

CITY OF COUNTRYSIDE

*803 Joliet Road
Countryside, IL 60525
www.countryside-il.org*



Meeting Minutes

Regular Meeting of the Plan Commission

Zoning Board of Appeals

Tuesday, May 6, 2025

7:15 P.M.

City Hall

Board Members

**Chairman Robert Schwarz, Secretary Tina Grotzke,
Marco Gutierrez, Ronald Ward, Steve Kehr, Jack Benton,
Tom Geraghty, Danielle Edenfield, Jonathan Gertsmeier**

Meeting called to order at 7:15 p.m. by Chairman Schwarz.

Roll Call: Chairman Schwarz called the Roll of Members physically present:
Present: Chairman Robert Schwarz, Tom Geraghty, Jack Benton, Marco Gutierrez, Ronald Ward, Steve Kehr, Danielle Edenfield
Also Present: City Attorney Erik Peck, Planning Manager Richard Trent, City Attorney Jim Hess, Recording Secretary Prokop
Absent: Tina Grotzke, Jon Gertsmeier

Approval of Minutes -- The Regular Meeting Minutes of March 4, 2025 were previously distributed to Board Members. There were no corrections; motion made to approve the minutes as presented.

A motion was made by Mr. Ward, seconded by Mr. Benton, that this matter be APPROVED as presented. The motion carried by the following vote:

Aye: 7 Schwarz, Geraghty, Gutierrez, Benton, Edenfield, Ward, Kehr

Nay: 0

Absent: 2 Grotzke, Gertsmeier

Action Items: NO NEW BUSINESS ITEMS

Attorney Peck introduced his Associates at Tressler, LLP – they are Jim Hess who is familiar to all, and Megan Olson, a new partner in the government group. Mr. Peck invited her this evening to meet the PC/ZBA Board members. She will be here in the future. Commissioners welcomed her on board.

Chairman's Comments - Chairman Schwarz announced that since there is no new business to discuss this evening, this is a good time for Attorney Hess to present a brief outline on the Role and Responsibility of Officials of the Plan Commission/ Zoning Board of Appeals.

Attorney Jim Hess covered topics on *Origins of Zoning, Local Administration, Hearings, Variations and Special Uses* and the *Role of the Appointed City Official*. Please feel free to ask questions at any time.

What is Planning? - The technical and political process focused on development/design of land use and the built environment including air, water and infrastructure passing through urban areas – transportation, communications, distribution networks and their accessibility.

Origins of Planning - Dates back to Greco-Roman culture. Since 1900, urban planning models became popular to mitigate consequences of industry by providing factory workers with healthier environments. The advent of modern civilization brought the necessity for local, national and federal administrations to begin to plan cities for current and future use to avoid congestion and insure the safety and welfare of residents. Also, to insure that in 20-30 years, the cities would still be operating in an efficient manner to improve the health and well-being of residents, maintain suitability standards and sustain development.

What is Zoning? - A general plan to control and direct the use and development of property in a municipality by dividing it into different districts according to the present and potential future use of

property. For instance, a factory should not be next to a farm but in a specifically designated area so that they do not negatively impact each other. This is where a “Comprehensive Plan” comes in.

Origins of Zoning - began in 1884 Germany. Shortly thereafter when Planning became popular, the United States adopted Zoning. The Illinois Zoning Act of 1921 gave municipalities the police power to enact Zoning Ordinances. The Supreme Court recognized that it is important for local municipalities to have the authority to direct its agents and representatives to regulate the use of the land and to zone them in certain areas. Individuals challenged the law so they could do whatever they wanted. The Supreme Court stated that the entire purpose of “Zoning” is for the best interest of the people. Mr. Trent stated that those types of questions still arise today; people are constantly challenging the law and questioning the right of a municipality to regulate their land. The law is necessary to benefit all residents of the city. Mr. Peck added that State Statutes make provision for a Plan Commission and for a Zoning Board of Appeals – two separate Boards. For instance, the City of Chicago has both Boards; smaller communities like Countryside combine them into one Board – but they are two separate and distinct decision-making processes. Planning is for the future expansion of a municipality; Zoning deals with how to regulate that expansion.

Power to Zone - The basis of Zoning is regulation of land use – residents or businesses should not interfere or injure their neighbors by what they are doing with their property. It is necessary to be a *considerate* neighbor but that doesn’t always happen by itself; municipalities step in and become an independent arbiter with zoning regulations. The purpose of zoning is to regulate height/bulk of buildings; determine setback lines on streets or storm/flood runoff; limit intensity of use; restrict location of trades/industry; divide municipalities into districts; and prohibit certain uses that are incompatible with the character of the districts.

