

# PLAN COMMISSION AND ZONING BOARD OF APPEALS

## MINUTES

September 6, 2018

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

**ALSO PRESENT:**  
Sandi Pastell – Present  
Trustee Larry Wells – Present  
Jerry Nellessen – Community  
Development Director - Present  
Jon Kindseth - Administrator  
Marcy Knysz – Rolf Campbell

**MOTION:** Commissioner Hollingshead  
**2<sup>nd</sup>:** Commissioner Kloth

**Approval of the minutes from the  
Plan Commission and Zoning  
Board of Appeals meeting of July 5, 2018  
and August 23, 2018**

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

**Ayes – 4  
Nays – 0  
Absent – 3  
Vacancy - 0**

Chairwoman Ochoa then asked for the Village Board Report. Trustee Wells stated that the Village of Beach Park is seeking approval to add text amendments to the Village of Beach Park Zoning Ordinance related to Illinois Public Act 100-0585, known as the “Small Wireless Facilities Deployment Act”, which became effective on June 1, 2018. This was approved by the Board at the June 28, 2018 meeting.

Chairwoman Ochoa moved to the first item on the Agenda. The Village has received a letter from Mr. Mike Magnuski requesting an extension of the Conditional Use Permit for an additional two years. When Mr. Magnuski received the CUP from the Village of Beach Park for his automotive operation, the time frame for the CUP was for two years and would expire on November 1, 2017. Mr. Magnuski forgot about the expiration until notified by the village that he needed to renew the CUP or it would be considered expired. Mr. Magnuski provided a letter requesting a two-year extension, as provided for in Section III of the Ordinance. He is allowed a cumulative of six years of a CUP. Due to the way the Ordinance was written, staff is bringing this forward to the Plan Commission & Zoning Board of Appeals for recommendation to the Village Board.

Chairwoman Ochoa then asked if there have been any complaints at the property and was told that there have been none. Chairwoman Ochoa then asked Mr. Magnuski if he has been selling automobiles. Mr. Magnuski responded that he has been selling automobiles; however, he is only selling them if he has done the work as required and the individual has never picked up the vehicle so that he could get his money back. Chairwoman Ochoa asked if he is still renting

space to others to store vehicles. Mr. Magnuski stated yes, he is renting to Lewis Avenue Auto and Midtown Motors and leases a portion of his building in the back to Lewis Avenue Auto.

Jon Kindseth stated that it is clearly stated in the ordinance that Mr. Magnuski is not permitted to sell vehicles as part of his business. If Mr. Magnuski wants to continue to sell those vehicles it must be added to the Ordinance or strictly stated he cannot sell vehicles at this location. Jon Kindseth asked Mr. Magnuski if he wants to continue to sell vehicles and Mr. Magnuski said that if he repairs a vehicle and they leave it there, buy a new vehicle and he gets the title, yes, he does as he just wants to get his money back for the repairs. Jon Kindseth said that staff will take a look at it and clarify. Jon Kindseth stated he also wants to clarify that he is only renting outdoor space to Lewis Auto, Midwest and Small Car Motors. Mr. Magnuski said that at the prior meetings, he was allowed to rent the back half of his building.

Jon Kindseth stated to the Commission that due to the fact that the CUP has already expired, Mr. Magnuski is aware that this extension will only be until November 1, 2019 as it has been close to a year that it has expired.

Chairwoman Ochoa then asked for a motion to recommend the extension of the Conditional Use Permit for Magnus Automotive until November 1, 2019. Commissioner Hollingshead made the motion. Commissioner Kloth seconded. Buy voice vote the commission recommended that Mr. Magnuski's request for an extension be approved. This item will go to the Board on September 28, 2018.

Chairwoman Ochoa then swore in all applicants that would be testifying in tonight's hearings as well as anyone in the public that would want to speak. Chairwoman Ochoa also stated that if anyone from the public is going to speak that they have 3 minutes to do so.

