

Public participation is invited on each agenda item prior to the Board's deliberation. **When called upon, please approach the microphone and state your name and the address where you live. Kindly limit your remarks to three (3) minutes.**

VILLAGE OF VILLA PARK
Village Hall, Board Room Chambers
20 S. Ardmore Avenue
Villa Park, IL 60181

Planning and Zoning Commission

January 13, 2022

7:30 PM

Chairman Jason Jarrett

Commissioners: Larry Calvert, Edward Hofstra, Kenneth Jackson, Eric Luedtke, Michael Orlowski, Dominick Romano, Justin Shlensky and Louis LeMieux

1. Call to Order - Roll Call

2. Approval of Minutes

2.a Minutes

[Minutes Petition No. PZ 21-0007 12-9-2021.pdf](#)

[Minutes Petition No. PZ 21-0010 12-9-2021.pdf](#)

[Minutes Special Meeting Text Amendments 12-14-2021.pdf](#)

3. Public Hearing - New Business:

Please note that no further testimony on a matter can be considered after the close of the public hearing.

- a. Staff Input
- b. Presentation of Petitioner
- c. Public Participation and Questions
- d. Questions from the Commission
- e. Closing Comments of Petitioner
- f. Close Public Hearing
- g. Discussion by Commission Members
- h. Motion

3.a Petition PZ-21-0011 / 1334 S. Villa Avenue / Special Use - Electronic Message Display / New Life Bible Church

[PZ-21-0011 P&Z Memo 1334 S. Villa Avenue.pdf](#)

3.b PZ-21-0012 / 15 W. North Ave. / Special Use - Cannabis Dispensary / GRD Illinois LLC

[PZ-21-0012 P&Z Memo 15 W. North Ave. SU-Cannabis Dispensary.pdf](#)

3.c Amendments to certain provisions of Appendix C - Basic Zoning Ordinance - Article 6, Sections 6.11.2.E., 6.11.2.G.7., 6.11.2.G.12., 6.12.A, 6.12.B. and 14.2.22.F.

[PZ-21-0013 P&Z Memo Zoning Code Updates.pdf](#)

4. Other Business (Public Comments on Non-Agenda Items)

5. Adjournment

The Villa Park Village Hall is subject to the requirements of the Americans with Disabilities Act of 1990. An elevator is operational at the north side entrance to the Village Hall during normal work hours and also during evenings. Individuals with special needs are requested to contact the Village's Compliance Officer at (630) 834-8500 so that reasonable accommodations can be made for those persons.

Planning and Zoning Commission Agenda Item Report

Meeting Date: January 13, 2022

Submitted by: Pat Boksha

Submitting Department: Planning and Zoning Commission

Item Type: Minutes

Agenda Section: Approval of Minutes

Subject:

Minutes

Suggested Action:

Attachments:

[Minutes Petition No. PZ 21-0007 12-9-2021.pdf](#)

[Minutes Petition No. PZ 21-0010 12-9-2021.pdf](#)

[Minutes Special Meeting Text Amendments 12-14-2021.pdf](#)

1

VILLAGE OF VILLA PARK
PLANNING & ZONING COMMISSION

IN RE THE MATTER OF:)
)
)No PZ-21-0007
707 N. Addison Road Special)
Use - Assembly and)
Entertainment & Variation -)
Parking/Dianna Hall)

PUBLIC HEARING
December 9, 2021
7:30 p.m.

REPORT OF PROCEEDINGS had and testimony at
the public hearing of the above-entitled cause,
before the VILLAGE OF VILLA PARK PLANNING & ZONING
COMMISSION, held at the Villa Park Village Hall, 20
South Ardmore Avenue, Villa Park, Illinois, at the
above date and time, and reported by Pamela C.
Taylor, CSR/RPR, for the State of Illinois.

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APPEARANCES:

BOARD MEMBERS PRESENT:

- MR. JASON JARRETT, Chairman
- MR. LARRY CALVERT
- MR. EDWARD HOFSTRA
- MR. KENNETH JACKSON
- MR. DONALD KASE
- MR. MICHAEL ORLOWSKI
- MR. DOMINICK ROMANO
- MR. JUSTIN SHLENSKY

ALSO PRESENT:

- MS. CONSUELO ARGUILLES,
Director of Community Development

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Call to Order - Roll Call -----	4
Approval of Minutes -----	5
Public Hearing - PZ-21-0007 -----	6

1 CHAIRMAN JARRETT: I call this regular
2 meeting of the Village of Villa Park Planning and
3 Zoning Commission to order. Start with the roll
4 call.

5 Calvert?

6 COMMISSIONER CALVERT: Here.

7 CHAIRMAN JARRETT: Hofstra?

8 COMMISSIONER HOFSTRA: Here.

9 CHAIRMAN JARRETT: Jackson?

10 CHAIRMAN JACKSON: Here.

11 CHAIRMAN JARRETT: Kase?

12 COMMISSIONER KASE: Here.

13 CHAIRMAN JARRETT: Luedtke?

14 (No response.)

15 CHAIRMAN JARRETT: Orłowski?

16 COMMISSIONER ORŁOWSKI: Here.

17 CHAIRMAN JARRETT: Romano?

18 COMMISSIONER ROMANO: Here.

19 CHAIRMAN JARRETT: Shlensky?

20 COMMISSIONER SHLENSKY: Here.

21 CHAIRMAN JARRETT: I too am present, with
22 that we have a quorum.

1 Item two: Approval of Minutes.

2 Is there a motion to approve the minutes
3 of November 11th, 2021?

4 COMMISSIONER SHLENSKY: I'll make that
5 motion.

6 COMMISSIONER JACKSON: I'll second that.

7 CHAIRMAN JARRETT: Motion from Shlensky,
8 second from Jackson. Any questions or comments on
9 motion? All in favor?

10 (All Commissioners said aye).

11 CHAIRMAN JARRETT: Opposed? Minutes are
12 approved.

13 All right, so we have a few items of
14 business, just go through the order of the process
15 tonight for each agenda item. For each agenda item
16 we'll start with Staff input, and then presentation
17 of the Petitioner, public participation and
18 questions, that will be anyone from the public who
19 want to ask questions or speak on the record. Take
20 questions from the Commission. Closing comments of
21 the Petitioner. If you have any, and then we'll
22 close the public hearing and move to discussion by

1 commission members and we'll have a motion that's
2 appropriate.

3 I'm also going to ask if anybody that
4 thinks they're going to speak tonight, either from
5 the public or on behalf of an applicant, stand now,
6 the court reporter will swear you all in at once,
7 and then when you speak, come up to the podium and
8 give your name and address for the record.

9 If everybody could rise.

10 (All potential witnesses were
11 sworn in by the court reporter.)

12 CHAIRMAN JARRETT: So, the first item of
13 business here will be the continued item, PZ-21-0007
14 for 707 N. Addison Road. Special Use, Assembly And
15 Entertainment And Variation In Parking, Dianna Hall.

16 Continued from last month, so, I would ask
17 Staff if there's any new information from Staff?

18 MS. ARGUILLES: Yeah, the only new
19 information we received was a letter from the
20 applicant that is date stamped, September 2nd.
21 Just provide more information on the proposed use.
22 We did not receive anything, updated information

1 from her.

2 CHAIRMAN JARRETT: Anything else you want
3 to add at this point?

4 MS. ARGUILLES: No, just from my
5 perspective, our recommendation stays the same. We
6 still have parking concerns and feel that because of
7 that being one of the main issues, that we're not
8 able to support the request.

9 CHAIRMAN JARRETT: Miss Hall, is there
10 anything that you want to add at this point? Please
11 come up and just restate your name and address?

12 MS. HALL: Dianna Hall, 717 N. Addison
13 Road.

14 One additional thing that I wanted to
15 say, the capacity.

16 CHAIRMAN JARRETT: Okay.

17 MS. HALL: Was that getting, which was 49,
18 and the events will be smaller than that. So,
19 that's the only additional piece of information that
20 we were given from the fire department.

21 CHAIRMAN JARRETT: Okay, appreciate that,
22 thank you, we'll let you know if we have any other

1 questions.

2 Anyone from the public wishing to speak on
3 this item?

4 All right, seeing none. I'll ask if
5 there's any questions from the Commission, any
6 questions, anybody that wasn't here last month that
7 would like to ask additional questions?

8 COMMISSIONER CALVERT: I would like to ask
9 a couple of questions.

10 CHAIRMAN JARRETT: Yes.

11 COMMISSIONER CALVERT: First, did the
12 Director clarify the exact address of this location
13 because in one place it's 707 and another 717?

14 MS. ARGUILLES: Yes, so, I'll be more than
15 happy to clarify that, this space is within a
16 shopping center with an address range starting from
17 707. The legal standpoint, the public notice was
18 provided based on that address range, that the
19 parcel is known as, but the subject space, and
20 that's why the updated Staff report for this meeting
21 does state 717 Addison, which is what the central
22 space is. It's specific to the 717 space.

1 COMMISSIONER CALVERT: I just have another
2 question regarding parking. At that building there
3 are, there's a lot of perpendicular parking to the
4 building, is that parking owned by the property
5 owner or is that village-owned property parking?

6 MS. ARGUILLES: So, the parking space is
7 to the west of building, those are public parking
8 spaces in the public right-of-way, so, those are not
9 private spaces, although they were utilized by the
10 commercial businesses and businesses in that area.

11 COMMISSIONER CALVERT: And are those
12 parking spaces subject to the same parking
13 regulations regarding overnight parking, distance
14 from the remainder of the village?

15 MS. ARGUILLES: Yes.

16 CHAIRMAN JARRETT: Any other questions?

17 COMMISSIONER SHLENSKY: Yes, I've got a
18 couple. In regards to the applicant's
19 December 2nd letter, did Staff ever confirm the
20 accuracy of the lack of necessity for the sprinkler
21 system?

22 MS. ARGUILLES: Yes, absolutely, we did

1 confirm that based on the updated occupancy, the
2 fire sprinkler and fire alarm is not required up to
3 49 occupancy, so, we did confirm that and, so,
4 although we're supportive of the request that the
5 space may not be up to fire code standards, the fire
6 sprinkler system, based on 49, our biggest concern
7 is the adequate parking and anticipated customers
8 for this type of space.

9 COMMISSIONER SHLENSKY: Your comments
10 really segue into my second and hopefully final
11 question, so, given the lack of parking of that
12 entire commercial complex, starts at 707 and ends at
13 717 or even further than that, our all of the
14 current businesses that occupy those separate units
15 from the complex currently in compliance with the
16 current parking code requirements?

17 MS. ARGUILLES: I would say, we did not do
18 a comprehensive plan review unless we had
19 information for all those tenants and spaces.

20 Parking requirements are going to be based
21 on a number of things. First, the type of use, and
22 the size ad depending on the type of use, the number

1 of occupants or customers.

2 If you look down the road, those parking
3 spaces are public parking spaces along Addison, but
4 to the rear there are some spaces not paved, in some
5 cases, not stripped, in some cases that are on
6 private property used by other businesses there, but
7 I don't have the history for the entire area in
8 terms of how many businesses are subject to parking
9 outside the property, along the rear of the
10 property, but the spaces along Addison are public
11 spaces.

12 COMMISSIOER ROMANO: So, technically none
13 of the businesses in that strip mall have their own
14 parking spots?

15 MS. ARGUILLES: No, there's some that do
16 along the rear.

17 COMMISSIOER ROMANO: Besides that, and the
18 last time we kind of debated whether that was
19 delivery or temporary one strip, one of the
20 addresses, and come back and forth, but technically,
21 I mean, we're working on the assumptions that none
22 of the customers are parking in the rear,

1 technically no, there is no front parking to any of
2 these for the public?

3 MS. ARGUILLES: Correct.

4 COMMISSIONER CALVERT: Well, if we go by
5 there tonight at two a.m. when the parking
6 regulations are in effect, there shouldn't be any
7 cars there, is that correct?

8 MS. ARGUILLES: They are subject to the
9 parking regulations, as far as I know, there's no
10 overnight parking in the village, that would become
11 a police item, or the police would have to be called
12 to enforce the parking regulations.

13 CHAIRMAN JARRETT: Any other questions?

14 COMMISSIOER ROMANO: Just to jog my
15 memory, you said, the number was 15 last month, kind
16 of where, so, now we are being advised of 49, you
17 said?

18 MS. HALL: Yes, it's been confirmed 49,
19 anything over that will require the sprinkler
20 system, so, we're way under the 49.

21 COMMISSIOER ROMANO: Okay. And again just
22 jog my memory, was required number of parking, you

1 said, based on that was how many?

2 MS. HALL: Thirteen.

3 CHAIRMAN JARRETT: Any other questions?

4 Do you have any closing comments?

5 MS. HALL: No.

6 CHAIRMAN JARRETT: All right, so, let's
7 move to discussion by commission members.

8 I just start by saying that I did drive by
9 there this evening, and there are no parking spaces
10 in front of the building, there are no parking
11 spaces on Stone, which is to the north. There are
12 no open parking on Ridge and Iowa, which is the
13 block behind, between the industrial buildings, it's
14 probably two thirds full as it is.

15 Iowa south, which is more residential,
16 there was some parking spaces about a block and a
17 half away, but, based on the current parking
18 situation there, and I don't know how much of that
19 is Village enforcement and, you know, whose using
20 parking spaces for what, but, if there was an event
21 there tonight, the parking would be pushed at least
22 a block or two east into the residential

1 neighborhood or west across the street into the, you
2 know, parking in the shopping center across the
3 west.

4 That's just the analysis that I had at
5 6:15 this evening, so, I don't know if anybody else.

6 COMMISSIONER CALVERT: I have a couple of
7 comments, I went there twice today. I was there
8 about five o'clock. Absolutely no parking, in fact,
9 there was some cars parked parallel to the cars that
10 were parked perpendicular waiting for people, and I
11 concur, I was back there, I was there about 30
12 minutes ago.

13 But there's a bigger issue, and it doesn't
14 really involve the Petitioner, and that is the fact
15 that even in the dark, and I didn't drive by, I got
16 out of the car, I walked around the block, and I
17 walked over to the Iowa and I crossed Addison, and I
18 even walked over to Ridge and 3rd Avenue, there's a
19 lot of parking in those spaces, and even at night, I
20 can tell those cars have not been moved for a long
21 time.

22 Two of the businesses have put up signs

1 that reserve parking, Computer Medics on the corner
2 have reserved two spots for their business, and then
3 there's another spot, right around Manco Homes that
4 had their sign, it says, "reserved parking,
5 violators will be towed."