Local Administration - The commission is made up as many persons as the City Council deems advisable; members are appointed by the Mayor and confirmed by the City Council. The function is to prepare a tentative proposed Zoning Ordinance and make a recommendation to the City Council; they review applicants to make sure they are aware of the City’s Ordinances and Comprehensive Plan. Mr. Trent is the Planning Manager – he does an outstanding job – and works with the Commissioners. Without Board members volunteering their time and expertise, there would be no well-rounded group to handle local administration.

Municipalities are authorized to establish a Plan Commission and a Zoning Board of Appeals by the Illinois Municipal Code. The City of Countryside has combined both bodies into one Board to streamline the process. This Board (the PC/ZBA) is charged with the responsibility of administering and interpreting the City’s Zoning Ordinances. The Board hears appeals from the Zoning Administrator (Planning Manager) and conducts hearing concerning applications for variations, special uses and text amendments. Recommendations are made to the City Council which may be accepted or rejected.

Functions of the Plan Commission/Zoning Board of Appeals - The five (5) main functions are to prepare and recommend to the City Council a Comprehensive Plan for future development of the City;

recommend changes in the official Comprehensive Plan; prepare and recommend plans for specific improvements in the Comprehensive Plan; aid municipal officials in interpreting the Plan; and exercise such other powers granted by the City Council. On occasion, the City Council may return matters back to the PC/ZBA for further consideration. Recommendations are seriously considered by Elected Officials and Staff.

Common Matters Considered - Comprehensive Plan, Zoning Map, Zoning Relief (with Special Uses and PUDs, Variations, and Zoning Map and Text Amendments).

Hearings - The most important thing to note is that hearings are operated properly; they are open to the public and all individuals must be afforded due process. Applicants (and property owners) have a right to appear and be heard, to make their statement, to cross-examine all witnesses that testify and to notify neighboring property owners. The objective is to ensure that all interested parties have an opportunity to be fully and fairly heard. Notice requirements must be strictly followed in order to maintain due process. A technicality such as an "improper notice" may result in the Board's decision being overturned because comments were not made on the record for consideration. The rights of applicants cannot be violated.

Typical Order of Public Hearings - are as noted in the presentation and the materials provided. All hearings are recorded by audio tape and by a recording secretary who must provide a transcript of the proceedings. The Staff will summarize the Petition; the Applicant will make a presentation; there is public testimony and comments; followed by cross-examination and response/rebuttal by the Applicant; and then questions by members and the public after which the Commissioners discuss and deliberate the matter before taking action (in the form of a recommendation). A vote of the majority is required to grant the requested relief; the Board must keep the meeting minutes showing the vote of each member. Staff then prepares a final recommendation that goes before City Council for review and approval.

Distinction between Special Use and Variations - Variations grant relief from specific limitations regarding the structure to be constructed on a given lot. A Special Use is permission by the City to use property in a way not ordinarily permitted in a given classification. Many times both are requested by the same Applicant for the same property.

Criteria for Variations - That granting a variation will not be materially detrimental to the public welfare or injure the public. Also, that the proposed variation complies with the spirit and intent of the restrictions imposed by this Title. The Applicant must be specific and state their concerns on the record.

Standards for Special Use - Per numbers 1 and 2 (of Section 10-12-4-6 (F) of the Code), the use will not be detrimental to or endanger public safety, health, morals comfort or general welfare; and that the use will not be injurious to the enjoyment of other property in the immediate vicinity. Finally, the use shall conform to regulations of the district in which it is located.

Findings, Approval and Override - By law, the PC/ZBA is required to make findings of fact (in writing) giving reason for their decision and make a recommendation to the City Council. The City Council can

elect to return the matter to the PC/ZBA for further consideration. If a variance fails to receive approval from the PC/ZBA, the City Council can still approve the variance by a 2/3 vote. If a Special Use fails to receive approval from the PC/ZBA, the City Council can still approve it by majority vote. Findings are not always unanimous re: Variations and Special Uses; it is mandatory to have an accurate record of the proceedings and especially the vote taken for each matter.

Although PC/ZBA members are not elected officials, they are appointed officials and as such, they still are subject to the same trials and tribulations as elected officials. Members should be fair and not let their emotions take over a Hearing so as to cloud their judgment when rendering a decision. PC/ZBA Members should learn the Rules; pay attention to the details; think about the future of your community; and consult with experts – reach out to Staff members for clarification and ask any questions you may have to become better informed. As a PC/ZBA Member, you must limit your consideration to what was discussed during that hearing. Do not depend on expert knowledge gleaned outside of the hearing. Your leadership is important. Remind people who may ask you questions that you are subject to the Open Meetings Act and to FOIA. Please do not discuss hearing matters in a public place with other Commissioners; that could violate the Open Meetings Act. Your personal emails and texts to each other discussing City business can be subject to FOIA requests. Please impose those boundaries on yourself to make it safer for all concerned.