Chairwoman Ochoa then asked for a motion to open the public hearing. Commissioner Hollingshead made the motion. Commissioner Mercure seconded.

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 in the News-Sun on August 16, 2018.

Chairwoman Ochoa then moved to the second item on the agenda. Petitioner, Kathy Sisson, K Partners LLC, is requesting approval of Variance(s) for the property located at 38835 N. Sheridan Road from Off Street Parking and Loading requirements, Landscaping, Screening and Buffering, Refuse Screening requirements as required in the B-1 Business District and the Sheridan Road Corridor Overlay District and any other zoning relief as may be required for this project.

Chairwoman Ochoa then asked for the applicants' testimony.

Kathy Sisson then gave a description of the project stating that it is going to be a restaurant.

Marcy Knysz from Rolf Campbell stated that there are several variances and one that is not necessary. Marcy Knysz asked Kathy Sisson if she is going to be purchasing the alley and Kathy stated yes, she will be; however, she will not purchase if the project is not approved. Marcy Knysz went through her memo in regards to access, parking, signage, lighting, landscaping, refuse enclosure and outside storage. Marcy Knysz stated that the landscape plan shows the proper setbacks but not the plantings. Chairwoman Ochoa asked about signage as

she does not see any request for it in the petitioners' application. Kathy Sisson stated that she will be following the Village Sign Ordinance for signage as there will be a sign on the façade and at the corner of Oak Forest and Sheridan.

Marcy Knysz stated that she needs 46 parking spaces and that she only has 19 and even with the daycare allowing parking on their site, it still does not meet the parking requirements and will require a variance for parking. Marcy Knysz asked Kathy Sisson how many parking spaces she has and Kathy responded 22.

Marcy Knysz then explained that on the lighting plan it shows the radius to be 30 feet with 0 foot-candles which means that the lighting will not go beyond the 30-foot radius. Marcy then stated that the commission can approve wood grade materials for the refuse corral instead of masonry. Kathy Sisson stated that she will have the site plan changed to reflect what is needed and to be sure its in compliance.

Chairwoman Ochoa then asked the commission for discussion. Chairwoman Ochoa said that she wants more landscaping by the residential side of the property. Commissioner Mercure stated that if we do that it will affect the parking and they would not be able to parallel park on the east side. Chairwoman Ochoa stated that the refuse corral is on the east side against the residential side of the property. Kathy Sisson stated that she can move it to the south east side. Jon Kindseth said it would have to be relocated either closer to the building or to the south side between the buildings.

Marcy Knysz asked Kathy Sisson if she was planning on paving the area and Kathy responded yes, she is. Marcy Knysz then asked about the hours of the restaurant and was told that they will be 10:00 a.m. to 12:00 a.m. Monday through Sunday. Chairwoman Ochoa asked the Commissioner's if they are okay with a variance for the refuse enclosure to the wood grade materials. Commissioner Kloth said that would be fine, Commissioner Hollingshead said it is going to depend on where the corral is positioned. Commissioner Hollingshead said that if it is between the buildings, he would recommend masonry. Commissioner Mercure agrees with Commissioner Hollingshead. Kathy Sisson said that she can go to the south east corner or to the north and remove an ornamental tree; however, it will bring her down to 15 parking spaces. Kathy Sisson stated that the site has always been a challenge for parking and believes this is a good project for this site.

Kathy Sisson stated that no matter what she brings to the table there is going to be an issue with the parking and that she is willing to make the changes and wants to know what the Villages' suggestions are. Kathy Sisson stated that people are also allowed to park in the street. Jon Kindseth stated that she should go back to her architect, lose 2-3 parking spaces, move the corral and take a better look at the landscaping. Jon Kindseth said try to limit the number of variances for landscaping as if we only have variances for parking that will make the landscaping better.

Commissioner Mercure said that he is concerned about the shared parking as what is going to happen if the daycare goes out of business in a year. Jon Kindseth stated we could put it in as a condition that as long as they have the shared parking agreement it's good. If the parking agreement defaults, it goes away and the petitioner must advise the Village how they are going to fix the issue.

