

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, October 6, 2020

7:15 P.M.

City Hall

Board Members

**Chairman Richard Fullmer, Jr., Secretary Tina Grotzke
Michael Anderson, Marco Gutierrez, Ronald Ward, Steve Kehr,
Robert Schwarz, Danielle Edenfield, Jonathan Gertsmeier**

Roll Call: Secretary Grotzke called the Roll of Members physically present as follows:

PRESENT: Chairman Richard Fullmer, Jr., Secretary Tina Grotzke, Marco Gutierrez, Ronald Ward, Danielle Edenfield, Robert Schwarz

Absent: Michael Anderson, Steve Kehr, Jon Gertsmeier

Also Present: Attorney Erik Peck, Planning Manager Richard Trent, Ald. Von Drasek, Clerk Kmet

APPROVAL OF MEETING MINUTES

The minutes of the Regular Meeting of September 1, 2020 were previously distributed to the Board Members. Chairman Fullmer asked if there were any corrections to be made to said minutes. There being no corrections or additions, motion made to approve the minutes of the Regular Meeting of September 1, 2020, as presented.

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

Aye: 6 Chairman Fullmer, Grotzke, Ward, Schwarz, Edenfield, Gutierrez

Nay: 0

Absent: 3 Anderson, Kehr, Gertsmeier

Chairman's Comments

Chairman Fullmer stated the Rules of Proceeding for the Hearing before the Plan Commission – Zoning Board of Appeals will follow a strict order of presentation. A sign-in sheet for Interested Persons addressing the Board is located at the podium. This hearing is being recorded. Please silence all cell phones and pagers.

Action Items

1. CASE #PZV20-0003: Consideration of a Variance

- a. To consider granting a Variance to allow the use of existing accessory buildings without the presence of a principal structure in order to store personal items at the subject property -- 10025 5th Avenue Cutoff (formerly part of 10035 5th Avenue Cutoff).

Mr. Frank Mistretta and Ms. Melissa Neddermeyer were sworn in by Chairman Fullmer. Ms. Grotzke moved to open the Public Hearing in this matter, seconded by Mr. Gutierrez and carried by unanimous voice vote. The Building Department has received the required Proof of Notice. Mr. Trent presented the Staff report.

Background information provided – Mr. Mistretta would like to purchase the subject property and use the existing two (2) accessory buildings, approximately 3,234 sq. ft., for personal storage without the presence of a principal structure in the R-7 Zoning District. He seeks to deviate /or waiver from the ordinance to allow those structures as they stand to be used for personal storage (vintage cars). The property at 10025 5th Avenue Cutoff was formerly a part of 10035 5th Avenue Cutoff. Aerial photos of the entire property were shown revealing an unusually-shaped parcel. The two (2) existing structures are currently being used by a commercial landscaper and a seal coating company.

In 2016 Mr. Robb sold the 10035 portion but retained the 10025 portion of the property including the two (2) businesses, which are accessed via a gravel drive coming in from 5th Avenue Cutoff. Photos reveal a dramatic change in elevation downward from 5th Avenue Cutoff on the east to the western end of the subject property.

The Plat of Survey shows the two (2) buildings on the property. This area is referenced as a “residential neighborhood” in the City's Comprehensive Plan; it further notes that the rural character of this area should be protected from any development or redevelopment. Utilities to the site include a 12” water line along 5th Avenue Cutoff that would need to be extended. There is also a 12” Sanitary Sewer line along 5th Avenue Cutoff (west of the subject property) and an existing 54” line per MWRDGC – an interceptor line (to the south), which could also be linked. The approximate 1.4 acre property is zoned R-7, Rural Residential District, and it is intended to assure that permitted uses peacefully coexist in a low density setting. The area is not suitable for traditional residential development as a result of utility system limitations, street capacity or topography. Staff indicated that the decision to approve or deny the request is at the discretion of the PC/ZBA. If the PC/ZBA does recommend approval, then Staff recommends eight (8) conditions for consideration as noted in the Staff Report.

Mr. Trent read the eight (8) conditions:

1. The legal nonconforming buildings may be continued in use for personal storage only provided there is no physical change other than necessary maintenance and repair.
2. Within six (6) months of closing on the property, the gravel driveway shall be paved in accordance with Section 7-2-7(A) of the Code.
3. If the legal nonconforming use is damaged or destroyed by any means to the extent of 50% or more of its replacement value at that time, the buildings can be rebuilt or used thereafter only for a conforming use and in compliance with the provisions of the district in which it is located. In the event the damage or destruction is less than 50% of its replacement value, based upon prevailing costs, the building(s) may then be restored to its original condition and the occupancy or use of such buildings may be continued which existed at the time of such partial destruction. In either event, restoration or repair of the buildings must be started within a period of six (6) months from the date of damage or destruction and diligently progressed to completion.
4. The nonconforming building(s) may be enlarged or extended only if both buildings are thereafter devoted to a conforming use, and is made to conform to all the regulations of the district in which it is located.
5. At all times the property must be maintained in good condition (grass, weeds, garbage, etc.) and any violations of such will result in a citation being issued and the terms of this Variance being revoked.
6. If the property is sold, the property shall comply with the Code and the accessory buildings shall be removed and/or a new principal structure is built within one (1) year of the sale of the property.
7. All construction and operation permitted by such zoning variation shall be subject to all applicable codes, ordinances and regulations of the City of Countryside from time to time in effect.
8. That said variation be established within six (6) months from the effective date of any ordinance granting the same, or said use shall become null and void in accordance with Section 10-12-4-10 of the Zoning Ordinance of the City of Countryside.

Mr. Trent read a written objection from property owners unable to attend the meeting. The letter was signed by Ruta Stavikunas and Jean Baro. Jackie and Philip Kovaruvius handed the letter to Mr. Trent for inclusion into the record of this proceeding.

A landscape business and tar/asphalt business are both operating from that location at present; an array of materials and equipment is noted on the property. Finally, the zoning classification is not changing. Mr. Mistretta will decide whether to purchase the property based on the outcome of his request.

Ms. Neddermeyer stated that the presentation made by Mr. Trent covered all the applicable areas. She will be happy to answer any other questions by the Board. Chairman Fullmer asked whether Mr. Mistretta has witnessed the existing conditions; yes, he has. The applicant will strictly use the space to store his classic car collection consisting of twelve (12) cars, currently being stored in Chicago. Mr. Mistretta lives in Willowbrook; this location is much closer for him. There will not be much in and out traffic, compared to the current commercial use. All vehicles will be stored inside the buildings. Mr. Mistretta also included a golf cart and couple of jet skis; no outside storage is requested.

Mr. Mistretta will have the driveway paved within six (6) months; closing is not officially set; that timeline may need to be extended. Mr. Trent stated that the six (6) month timeline is dependent upon the closing of the property. Ms. Edenfield asked about extending the water and sewer. Mr. Mistretta would seek access to water on the property from the house at 10035; he would like to continue the practice of paying the bill like the current resident is doing; he does not need the sewer.

Comments from Interested Parties -- Philip and Jacqueline Kovaruvius, 10035 – 5th Avenue Cutoff, are concerned about usage; they are pleased to learn that the eight (8) conditions will be included and that storage consists of twelve (12) classic cars and other personal vehicles. Concerns were about maintenance; paving the road, questions still remain about utility limitations. Mr. Kovaruvius mentioned a private easement which the City is not aware of. The PC/ZBA Board asked Mr. Kovaruvius to provide that paperwork to the City and to Mr. Mistretta. Mrs. Kovaruvius is concerned with the future owner after Mr. Mistretta; they don't want a junk yard back there; they have a family and prefer to maintain it as residential. Mr. Trent stated that if Mr. Mistretta sells the property, the next buyer must build a principal structure and have utilities extended – the property must be brought into conformity unless they come before the Board to seek a Variance. This Variance would apply only to Mr. Mistretta and not be extended/transferred to the next purchaser. Chairman Fullmer stated that Mr. Mistretta presents an improvement in conditions versus the businesses currently using the site.

Mr. Kovaruvius is concerned with ingress/egress to the road. Mr. Trent stated the City is not aware of any easement in place or any discussion regarding fencing. Attorney Peck stated that the easement and fence issues are private matters between the parties without City involvement. Mr. Peck asked that the easement be provided to the Building Department and to Mr. Mistretta. The Variance is for indoor storage of classic cars and personal recreational vehicles; nothing will be stored outside. This recommendation will be made to the City Council. Mr. Mistretta will replace the current gate with a remote controlled gate; he is not aware of any access issues. Ms. Neddermeyer would like to review the easement. Residents prefer the zoning to remain the same. Chairman Fullmer stated that this recommendation will go before the City Council at its Regular Meeting on October 28th.

The Petitioner's did not make a Closing Statement. Mr. Gutierrez moved to close the Evidentiary Portion of the Public Hearing, seconded by Mr. Ward and carried by unanimous voice vote. Attorney Peck

stated that the Application submitted is placed in evidence along with the Zoning Memorandum dated September 23, 2020 from the Building Department.

Mr. Schwarz moved to approve the Variance with the eight (8) conditions included in the Staff Report, seconded by Ms. Grotzke, plus a ninth (9th) condition for the storage of classic cars and recreational vehicles being titled to the owner only. This variance will not run with the property and is granted solely to this Petitioner.