Chairman Schwarz thanked Attorney Hess for an excellent presentation. Attorney Peck commented that friends or neighbors may casually question a Board Member with their specific request asking, “Can I do this?” Your response should be, “If the Zoning Code permits it, it’s permitted; if it’s not addressed, it’s prohibited.” Your best response is to advise them to speak to Mr. Trent.

Public Comments - None

Other Business

Ticket Statistics (for March/April 2025) - In March, 5 tickets were issued in total (down 5 tickets from the previous month) - 2 tickets were for parking/storing tractor/trailers. In April, 8 tickets were issued in total - 3 tickets issued for the same offense. Tony’s Market is an example of where trucks park on the property that are not registered to business.

2018-25 Zoning Cases - The list of past cases was updated. The new 2024 Zoning Map was approved in March.

Next Meeting: June 3, 2025 – one (1) item has been submitted for next month by Infinity Communications Group on behalf of IUOE Local 150. They wish to remove the existing LED–EVM (Electronic Variable Message) sign in the front and construct a new sign at 6200 Joliet Road. This would be a larger sign with a number of Variances being requested. The EVM portion is only permitted in monument signs – the Variances would include: the height, the surface area, the proximity (from the road right-of-way), and waiving requirements that would prohibit the flashing, animation, scrolling or

blinking of characters as well as the hours of operation for the sign – EVM signs should only operate during business hours, not at night.

Upcoming Cases: (1) Last year, Fuller’s Car Wash indicated that their new signage was not going to be lighted; today all their signage is lighted. The City has requirements for lighting next to residentially zoned properties. A Variance will be required if they wish to maintain their signage.

(2) Home Depot – In 2020, an expanded outdoor storage area was requested and approved (Ordinance No. 20-07-O). Since then, the City Council has granted temporary permits for seasonal expansion, with the understanding that HD would come in to amend their Special Use for the PUD to reflect that “expanded” storage area. The new Store Manager then in 2020 believed that they needed more space beyond what was originally approved and designated. HD currently leases the property from Benderson Development. HD was told to amend their Special Use so that they could request to expand their storage area on a seasonal basis. The past few years, they have asked City Council to approve a temporary permit for them to have additional product outdoors from mid-April to early July. The City Council has obliged but HD will need to make the necessary amendments for future use. The City is requiring HD to modify the ingress/egress into the Plaza at the main entrance to provide an additional left-turn lane as part of their expansion request. They will probably not submit a request this calendar year.

Noto Event Center – Mr. Trent stated that the owner of the Noto Event Center is still seeking alternative funding. Matters are unresolved at this time. Building permits have been submitted.

Old City Hall - the City is looking at other avenues to market the property; it has been uploaded onto an online listing with CoStar – which is viewed by commercial and development brokers – some interest has been noted.

Jack in the Box – Mr. Trent will inspect signage tomorrow - a free standing sign; they are currently doing a number of build-outs in the Chicagoland area. They were hoping to open in March, but here we are in May. They are moving forward; the exterior is taking shape; they are now working on signage.

Mr. Geraghty noted that Countryside Plaza now has several empty stores. What is the City doing about it? Mr. Trent stated that Washington Prime, the other part owner of the Plaza, may be considering selling their portion; people seeking to lease space are waiting until that happens. The impact on sales tax will be minimal.

CaraWay’s Bar & Grill – was granted a temporary CO. In 2023, the individual representing the restaurant indicated that they would be open in a month; it has been just delay after delay. The parking islands must be completed before they can receive a Final Certificate of Occupation. The parking lot has been resealed and restriped and the building has been re-painted. They were granted additional time to complete the parking islands and submit Final As-Built Engineering Plans until September 1, 2025.

The Gina Fisher property – requested an extension of their Variance (Ordinance No. 24-28-O) and were granted an additional six (6) months with the requirement that they submit a Building Permit for the buildout, curb, gutter, landscaping, etc. within two (2) months. They did submit Building Permits at the end of April; those are currently being reviewed. The submittal also included a Photometric Plan (with the proposal of new on site lighting).

Tavern on LaGrange – no information to report – the new restaurant will be called Revel Supper Club.

The only other property to report on is the Time Out Restaurant – still waiting for the insurance company to recoup money from the roof damage; they are now considering selling the property; there are several interested parties. Staff has been providing those contacts to the owner.

ADJOURNMENT:

A motion was made by Mr. Gutierrez, seconded by Mr. Kehr, that this meeting be ADJOURNED; motion carried by the following vote:

Aye: 7 Schwarz, Geraghty, Gutierrez, Benton, Edenfield, Ward, Kehr

Nay: 0

Absent: 2 Grotzke, Gertsmeier

Chairman Schwarz declared the meeting adjourned at 8:20 p.m.

APPROVED:

Respectfully Submitted,



ROBERT SCHWARZ, CHAIRMAN

/fp