6 CHAIRMAN JARRETT: I noticed that one,
7 too.

8 COMMISSIONER CALVERT: So, I think the
9 first place to start here, we need to enforce some
10 parking over there, maybe even a two hour limit,
11 because, frankly, if you moved all -- and I won't
12 say, junk cars, but if you cleared out a lot of
13 those cars that's been there for awhile, the
14 Petitioner probably wouldn't need that many parking
15 spots, and request a variance.

16 That's a village problem and that's kind
17 of embarrassing, and when I drove home, I was kind
18 of angry about it because I was pretty sure that I
19 knew the answer to that question when I asked it,
20 village parking, and those cars shouldn't be there
21 overnight, night after night.

22 So, I think we have some clean up to do

1 with this.

2 MS. ARGUILLES: If I may respond?

3 CHAIRMAN JARRETT: Yes, please.

4 MS. ARGUILLES: I would, in my visit to
5 the site, I did notice an abundance of parking of
6 cars on public spaces. A mix of signs, and I don't
7 know if this happened previously agreed upon by the
8 Village and the businesses, but, I would agree that
9 we definitely have to take a look at that and start
10 enforcing some variance and verify the signage to
11 make sure they're permitted to be there, but we
12 definitely have some work on our end to continue and
13 follow-up.

14 COMMISSIONER CALVERT: I'm not willing to
15 support a parking variance until that is cleaned up.
16 It's a big mess there, instead of cleaning it up,
17 kind of shift it somewhere else and create a problem
18 for someone else.

19 COMMISSIOER ROMANO: I would take the
20 opposite stance to that, that we're going to
21 penalize, is not the right word, but hinder a
22 possible business where other existing businesses do

1 not have to deal with that same issue with the
2 parking, and by no means should that be something
3 that, I mean, yes, there's other issues to fix it,
4 the whole area with parking, if that's the case,
5 but, we have a Petitioner here in front of us
6 tonight that's looking for a variation to open a
7 business and, you know, whether we take a stand and
8 say, this parking, the portion of it, we're not
9 acting on something that can be approved and a
10 business be opened, and I don't think that is where
11 the penalty should lie in this position.

12 CHAIRMAN JARRETT: So, one point that I
13 would make is that, you know, if the use is there
14 and it predates the zoning ordinance, and that
15 doesn't necessarily mean the specific business, just
16 a use, it predates the zoning ordinance, they
17 actually don't have to meet that. It doesn't mean,
18 if they would be required to have 15 parking spaces
19 today, but, that use was established before the
20 zoning ordinance, then, that, they don't have to
21 bring that up to standards, unless it's a different
22 use that comes in, right?

1 That's what's happening here, and I would
2 say, this is a -- I'm struggling with this because I
3 am supportive of the business idea, but this really
4 is a location that isn't the village's fault, maybe,
5 but there isn't much parking, this is an assembly
6 use. There's not a large amount of nearby parking,
7 public parking, and most of it is being used by,
8 frankly, rightfully or wrongfully, in some cases
9 probably rightfully like during the day in some
10 businesses along there, you know, it's full, it is,
11 and maybe we can, maybe the Village can do something
12 about that.

13 My concern though, is that we acerbate a
14 problem that's already pretty egregious up there. I
15 don't know how to deal with this particular
16 application, because I know what you're saying, the
17 requirement is 13, right?

18 COMMISSIOER ROMANO: At most?

19 CHAIRMAN JARRETT: That's the requirement
20 is 13. The reality you're probably talking about 25
21 or 30 cars or more, if it's 40 people.

22 COMMISSIOER ROMANO: But that's not going

1 to be consistent.

2 CHAIRMAN JARRETT: Right, and that's not
3 the requirement, the requirement is 13 by our code
4 so, that's what we have to look at. So, okay.

5 COMMISSIONER HOFSTRA: I think the
6 building was set up as retail spaces, and the
7 parking across the front was adequate for retail
8 spaces, it's the assembly. It's bringing in 30 or
9 40 people into an open space that you now got to
10 find a place to park.

11 CHAIRMAN JARRETT: Right, that are
12 probably going to be there for two or three hours,
13 admittedly in the evening, but, a minimum of two or
14 three hours instead of 35, 40 minutes, an hour,
15 which, maybe more -- yeah, Commissioner Orłowski.

16 COMMISSIONER ORŁOWSKI: My suggestion, I
17 think the Village needs to go and do, do something
18 that they probably haven't been doing for a long
19 time, all the way from Sunset to Stone Road and go
20 by and look at all of them businesses, especially
21 along Stone Road and Addison Road and clear out all
22 the cars that sit on public property, continuously,

1 24 hours a day, 30 days a month or 30 days, 40 days,
2 but not hinder this business owner from what they're
3 looking to do.

4 If you cleared out all the cars that sit
5 there overnight continuously, and I would say that's
6 the majority of them, front, back, alley, Stone
7 Road, you would have plenty of parking in that whole
8 area if you cleared all those cars out.

9 CHAIRMAN JARRETT: This is back --

10 COMMISSIONER ORLOWSKI: This is an area
11 that the Village hasn't paid attention to, and they
12 need to, so we can get proper businesses in those
13 areas.

14 CHAIRMAN JARRETT: I mean, I would agree
15 with that, I didn't see it in person, but there are
16 cars parked like literally in the boulevard, in the
17 driveway, in what used to be grass strips along
18 there in some places that are now gravel.

19 COMMISSIONER ORLOWSKI: And parked there
20 constantly. It shouldn't be if the Village did what
21 they were supposed to.

22 COMMISSIONER CALVERT: We would have a

1 better idea of what is really available.

2 COMMISSIONER ORLOWSKI: If you have no
3 overnight parking in the Village, you got plenty of
4 availability.

5 COMMISSIONER CALVERT: When I walked
6 through there, Artifacts closes at seven, so, those
7 cars would be gone. Computer Medic closes at five,
8 those cars would be gone, but, I agree, I think we
9 have to clean it up before we can see what's there,
10 and you know, moving, just this parking issue then
11 out into the neighborhood, I don't think that's
12 acceptable.

13 COMMISSIONER ORLOWSKI: If you look along
14 Addison Road, I count almost 30 cars sitting there
15 right now that haven't probably moved in 30 days.

16 COMMISSIONER CALVERT: I was just there.

17 COMMISSIONER ORLOWSKI: So, thirty cars,
18 that would be the needed parking for a business.

19 COMMISSIONER SHLENSKY: I find merit in
20 every single comment about the Village needing to
21 enforce its own codes, and the fact that we should
22 not, I don't know the word was, punish, but that's

1 not what we're looking to do, we're not looking to
2 deter new business from coming into town. The fact
3 that there is not overnight parking awhile is a
4 possible distraction for this new business to be
5 able to utilize parking spots, both in the area that
6 would, pending code enforcements efficiency be
7 cleared out.

8 However, or, probably in addition to it,
9 we have a public notice go up, just like a public
10 notice go up before every commission before planning
11 and zoning. I believe the last meeting in November
12 we had what, one individual from a business speak to
13 this effect, he had since then, no written responses
14 or objections or any other business owners in the
15 area, haven't had any of the residents nearby with
16 objections or come to the meetings today.

17 I always value community involvement
18 in all the issues, whether it be from Planning and
19 Zoning or back to the Board, public comment is
20 extremely important.

21 Given the fact that we have a lack of
22 objections, I find that in favor of the Petitioner's

1 application.

2 It's my understanding there is no way
3 to bifurcate the special use from variation, given
4 that the special use is asking for an occupancy up
5 to 49 people, and 13 spaces.

6 This is a difficult decision, but many
7 considerations involved, but I don't want to fault
8 the owner or fault the Petitioner or deter the
9 Petitioner or deter any future business from coming
10 into town, if in part this is a Village caused
11 problem by a lack of enforcement.

12 That's where I stand on that.

13 COMMISSIONER CALVERT: I do have a
14 question as well. Were nearby businesses and
15 residents notified of this zoning change?

16 MS. ARGUILLES: Not since the original
17 public notice, we're not required --

18 COMMISSIONER CALVERT: So, there was a
19 sign at this business last month, that there was a
20 zoning change because there's not one now?

21 MS. ARGUILLES: So, typically after the
22 first public hearing takes place, the notice can be

1 taken down, and we don't re-notice it, but we do,
2 definitely notice it before the first public hearing
3 takes place.

4 I may add, if I may add, without
5 being specific to properties, I can tell you that
6 some of the properties nearby the subject property
7 had been noticed for that exact reason where they're
8 parking on the street or parking on public property
9 that are encroaching to public right-of-way, so I
10 can tell you that from a Staff level perspective,
11 Code Enforcement is following up on those claims.

12 Now, regarding the right-of-way,
13 that's definitely something we will have to follow
14 with police and we do intend to follow-up with them
15 from a ticketing standpoint and regarding the signs.

16 CHAIRMAN JARRETT: One thing to keep in a
17 notice too, is that individual businesses, the
18 tenants are not noticed beyond the sign, property
19 owners are noted, so, users as, like a multi-tenant
20 building might not ever be noticed if they don't see
21 the sign. The same with, like an apartment
22 building, for instance, not in this case, but, the

1 landlord gets, property owner gets notice, but the
2 individual tenants don't.

3 MS. ARGUILLES: Chairman, if I may just
4 add to that point. You're actually correct, those
5 property owners, within 250 feet, are the ones that
6 get notified formally in writing, but there also is
7 a notice in the public newspaper, local newspaper.

8 CHAIRMAN JARRETT: Correct.

9 MS. ARGUILLES: With the notice of the
10 meeting. So, and the sign on the property,
11 obviously.

12 COMMISSIONER SHLENSKY: One thing also to
13 consider is that, pending any motion that is made
14 today and possibly, you know, any recommendation
15 made to the Board, the Board does have two meetings
16 in order to take action, a second reading on this,
17 but, will take the Board sometime to hear and
18 consider any recommendation you may make on this
19 petition, thereby, giving the Village sometime to
20 start enforcing the parking issue.

21 COMMISSIONER CALVERT: Do you know, and it
22 doesn't have to be an exact number, how many parking

1 spaces are between 707 and 717?

2 MS. ARGUILLES: I would say there are
3 about, just about 10 parking spaces. There isn't,
4 there isn't much room, it's pretty much the entire
5 length of the building.

6 COMMISSIONER CALVERT: And the parking
7 spaces in front of the Manco Homes, is also public
8 parking?

9 MS. ARGUILLES: Yes.

10 COMMISSIONER CALVERT: As well as Colby
11 (ph sp) Transmissions?

12 MS. ARGUILLES: Yes, that's all public
13 parking.

14 CHAIRMAN JARRETT: Somewhere in the
15 neighborhood of 35 parking spaces, end to end in
16 that public parking, it's in the right-of-way there.

17 COMMISSIONER CALVERT: You said 35?

18 CHAIRMAN JARRETT: Somewhere in that
19 neighborhood, yes.

20 MS. ARGUILLES: Those spaces right in
21 front of the subject building, approximately 10, in
22 front of this building.

1 COMMISSIOER ROMANO: Just, it's a non
2 pointed directly in front of the building.

3 MS. ARGUILLES: It's public parking
4 spaces, yes.

5 CHAIRMAN JARRETT: Do you have a comment?

6 COMMISSIONER KASE: I don't mean to get
7 off the subject of parking, but maybe I missed
8 something, but is that space is ready for her to
9 move in, up to village code, the office space?

10 MS. ARGUILLES: The certificate of
11 occupancy would need to be completed, and the
12 inspection needs to be approved. It has not been
13 issued a certificate of occupancy. Correct me if
14 I'm wrong.

15 MS. HALL: Correct.

16 MS. ARGUILLES: So no, it's not ready for
17 occupancy, a business cannot operate without the
18 certificate of occupancy.

19 COMMISSIONER KASE: Yeah, I understand
20 that, does she understand that 49 people that you
21 have to have in that space.

22 MS. ARGUILLES: The fire departments

1 comments and building comments were provided to her
2 in terms what would be needed. The biggest one,
3 there is no requirement for fire sprinkler or fire
4 alarm, as long as it's not exceeding 49 from an
5 occupancy standpoint.

6 Besides that there's really no changes
7 being proposed, she's not going to be required to
8 upgrade the space, and she can speak to what the
9 plan is for the space, but I think it's pretty much
10 the way she needs it to be to operate the business.

11 COMMISSIONER KASE: Can you explain to me,
12 really, what the space is going to be used for. I
13 don't mean to get off the subject.

14 MS. HALL: It' okay. So, I did supply
15 some drawings that I presented, so, for example,
16 like a baby shower, if I was to do something like
17 that, would be, minimum 10 people, maximum 20
18 people, 25.

19 Another description was me having, like
20 one on one, because I'm also into cosmetology and
21 I'm a licensed educator as well, so, I'll do
22 one-on-one training in small group sessions for it,

1 just for training students for cosmetology or
2 advancing styles or different techniques, so, those
3 are most of the events that I will be doing, but not
4 limited to like, parties or like any gatherings that
5 maybe like 20 to 25 people, I'm not really trying to
6 take it to the 49, so, because I also have to
7 include myself along with any cleanup help and
8 people that may also work there. So, I'm not going
9 full 49.

10 COMMISSIONER JACKSON: Any catering in
11 there any cooking in there?

12 MS. HALL: No, everything will be brought
13 from outside, like a small cake or any outside
14 catering, need to order, no cooking at all in there.

15 COMMISSIONER SHLENSKY: And to your point,
16 you request an action, Staff, there are conditions
17 about, you know, permits for signage and compliance
18 with building codes and fire codes as well, we
19 recommend be built into any recommendation that we
20 make.

21 COMMISSIONER CALVERT: I have one more
22 question, if we grant a zoning change for 717, as

1 well as a parking variance, that continues
2 indefinitely, forever?

3 MS. ARGUILLES: It's specific to the use,
4 in this case, so, it would be hand in hand with the
5 special use or assembly use as being proposed here.
6 No more than 49 people, no interior modification,
7 people are taking in food, very specific to this
8 proposal.

9 COMMISSIONER CALVERT: And, down the road
10 if the Petitioner sold this business or cease
11 operation and somebody else wanted to come in and do
12 something similar, that change of zoning and
13 variance would go right along with that particular
14 unit, is that true?

15 CHAIRMAN JARRETT: Yes.

16 MS. ARGUILLES: So, this is something
17 that, my understanding is that, this is very
18 specific to this application, this proposed use, and
19 the variation is being for the special use, can't
20 really have one but not the other type of thing,
21 that's the way I see it.

22 So, when the ordinance is drafted, it will

1 be very specific to the space known as 717, as per
2 the floor plan submitted and the information
3 submitted and the narrative submitted.

4 COMMISSIONER CALVERT: So, if in three
5 years she moves onto something else, that parking
6 variance doesn't stay with it?

7 MS. ARGUILLES: My understanding is we
8 could draft an ordinance to be approved to be very
9 specific, so, it doesn't carryover to someone else.

