoa thanked the petitioner and then asked for the staff report. Jon Wildenberg stated again we have another unusual zoning issue where the business is located in the B-1 business district and the right-of-way to the west that is need to proceed with the project is located in the R-3A, single family residential district. Jon Wildenberg stated that the business owner can select the zoning of the right-of-way as it is only a 22-foot alley and that it does comply with the Zoning Ordinance and that the Village would prefer it to be zoned B-1.

Jon Wildenberg stated that the rear yard set-back to the west should be a 30-foot set-back and it is proposed for a 20-foot setback; the side yard to the north requires a 12-foot set-back and it is proposed for 11.5-foot set-back and for the side yard to the south requires a 30-foot set-back and it is proposed at a 20-foot set-back. Jon Wildenberg said that there seems to be 4-5 parking spaces; however, the commission may want to ask how many employees and how many customers he has during the week. Jon Wildenberg said that the petitioner will be adding a new sign; however, the sign will be constructed to meet the zoning code and explained the landscaping the petitioner will be adding and that it is acceptable within the overlay district.

Jon Wildenberg stated that the alley that the petitioner will be purchasing will remain untouched.

Chairwoman Ochoa asked the Commission for discussion. Commissioner Wood asked about the snow removal and where it would go. Benjamin Hughes said that it currently goes to the northeast of the building or straight west into the alley, which will be the case now. Commissioner Hollingshead asked about the parking. Benjamin Hughes stated that the lot is not stripped; however, he is not a retail outlet and only has four to five appointments in a week. Benjamin Hughes stated he has 7 employees and that they park in the five spots along Sheridan Road and then facing Talmadge. Commissioner Hollingshead asked how much of the alley will not be developed and Benjamin Hughes stated 20-feet.

Chairwoman Ochoa asked about the building materials. Benjamin Hughes stated that it will be either concrete panels or stucco; however, it will match the existing building and the roof will be asphalt shingles and a steel roof. Chairwoman Ochoa asked if the sanitary sewer will be a problem and Benjamin Hughes stated that it will be eliminated and relocated.

Chairwoman Ochoa asked for a motion to open public comment. Commissioner Hollingshead made the motion. Commissioner Kloth seconded. Chairwoman Ochoa asked if there were any written statements received. The Recording Secretary, Sandi Pastell stated that no, there were no written or verbal statements made. Chairwoman Ochoa asked if there were any more public comments. Mr. Joe McMahon of 10052 Talmadge asked if he will be building into the alley and if he is keeping the tree-line. Jon Kindseth stated that can go up to the property line and that there will be no construction into the alley and will be leaving the tree-line. Mr. McMahon was satisfied. Chairwoman Ochoa asked if they are putting a buffer between him and the alley and Jon Kindseth stated that it is heavily wooded; however, if the fence goes into disrepair it is on the property owner to replace and that there is enough screening to date. Chairwoman Ochoa asked if there were any further public comments. Hearing none, Chairwoman Ochoa asked for a motion to close the public comment. Commissioner Hollingshead made the motion. Commissioner Kloth seconded. By voice vote the public comment was closed.

Commissioner Albarracin asked about the signage. Benjamin Hughes stated that it will be less than a 4 x 8 ground sign with landscaping and lighting in the ground facing into the sign which meets the sign code ordinance. Chairwoman Ochoa then asked for a motion to approve the variances for the set-backs. Commissioner Mercure made the motion. Commissioner Hollingshead seconded. By the roll call the recommendation was unanimously approved for the variance application. The applicant was informed that this will be present to the Board on March 22, 2018 at 7:00 p.m.

Chairwoman Ochoa then moved to the third item on the Agenda. The Public Hearing of McDonald's USA, LLC, Joe Coconato, Area Construction Manager, is requesting approval of a Conditional Use Permit to expand the existing drive thru operation by adding a second side-by-side service/ordering lane, digital menu boards, signage and various site improvements. The expansion is expected to be coordinated with other exterior architectural building renovations and upgrades.

Chairwoman Ochoa asked if the legal description was noted in the petition, notice was published and the property posted. It was confirmed by the Recording Secretary Sandi Pastell that yes, all has been done as legally required on February 13, 2018 in the News-Sun.

Chairwoman Ochoa then asked for the applicant(s) to please approach the applicant table to give a brief description of their request. Mr. Andrew Uttan of V3 Companies presented a power point presentation of what they are requesting in order to upgrade the McDonald's in Beach

Park. Andrew Uttan explained that when they decided to make the changes, they found out that they never received a Conditional Use for the drive-thru when they constructed the McDonald's in 1997 so he is here to ensure they have the proper zoning for the project. Andrew Uttan explained that they will be expanding the parking to the north to accommodate the second lane. Andrew Uttan then explained the new upgrades to both the exterior and interior of the business. Andrew Uttan explained that the drive-thru will maintain the 1 direction traffic and that there will be new menu boards on 55-inch t.v.'s. Commissioner Wood asked if the menu boards fall into the sign code. Jon Kindseth said that they do; however, they are built with ambient lighting and will fade the same as the speaker boxes. Andrew Uttan also explained that they will be adding kiosks in the restaurant as well.

