

PLAN COMMISSION AND ZONING BOARD OF APPEALS

MINUTES

October 4, 2018

ROLL CALL: Chairwoman Ochoa – Present
Commissioner Hollingshead – Present
Commissioner Wood – Absent
Commissioner Kloth – Present

Commissioner Cvengros – Present
Commissioner Mercure – Absent
Commissioner Albarracin – Absent

ALSO PRESENT:

Trustee Larry Wells – Present
Jerry Nellessen – Community
Development Director - Present
Jon Kindseth - Administrator
Marcy Knysz – Rolf Campbell

MOTION: Commissioner Hollingshead
2nd: Commissioner Kloth

**Approval of the minutes from the
Plan Commission and Zoning
Board of Appeals meeting of September
6, 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 text amendment to the Village of Beach Park Zoning Ordinance Sections 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. This was approved by the Board at the September 27, 2018 meeting.

Trustee Wells then stated that the request for an extension of the Conditional Use Permit for 9902-9962 Beach Road for an automotive operation was extended an additional two years. This was approved by the Board at the September 27, 2018 meeting.

Chairwoman Ochoa moved to the first item on the Agenda which was discussed at the September 6, 2018 Plan Commission meeting and was continued to this meeting. 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 swore in the applicant (Kathy Sisson) and those that were going to testify (resident David O'Rear).

Chairwoman Ochoa then asked for a motion to open the public hearing. Commissioner Hollingshead made the motion, Commissioner Cvengros seconded the motion and the motion carried on the following roll call vote: (18:12 hours)

Ayes: Commissioner Hollingshead
Commissioner Cvengros
Commissioner Kloth
Chairwoman Ochoa

Nays: None

Chairwoman Ochoa then asked for the applicants' testimony.

Kathy Sisson then gave a description of the project stating that she has been working on with the Village since the last meeting to correct the issues that were raised and has come up with a site plan believed to be acceptable. Said that Village and K K Partners had an interest in maximizing the screening around the residential areas to the north and east and she has agreed to do so. On the west border, in light of the fact that she has agreed to a walking path will be put in, the plantings will be minimized there. Ms. Sisson agrees with the walking path and also the increased 7-foot landscape buffer on the east which will leave a one foot variance on the east for landscape buffer. Kathy Sisson said they took out 2 parking spaces to allow for a garbage corral on the southeast corner of the property and will have a 2 way drive lane in the rear of the building. From the September meeting the east and west property line area enhancements were adjusted and the north lot line has no variances as they are placing the landscaping as required by ordinance. She has taken out the previous parking space labeled #11 and also the parking in the area of the newly placed garbage corral.

Chairwoman Ochoa then asked for the Village staff report. Marcy Knysz read through the memo in regards to the variances. The first variance is the landscaping at the area of Sheridan and Oak Forest and the Village agrees with the plan as submitted, a variance from the required landscape requirements for the south property line which is currently asphalt, a variance to allow for a wood garbage corral, a reduction in the drive aisle width from 24 feet to 19'6", a reduction from 8' to 7' for the landscape buffer on the east property line and they will use the existing fence but if that fence falls into disarray or disrepair or needs replacement then they-petitioner-shall provide a new compliant fence, the parking on site is down to 18 spaces from the required 46 spaces on site but will use shared parking from the day care center to the south. They are required to provide a letter from the property owner allowing for this. Kathy is requesting to construct a wood garbage corral as well. Staff is also requesting the flexibility to adjust the landscaping if needed, without having to come back to the Board. Mr. Kindseth also asked if there could be larger trees placed around dumpster corral for screening versus low shrubs. Staff also asked for the petitioner to reimburse the Village for two no parking signs for Oak forest between Sheridan road and the east driveway for the site. Ms. Sisson agreed to this. There is still a need to have the snow removal and snow melt letter for the site snow removal plan. The walking path will be put in on the west side. If there are mechanicals on the ground or roof that are visible, they must be screened per the ordinance. The existing parking lot is supposed to be repaired as part of the overall work that the petitioner is doing. Chairwoman Ochoa then asked Mr. Kindseth if he had anything to add, he did; He explained the parking, as currently allowed in the Village and on Oak Forest. Mr. Kindseth also explained how they could add no parking signs up to the area of the existing houses and the parking restrictions are same as they are for the rest of the Village streets. There are no variances requested for signage as the signage is anticipated to be compliant. If it is not then the petitioner will have to come back before the board.