10 Again legal will clarify this at the Board
11 level, typical variations do run with the property,
12 you're absolutely right, but because in this case,
13 because it's being for the special use, I think we
14 have the ability, the Board has an ability to move
15 them both together and have conditions so that it
16 insures that it only applies to this situation.

17 COMMISSIONER CALVERT: Can we restrict the
18 hours of operation. The Petitioner, in the packet,
19 stated that it would be the hours would be from
20 12 p.m. to twelve a.m., can those be restricted as
21 well?

22 MS. ARGUILLES: Absolutely, I think it's

1 within your purview to add conditions, if you would
2 like to, if it has to do with hours of operation.
3 That's something that the Petitioner may or may not
4 want, you know, but she can speak to that, you can
5 definitely propose some conditions for approval as
6 you see fit.

7 COMMISSIONER SHLENSKY: Petitioner is not
8 asking for any variance as to the current hours of
9 operation permitted by --

10 MS. ARGUILLES: Correct.

11 COMMISSIONER SHLENSKY: She would still be
12 subject to the regular rules and hours of operation
13 applied to every other business in the Village.

14 MS. ARGUILLES: And there's no end time or
15 start time, we have no rules on hours of operation
16 for businesses.

17 CHAIRMAN JARRETT: Is there any other
18 discussion, is there any mention of possibly
19 conditioning hours of operation, I don't know if
20 there's a consensus that that's something that needs
21 to be done.

22 COMMISSIOER ROMANO: I don't see a

1 necessity for it.

2 CHAIRMAN JARRETT: I don't necessarily
3 either.

4 COMMISSIONER SHLENSKY: It's a valid
5 consideration but it's just not before us.
6 Petitioner may have mentioned or written, as part of
7 an application of anticipated hours, but I don't
8 really want to handcuff a business to specific
9 hours.

10 CHAIRMAN JARRETT: We can apply conditions
11 to a special use when they're late to sound planning
12 concerns with the property, in some cases, hours of
13 operation might be, for example, a drive-thru
14 message board adjacent to a single family residence,
15 but, I don't know if it's a valid enough concern
16 given the immediate neighbor, and uses, most of
17 which are closed immediately.

18 COMMISSIONER CALVERT: I have one other
19 question. Beyond occupancy permit, what other
20 business license will be required for a special use?

21 MS. ARGUILLES: No, so the special use is
22 really from a zoning perspective. Every business in

1 town, regardless if they need special use or if it's
2 considered permitted use, needs a certificate of
3 compliance or business registration.

4 CHAIRMAN JARRETT: Unless there is
5 additional discussion, then we would be looking for
6 a motion from someone?

7 COMMISSIONER SHLENSKY: I'll make that
8 motion. Motion to recommend approval of, one, a
9 special use allowance for assembly and entertainment
10 use, and two, variance to allow no designated off
11 street areas to allow designated off street parking
12 spaces for the property known as 717 N. Addison
13 Road, 1006-04-208-010, with the following
14 conditions:

15 One, permits must be obtained separately
16 for interior remodel and signage.

17 Two, compliance with current move in.

18 CHAIRMAN JARRETT: All right, is there a
19 motion, is there a second?

20 COMMISSIONER ORLOWSKI: I'll second.

21 CHAIRMAN JARRETT: Second from
22 commissioner Orłowski. Questions or comments on the

1 motion. Okay, roll call vote.

2 Calvert?

3 COMMISSIONER CALVERT: I'm going to add to
4 my response here. I'm going to say, yes, but, I
5 really would like for the Village to get that
6 parking resolved before this comes before the
7 Village Board, so, I'm a yes.

8 CHAIRMAN JARRETT: Hofstra?

9 COMMISSIONER HOFSTRA: Yes.

10 CHAIRMAN JARRETT: Jackson?

11 COMMISSIONER JACKSON: Yes.

12 CHAIRMAN JARRETT: Kase?

13 COMMISSIONER KASE: Yes.

14 CHAIRMAN JARRETT: Orłowski?

15 COMMISSIONER ORŁOWSKI: Yes.

16 CHAIRMAN JARRETT: Romano?

17 COMMISSIONER ROMANO: Yes.

18 CHAIRMAN JARRETT: Shlensky?

19 COMMISSIONER SHLENSKY: Yes.

20 CHAIRMAN JARRETT: I too will vote, yes.

21 Our recommendation will pass to the
22 Village Board, they can accept, reject or modify as

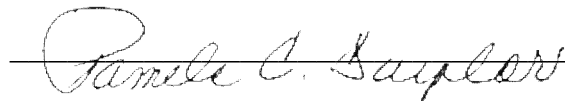
1 they see fit, so, thank you and good luck and yeah,
2 the police maybe need to pay a little more attention
3 to the parking in that area.

4 COMMISSIONER ORLOWSKI: They might not be
5 aware because it's not private property.

6 CHAIRMAN JARRETT: It's possible.

7 (End of public hearing, old
8 business.)
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1 I, Pamela C. Taylor, CSR/RPR of the State
2 of Illinois, do hereby certify that I reported in
3 machine shorthand the proceedings had at the hearing
4 in the above-entitled cause, and that this
5 transcript is a true and accurate transcription of
6 my machine shorthand notes so taken to the best of
7 my ability.

8
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10
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12 

13 CSR #084-001184



14
15 Dated this 3rd day
16 of January, 2022
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22

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1

VILLAGE OF VILLA PARK
PLANNING & ZONING COMMISSION

IN RE THE MATTER OF:)
)
)No PZ-21-0010
1033 N. Villa Avenue/Zoning)
Map Amendment from PUD-C)
Planned Unit Development, to)
M-1 Light Industrial District))
APK Holding)

PUBLIC HEARING
December 9, 2021
8:13 p.m.

REPORT OF PROCEEDINGS had and testimony at
the public hearing of the above-entitled cause,
before the VILLAGE OF VILLA PARK PLANNING & ZONING
COMMISSION, held at the Villa Park Village Hall, 20
South Ardmore Avenue, Villa Park, Illinois, at the
above date and time, and reported by Pamela C.
Taylor, CSR/RPR, for the State of Illinois.

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1
2
3 APPEARANCES:
4

5 BOARD MEMBERS PRESENT:
6

7 MR. JASON JARRETT, Chairman

8 MR. LARRY CALVERT

9 MR. EDWARD HOFSTRA

10 MR. KENNETH JACKSON

11 MR. DONALD KASE

12 MR. MICHAEL ORLOWSKI

13 MR. DOMINICK ROMANO

14 MR. JUSTIN SHLENSKY
15

16 ALSO PRESENT:
17

18 MS. CONSUELO ARGUILLES,

19 Director of Community Development
20
21
22

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1 CHAIRMAN JARRETT: So, the next item of
2 business will be PZ-21-0010, for 1033 N. Villa
3 Avenue, the zoning map amendment from PUD-C, Planned
4 Unit Development commercial to M-1 Light Industrial
5 for APK Holding, LLC.

6 Director when you're ready?

7 MS. ARGUILLES: Sure, thank you.

8 This request is a rezoning request for the
9 property known as 1033 N. Villa Avenue, for case
10 number PZ-21-0010.

11 This is strictly just a rezoning to go
12 from PUD-C, which is Planned Unit Development
13 Commercial to M-1 Light Industrial District, and
14 this is to allow the proposed use, which would be a
15 trucking facility.

16 So, quick background on this
17 property. This property measures about, just over
18 12 acres in size. There is a building measuring
19 over one hundred square feet on the property now,
20 that historically has been used as the Odeum, and
21 the Odeum has a zoning history that dates back to
22 1969. There's some rezoning that took place as well

1 and expansions throughout the years, including in
2 1990, so, part of your Staff recommendation, Staff
3 report that you received, Staff recommendation does
4 include some exhibits that the Petitioner did submit
5 to demonstrate how the existing building and site
6 looks like today.

7 Aerial images and site visits do
8 confirm that the parking lot had been used for
9 similar use, meaning, had been used for truck
10 parking. The Petitioner intends to buy the property
11 and lease the subject property to Arrow Trans
12 Corporation, otherwise known as Arrow, which is a
13 related entity, who intends to use the property for
14 trucking, warehousing and distribution.

15 Arrow is currently located in Elk Grove
16 Village and anticipates hours of operation to be
17 seven a.m. to nine p.m.

18 Should the rezoning be approved, Arrow
19 will relocate its current facility to the subject
20 property and expects to create about 30 full-time
21 jobs.

22 Since original submittal was

1 received, staff has received additional supplemental
2 information regarding this request. I have passed a
3 copy to the Commission here tonight, there's a
4 couple of documents that I want to highlight, but to
5 sum up the amended Staff recommendation for this
6 case, Staff is recommending approval of this
7 request, based on the additional information that
8 was received, just from an economic development
9 standpoint what this change of use would mean to
10 Villa Park, there's positive from a business
11 standpoint, bringing in people, employees to the
12 area and supporting our local business.

13 On top of that, the property owners
14 do have a long history with working with the Village
15 and being very proactive in supporting the Village
16 in many aspects.

17 From the zoning standpoint, what is before
18 you tonight and Staff is recommending approval of
19 that request.

20 The document that I passed out that I
21 received this week, the first one is a letter from
22 the Forest Preserve District of DuPage County, we

1 received that on the 9th of December, which is
2 today, and, I'll go ahead and read it, per the
3 request, they want their comments to be read in the
4 record, and I'll start off with the letter, dated
5 December 9th, 2021, addressed to Chairman Jason
6 Jarrett, Chairperson of the Planning Zoning
7 Commission regarding Case No. 21-0010, regarding APK
8 Holding, LLC, pin number, 03-34-120-003, for the
9 property known as 1033 N. Villa Avenue.

10 "Dear Mr. Jarrett, the Forest
11 Preserve District of DuPage County recently received
12 a Notice of Public Hearing regarding APK Holding
13 LLC's petition for a Zoning Map Amendment from PUD-C
14 to M-1 Light Industrial District, and other relief
15 as may be required."

16 "We appreciate receiving timely
17 notification of such requests that that may have an
18 impact on the Forest Preserve District property and
19 thank you for the opportunity to comment."

20 "It is our understanding that along
21 with the rezoning, the property will be redeveloped
22 with a larger building and existing parking lot will

1 be milled down and repaved and not to be expanded."

2 "With this in mind, the Forest Preserve
3 District must make note that we have experienced
4 continuous encroachment issues with existing
5 business on the property."

6 "For example, the attached Villa Park GIS
7 aerial photo shows several semi trailers parked on
8 Forest Preserve District on the north end of the
9 subject property. Yellow line is the property
10 line." That was in quotation marks.

11 "Also the attached Site Plan for the
12 proposed trucking facility even shows the plan
13 continued to park/encroach on Forest Preserve
14 District property on the north end of the subject
15 property."

16 "The Site Plan is deficient in that it
17 does not provide the property lines of the subject
18 property. The north property line of the subject
19 property is squared off and runs east to west, not
20 coming to a point as shown on the Site Plan. See
21 yellow line on GIS aerial photo."

22 "The Forest Preserve District requests

1 that a Plat of Survey be commissioned by the
2 developer, and that all plans show the true position
3 of the property lines, and that no development be
4 shown on Forest Preserve District property."

5 "The Forest Preserve District also
6 requests that as part of the redevelopment, a
7 sufficient barrier be constructed to prevent future
8 encroachments and damage to Forest Preserve District
9 Property."

10 Moving on to page 2 of the letter.

11 "The use of plant species that are
12 non-native to the Chicago region have a direct
13 negative impact to natural areas and are considered
14 both exotic and invasive. The use of hybrids and
15 cultivars are strongly discouraged and the Forest
16 Preserve District requests that only native species
17 known to the Chicago region be used for all
18 landscaping plants. When the plant species list
19 becomes available, the Forest Preserve District
20 requests the opportunity to review the Landscape
21 Plan."

22 "Research studies indicate that artificial

1 night lighting disrupts migrating, feeding and
2 breeding habits of many wildlife species, as well as
3 growth patterns of trees, therefore, the
4 International Dark Sky Association and the Dark Sky
5 Society recommend a maximum of 0.1 foot-candles at
6 the edge of development. The developer's
7 photometric plan indicates that the light escaping
8 from this development is nearly five times this
9 maximum recommendation in multiple locations."

10 "Recommended guidelines can be found at
11 this web address."

12 I'll just read the general website which
13 is, www.darkskysociety.org, you go to the handout,
14 you'll see lighting plan guidelines.

15 "When the photovoltaic plan become
16 available," otherwise known as the photometric plan,
17 "the Forest Preserve District requests the
18 opportunity to review the plan."

19 "The Forest Preserve District also
20 requests that the developer refrain from using
21 asphalt sealants that contain coal tar products.
22 Coal tar sealants contain polycyclic aromatic

1 hydrocarbons otherwise known as PAHs, which pose
2 adverse threats to aquatic organisms, plants and
3 humans when subjected to long term exposure."

4 "The DuPage County Environmental Committee
5 has urged communities to prevent the use of coal tar
6 in DuPage County. Less detrimental and more
7 environmentally safe alternatives to coal tar
8 products exist."

9 "Please consider this as the Forest
10 Preserve District's request this letter be read and
11 entered into public record at December 9, 2021
12 Planning and Zoning Commission meeting. Should the
13 petitioner pursue further improvements to the
14 property, we request the opportunity to review
15 plans."

16 "Please do not hesitate to call me at
17 (630)933-7235 if you have any of questions."

18 This is signed by Kevin Stough, whose the
19 Land Preservation Manager over at the DuPage Forest
20 Preserve District.

21 Along with that letter received is the GIS
22 map showing the subject property with lot lines and

1 flood waste and flood plains in that area. Also the
2 site plan that is included as part of the traffic
3 study.

4 The second document we received to date
5 was a response from the Kane-DuPage Soil Water
6 Conservation District in regards to the land use
7 opinion they are required to respond to.

8 They do indicate that, "the Land Use
9 Opinion is not required at this time for the
10 proposed zoning change, therefore, no further action
11 will be taken by the Soil and Water Conservation
12 District Board."

13 "All LUO decisions are valid for five
14 years for the stated purpose only, however, if there
15 are deviations from the submitted application or
16 plan, a full LUO report maybe required and an
17 application may need to be resubmitted."

18 The other document we received this week,
19 was a plat of survey showing the subject property's
20 conditions as they exist to date.

21 The other document, part of your packet,
22 was an updated memo from the Public Works Department

1 as executed by Michael Guerra, who is the Director
2 of Public Works, also dated December 9th. I'll
3 read that into record. The memo indicates:

4 "The Public Works Department reviewed the
5 preliminary site plans for the proposed development
6 at 1033 N. Villa Avenue and offers the following
7 comments:"

8 "General, the site is 12.90 acres
9 compromising of the Odeum building and a paved
10 parking lot. It appears the existing building will
11 be demolished and a new building will be constructed
12 on the site."