Andrew Uttan then explained that the delivery trucks will now park in the rear where the 4 spaces are by the trash enclosure and that they will only be losing one parking space. Andrew Uttan then showed examples of the building materials. Andrew Uttan said that he will be happy to answer any questions that the Commission has.

Chairwoman Ochoa thanked the petitioner and asked for the staff report. Jon Wildenberg stated that Mr. Uttan pretty much touched on the staff report and said that he believes that this is a 24-hour location. Mr. Uttan stated that only the drive-thru is 24-hours. Jon Kindseth said that they do not need a CUP for that as the location exceeds the 100-foot requirement from residential districts. Jon Wildenberg said that they are within the zoning code with both the signage and the landscaping.

Chairwoman Ochoa asked the Commission for discussion. Commissioner Albarracin asked if they are going to remain open during construction and Andrew stated that they will remain open as they are not doing any construction in the kitchen area. Chairwoman Ochoa asked for clarification on the lighted boards and speakers and to ensure that they adjusted to the outside noise. Andrew stated that yes, they are ambient and adjust to the noise level outside and that they do it automatically.

Chairwoman Ochoa asked for a motion to open public comment. Commissioner Hollingshead made the motion. Commissioner Wood seconded. Chairwoman Ochoa asked if there were any written statements received. The Recording Secretary, Sandi Pastell stated that no, there were no written or verbal statements made. Chairwoman Ochoa asked if there were any more public comments. Mr. Jerry Christianson of 10116 W. California came up and said that he is all for new spirit; however, they have to live behind the establishment and they have to live with the noise it creates and the garbage trucks coming in at 4:30 a.m. He stated that the fence is falling apart and he is really concerned about the delivery truck parking on the west side as they never shut the truck down and that this is just going to annoy the neighbors even more. Mr. Christianson said that the intercom is so loud they can hear it when they are sitting outside and that the lights from the vehicles are so bright in their yards that airplanes could land there. He asked why they cannot put more screening to the west to block the noise as there is nothing in the proposal. Mr. Christianson said they were here long before McDonald's and that they McDonald's should be considerate of the residents. He stated that they should come to his house and see what he is talking about. He stated that this is just going to cause more traffic with their loud boom boxes and that he and his neighbors are not happy about this. He stated that the parking lot gets power washed at 5:00 a.m. and that the landscapers take almost all day to mow the lawn and with the fence falling down, they are now getting the garbage people are throwing around and wanted to know why no one polices' that area and to please take the neighbors into consideration.

Andrew Uttan said that he agrees with everything Mr. Christianson has said and that the fence will be fixed as part of the project. Mr. Uttan said that they cannot control the boom boxes; however, they could add signage to please respect the neighbors. Mr. Christianson said that will be no help at all as people will see that and just turn the volume up so why don't they just add more trees. Mr. Uttan stated that this is run by the franchise owner, not a corporate project; however, they can work with staff to relocate trees.

Chairwoman Ochoa asked if there were any further public comments different from Mr. Christianson. Mr. Patrick Tufo of 10079 California said they should do a berm to the west and then do the fence on top of that. Mr. Uttan explained that there is a detention pond there.

Chairwoman Ochoa asked if there were any further public comments. Mr. Peter Kouvaris of 10083 Wadsworth Road said that he lives right next door and all of the headlights go right into his living room window and wants a fence constructed to block that.

Chairwoman Ochoa asked if there were any further public comment. Hearing none, Chairwoman Ochoa then asked for a motion to close the public comment. Commissioner Kloth motioned to close the public comment. Commissioner Hollingshead seconded. By voice vote the public comment was closed.

Chairwoman Ochoa asked the Commission for discussion. Commissioner Kloth said that he understands the publics' concerns; however, expansion is inevitable and part of life. Commissioner Hollingshead said that he wants to know that they are going to do to accommodate the residents. Commissioner Wood feels the same way and does not feel he can vote on this until it is cleared up. Jon Kindseth said that the only improvement is to move some screening to the west side and continue it north. Jon Kindseth asked for a commitment from McDonald's to do so and Andrew said that they agree to the additional screening.

Chairwoman Ochoa then asked for a motion to approve the Conditional Use Permit with the condition that there will be additional screening and fencing. Commissioner Kloth made the motion. Commissioner Hollingshead seconded. By the roll call the recommendation was unanimously approved for the Conditional Use Permit. The applicant was informed that this will be present to the Board on March 22, 2018 at 7:00 p.m.

Chairwoman Ochoa then asked for a motion to close the public hearing. Commissioner Wood made the motion. Commissioner Hollingshead seconded. By voice vote the hearing was closed.

Chairwoman Ochoa then moved to the fourth item on the Agenda. The Public Hearing of Mohammad Kazmi, 37937 N. Sheridan Road, Beach Park, IL. The petitioner, Ghazala M. Kazmi, Sanaa Kazmi and lessee Midtown Motors SSR Corporation, Mohammad Kazmi, are requesting approval of a Conditional Use Permit to allow the use Automobile Sales, Supplies, and Service under Section 4.0.2.5 *Conditional Uses, Underlying Non-Residential Zone off the Sheridan Road Corridor* of the Village of Beach Park Zoning Ordinance for that part of the property located in the B-1 zoning district and not any other zoning district the property may be located in.