Commissioner Hollingshead said that he agrees with landscaping on Sheridan and any other eliminations does not bother him. Commissioner Kloth said to make sure that the landscaping

is not tall so that people can see to get out onto Sheridan from Oak Forest. Commissioner Kloth stated that some business along Sheridan Road just have grass and it looks nice and said that trees should be left out and just leave green space.

Chairwoman Ochoa said that she knows that parking will be tight and is concerned about the landscaping on the east side, she wants more of it so that the residents are being taken care of. Chairwoman Ochoa stated that she does not want parking on the street. More discussion was had in regards to the landscaping.

Chairwoman Ochoa asked for a motion to open the public comment. Commissioner Hollingshead made the motion, Commissioner Kloth seconded. Public comment open. Chairwoman Ochoa reminded the public to state their name and address and that there is a 3-minute limit and if your concerns have been stated, please do not repeat someone else.

Mr. David O'Rear of 9872 Marguerite Lane. Mr. O'Rear stated that he is concerned about snow removal as it is always placed in the center section between the two buildings and he wants to know where it is going to go. Mr. O'Rear said that if you do street parking, they are narrow roads, no curbs and people will be parking on the residents' grass. Mr. O'Rear said that if they cannot produce 50% of parking you people have to deny this application and that once it is approved the residents have to live with it. Mr. O'Rear again stated that the snow is always piled up. Mr. O'Rear then stated that the owner has not attempted to keep the building in better shape and that the state of her property is affecting their property values and that the Village does absolutely nothing about zoning. Mr. O'Rear said to put a doctors' office or something like that in there. Kathy Sisson stated that she submitted a snow plan and that it will be removed from the site. Mr. O'Rear said that it should be made that there is no parking on the street either. More discussion was had in regards to the parking.

Mr. Lee Draper of 9931 Oak Forest. Mr. Draper said that he agrees with Mr. O'Rear saying that with the snow, weeds and parking on the street, this use should not be permitted. If the restaurant is open from 10:00 a.m. to midnight that is just too much in a residential neighborhood. Mr. Draper stated that this area is also a bus stop and he is afraid that children are going to get hurt. Commissioner Kloth stated that there is no bus stop there, the buses just drive down the street to pick the children up and goes up and down Sheridan Road.

Chairwoman Ochoa asked if there were any written statements and Sandi Pastell stated that no, there were not written comments received.

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

Chairwoman then asked for any further comments from the commission. Commissioner Hollingshead stated that the site plan needs changes. Commissioner Hollingshead said that there are parking issues, the refuse corral location and recommends that the petitioner come back once these changes have been made to the site plan. Commissioner Kloth stated he is concerned about the snow and it was explained that the snow will be removed from the premises.

Chairwoman Ochoa said that there are a lot of variations to go over and feels that this should be tabled until the October meeting. Commissioner Mercure said that he is confused about the landscaping on Sheridan Road and feels that we are creating a problem having all of that

landscaping there and that it is a mixed bag. Marcy Knysz stated that the street landscaping variances are worthy; however, she is concerned about the east side as well. Commissioner Mercure said that trees should not be there. Jon Kindseth said that if the commission agrees, we could remove the landscaping on Sheridan and the petitioner could put in a walking path. More discussion was had.

Kathy Sisson said that as the owner she has tried to get the appropriate parking and landscaping to make it attractive. Kathy Sisson stated that the neighbor to the east has a privacy fence and not sure why she is required to put one up as well. Kathy Sisson stated that the 1<sup>st</sup> time around with a project there were problems and it was tabled. Marcy Knysz said that the site plan shows a new fence and Kathy said that she is still planning on doing it if it means getting project approved. Jon Kindseth stated that we can put it into the ordinance that if the fence becomes dilapidated and needs repair that Kathy Sisson would have to replace it. Kathy Sisson stated that she would be fine with that. Chairwoman Ochoa asked the petitioner if she was okay with her application being tabled so that the recommended changes can be made and Kathy stated she was and will meet with staff.