13 "Traffic. A Traffic Impact Study was
14 completed and submitted for review. No significant
15 issues were identified. Staff concurs with the
16 traffic study recommendations, they will need to be
17 incorporated into the site's design."

18 "Street Improvements. Street and sidewalk
19 improvements will not be required. A new curb is
20 proposed on parcel 03-34-119-006. A permit from the
21 DuDOT," Dupage Department of Transportation, "will
22 be required since Villa Avenue is Dupage County's

1 right-of-way."

2 "Furthermore any improvements on
3 parcel 03-34-119-006 must be approved by DuPage
4 County since the parcel is located outside of Villa
5 Park municipal boundary limits."

6 "Water. The existing Odeum building
7 is currently looped with a six-inch private water
8 main. The existing private water main may need to
9 be upgraded to serve the new building. The nearest
10 village water main is located at the southwest
11 corner of Villa and Armitage."

12 Moving on to page 2 of the memo.

13 "Sanitary Sewer. The existing Odeum
14 building is currently served by a private sanitary
15 sewer main. The existing private main may need to
16 be upgraded. The nearest village sanitary sewer
17 manhole is located on the east side of Villa Avenue
18 approximately 270 feet south of the south property
19 line."

20 "Storm Sewer. Storm sewer improvements
21 may be required and will be analyzed with full
22 engineering submittal."

1 "Drainage Improvements. The submitted
2 schematics site plan shows impacts to the flood
3 plain on the property. Any fill in the flood plain
4 will require compensatory storage at 1.5 to one
5 ratio."

6 "Some of the improvements appear to be
7 located in the mapped floodway. Construction in the
8 floodway will not be permitted. Only maintenance
9 activity," in parentheses, "mill and overlay to the
10 same elevation, may be permitted on the mapped
11 floodway. The submittal and/or permit from IDNR-OWR
12 will be required for any work in the mapped
13 floodway."

14 "Storm water detention calculated based on
15 a new impervious area will need to be provided.
16 Post construction best management practices,
17 otherwise known as PCBMP will be required if the
18 proposed development increases the impervious area
19 by 2500 square feet or more in aggregate."

20 "Soil Conditions. Kane-DuPage Soil
21 Conservation District opinion of land use maybe
22 required."

1 And finally, "Permits. A building permit
2 and a storm water certification will be required."

3 They attach another copy of the GIS,
4 village GIS map to their memo.

5 Moving along, the other document that
6 we received, I think I may have already talked about
7 this one, I'm trying to not repeat myself here. I
8 did.

9 Those are the additional information that
10 we received, the traffic study was forwarded and
11 part of the packet. Once we received the traffic
12 study, pretty comprehensive traffic study. The key
13 there is, that there are some improvements that need
14 to be needed, subject to County approval.

15 But going back to the subject request of
16 rezoning on Staff is supportive of the rezoning to
17 the industrial, which is consistent with some of the
18 other surrounding towns, and with that, I can answer
19 any questions.

20 CHAIRMAN JARRETT: Okay, thank you.
21 Presentation by the Petitioner, if you have one.
22 State your name and address for the record as you

1 come up to speak.

2 MR. KLING: Good afternoon, Commissioner,
3 Max Kling, K-L-I-N-G, I'm the counsel for the
4 applicant or Petitioner here, ABC Holdings LLC here
5 on the address 1033 N. Villa Avenue.

6 The Director did a good job of, you
7 know, summarizing what our request is, and just
8 important to reiterate that the request is before
9 the Commissioner today is for a map amendment
10 related to the use of the property, it's currently a
11 PUD commercial zoning classification. The company
12 that is currently under contract to purchase the
13 property is a trucking company. I think it's also
14 important to -- which would be industrial use.

15 I think it's also important to bring up
16 that, the -- so, the company that will be occupying
17 the property is Arrow Trans. They are a trucking
18 company more so than a warehouse distribution
19 company so, it's not that there is going to be cross
20 sectioning or significant heavy industrial use here,
21 it's more so, a place where the company will, you
22 know, a meeting spot for where the truck drivers

1 will come, get the truck, go out and do their
2 deliveries for the day, bring their trucks back,
3 more so for parking or a central location.

4 As far as the comments from the
5 Forest Preserve, I think this is, you know, if there
6 are encroachments, this is a perfect opportunity
7 while with a new buyer coming into the property,
8 intending to use the property for, what is pretty
9 similar to what it's being used for right now, will
10 be a great opportunity for, you know, for the
11 Village to address these issues that the Forest
12 Preserve may have and deal with these encroachments
13 on the plans that maybe submitted for any
14 development in the future.

15 So, I think, there's multiple parties that
16 can benefit from this, from this proposal and Staff
17 location.

18 So, I also have a, I've got magic Rusga
19 (ph sp) from Arrow, so he's here on behalf of the
20 applicant, who have the architect, Mike Hartel and
21 then Patrick Clancy is here as well and we'll be
22 happy to answer any questions that the Commission

1 might have. Thank you.

2 CHAIRMAN JARRETT: Thank you. Anyone from
3 the public wishing to speak on this, if so, come up
4 one at a time and state your name and address for
5 the record and generally try to keep your comments
6 to about three minutes.

7 MR. ELDRIDGE: Good evening, Commissioner.
8 I want to say the Director did a great job in
9 explaining what's going on, and I want to thank the
10 Commissioner for deliberating on that last past
11 Petitioner, you all did a great job on that.

12 I'm, Elliot Eldridge, I live at 750 S.
13 Villa Avenue, across the street from the Odeum, also
14 represent the Church of Christ at 750 S. Villa
15 Avenue in Addison.

16 So, I just wanted to ask, is it
17 possible for the church to have Commissioner's
18 packet to see what's going on there, to see the
19 traffic studies, and also to see what impact this
20 development is going to have on the residents across
21 the street from the Odeum.

22 So, the Forest Preserve did an

1 excellent job with the letter. There are lights
2 from the Odeum that affects the citizens across the
3 street from the Odeum, lights shines directly into
4 those houses, and those businesses across the street
5 from there. I'm glad to see a traffic impact study,
6 also, I wanted to see more about the impact study.
7 I will -- additional curb cuts and additional
8 turning lanes be involved in that study or that
9 request, so, I would just request that a
10 Commissioner's packet be given to the church so that
11 they can review it.

12 CHAIRMAN JARRETT: Okay. So whatever we
13 do, we're recommending by the Village Board would
14 have the final say, so, whatever happens here
15 tonight, I would recommend you give your name and
16 address, email address, phone number, whatever, to
17 Director, to Consuelo, and she will make sure that
18 you get a copy of that, it is available online, but
19 it can be hard to find, she can make sure you get
20 exactly what you need.

21 MR. ELDRIDGE: Thank you.

22 CHAIRMAN JARRETT: Anyone else wishing to

1 speak?

2 All right, no one. All right, so,
3 questions from the Commission?

4 COMMISSIONER CALVERT: I have one
5 question. In the original packet that was
6 distributed, it was my understanding this building
7 was going to be remodeled, for all intense and
8 purposes. Director Guerra's correspondence
9 indicates the existing building will be demolished
10 and new building constructed. Which is it?

11 MS. ARGUILLES: So, that's an excellent
12 question, and that was one of the questions that I
13 had for the Petitioner, because the traffic study
14 had exhibits clearly indicating a new building and
15 site improvements. The original submittal did not
16 indicate the traffic study, did not have the
17 exhibits. The Petitioner did clarify that in the
18 future there might be rezoning taking place, part of
19 his exhibits. Petitioner did clarify for the moment
20 it will be used for the use, and he can speak more
21 to that.

22 MR. KLING: Be happy to address that.

1 So, just for a little bit of background
2 here. The Petitioner just went under a contract to
3 purchase this property on November 23rd, is in due
4 diligence, and, you know, there's, it is an old
5 building, so, the Petitioner is considering all
6 options here, whether the building, current facility
7 be purposed and used for their use, and also
8 considering options of possible redevelopment there.

9 So, you know, we're just in the primary
10 stages at this point as far as the facility and how
11 the facility is going to be used, but, the location
12 is great, Villa Park is great and, so it's, we
13 really are here just to be able to use the property
14 for an industrial purpose, for trucking purpose, so,
15 that's, that's the -- I guess the confusion is the
16 right word, you know, it's just, they're considering
17 all options at this point as far as how they're
18 going to use the property, if they're able to close
19 and, you know, this is all just, this is contingent
20 on them closing, so, they're considering those
21 options.

22 CHAIRMAN JARRETT: One point of

1 clarification on that is, this is a zoning map
2 amendment to M-1, which doesn't require a specific
3 plan, they're not requesting a specific plan, so,
4 the zoning map change would theoretically allow the
5 property owner and a future developer, property
6 owner to redevelop the property with any use that
7 would be permitted in M-1, so as long as it is
8 designed to be the current zoning code, or for this
9 existing facility could be used for any other M-1
10 use with our light industrial district, so, I can't
11 think of all the uses off the top of my head, but a
12 lot of general manufacturing uses.

13 Do you have a better --

14 MS. ARGUILLES: So, light manufacturing is
15 something that would be permitted.

16 COMMISSIONER CALVERT: So, if we changed
17 this to M-1, they don't have to come back before us
18 for anything else?

19 MS. ARGUILLES: Correct, it would allow
20 the proposed used to use as trucking as submitted.

21 COMMISSIONER CALVERT: With no other input
22 from us?

1 MS. ARGUILLES: Correct, this is just the
2 rezoning, if it were to be rezoned, it would allow
3 the proposed use.

4 COMMISSIONER HOFSTRA: As long as they're
5 meeting the zoning recommendations for M-1.

6 MS. ARGUILLES: Thank you for clarifying,
7 as long as they're within the guidelines of the
8 village code, obviously lighting, etc. any
9 improvements would be subject to code compliance.

10 MR. KLING: I think it's also important to
11 note, that although, whatever we're going to
12 develop, may develop, as long as it conforms with
13 M-1, it's permitted and we don't, you know, we don't
14 have to come back to zoning, but, any development
15 that we're going to do, there is still going to be
16 village input on building plans and making sure that
17 whatever we're going to develop is up to code, so
18 it's not that we're keeping something in the dark
19 here, and we're trying to sneak something by, we
20 just don't know, you know, what we're going to use
21 the property for down the road, and we just wanted a
22 contract.

1 CHAIRMAN JARRETT: I just want the
2 Commission to be sure, clear, specifically what is
3 being requested here, this is not a request for a
4 specific plan, it's a zoning map change, that would
5 allow any M-1 development either as of right, or
6 that could potentially require zoning relief or plan
7 unit development or subject, depending on the type
8 of development or something could theoretically be
9 developed.

10 All right any other questions?

11 COMMISSIONER ORLOWSKI: I got a couple of
12 questions. One question, if it was, and this is
13 probably to staff, if we allowed this use, as it
14 stands, what kind of tax revenue would we be looking
15 to bring into the Village under this new business.

16 MS. ARGUILLES: That's an excellent
17 question, obviously it would be a change of use, so,
18 it would be going from the similar type of use that
19 has been there known as the Odeum to a warehousing
20 facility, and that Petitioner can speak to that.

21 The one point that I would make is that
22 should the rezoning be approved, the business would

1 still have to apply for a certificate of occupancy
2 otherwise known as business administration, which
3 would require inspections which would be -- some
4 comments from the fire department, the building
5 commissioner, would be required to be brought up to
6 compliance, they're not in compliance now. The
7 change of use would trigger that, but, the
8 Petitioner can speak to that.

9 MR. KLING: If there is a redevelopment
10 there, it would be, you know, new construction
11 would, you know, brand new building or warehouse
12 also possible, truck repair facility. The new, the
13 new property would have a higher value than the
14 current older facility that's there, which then
15 comes a, you know, higher tax revenues for the
16 Village.

17 COMMISSIONER ORLOWSKI: That would be
18 based just on property tax.

19 MR. KLING: Property taxes, and then we're
20 also bringing, you know, 30 jobs, and this company
21 is growing significantly. They started in 2009,
22 they have grown from two employees in 2009, they're

1 up to 30 employees full time employees, they also
2 have a hundred drivers or W-2 -- 1099 independent
3 contractor drivers, that would be, you know,
4 frequenting the local businesses and gas stations
5 here in Villa Park, so, there's, you know, there's
6 some pass through economic benefits for the Village,
7 and the additional jobs that would be coming here.

8 COMMISSIONER ORLOWSKI: So, we wouldn't
9 really see any additional yearly tax revenue, just
10 the property tax, which we're only looking at two
11 and three quarters percent.

12 I am just looking at a 12-acre parking lot
13 and what it's going to do as far as revenue for the
14 Village.

15 COMMISSIONER SHLENSKY: Maybe to clarify
16 your question, if the question is with regards to
17 sales tax revenue, based upon the use would
18 definitely generate.

19 MS. ARGUILLES: If I may add, just as a
20 reminder, if I may add, given the expected number of
21 employees and visitors, for that matter, expect as
22 part of this new business here, it would, it could

1 potentially have an impact to sales tax elsewhere,
2 right, we're bringing in this number of people here,
3 they are going to have to go out to lunch, hopefully
4 shop before or after during the day, so, they might
5 not be a direct sales tax increase as it relates to
6 this parcel, but it could have an impact on this
7 property zoned commercial.

8 COMMISSIONER SHLENSKY: Yeah, the interest
9 can be said about the individuals that go to the
10 Odeum, they grab a drink or some food elsewhere in
11 town before or after, you know shopping, at the
12 Odeum.

13 Got a couple of questions for counsel.
14 So, it seems as though there might be some
15 inconsistencies between the plots and the other maps
16 that we have. At the very least it does look like
17 on that northwestern there might be an encroachment
18 there, granted it's quite minuscule in comparison to
19 the overall percentage of property currently owned
20 by the current property owners.

21 It does look like the eastern
22 boundary of the lot line actually is running through

1 Salt Creek, is that correct? Eastern boundary
2 meaning north to south.

3 I just looked at the survey itself, but I
4 believe you provided on your client provided, is
5 that actually accurate, though, it truly runs
6 through Salt Creek?

7 MR. KLING: So, we also just got this
8 survey today.

9 MR. CLANCY: My name is Patrick Clancy, I
10 am one of the other, I am also working on the
11 transaction, out of 321 N. Clark Street, Chicago.

12 Yes, the boundary, you sent is through,
13 the legal description does go through the Creek.

14 COMMISSIONER SHLENSKY: Okay.

15 MR. CLANCY: Now, I think there's a
16 separate issue whether you can really own that,
17 that's separate, but the legal description, based on
18 what is current in county records, that is where it
19 is, and that's what the surveyor maps.