Mr. Peck stated that this is a recommendation to permit a Variance to allow the use of existing accessory buildings, without the presence of a principal structure, in order to store personal items on the subject property, 10025 – 5th Avenue Cutoff, formerly part of 10035 – 5th Avenue Cutoff, subject to the eight (8) conditions as set forth in the Planning and Zoning Memorandum dated September 23, 2020; plus, that indoor storage applies only to classic cars and recreational vehicles titled in Mr. Mistretta’s name. This Variance does not run with the property and is granted solely to the Applicant.

A motion was made by Mr. Schwarz, seconded by Ms. Grotzke, that this matter be APPROVED as presented above. The motion carried by the following vote:

Aye: 6 Chairman Fullmer, Grotzke, Ward, Schwarz, Edenfield, Gutierrez
Nay: 0
Absent: 3 Anderson, Kehr, Gertsmeier

The City Council will hear this matter on October 28, 2020 at 7:30 p.m.

2. CASE #PSU20-0003: Consideration of a Special Use

- a. To consider granting a Special Use to permit a private school (Acacia Academy) in the B-1 Zoning District at the subject property – 450 W. 55th Street.

Ms. Grotzke moved to open the Public Hearing in this matter, seconded by Mr. Ward and carried by unanimous voice vote. Mr. Noel Fouks was sworn in by Chairman Fullmer. The Building Department has received the Proofs of Notice. Mr. Trent presented the Staff Report.

The Petitioner, The Achievement Centers Inc., d/b/a Acacia Academy, requests a Special Use to permit the establishment of a private school at 450 W. 55th Street. Their current headquarters is located at 6425 Willow Springs Road plus a satellite branch on Joliet Road that was opened in 2014. The proposed private school would provide services to students with special needs – transitional adults aged 18-22. Their current location at 6438 Joliet Road, Unit 204, provides 1,700 sq. ft.; they are seeking to close that facility and relocate to a 3,379 sq. ft. facility on the second floor of the U.S. Bank Building at 450 W. 55th Street. Acacia Academy has a working agreement with existing businesses wherein they join in providing retail and business relationships for their student programs since 2014.

The aerial views of the proposed site reveal two (2) access roads -- Spring Street on the west and Kensington Avenue on the east. The area is landscaped and fenced on the north; signage has not been requested. The Plat of Survey depicts the entire site consisting of 49,788 sq. ft. Hours of operation are 7:30 a.m. to 5:00 p.m. Students would arrive around 8:15 a.m. and would be dismissed around 2:30 p.m. U.S. Bank is located on the first floor, which opens at 9 a.m. and closes at 5 p.m. They plan to have 8-12 employees, 20-25 students, and 3 minibuses stored on site. The current site has a total of 34 parking spaces; 17 designated to the Bank. The proposed use allows for 1 space per employee; 1 space

per 5 students, and 1 space for each vehicle used in conduct of the school. They should have a minimum of 15-20 stalls. A photo of the minibus was presented. Based on the information provided, staff recommends approval of the Special Use subject to the five (5) conditions as noted in the Staff Report.

Mr. Schwarz stated that if all the figures are accurate it appears the school will be three (3) parking spaces short. He asked if a Variance is needed to cover that. Mr. Trent stated this is not a traditional school, therefore, the standards may be somewhat lenient. U.S. Bank doesn't use all seventeen (17) parking spaces allotted to them. Their use is very minimal – 5-6 spaces at most. Staff is not concerned with parking. Mr. Schwarz understands that but he is concerned with procedural correctness. Further discussion ensued relating to capping the number of employees or students to fall within the parking standards, or they can request a Variance to be 3-4 spaces shy of the requirement. Students are driven to the school by private transportation and dropped off; the minibuses are used for transporting the students to work sites. The buses must be on the premises for this purpose. Mr. Fouks indicated that they could park the buses at their headquarters after hours if necessary. Attorney Peck stated that seventeen (17) parking spaces would be allocated to Acacia Academy. He suggested that the Applicant be required to comply with the Zoning Code as set forth today. It is incumbent upon them to make sure they do not exceed those seventeen (17) spaces. They must decide how to comply with the Zoning Code to make sure they do not exceed the requirements. The mix of employees/students is determined by Acacia. All parties are satisfied with that determination. There were no other questions from the Board.