Chairwoman Ochoa stated that the public hearing was carried over from the February 1<sup>st</sup> meeting and asked the applicant(s) to approach the applicant table. Attorney Ayala said that they resubmitted the plans and were directed to make additional changes and that they were then resubmitted again and that they received no additional comments.

Chairwoman Ochoa then asked for the staff report. Jon Wildenberg stated that everything has been addressed and that the lighting plan now includes illumination levels. Jon Wildenberg had no further comment.

Chairwoman Ochoa then asked for any questions from the Commission. Commissioner Cvengros said he believes there was a concern about the chain link fence and he thought it was recommended that it be wood. Jon Wildenberg said that we can make a recommendation that the fence has to be wood; however, most of the area to the east is undeveloped. Attorney Ayala said that the B-1 goes past the chain link and if it was to be used it would require landscaping to be removed and they have no plans to develop that part of the land.

Commissioner Hollingshead asked about the lighting for the sign as what is in the packet shows they are using indoor lights. Jon Wildenberg told the petitioner any lighting for the sign must be for outdoor use. Commissioner Hollingshead asked if we are square on the number of vehicles that he will have for sale and for repair. Attorney Ayala said that there are designated spots. Commissioner Hollingshead said that he wants an exact number due to the past history with this petitioner. Attorney Ayala said no more than 30. It will be in the Ordinance, if recommended that he is not to exceed 30 vehicles.

Jon Kindseth said that he recommends a length of time on the Conditional Use Permit. Jon Kindseth said that the petitioner has worked through the issues; however, based on the previous history we should have a shorter time allowed for the renewal. Jon Kindseth stated that there should be a one-year period and that the petitioner would have to direct a letter to the board asking for an extension of the Conditional Use Permit. Jon Kindseth explained that the petitioner can ask for a specific amount of time; however, the Board will decide how long it can be extended for. Jon Kindseth reiterated that as long as the petitioner is in compliance he can request the extension. Jon Kindseth also stated that instead of going through the revocation process again, he feels with a shorter period of time, he will remain in compliance.

Attorney Ayala said that she feels that a one-year time frame is excessive and requests that the time frame be more like two to three years. Chairwoman Ochoa said that it will be for one year and once the request to renew is issued the Board will establish more time. Attorney Ayala said that she wants the extension period up front and not after the one-year period. Attorney Ayala said that they will act in good faith; however, they want the longer time frame now.

Jon Wildenberg stated that the conditional use is performance based and understands; however, it is tough to pick out a time frame before we see progress. Commissioner Wood said that it took us revoking the first conditional use permit in order for the petitioner to meet the original conditions and then having him come back several different times just to remove his request.

Jon Wildenberg said that it is up to the Board as we are just a recommending body. Jon Kindseth said that he understands that there is an investment; however, there is still a trust issue for the Village with the petitioner.

Chairwoman Ochoa asked for a motion to open the public comment. Commissioner Hollingshead motioned. Commissioner Kloth seconded. By voice vote the public comment was opened.

Chairwoman Ochoa asked if there were any public comments. Recording Secretary, Sandi Pastell stated that we do have one written comment. Recording Secretary Sandi Pastell stated that Mr. Kindseth received an email on February 1, 2018 stating the following: "Please do not get into a trick bag as was the case back with the other repair shop at this location. Junk yard out door storage of unlicensed vehicles etc. When they got in, hard to control what is behind the fence. Please use good judgement as to past conditions at this location, thank you Bob Johnson."

Chairwoman Ochoa asked if there were any further public comments. Hearing none, Chairwoman Ochoa asked for a motion to close the public comment. Commissioner Hollingshead motioned. Commissioner Cvengros seconded. By voice vote the public comment was closed.

Chairwoman Ochoa then asked for a motion to approve the Conditional Use Permit with the condition of a one-year renewal. Commissioner Hollingshead made the motion. Commissioner Mercure seconded. By roll call vote, it was unanimously recommended for approval. The application was advised that this will be present to the Board on March 22, 2018 at 7:00 p.m.

Chairwoman Ochoa then asked for a motion to close the public hearing. Commissioner Hollingshead made the motion. Commissioner Albarracin seconded. By voice vote the public hearing was closed.

Chairwoman Ochoa then asked if there was any public comment. Hearing none, Chairwoman Ochoa than asked if there was any old business. Hearing none, Chairwoman Ochoa then asked if there was any new business. Hearing none, Chairwoman Ochoa asked for a motion to adjourn the March 1, 2018 Plan Commission and Zoning Board of Appeals meeting. Commissioner Hollingshead made a motion to adjourn. Commissioner ALBARRACIN seconded.

The Commission voted unanimously by voice vote to adjourn the meeting. Meeting adjourned at 8:15 p.m.