20 COMMISSIONER SHLENSKY: Given the, just
21 immediately recent as of today, December 9th,
22 letter/concerns of the Forest Preserve District of

1 DuPage County, I want to go through this real
2 quickly, I see four potential conditions or
3 additional conditions that the Forest Preserve has
4 recommended. I'll just list them out for you.

5 On the first page, they list a possible
6 condition of, as part of the redevelopment for
7 Petitioner, your client, to, likely your client, to
8 pay for and set up a sufficient barrier be
9 reconstructed for future purpose or damage to the
10 forest preserve areas.

11 There are three additional potential
12 conditions on the second page of the letter.

13 Condition 2. The request that only native
14 species known to the Chicago region used for all
15 landscaping plants.

16 Condition 3, that the Photometric Plan
17 indicate that the light escaping from the
18 development does not exceed 0.1 foot-candles of the
19 edges of development.

20 And the fourth condition, that you forgo
21 the use of PAHs in your coal tar sealants as part of
22 your redevelopment.

1 Obviously we can all appreciate, we just
2 got this today, for the first time seeing it today,
3 likewise, your office like yourself seeing it today.
4 I don't necessarily need an answer from you today,
5 we can simply table this.

6 But I would like to know the level of
7 comfort -- excuse me, strike that, comfortability of
8 your client in incorporating some or all of those
9 conditions.

10 MR. CLANCY: The level of what?

11 COMMISSIONER SHLENSKY: Level of
12 comfortability.

13 MR. CLANCY: Comfortability, oh,
14 Commission Shlensky, I appreciate the question, and
15 I think we are comfortable meeting many of the
16 requirements as possible. I mean, I can't say we're
17 not going to encroach on somebody else's property,
18 there would be no way we could say that legally,
19 candidly.

20 In regards to the fourth requirement
21 that you mentioned regarding the PAHs on the, of any
22 potential redevelopment surface, yes, we'll

1 definitely look into that.

2 I can't give you an answer right now,
3 candidly, again, I appreciate, you got it today, we
4 got it as well today, but to say that we're
5 definitely going to include PAHs, that's not what my
6 client will want.

7 And regarding point No. 2 and 3 on the
8 species and photometric, we'll definitely look into
9 that, and again, I want to reiterate that is part of
10 the redevelopment. Today we are here for the
11 rezoning, but I understand that a lot of that is
12 very intertwined.

13 CHAIRMAN JARRETT: I am not sure that we
14 can condition that amendment, even if we wanted to,
15 because that's a zoning map change not a planned
16 development, it doesn't mean that the Village
17 couldn't enter into some sort of development
18 agreement, and the Director can correct me if I'm
19 wrong, but the Village could enter into some sort of
20 development agreement. What we're doing is the
21 zoning map change.

22 COMMISSIONER SHLENSKY: So I see that the

1 requested action of the petition or the staff packet
2 application petition indicates, subject to the
3 following conditions, so, I read that as, we might
4 have a potential to add on other conditions as we
5 see fit to a potential approval of the zoning map
6 amendment to a different category, from a PPC to a
7 M-1.

8 CHAIRMAN JARRETT: Correct, those are
9 exactly conditions that they would already be
10 required to follow by law, because it's a change of
11 use, and they're requesting them off the permits,
12 So, there might be conditions there, but staff can
13 correct me, if I'm wrong, my assumption on that.

14 MS. ARGUILLES: So, what I will say is
15 that standard conditions of approval that we do add
16 to change of uses, not only to make the Petitioner
17 aware, especially when there's a change of use, but
18 this will be up to, it's a Village Board final
19 request, so, legal would have to verify to the
20 Commissioners whether they're added or not.

21 In my experience it could be specific to
22 the request, but, again I'm not an attorney so, I'm

1 not going to be speaking on behalf of that, but
2 during the Village Board, they definitely can have
3 that discussion.

4 COMMISSIONER CALVERT: Has this property
5 been listed on the open market for sale?

6 MS. ARGUILLES: That's a question for
7 Petitioner, should be able to answer.

8 MR. CLANCY: Yes.

9 COMMISSIONER CALVERT: I am just curious
10 why the Forest Preserve would have full benefits,
11 are inquiring about it for their open space since
12 it's surrounded by the Forest Preserve.

13 MS. ARGUILLES: That's an excellent
14 question, I cannot speak on behalf of DuPage County.

15 COMMISSIONER CALVERT: You know my concern
16 really is, this is on Villa Avenue, it's one of the
17 three arterial streets, north, south through this
18 Village, it's high profile, and just changing it up
19 to zoning to M-1 without really knowing a lot more
20 about it makes me uncomfortable.

21 CHAIRMAN JARRETT: I have a question
22 before we go too far into discussion. Is Arrow

1 currently using this parking, for truck parking or
2 is that another entity that is trailer parking
3 there.

4 MR. CLANCY: Arrow is not using any part
5 of the property right now. As Staff said, there is
6 parking currently on the property but not by the
7 Petitioner or the Petitioner's related.

8 CHAIRMAN JARRETT: Part of my reason for
9 asking that question is because, a lot of what's
10 going on there now is troublesome to me. There are
11 passenger cars parked in the public right-a-way
12 along Villa in the grass. There are trucks,
13 trailers backed all the way up to Villa Avenue at
14 Comstock in the public right-of-way.

15 If you look at the survey, it's marked
16 parcel 3, kind a gravel area. There are trucks
17 there that are clearly in the public right-of-way.
18 There are cars north of Comstock behind trailers,
19 passenger vehicles parked in the public right-of-way
20 and find concerns with this, it would be that those
21 kind of things might continue, that's what I wanted
22 to know if Arrow is currently involved with the

1 property, use of the property, even though I know
2 they're not the owner of the property.

3 MR. CLANCY: From the checking that I did,
4 the use that the property is being used for right
5 now, it's not allowed in the Village.

6 CHAIRMAN JARRETT: It's allowed in the
7 Village zoning.

8 COMMISSIONER ORLOWSKI: It's not allowed
9 on that piece of property, everything that's going
10 on there is not allowed on that piece of property.

11 CHAIRMAN JARRETT: That is correct.

12 MR. CLANCY: Chairman if I may make a
13 comment, are you looking at the area of the GIS map?

14 CHAIRMAN JARRETT: No, I'm looking by
15 driving by that street.

16 MR. CLANCY: Again, we can't comment to
17 the current use, because that's not what we control.
18 I want to kind of reiterate what Commissioner
19 Shlensky was saying was, your comfortability
20 regarding a couple of those matters that he brought
21 up from DuPage, given I can tell you our, the
22 Petitioner's planned use is not to violate any

1 ordinances, laws, everything will be according to
2 other proposed zoning use that we are petitioning,
3 but again, we can't, will your client be parking on
4 the grass, if that's not allowed, then no, and I
5 don't think it is allowed.

6 CHAIRMAN JARRETT: It's not, parking in
7 the public right-of-way, it's not parking,
8 especially trailers.

9 COMMISSIONER HOFSTRA: As you look at this
10 piece of property, and out of the packet that we got
11 tonight, there's this drawing here and, which I
12 understand how that building needs to sit and
13 inspect to the flood plains, that are there, and
14 this is a flood prone.

15 MR. CLANCY: There's a couple different
16 flood plains, and they have a different levels of
17 requirements, if you want to whether they're grading
18 services aware of looking into it, we want to say,
19 my colleague Max was saying earlier, we're just
20 under contract recently, so, all possibilities are
21 being considered right now, as we go through this,
22 we are aware that any, that any initial drawings

1 that, for that, for potential development, as you
2 are noting, that may not work and that may not be
3 final, and that there are potential other issues or
4 requirements that would need to be met, including
5 whether being in the flood zone plain or potential
6 requirements for, whether just sub service grading
7 would be required or not.

8 CHAIRMAN JARRETT: Questions from down on
9 this end? Any other questions? All right.

10 Do you have any closing comments?

11 MR. CLANCY: I just want to state, thank
12 you for your time and thank you to Staff for being
13 very responsive with everything that's going on.
14 Arrow Trans is very excited to be a part of the
15 Village, as Max was saying, we started in 2009
16 looking to move our entire operation to have their
17 headquarters here to continue to grow, both with
18 themselves internally, but also with the Village and
19 be a good partner.

20 If there's any questions, please feel free
21 to contact me or my associate, we'll be happy to
22 answer, but again, thank you very much for your time

1 this evening.

2 CHAIRMAN JARRETT: There maybe additional
3 questions come up as we move to discussion, but go
4 ahead and feel free to have a seat.

5 For discussion by Commissioners.

6 COMMISSIOER ROMANO: I would like to bring
7 to the commissioners' attention, 2021, Villa Park
8 zoning map, that this property is the northern most
9 parcel and directly south and west of Villa is all
10 M-1 with, so being M-1 property is not outside the
11 norm for that area. It's along, currently there in
12 terms of commercial and industrial properties.

13 COMMISSIONER JACKSON: I would say
14 everything across the street in that area is already
15 M-1.

16 CHAIRMAN JARRETT: So, there are a series
17 of standards that we should be considering, that
18 would fall under existing use and zoning of nearby
19 properties. The extent to which in particular
20 zoning restrictions effect property values. The
21 extent to which property value offset by the
22 increase of public health, safety and welfare.

1 On page 4 of the Village report. The
2 suitability of the property for its own purpose.
3 The length of time the subject property has been
4 vacant as zoned, considering the prospect land
5 development and the vicinity in regards to that.
6 The value to the community, proposed use and the
7 comprehensive plan.

8 I think the Staff reports the plan, the
9 progressive plan shows that the corridor has mixed
10 use, correct?

11 MS. ARGUILLES: Yes.

12 CHAIRMAN JARRETT: Which is a mixture of
13 multifamily, residential, corridor, commercial and
14 institutional uses, along major transportation hubs
15 and other corridors. Just something to keep in mind
16 those standards as we go forward.

17 Other comments, discussion?

18 COMMISSIONER ORLOWSKI: I'll make my
19 comment.

20 CHAIRMAN JARRETT: Commissioner Orłowski.

21 COMMISSIONER ORLOWSKI: I think the
22 biggest problem that I have, it will bring no tax

1 revenue to our town. It might bring a redevelopment
2 and something that will look better than what it
3 does now, but as far as a 12-acre piece of property,
4 which is pretty rare for Villa Park, it's not going
5 to bring any yearly tax revenue that's going to do
6 anything for our village. The only benefit out of
7 it, it would make their plan, it would make the
8 property look much better than it does now.

9 And the 30 jobs, I will imagine they would
10 bring them with them wherever they move.

11 CHAIRMAN JARRETT: Any other question or
12 discussions?

13 COMMISSIONER CALVERT: I only have one
14 comment, I agree with Mike, I think we can do
15 better. I don't see where this is a real benefit to
16 Villa Park and not really supportive of this
17 changing the zone to M-1 without knowing a lot more
18 detail about all of it.

19 CHAIRMAN JARRETT: Any other discussion
20 from my left? Any discussion from my right?

21 COMMISSIONER ROMANO: Only say this was
22 annexed in 1969, and it's been the Odeum, far as I

1 can remember. It has been ample opportunity to do
2 better, and it's always been the Odeum forever, as
3 we can see, it's basically truck parking right now,
4 so, it's doing exactly what it should be doing, but,
5 outside of ordinances, so, seems like that's kind of
6 what that property is doing is out of the way,
7 nobody goes there and hasn't been for years, just a
8 thought on that.

9 COMMISSIONER KASE: My question is, what
10 will everybody else like to see in there. I don't
11 think you'll see too many other businesses in there
12 with Salt Creek backing it up.

13 CHAIRMAN JARRETT: Yeah, that's a good
14 question, I mean, it's a 12-acre parcel, almost 13,
15 you know, I haven't done an in-depth analysis of the
16 property, but, for comparison sake, it's, if you
17 include that those front end properties that used to
18 be residential years and years ago, it's a parcel
19 that's roughly the same size as say the senior
20 living facility behind Elmhurst Memorial Hospital.

21 I'm not, you know, I'm not the property
22 owner, I'm not the developer, the question is, is,

1 is M-1 the best use for this area. This is a -- I'm
2 struggling with this because it is, it's a, the site
3 is a bit of an eyesore, but, this is a very unique
4 parcel in the Village in a lot of ways, so, maybe,
5 the fact that it is surrounded by the Forest
6 Preserve for some use actually would be considered
7 an amenity.

8 If you're a movie theater or warehouse,
9 maybe you don't care, but --

10 CHAIRMAN JACKSON: I have a question for
11 Consuelo, do all those truck parcels on Villa Avenue
12 be sectioned out or sold off or developed into small
13 little shops or something?

14 MS. ARGUILLES: They're separately owned,
15 the parcels themselves given the area. It maybe
16 difficult to build something that's non-residential,
17 there.

18 CHAIRMAN JARRETT: In fact, three of those
19 parcels are owned by the Forest Preserve. We got
20 the survey. The southern most one, and the two
21 middle ones are owned by the Forest Preserve.

22 COMMISSIONER HOFSTRA: You know, I think

1 the history of those pieces there is that it was
2 prone to flooding all the time. I lived in Addison
3 back in 1980, and I lived through a couple of
4 floods. I lived in Elmhurst off of Salt Creek in
5 1987 and this stuff was completely under water,
6 that's why it's zoned the way it is. Flood plained
7 the way it is. I mean you're right off of Salt
8 Creek, and you go on the other side of Salt Creek is
9 where they built all the retention ponds holding,
10 and really got rid of businesses along 83 there,
11 because they needed someplace to hold water in that
12 area.

13 I don't think that you can do a whole lot
14 with this except for this kind of an operation with
15 this land because if the parking lot is under water
16 for a day or two, so be it, but you can't build
17 commercial buildings or something like Park Place in
18 Elmhurst on a hunk of land like this because it
19 would flood.

20 CHAIRMAN JARRETT: That maybe true.

21 COMMISSIONER HOFSTRA: I mean, I've ridden
22 that Salt Creek greenway past through there and

1 there's several times where that path is under water
2 when we have four or five inches of rain for a short
3 period of time.

4 If the person that's buying this, and
5 Arrow is comfortable with what they're doing there
6 in this flood plain and living with it, so be it, I
7 think they can work around it with this type of
8 operation. I don't think you can for a whole lot of
9 other uses.

10 CHAIRMAN JARRETT: Other discussion,
11 public comment?

12 MR. KEELEY: Let me get up and speak but I
13 didn't get under oath at the beginning of the
14 meeting, can I do that now?