Chairwoman Ochoa then asked the commission for discussion. Commissioner Kloth said that there is a big improvement in the site plan and maybe want to look at moving some screening to the north to keep the area open more. Commissioner Hollingshead said if she ever has to replace the fence, can she upgrade the garbage corral to match the building. Jon Kindseth said not sure if we can do that under the variance request. Commissioner Cvengros had no comments. Chairwoman Ochoa thanked the petitioner and staff on their work to bring this project to completion.

Chairwoman Ochoa asked for a motion to open the public comment. Commissioner Hollingshead made the motion, Commissioner Kloth seconded. The motion carried on the following roll call vote:

Ayes: Commissioner Hollingshead
Commissioner Cvengros
Commissioner Kloth
Chairwoman Ochoa

Nays: None

Public comment opened at 18:30 hours. 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.

David O'Rear, 9872 Marguerite Lane, Beach Park. Said that what has been shown tonight is a huge improvement. He is concerned about driving between the buildings and said it is legal but it's questionable. He said we are cutting parking spaces from the required 46 to 18 and it should concern everyone here. He said he's opposed to what we are saying is okay. He said on Oak Forest, the north side says should have curbing coming past the exit along the property line, it should stop the problem of people parking on the grass. He said the 3rd home on Oak Forest just sold again after foreclosure and 3-4 weeks later there are 5 vehicles and using the end of the parking lot. He does not want anymore that will park on lawns. Chairman Ochoa said curbing is in the plan. Jerry said there will be curbing on the southside as well. David said he is talking in front of the houses on the north side thats going to be an issue.

David said that the parking for the property to the south and wants to know if there is a time limit for them to share parking. Chairwoman Ochoa said that is it tied to this use. Unless there is a new owner of the actual property, permission would have to be granted from that new owner. Jon Kindseth was explaining the ownership of the building to the south and how that would work. David asked who is going to enforce the snow removal and it was explained that she has an agreement in the packet for removal of the snow. Chairman Ochoa said if there is enough snow to plow, it will be removed. David said that if there is anything we can do to eliminate any trees causing a site line view issue that needs to be done. He preferred no landscaping on the west and north sides. David then asked if the restaurant is going to use all of the building, Kathy said yes, he has requested the entire building. David then asked about signage and Jerry said she will be in compliance with the ordinance. Jerry addressed his signage question that they will be hard pressed to put a pole or monument sign. They would only be able to use a wall sign.

Chairwoman Ochoa asked if there were any written statements and Jerry Nellesen 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 at 18:45 hours

Chairwoman then asked for any further comments from the commission. Nothing additional.

Chairwoman Ochoa then asked for a motion to approve the petitioners' application with the variances as requested. Commissioner Hollingshead made the motion to approve the application and variances as indicated by staff (see below). Commissioner Cvengros seconded the motion. The motion carried on the following roll call vote:

Variance: 4.02.11 Landscaping, screening-Sheridan Road and Oak Forest landscaping amounts of material reduced

Variance: 4.02.11 Landscaping, screening, buffering-variance to south setback landscape requirements –no landscaping proposed

Variance: 4.02.11 E Screening of disposal areas-garbage enclosure request for wood fence in lieu of matching building materials-paved area-metal gate and frame

Variance: 11.5.1 Parking Configuration-requesting a reduction in drive aisle width from 24' to 19'6"

Variance: 4.02.11 Other Provisions-screening-Proposing to use neighbors fence along east property line and if that fence needs replacement, repair or falls in disarray it shall be replaced by the petitioner and in compliance with codes and ordinances. Also a variance to reduce the landscape buffer along the east property line from 8' to 7'.

Variance: 11.8.1 Minimum Parking Spaces-the petitioner is requesting a variation to reduce the required spaces from 46 to 18 (with 1 ADA stall). The petitioner has permission from the business owner to the south for shared parking-petitioner will need the property owner to provide this also.

All as outlined and expanded upon in the staff report dated October 1, 2018 from Rolf Campbell and Associates.

Ayes: Commissioner Kloth
Commissioner Cvengros
Commissioner Hollingshead
Chairwoman Ochoa

Nays: None

Chairwoman Ochoa then asked if there was any old business. Hearing none, Chairwoman Ochoa then asked if there was any new business. Jon Kindseth said previously the commission weighed in on the cell phone issue by the state; however, most of this was inaudible. Chairwoman Ochoa asked for a motion to adjourn the October 4, 2018 Plan Commission and Zoning Board of Appeals meeting. Commissioner Hollingshead made a motion to adjourn. Commissioner Kloth seconded.

A motion was made by Commissioner Hollingshead to adjourn the meeting. the motion was seconded by Commissioner Kloth. All were in favor and by unanimous voice vote the meeting adjourned at 7:05 p.m.