Chairwoman Ochoa then asked for a motion to table the petitioners' application until the October 4<sup>th</sup> meeting. Commissioner Mercure made the motion to table the application. Commissioner Hollingshead seconded. Ayes 4, Nays 0, Absent 3. Motion passed to table the application.

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

Chairwoman Ochoa then asked for a motion to open the public hearing. Commissioner Hollingshead made the motion to open the public hearing. Commissioner Kloth seconded and by voice vote the public hearing was opened.

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 in the News-Sun on August 16, 2018.

Chairwoman Ochoa then moved to the next item on the agenda. Petitioner, Village of Beach Park, is seeking approval for a text amendment to the Village of Beach Park Zoning Ordinance Section 2.2 (Definitions) and 9.4 (Accessory Use Regulations) related to accessory uses, buildings and other structures, customarily incidental to and commonly associated with an allowed use or a permitted conditional use.

Chairwoman Ochoa then asked for the applicants' testimony.

Jon Kindseth then gave a description of the text amendment that is before the commission in regards to accessory structures which includes the changes from the combined meeting held on August 23<sup>rd</sup>.

Chairwoman Ochoa then asked for any discussion from the commissioners. Commissioner Hollingshead said that he was at the combined meeting and that there was a discussion that staff will be removing 850 square feet of accessory structure as you will now be counting attached garages as part of the square footage of available accessory structure square footage. Commissioner Hollingshead said that he is concerned about that and feels that we would be

taking too much away and that maybe what we need to do is increase the square footage on Table 1. Jon Kindseth stated that this commission has the ability to do that.

Commissioner Kloth said that the Village has several large buildings, garages now and that no one has complained about those and now staff and the board want to make it hard for residents to come in who need that extra space. Commissioner Kloth stated that he just does not see the reasoning behind this and that it is not the right direction for the Village to be going. Jon Kindseth stated that what we are trying to do is not to make our residents unhappy. Jon Kindseth stated that there was one garage in-particular that the Board received a lot of grief about and now they want the ordinance changed. Jon Kindseth stated it is also to try and stop contractors as well as that is an issued. Jon Kindseth said he does not have all of the answers; however, he feels that it is a step forward and that it can always be changed in the future with a simple text amendment.

Much more discussion was had in regards to increasing the square footage on Table 1 and leaving the attached garage as part of the primary structure or having to include it in the accessory structure square footage.

Jon Kindseth asked the commissioner what increase they are comfortable with and Commissioner Hollingshead said that he would be comfortable with 40%, Commissioner Mercure had no comment and Commissioner Kloth said that the village is deteriorating and that he feels for any resident that wants to increase their accessory structures. Chairwoman Ochoa stated that if we increase the square footage to 40% across the board, that should enable residents to do what is needed.

Chairwoman Ochoa then asked for a motion to recommend approval of the text amendment to the Village of Beach Park Zoning Ordinance Section 2.2 and 9.4 with a 40% increase to the totals square footage on Table 1, Article 9. Commissioner Hollingshead made the motion to approve the text amendment. Commissioner Mercure seconded. Ayes 4, Nays 0, Absent 3. The motion was approved to forward this to the Board on September 27, 2018.

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. Jon Kindseth said that he has passed out some information in regards to Home Rule as that will be on the ballot at the November elections. Jon Kindseth explained that we do not need to go in to a large discussion, he just wanted to make everyone was aware of it. Chairwoman Ochoa asked if there was any discussion. Hearing none, Chairwoman Ochoa asked for a motion to adjourn the September 6, 2018 Plan Commission and Zoning Board of Appeals meeting. Commissioner Hollingshead made a motion to adjourn. Commissioner Mercure seconded.

The Commission voted unanimously by voice vote to adjourn the meeting. Meeting adjourned at 8:20 p.m.