15 BILL KEELEY
16 having been first duly sworn, deposed and testified
17 as follows:

18 MR. KEELEY: Good evening all, my name is
19 Bill Keeley, my business, Keeley Construction has
20 been in Villa Park at 245 E. Sidney Court for over
21 20 years. We're an industrial builder. We built,
22 over the past ten years, we probably built close to

1 ten million square feet of big box distribution,
2 trucking facilities. We do commercial office space
3 in and around Chicago.

4 Just a couple of things that I wanted to
5 address, the first, the DuPage County suggestion,
6 what they would like to see. Each of those four
7 items are really best practices today that we would
8 have to do in any community, so, I would say to you
9 guys that, those are fait accompli, that's what we
10 have to do any community.

11 Regarding the property taxes, I'm in
12 that industrial park behind Supreme Lobster, just,
13 I'm a block, block west of Villa and a block south.
14 I would guess that none of those businesses generate
15 property taxes, and that, forgive me, sales taxes.

16 And, the last item that I wanted to
17 address was, you know, Mike Hartel here is the
18 architect, I know it's up in the air which way the
19 property will be developed, but it will be a major
20 change for that and, oh, the important thing that I
21 wanted to say.

22 So, in the past five years, the building

1 has been up for sale, I have been through it, at
2 least, at least there were four individual buyers,
3 Dayton Street partners, other groups that came and
4 looked at it. We get contacted often to look at due
5 diligence, you know, what can be done. Is it better
6 to reconfigure or re-purpose the existing building,
7 it, it's got clear spans, when you see buildings
8 with clear span structure nowadays, but I personally
9 have looked at it for not less than four other
10 developers, and, each one of them walked away for,
11 either the complications with the existing structure
12 or just the price and, and this group is new, and I
13 have an interest in it, and I hope to build a
14 building, I too have 30 employees here in Villa Park
15 and, again, we have been here for 20 years. We
16 moved from downtown. We built projects like the Elk
17 Grove Technology Park on Higgins Road that went into
18 Busse Farm that's 556,000 feet. We built million
19 square foot buildings in Joliet, Shorewood and
20 Tinley Park, and, again, you know, Mike Hartel, the
21 architect is here, and this will be a Class A
22 improvement to what is already an adjacent M-1

1 neighborhood, and I respect your comments about the
2 church, I know exactly where you are, and I remember
3 you had a great sign up that said, all that's
4 missing, and you had the, you, added the church, and
5 it said, all that's missing is you.

6 So, I think it's the E-Commerce affect
7 today, and logistics, I don't think they're a
8 trucking company, logistics, you look at supply
9 chain issues around that are in the news.

10 Anyway, that's pretty much all I have to
11 say unless you guys have any questions.

12 CHAIRMAN JARRETT: Thanks for your
13 comments.

14 COMMISSIONER KASE: I have a question. I
15 respect all the work that you have done. This will
16 probably be the best building that when it flood
17 because you're going to have a dock area off the
18 ground?

19 MR. KEELEY: Right, my guess is, you know
20 if new construction, we got to be at dock height,
21 which is 48 inches above grade, so, we might have,
22 you know, we might, so detention is a big thing

1 everywhere we go.

2 Oh, one last thing on the storm water maps
3 have been green mapped, and they have been better
4 since they were in '87, because I --

5 COMMISSIONER HOFSTRA: I know, I know.

6 MR. KEELEY: That should be beneficial.

7 COMMISSIONER HOFSTRA: DuPage County has
8 done a lot to improve the area as has this park, and
9 it has helped a lot, but it still is in the flood,
10 it's an area intended to hold water.

11 MR. KEELEY: Yes, absolutely. Well, we
12 have been at 245 E. Sidney Court for 20 years, and I
13 have a photograph of a guy in '87 up to his hips and
14 you've got a civil engineer on board, and, again, I
15 just have to say, the standards we have to build to
16 in every community are the best practices as this
17 things further, you'll see great examples of it.

18 CHAIRMAN JARRETT: Thank you, I appreciate
19 your comments. 2.

20 MR. KEELEY: Thank you guys, and on that
21 first presentation I think you guys did an
22 outstanding job on that, that was really well done.

1 MR. HARTEL: Good evening, I'm Mike Hartel
2 with Designhaus Architects, our office address is
3 860 Lively Boulevard, Elk Grove Village, and I have
4 been working with Arrow Transport for several years,
5 they're a very good company. They respect the
6 community, they respect the work environment for the
7 employees and this could be an ideal location for
8 them.

9 We understand that it's currently zoned
10 differently and to Commissioner Orlowski's point,
11 the truck parking is not improved use, so that's the
12 basis of the rezoning.

13 Any work that would be done to either
14 redevelop the building or redevelop the site, would
15 certainly conform with going to the Forest
16 Preserve's concerns with encroachment over their
17 property lines, lighting at the perimeter, native
18 species and others have indicated, we follow best
19 management practices.

20 Commissioner Romano, you brought up a
21 point that the adjacent zoning is M-1 in that area,
22 so, this is very consistent with the zoning of the

1 area.

2 And another consideration that would
3 be done, too, with this site, is to use it in a way
4 that the truck traffic would be directed to the
5 south, not to the north. The car parking, the
6 employee parking would be more of a north end
7 entrance, which is adjacent to the residential area,
8 so, overall the way that the Arrow Transport and PKS
9 Holdings wants to address this site is to be very
10 responsible to the entire, to the village and to all
11 the requirements of the zoning district, hence the
12 request for the rezoning.

13 You know, the idea of what other
14 properties or what other type of projects that can
15 go on that site, I really don't know, I'm not a real
16 estate agent or developer in that respect, but given
17 the flood plain issues and floodway issues, and you
18 know, that one preliminary speculative redevelopment
19 plan that shows the building encroaching into the
20 flood lake, that was before the civil engineer got
21 involved, anything that does happen, either with
22 redevelopment of the building or redevelopment of

1 the property, is going to address as much or if not
2 all because they have to address every aspect of
3 what the building zoning, fire, etc. has to be done.

4 I mean Staff report did indicate, you
5 know, the fire sprinkler system, we understand it's
6 a six and 20 building and had the type of commodity,
7 the things that would go into the building would all
8 be up to the most current code, the fire standards,
9 like safety, egress, storage, the use of the
10 property and the exterior, vehicular truck movement
11 and stuff would all be studied and be very
12 organized.

13 Lighting, the still of lighting would go
14 beyond the property line, that won't be an issue
15 either, so.

16 So, I just wanted to just jump in and make
17 a few comments and again appreciate you folks time
18 tonight. I know it's your personal time, but we
19 definitely appreciate it.

20 CHAIRMAN JARRETT: I appreciate the
21 additional comments and, I don't think there's such
22 thing as too much information, it's fine.

1 Other discussions? There's no other
2 discussion, then, we need someone to make a motion.

3 COMMISSIONER KASE: I'll make the motion.

4 CHAIRMAN JARRETT: Yes.

5 COMMISSIONER KASE: To move forward.

6 CHAIRMAN JARRETT: We need to read the
7 full motion.

8 COMMISSIONER KASE: Case number and all
9 that?

10 CHAIRMAN JARRETT: Yes.

11 COMMISSIONER KASE: Case number?

12 COMMISSIONER HOFSTRA: Page 6.

13 CHAIRMAN JARRETT: We got a motion here.

14 COMMISSIONER HOFSTRA: Commission finds to
15 approve a zoning map amendment from PUD-C to Planned
16 Unit Development Commercial to M-1 Light Industrial
17 District for the property to be located at 1033 N.
18 Villa Avenue, 103-34-120-003, subject to the
19 following conditions:

20 Compliance with building code and fire
21 codes.

22 Two. Obtain any necessary permits to

1 bring property up to code standards, any new
2 exterior signage and/or related work requiring a
3 permit.

4 With a finding of the fact that such
5 zoning limits meet the standards enumerated in
6 Article 11.2.9.b of Appendix C of the Municipal Code
7 of Villa Park basic zoning ordinance.

8 CHAIRMAN JARRETT: All right, we have a
9 motion, need a second?

10 COMMISSIONER JACKSON: I'll second.

11 CHAIRMAN JARRETT: Second from
12 Commissioner Jackson. Any questions or comments on
13 the motion? Hearing none, roll call?

14 Calvert?

15 COMMISSIONER CALVERT: Yes.

16 CHAIRMAN JARRETT: Hofstra?

17 COMMISSIONER HOFSTRA: Yes.

18 CHAIRMAN JARRETT: Jackson?

19 COMMISSIONER JACKSON: Yes.

20 CHAIRMAN JARRETT: Orłowski?

21 COMMISSIONER ORŁOWSKI: Yes.

22 CHAIRMAN JARRETT: Romano.

1 COMMISSIOER ROMANO: Yes.

2 CHAIRMAN JARRETT: Shlensky?

3 COMMISSIONER SHLENSKY: Yes.

4 CHAIRMAN JARRETT: I will vote no.

5 With that our recommendation passes to the
6 Village Board, they can accept, reject or modify as
7 they see fit. Good luck, as you move forward.

8 Don Kase votes, yes.

9 We'll move to other business, I know
10 before we move into public comments, the Director
11 has a comment she wants to make.

12 MS. ARGUILLES: Under other business, I
13 would like to state that, put on record that there
14 will be a special meeting taking place next Tuesday
15 December 14th at 7:30 p.m. to seek a zoning code
16 updates, specifically regarding outdoor storage
17 containers.

18 The agenda has been posted on the Village
19 website. In addition, a courtesy notice was mailed
20 out to property owners known in town with storage
21 containers, and a notice published in the local
22 newspaper and Facebook social media posting was also

1 announced, so, I do encourage anyone that would like
2 to attend next weeks public meeting to attend, that
3 meeting is going to take place here Tuesday at
4 7:30 p.m.

5 CHAIRMAN JARRETT: Just a quick poll of
6 the Commission, do we have a quorum for that? Looks
7 like we should have a quorum then.

8 COMMISSIONER SHLENSKY: Quick follow-up to
9 that. Kind of expediting this, you're putting us on
10 a tight schedule for this meeting, only three or
11 four business days to go on this. Is that going
12 give your department Staff, an opportunity to
13 provide a memo or weigh in on this particular line
14 items to see where the Village's Departments
15 thoughts are at on any of those line items?

16 MS. ARGUILLES: Well, for Tuesday's
17 meeting it's meant to be just a public meeting, to
18 talk about the reflective changes as it relates to
19 outdoor storage containers. Definitely there will
20 be plenty of time to gather a Staff memo prior to
21 Planning Zoning Commission should this proceed to
22 Planning Zoning Commission for tax amendments.

1 CHAIRMAN JARRETT: There will be no action
2 taken on Tuesday?

3 MS. ARGUILLES: Correct, no action.

4 CHAIRMAN JARRETT: To clarify, no
5 ordinance has been noticed.

6 Any public comments on non-agenda items?

7 Commissioner comments?

8 All right, motion to adjourn?

9 COMMISSIONER ORLOWSKI: So be it.

10 COMMISSIONER HOFSTRA: Second.

11 CHAIRMAN JARRETT: All in favor?

12 (All Commissioners said aye.)

13 CHAIRMAN JARRETT: Adjourned.

14 (Which were all the proceedings
15 had in the above-entitled
16 cause.)

17

18

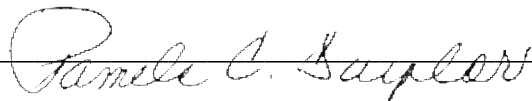
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22

1 I, Pamela C. Taylor, CSR/RPR of the State
2 of Illinois, do hereby certify that I reported in
3 machine shorthand the proceedings had at the hearing
4 in the above-entitled cause, and that this
5 transcript is a true and accurate transcription of
6 my machine shorthand notes so taken to the best of
7 my ability.

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12 

13 CSR #084-001184



14
15 Dated this 3rd day
16 of January, 2022
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PUBLIC HEARING
December 14, 2021
7:30 p.m.

118

1 APPEARANCES:

2
3 BOARD MEMBERS PRESENT:

4
5 MR. JASON JARRETT, Chairman

6 MR. LARRY CALVERT

7 MR. EDWARD HOFSTRA

8 MR. DONALD KASE

9 MR. ERIC LUEDTKE,

10 MR. JUSTIN SHLENSKY

11
12 ALSO PRESENT:

13
14 MS. CONSUELO ARGUILLES,

15 Director of Community Development
16
17
18
19
20
21
22

1 CHAIRMAN JARRETT: I call this special
2 meeting of the Village of Villa Park Planning and
3 Zoning Commission to order. Start with roll call.

4 Calvert?

5 COMMISSIONER CALVERT: Here.

6 CHAIRMAN JARRETT: Hofstra?

7 COMMISSIONER HOFSTRA: Here.

8 CHAIRMAN JARRETT: Jackson? Kase?

9 COMMISSIONER KASE: Here.

10 CHAIRMAN JARRETT: Luedtke?

11 COMMISSIONER LUEDTKE: Here.

12 CHAIRMAN JARRETT: Orłowski? Romano?

13 Shlensky?

14 COMMISSIONER SHLENSKY: Here.

15 CHAIRMAN JARRETT: I too am present. We
16 have a quorum.

17 I just want everybody to know that
18 this special meeting is information gathering and
19 discussion on our part, there will be no action
20 taken on anything this evening.

21 Anything that comes out of this
22 meeting will be back before us, if necessary, for a

1 special public hearing in the future, but this is
2 just information and discussion.

3 All right. Consuelo, do you want to
4 start with background?

5 MS. ARTUILLES: Sure.

6 CHAIRMAN JARRETT: Go section by section?

7 MS. ARTUILLES: Sure.

8 CHAIRMAN JARRETT: And then take public
9 comment after everything?

10 MS. ARTUILLES: Sure. I can definitely
11 start. Let me know if you can hear me.

12 I'll go ahead and start up with the
13 requested changes that are here for you to consider
14 for review to have a discussion with the hope to
15 take a, a vote in terms of, if that is something
16 that you would like to take back to Pinzy (ph sp) or
17 what the next upcharge, print eruption, I'm hoping
18 that feedback is received as part of this public not
19 public, but public meeting essentially.

20 So, for your review and consideration
21 there was testimony that recorded over specifically
22 nine items as it relates to outdoor storage

1 containers, and I'm going to go ahead through those
2 requested changes.

3 The first one is in request to strike
4 6.12 A-2, they're indicating that there maybe no
5 more than one temporary outdoor storage container
6 per property.

7 The second request should strike 6.12
8 A-5. No temporary outdoor storage container may
9 remain on the subject property for more than 60
10 consecutive days per year. A proposal to replace
11 with the following:

12 "No temporary outdoor storage
13 container may remain on the subject property for
14 more than 90 consecutive days per year."

15 No. 3, a proposal to strike 6.12 A-6,
16 as it relates to temporary outdoor storage
17 containers may not exceed eight feet in height or
18 cover an area of more than 130 square feet.
19 Proposal is to replace that with temporary outdoor
20 storage containers, may not exceed ten feet in
21 height or cover an area of more than 200 square
22 feet.