Mr. Fouks stated that this location would be a satellite branch to the main headquarters at 6425 Willow Springs Road. The open floor plan is ideal for fostering social distancing. They plan to have 4 administrative offices, 1-2 meeting/conference rooms, 2-3 instructional areas/classrooms. The goal of their program is to maximize the students' opportunities for independence. Their program is for special needs adults aged 18-22 who have completed their high school requirements but need to further develop their skills in job training, academics, independent living and life skills. Some students may have dyslexia, ADD, ADHD, high functioning autism, challenged learners and anxiety concerns. The transitional adults are integrated into the surrounding communities via work programs at local businesses and organizations. TJ MAXX and Marshalls are close by; they also work with Flagg Creek Golf Course, Marriott Hotel in Burr Ridge, LaGrange Park District, Hope Lutheran Church, Brookdale Senior Living, the Humane Society and others. Students meet in the morning for classroom instruction; then they proceed to their places of employment. At day's end they receive additional classroom instruction to develop independent living skills. Chairman Fullmer asked if there is early dismissal on Fridays due to possibly heavier bank traffic. Mr. Fouks stated that they plan for an early dismissal on Wednesdays. They feel that the minimal amount of traffic will not be a concern; Mr. Fouks will have an on-site traffic supervisor making sure exits/entrances are not blocked in any way and there is no standing traffic.

Comments from Interested Parties – Patricia Carswell, 5411 Kensington Avenue noted traffic concerns with St. Cletus school traffic around 8:30 a.m. Having the minibuses will help alleviate this problem. She is concerned with traffic flow, no blocking of the street during drop off and pick up. Mr. Fouks will have an onsite supervisor monitoring the traffic flow. There was no Closing Statement by Petitioner.

Mr. Ward moved to close the Evidentiary Portion of the Public Hearing, seconded by Mr. Gutierrez and carried by unanimous voice vote. Further discussion ensued re: parking of the three (3) minibuses if not at this location; those buses are necessary to transport students to their job sites during the day. Teachers or teaching assistants are the bus drivers for these minibuses. Traditional parking requirements do not apply to this situation. Mr. Peck reiterated that Acacia Academy must comply with

the Zoning Code in whatever proportion they choose to accomplish that requirement. It is understood by all that this is a unique situation but Acacia Academy needs to comply with the existing Code. Attorney Peck stated that they could come back in one (1) year to advise the City on how things are going. At that time they could discuss off-site parking, if necessary. Mr. Peck will enter into the record the Building Department Memo and the Application, without objection.

Mr. Ward moved to approve the Special Use with the five (5) conditions stated, seconded by Ms. Grotzke. Attorney Peck stated this is a recommendation to approve a Special Use to permit a private school, Acacia Academy, in the B-1 Zoning District, on the property commonly known as 450 W. 55th Street, subject to the following conditions:

1. There shall be a maximum of twenty-five (25) students at the location at any time.
2. The Petitioner shall return to the PC/ZBA for the October 2021 Meeting to provide an update regarding the Special Use. The former **Condition #2** re: minibuses, was stricken from the list of conditions.
3. All construction and operation permitted by such Special Use variation shall be subject to all applicable, codes, ordinances and regulations, including the Parking Code of the City of Countryside from time to time in effect.
4. That said use be established within one (1) year from the effective date of any ordinance granting the use.

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

Aye: 6 Chairman Fullmer, Grotzke, Ward, Schwarz, Edenfield, Gutierrez
Nay: 0
Absent: 3 Anderson, Kehr, Gertsmeier

The City Council will hear this matter on October 28, 2020 at 7:30 p.m.

Public Comment – none

Other Business

The Special Meeting will be held on Tuesday, October 27, 2020 at 7:15 p.m. Thanks to Board Members for responding in a timely manner. The City's Public Works Department wishes to install two (2) above-ground storage tanks on City property at 5315 - 9th Avenue. Those types of structures generally require a Special Use, plus a variance request for the location.

The November 10 Meeting will include a proposal for a new restaurant, Buona Beef, at 20 W. Plainfield Road, the former location of Boston Market. The Petitioner is looking to modify the building and install an additional drive-through lane and an outdoor patio – both requiring a Special Use.

Staff is seeing an increase in the number of Administrative Variance requests regarding properties along the Brainard Avenue Pathway as more and more residents are looking to install privacy fencing. The landscaping, grading and seeding are currently being completed as part of the Pathway project.

The 2018-2020 Zoning Case log has been updated. The Preliminary Meeting Schedule dates for 2021 are provided for your review; dates may be changed. **The next meeting date is November 10, 2020.**

Home Depot is coming along – they have identified fencing they will install along LaGrange Road and at the rear of the building. Mr. Trent anticipates receiving plans within the next week or so. Striping and parking for the heavy equipment is proceeding. They will landscape the parking islands in the Spring 2021.

ADJOURNMENT

A motion was made by Ms. Grotzke, seconded by Ms. Edenfield that this meeting be ADJOURNED. The motion carried by the following vote:

Aye: 6 Chairman Fullmer, Grotzke, Ward, Schwarz, Edenfield, Gutierrez
Nay: 0
Absent: 3 Anderson, Kehr, Gertsmeier

Chairman Fullmer declared the meeting adjourned at 9:10 p.m.

APPROVED:

Respectfully Submitted,

/fp

RICHARD FULLMER, JR., CHAIRMAN