1 Moving a long, item, No. 4 is to
2 strike 6.12 A-7. Indicating temporary outdoor
3 storage containers must be placed only on a driveway
4 or other hard surface.

5 No. 5, strikes 6.12 A-13, temporary
6 outdoor storage containers may not be used for the
7 purpose of conducting business or selling
8 merchandise. A proposal to replace with the
9 following:

10 "Temporary outdoor storage containers
11 may not be granted occupancy for purposes of
12 habitation or conducting business."

13 No. 6, strike 6.12 B-4, indicating
14 must be placed on a paved surface.

15 No. 7, strike 6.12 B-7. Screened
16 from public view with a privacy screening for
17 example fence, landscaping or similar methods.
18 Proposal to replace that with screened from public
19 view with a privacy screen, example given, fence,
20 landscaping or similar methods or painted.

21 No. 8, strike 6.12 B-13. "May not be
22 used for the purposes of conducting business or

1 selling merchandise."

2 The proposal is to replace that with
3 may not be granted occupancy for purposes of
4 habitation or conducting business.

5 And No. 9, strike 14.2.22 F, which is
6 a definition of a shipping container is a standard
7 reusable vessel, designed without an axle or wheels
8 which was, replace that first part of that
9 definition with shipping container, a type of
10 outdoor storage container as a standard reusable
11 vessel designed without an axle or wheels which was.

12 Some quick background information,
13 the developers received an anonymous complaint in
14 2020 of about 30 properties throughout the village
15 with shipping containers on the property. Upon
16 review and follow-up, the Community Development
17 Department found about ten businesses with either no
18 containers or with containers that were being used
19 on a temporary basis for seasonal sales and issued
20 about 20 notices to property that were found to have
21 containers on the property in violation.

22 At that time the direction the

1 Community Development Director received was to
2 prepare text amendments related to containers that
3 would allow the use of containers as long as they
4 were located in the rear of the property and
5 screened.

6 Recent inspections found about 30
7 properties throughout the village with permit
8 storage containers.

9 Moving forward, on October 11, 2021,
10 the Village Board approved text amendments that
11 permitted outdoor storage containers subject to code
12 regulations, both for temporary outdoor storage
13 containers and permanent outdoor storage containers,
14 subject to regulations.

15 So, the items for consideration for
16 discussion at tonight's meeting is items one through
17 nine that are on the first page of the memo that was
18 provided to you.

19 CHAIRMAN JARRETT: All right thank you.

20 Just to clarify the ones that were
21 read, the first five, the 'A', those are all related
22 to temporary outdoor storage containers in

1 non-residential districts, and six through nine,
2 which are the 6.1 2-B, those are all related to
3 permanent outdoor storage containers in
4 non-residential property, correct, none of this is
5 affecting residential property?

6 MS. ARTUILLES: Correct, and let me just
7 clarify six through eight are permanent outdoor
8 storage containers.

9 CHAIRMAN JARRETT: Nine is the definition?

10 MS. ARTUILLES: Exactly.

11 CHAIRMAN JARRETT: All right. Let's go
12 through these pretty quick and discuss them, we had
13 a discussion on them in the past, but the first one
14 is striking 8-point-- 6.12 A-2, "there maybe no more
15 than one temporary outdoor storage container, per
16 property," in its entirety, replacing it with
17 nothing.

18 Comments on that?

19 COMMISSIONER HOFSTRA: Why would we not
20 want to limit the number of outdoor storages on a
21 temporary basis?

22 CHAIRMAN JARRETT: I'm of the opinion that

1 we should for something.

2 COMMISSIONER HOFSTRA: Yes, we go from one
3 to nothing. The one, if you have one, you can have
4 20.

5 CHAIRMAN JARRETT: Right. And keeping in
6 mind this is temporary, but still.

7 COMMISSIONER KASE: I know that I have
8 seen multiple of those moving ones left on the
9 driveway, and they have had a couple, so, it does
10 exist, but to say that they could have 15 of them on
11 the driveway would be an issue. I wouldn't want to
12 live next to that.

13 COMMISSIONER SHLENSKY: That's a good
14 point though, for residential, but here we're
15 dealing with commercial. When you say driveway,
16 you're saying driveway of a residential property.
17 For a commercial entity to require or even request
18 more than one temporary outdoor container, which I
19 agree, I think that one is sufficient, however, if
20 there is a very specific business need for more than
21 one, perhaps Staff can weigh in on this, wouldn't
22 there be a process to request an additional

1 container, either from Staff or from Planning and
2 Zoning and up to a Board level, to simply request
3 and indicate, I have a hardship, these are the
4 reasons for the hardship, that the potential relief
5 would be additional temporary storage container for
6 either 'X' amount of days or any additional
7 container on top of the one that allowed, a business
8 would be allowed on a temporary basis?

9 MS. ARTUILLES: Yes, there is always the
10 variation process for that, that would be very
11 unique to the property and the circumstances that
12 the Petitioner is seeking that variation for, so,
13 the number that they are seeking.

14 CHAIRMAN JARRETT: You know my concern
15 would be that when you say, there is no limit on the
16 number of outdoor storage containers, and then you
17 say that they could be on the property for 60 or 90
18 or whatever the time limit is, there's almost no way
19 of keeping track of what's been on the property for
20 how long and it seems like it would be a Code
21 Enforcement nightmare.

22 I understand that you may have a

1 handful of abusers, say a Walmart or a Target that
2 has a demand for more than one, but, when there's a
3 process for relief from that.

4 COMMISSIONER LUEDTKE: If I may, my issue,
5 before we get into those sorts of nuances of sort of
6 just putting into practice. This is, if we
7 eliminate the text completely that says nothing
8 about limitations on the number, then the text is
9 there that allows for the permanency of these, of
10 these containers. So, if the text says, it doesn't
11 even make reference to it, then even when a request
12 for one comes in, it's going to have to get
13 approved, it's going to have to get, sort of
14 accepted somehow. There's nothing that says, oh,
15 one is limited, it's not saying unlimited, there's
16 not even a reference to it, and so for it to come
17 through, it's going to have to get past through this
18 body somehow some way, which doesn't make any sense.

19 But to at least say, one is
20 permitted, and then if anybody is going to go beyond
21 that and make a request for additional containers,
22 based on their particular business operation, then

1 make the request for more, but, the assumption can't
2 be that -- by eliminating the text does not give
3 anybody a number to sort of pick or settle on.

4 Am I reading that correctly?

5 CHAIRMAN JARRETT: I understand what
6 you're saying.

7 So, I would say non-consensus for
8 increasing that number on a regular basis, yes.

9 COMMISSIONER KASE: I think we got to take
10 into consideration, they're going to be able to beat
11 this anyway, if you put a camper in your backyard,
12 you may as well put a pod.

13 COMMISSIONER LUEDTKE: We're talking about
14 commercial property, we're not talking about
15 residential property, it's a different thing.

16 CHAIRMAN JARRETT: Just for your
17 reference, this language does come largely from,
18 even though it's modified, we do have a similar
19 ordinance for residential pods, there will, strike
20 that, because, it's a residential neighborhood and
21 you don't want maybe a half dozen pods in your front
22 yard, or in the front yard or whatever.

1 I guess the only question that would
2 -- I think striking it, it contends that we don't
3 want to start making it an unlimited number, is that
4 what I'm hearing?

5 Okay, I guess the question will be,
6 is there, is there a need to have some sort of
7 sliding scale or other option, other than a
8 variation process, for the few larger users that we
9 might have, keeping in mind that storage containers,
10 that would be part of a construction permit, would
11 be part of the construction permitting process, and
12 that would be something totally different, that
13 obviously wouldn't be limited, say, the garden
14 station project, they need a half a dozen temporary
15 storage containers to do that project or whatever,
16 that would be part of that committee process and
17 separate.

18 Do you have an idea, Consuelo, how
19 many users we might have or is that something that
20 you can look into?

21 MS. ARTUILLES: The containers?

22 CHAIRMAN JARRETT: Well, with more than

1 one temporary or permanent?

2 MS. ARTUILLES: Yeah, I would say based on
3 the recent inspection, we have about seven or eight?

4 CHAIRMAN JARRETT: Okay.

5 MS. ARTUILLES: Just an estimate based on
6 recent inspections.

7 COMMISSIONER SHLENSKY: That have multiple
8 temporary containers?

9 MS. ARTUILLES: No, permanent.

10 COMMISSIONER SHLENSKY: We're talking
11 temporary now.

12 MS. ARTUILLES: And there might be
13 permanent, obviously we don't know until they come
14 into view, if they're temporary basis or permanent,
15 but based on the recent inspections that's were
16 found, we found a number of properties with more
17 than one.

18 COMMISSIONER LUEDTKE: And that all falls
19 in the category of permanent, we don't know what it
20 is, but they're there.

21 MS. ARTUILLES: Correct.

22 CHAIRMAN JARRETT: See, I would be, since

1 there is a permitting process, I would be in favor
2 of leaving it more align to seek relief if they need
3 relief. I just don't believe that we have enough
4 users that need that relief to essentially create
5 the wild west of temporary storage containers, and
6 create, what I think, could be an enforcement issue.
7 I mean it's already hard enough to enforce without
8 telling people they can have as many as they want.

9 That seems to be the consensus?

10 COMMISSIONER HOFSTRA: Yes, I'm fine with
11 it.

12 COMMISSIONER LUEDTKE: Just for a
13 clarification, the relief would be through a
14 variance process?

15 CHAIRMAN JARRETT: Could be, yes. I don't
16 know if there is -- I mean, the other thing would
17 be, theoretically, might be able to add it as
18 something that can be an administrative adjustment
19 rather than a variation, that would require changing
20 of the parts of the code, but that would be --

21 MS. ARTUILLES: That would require coming
22 up with some standards to when those administrative

1 adjustments would be granted.

2 CHAIRMAN JARRETT: Right, but that's --

3 COMMISSIONER LUEDTKE: Those are the two
4 that we have available to us?

5 CHAIRMAN JARRETT: Yes. I mean without, I
6 mean, especially the temporaries, you know
7 permanent, you could, you could make it part of the
8 PAB or variation process or something. Condition of
9 a use.

10 COMMISSIONER SHLENSKY: This is all, I
11 think as we're giving our own opinions on the face
12 of it, obviously we're going to have public input,
13 you know, obviously welcome and look forward to
14 hearing and having public discussion on this or
15 hearing from the public about all these line items.
16 I think that you brought up the Walmart and Target
17 of how we would interact with them and how this
18 would apply to them.

19 I would really welcome Target and
20 Walmart and other large big box stores to become
21 more active in Villa Park, and come to us about
22 their issues, including potentially meeting

1 variances for temporary outdoor storage containers.
2 I would like them to be more involved in Villa Park,
3 they bring in a tremendous amount of sales tax
4 revenue, and I welcome their opinions in these
5 matters, and if that means sending a representative
6 manager or corporate counsel to request a variance,
7 I think we would give them the same set of rules as
8 everybody else, every other business that provide by
9 in town. So, I welcome that.

10 CHAIRMAN JARRETT: I have been involved in
11 some of those from the other side of the dais and
12 they have teams specifically to doing those types of
13 things and if they think it's worth their time, they
14 will do it.

15 So, the next item is, "No temporary
16 outdoor storage container may remain on the subject
17 property for more than 60 consecutive days per year
18 being replaced with no temporary outdoor storage
19 container may remain on the subject property for
20 more than 90 consecutive days per year."

21 We'll have to change from 60
22 consecutive days to 90 consecutive days.

1 Anybody have strong thoughts on that
2 one, one way or the other?

3 COMMISSIONER HOFSTRA: I'm fine.

4 CHAIRMAN JARRETT: I'm fine with 60.

5 COMMISSIONER HOFSTRA: I'm fine with 90.

6 CHAIRMAN JARRETT: 90. Anybody else think
7 on that one?

8 COMMISSIONER SHLENSKY: For me it's a toss
9 up. Obviously I think I can see the benefit in
10 giving businesses and commercial districts an
11 additional one month for certain seasonal items to
12 store things.

13 I think where I'm going to rest on
14 this is being the public input that we get on this
15 and obviously it helps that Staff will provide us
16 with some sort of additional memo or any additional
17 information of opinions on how the various
18 appointments come down or requests.

19 CHAIRMAN JARRETT: Yes, I'm certainly
20 going to request that, where are consensus is on
21 these, when it comes time for the public hearing,
22 assuming there is a public hearing on these, I'm

1 going to definitely have Consuelo weigh in on
2 Staff's thoughts on where we're at, because you have
3 obviously, Consuelo, if you have opinions tonight,
4 speak up at any point, because you're the one that
5 have to do the enforcement, so, but, I don't want to
6 put you on the spot on anything without time to, to
7 think about the ramifications for it for you and the
8 Code Enforcement officials and your day-to-day job,
9 since you are the one responsible for making sure
10 they get taken care of.

11 Anybody on my right have thoughts on
12 it?

13 COMMISSIONER LUEDTKE: I'm just not, this
14 is fine, we went through the process, it sounds like
15 making a change just to make a change.

16 CHAIRMAN JARRETT: Any strong opinions one
17 way or the other? I mean, truthfully, I think it's
18 kind of 60 in one, 90 days on the other. Those 120
19 days are getting kind of long, but.

20 Looking like that possibility,
21 depending on what we get from public feedback on
22 that one, at least one or two are okay changing it,

1 and sounds like Eric is the only one with a somewhat
2 strong opinion against changing it, so, we'll see
3 what we get on public feedback on that one.

4 "Temporary outdoor storage containers
5 may not exceed eight feet in height or cover an area
6 of more than 130 square feet."

7 And change, "not to exceed ten feet
8 in height or cover an area of more than 200 square
9 feet."

10 You know what, I looked into this a
11 little bit, I think those dimensions come from the
12 standard pod dimensions. The typical temporary
13 storage container, but I know that's not what
14 generally, what, like say, Walmart uses, they've got
15 larger pods.

16 Anybody have any comments or thoughts
17 on that one? I think what would make sense to me,
18 would be to use the dimensions that work out to
19 permitting the typical storage container, if anybody
20 knows those.

21 COMMISSIONER LUEDTKE: Shipping container?

22 CHAIRMAN JARRETT: Yes.

1 COMMISSIONER LUEDTKE: So, there's 10, 20
2 and 40-foot lengths on those. They're eight and a
3 half feet tall and they're eight feet wide, they're
4 modular units.

5 CHAIRMAN JARRETT: Okay, so 20 is the one
6 that we would typically see on a temporary basis,
7 probably correct?

8 COMMISSIONER LUEDTKE: Yes, it's a 160
9 square feet.

10 CHAIRMAN JARRETT: Does anybody have a
11 problem changing that to industry standards for a
12 20-foot pod, I mean 20-foot shipping container?

13 COMMISSIONER HOFSTRA: That makes a lot of
14 sense to me.

15 CHAIRMAN JARRETT: So, then, I would use
16 the dimensions, however they work best in the text,
17 but it's a height of eight and a half feet, width
18 eight feet, the length of 20 feet, in an area of 160
19 square feet, so, that's a typical 20-foot pod. I
20 think 40-foot pods on a temporary basis all over is
21 probably not necessary. And if it is, they can ask
22 for relief.

1 Is there a consensus for that? I'm
2 seeing nods everywhere.

3 Okay, 6.12 A-7, "Temporary outdoor
4 storage containers must be placed only on a driveway
5 or other hard surface."

6 Keeping in mind that this is for
7 temporary storage containers, still.

8 Personally I'm not in favor of
9 changing that. I don't think the temporary outdoor
10 storage container of 160 square feet, and who knows
11 how many tons of grass, yard for 90 days is good for
12 anyone, that's my opinion. I'm interested in what
13 anybody else says.

14 COMMISSIONER LUEDTKE: Especially the ones
15 dropping them off and cleaning them up.

16 COMMISSIONER HOFSTRA: I agree with you.

17 CHAIRMAN JARRETT: Yep. Okay, so, the
18 consensus would be that we do not change that one.

19 A-13. "Temporary outdoor storage
20 containers may not be used for the purpose of
21 conducting business or selling merchandise."

22 Changed to, "may not be granted

1 occupancy for purposes of habitation or conducting
2 business."

3 So, this sounds mostly like a cleanup
4 of or modification of language, a little bit of a
5 cleanup. Comments on that?

6 COMMISSIONER LUEDTKE: Yeah, when I see
7 the word, habitation, get thrown in there, to me
8 that indicates sort of living, houses, residences,
9 habitating, so that was the non-residential
10 properties by default, we're not even entering into
11 that sort of use, and so then when we sort of get in
12 it, it starts to get a little confusing. That is
13 how I see it when I see the word, habitation.

14 CHAIRMAN JARRETT: When we went through
15 these before, there was one where we kind of went
16 around and around about the best way to get to,
17 they're only supposed to be used for storage, and
18 not conducting business or any other use.

19 I don't know if there's a way to
20 clean up the language, or if we need to clean up the
21 language, but if we are going to suggest other
22 changes, it looks like we're going to change at

1 least one in the dimension, and this would be a good
2 opportunity for text to, if we think it needs to be.
3 The lawyer all the way to my left have any thoughts
4 on that?

5 COMMISSIONER SHLENSKY: I do. Current
6 language of, "may not be used for," and then it goes
7 into the purpose of conducting business or selling
8 merchandise, very clean cut. It indicates that,
9 what it cannot be used for.

10 The potential new language or the
11 proposed replacement language says, that, "it may
12 not be granted occupancy."

13 To my understanding that the
14 commercial storage container, that's not part of the
15 principal structure, likely never be given occupancy
16 in the first place.

17 The change to purpose versus granted
18 occupancy then changes from selling merchandise to
19 habitation. Habitation will also never be an issue
20 because it's commercial property versus a
21 residential property.

22 Selling merchandise, we were very

1 specific that we did not want business owners
2 actually using storage container, as, you know, a
3 pseudo open forum where cash and where other payment
4 transactions are conducted, and it's for storage and
5 temporary storage only, it is not for a subsequent
6 point of sell system.

7 We were very particular and specific
8 during the meetings earlier this year in which, I
9 believe several of the attendees today were present.
10 I don't think anybody from the public then spoke up
11 when we were going through this.

12 I think that we were very particular
13 about the language, I think Staff gave us very good
14 recommendations on how to craft that language, and
15 my gut, where I'm at right now, says, don't change
16 unless there is very heavy public input or most
17 staff agrees to change for a very specific reason.

18 CHAIRMAN JARRETT: I think I would read
19 that way. I don't think the language necessarily
20 makes anything anymore clear. If it needs to be
21 cleared up or maybe more concise, I would welcome
22 any input you might have between now and the public

1 hearing. If you think there's an opportunity to
2 clear that up, I think it's pretty clear, but,
3 that's my thoughts on that one.

4 Any other thoughts on that? All
5 right.

6 So, now we're moving on to permanent
7 shipping containers, of which, permit is required
8 and it's the property as the principal building on
9 it, meaning that you just can't have one in the
10 vacant like in the middle of a parking lot or a
11 vacant lot.

12 So, first we have, it must be placed
13 on a paved surface being struck.

14 If we're requiring a permit on a
15 somewhat permanent basis, I don't see how will -- I
16 will defer to the architects and contractors and
17 folks that are up here, but I can't see the value of
18 not being a minimum of the compact base, at a
19 minimum, but paved surface would be idea. On a
20 permanent basis these things weigh tons when they
21 fall. First couple of these fall, they would be
22 buried.

1 COMMISSIONER KASE: Well, first of all
2 you're going to have to put about a 12-inch slab of
3 concrete there to hold these things.

4 CHAIRMAN JARRETT: Right.

5 COMMISSIONER KASE: Burn some business
6 owners doing that, when they're already on gravel or
7 something and have been there for 30 years?

8 CHAIRMAN JARRETT: That's the thing I can
9 understand, that maybe there's something that we can
10 do in that regard because there's, there is a
11 difference between -- even though the storage
12 containers weren't permitted previously, so, I mean,
13 they're all technically illegal, for lack of a
14 better word, if they're not up to code, they're not
15 to ordinance, but I do understand that there are
16 some existing, and there's some hardship with
17 requesting people to raise those and put foundations
18 under them, and so on, but, if you're looking to
19 doing going forward, at a minimum, again, it needs
20 to be on some sort of bench, right?

21 COMMISSIONER KASE: Just go with whatever
22 is grandfathered, just grandfather in right now.

1 But, if it's new.

2 CHAIRMAN JARRETT: Is there thoughts on
3 that?

4 COMMISSIONER SHLENSKY: I do take somewhat
5 of an issue with just turning a blind eye to
6 potentially, I think you said, 30 odd potential
7 permanent containers right now without permit, and
8 just saying, we approved of it being unauthorized or
9 we now approve of it, having in the past being
10 unauthorized, but now we're just going to turn a
11 blind eye and not require you to follow any of the
12 particular parameters that are outlined in 6.12 B,
13 for a permanent container.

14 Don, you raised a good point of
15 potentially they were on non-paved surfaces, such as
16 the stone chips, maybe this is particular language
17 that we can edit instead of striking, and the
18 editable language proposed as to 26.12 B-4, Jason
19 like you, I defer to construction and architect
20 experts, along with staff to eventually propose,
21 maybe more vast language rather than paved surface,
22 but on its face, I don't think paved surface is a

1 bad place to start.

2 CHAIRMAN JARRETT: No.

3 COMMISSIONER HOFSTRA: I mean, we're on a
4 temporary basis, we're saying it needs to be on a
5 driveway or hard surface, and we're going to say
6 permanently, we don't care what it is? And we think
7 it's got to be a paved surface or compacted stone
8 base.

9 CHAIRMAN JARRETT: Yeah, I think moving
10 forward, at a bare minimum moving forward, that
11 needs to be the standard, and the question is, how
12 do we or do we address the existing -- I mean, they
13 are --

14 COMMISSIONER LUEDTKE: Existing but
15 non-conforming.

16 CHAIRMAN JARRETT: They're existing
17 non-conformity, but they're not existing
18 non-conformity that were created by a change in our
19 code. They have never been conforming, unless they
20 predate the 1970 zoning ordinance, they have never
21 been conforming.

22 So, I understand both my far right

1 and my far left on this one, I'm kind of in the
2 middle on it, because moving forward, I would not
3 want to see them on anything other than a paved
4 surface, I might be able to accept, you know, an
5 engineered stone base, something that would pass the
6 permit, but, we don't even allow that for parking
7 cars.

8 If you have to pay a minimum of
9 asphalt to park a car in the village, and these
10 weigh many, many cars.

11 But I guess the question is, do we
12 want Staff to -- what do we want to discuss the
13 possibility of grandfathering or finding out how
14 many might be in that situation?

15 Consuelo, do you have a sense of how
16 many are, I mean, not something that, sworn
17 testimony, because we're not in a public hearing,
18 but do you have a sense of how many of these are
19 like on driveways, parks, I mean driveways or
20 foundation versus sitting, you know, in grass or
21 dirt on -- I know we have some that are probably
22 sitting on like half naked lots on North Avenue or

1 something like that where there is no pavement
2 anymore, but like actual functioning businesses,
3 where they would be able to get this permit, give a
4 sense of like a rough percentage or?

5 MS. ARTUILLES: I will say that the
6 majority are on in, on improved surfaces, definitely
7 difficult to see from the right-of-way or public
8 right-of-way, because a lot of the structures are
9 tucked behind a building or on the side, you know,
10 it might be a barrier there, it would be difficult
11 to verify what the surface that they're on. Some
12 are paved surfaces but the majority, I would say are
13 probably not.

14 I don't have a clear idea of how much
15 without having inspection of the structure within
16 private property.

17 CHAIRMAN JARRETT: Sound like no one has
18 an issue requiring a paved surface moving forward,
19 correct, everybody is okay with that language?

20 Okay, so then I guess that would
21 leave and maybe this is where some public input
22 whether or not this is an extensive enough of a

1 problem, hardship to the property owners where we
2 need to consider some sort of grandfathering, even
3 though the uses, technically, was never conforming,
4 but I, I certainly understand on here, if it's a
5 concern with the hardship, all right.

6 I think we have a consensus on that
7 one to not change the meat of it, but consider
8 whether or not there is an option for the existing.

9 6.12 B-7, "screened from public view
10 at the privacy screen, EG, fence, landscaping or
11 similar methods."

12 Replaced with, "screen from public
13 view with a privacy screen, landscaping or similar
14 methods or painting."

15 If I remember our conversation from
16 that public hearing when they crafted this
17 originally, there were similar methods was intended
18 to allow Staff the flexibility to permit something
19 like painting or other types of cladding or similar
20 materials, a trellis, something other than a
21 straight fence.

22 I don't necessarily know that adding

1 or painting makes sense. More clear, in fact, all
2 of these things painted, they roll off the truck
3 painted.

4 It doesn't say, paint it to match, so
5 I think there were similar methods give staff all
6 they need to work with unless somebody else up here
7 has a strong opinion on that one, one way or the
8 other.

9 COMMISSIONER SHLENSKY: I reviewed the
10 transcript and your recollection is correct.

11 CHAIRMAN JARRETT: 6.12 B-13. "May not be
12 used for the purpose of conducting business or
13 selling merchandise."

14 This is the same as the one above,
15 there wasn't a need to change that. Don't see a
16 need to change it for permanent versus temporary,
17 unless Staff thinks that it's language that can be
18 cleared up, you know, you want to clear up, if you
19 think there's a need to clear up the text in any way
20 between now and the public hearing. Please come
21 back to us with modified text, but I think it's
22 pretty clear what the intent of that section is.

1 And strike 14.2.22-F, "shipping
2 container is a standard reusable vessel deigned
3 without an axle or wheel, which was," and the
4 definition continues, "Replaced with shipping
5 container, a type of outdoor storage container."

6 Is a standard reusable vessel
7 designed without an axle or wheels, and then the
8 definition continues.

9 So, I think the purpose of this is to
10 bring the definition in line with the rest of the
11 definitions. If you look at the definition in the
12 full draft of the ordinance, which I have here
13 somewhere, you will see that the definitions are a
14 word with a colon, followed by the definition,
15 that's the standard, the way they're formatted
16 grammatically, whereas, this one that was added is
17 slightly different, it doesn't include a colon, so,
18 that's one thing that that's fixing, and I'm
19 certainly fine with picking up the grammatical
20 error, in fact, I'm disappointed I didn't find it
21 sooner when we updated the zoning ordinance a few
22 years ago.

1 Next is, "shipping container is a
2 standard reusable vessel," change it to a type of
3 outdoor storage container, is a standard reusable
4 vessel.

5 Any thoughts or comments on that one,
6 on whether it's changing anything of consequence
7 other than the colon, how does it read to you,
8 Justin.

9 COMMISSIONER SHLENSKY: The difference is
10 the inclusion of the term, a type of outdoor storage
11 container, correct.

12 CHAIRMAN JARRETT: Un-huh, yes so, that,
13 oh I see what you're saying.

14 COMMISSIONER SHLENSKY: Besides the
15 variable pointing out the grammatical issue.

16 CHAIRMAN JARRETT: Yes, that is an issue,
17 you're correct. Is that necessary, I mean is it
18 changing it to shipping container, it's standard
19 reusable vessel designed without an axle or a wheel,
20 do we need to add the storage part or storage in any
21 way?

22 COMMISSIONER SHLENSKY: I don't see the

1 point. Personally -- well, hang on, actually, if
2 you go to the code, I am online right now, it
3 actually reads the term, 14.2.22-F, "shipping
4 container colon, a standard reusable vessel, comma,
5 designed without axle or wheels, which was, colon."

6 And then subsets 1 and 2, which I
7 believe everybody has in front of them, is that
8 correct?

9 CHAIRMAN JARRETT: Yes.

10 COMMISSIONER SHLENSKY: So, the colon and
11 semicolon issue might have actually, some might have
12 already been taken care of or maybe on page 3 of our
13 memo, the initial container, initial colon after the
14 word, container, for some reason not included.

15 I would like to go off of the online
16 code, which, Consuelo, you can verify, but the
17 online municipal code is the most current updated
18 version, correct?

19 MS. ARTUILLES: Correct. Takes the
20 ordinances that Board approves and then make changes
21 to the website code.

22 COMMISSIONER SHLENSKY: I still think that

1 the actual change for this potential revision is the
2 inclusion of the term of a type of outdoor storage
3 container, which inherently I think of already as a
4 shipping container and that outdoor tangible item.

5 COMMISSIONER LUEDTKE: Especially with the
6 one point, one point and two point sort of
7 following, you know --

8 COMMISSIONER SHLENSKY: Packing cargo
9 movement, transportation of freight, capable of
10 being mounted on to a rail car, truck trailer or
11 loaded on a ship, and inherently it does seem as
12 though the definition infers that it's a type of
13 outdoor storage container. I think that's a really
14 good point.

15 CHAIRMAN JARRETT: So, if that codified
16 version online is the latest and includes the
17 ordinance as passed, that passed about a month ago,
18 two months?

19 MS. ARTUILLES: October.

20 CHAIRMAN JARRETT: So, that is included in
21 the online version currently?

22 COMMISSIONER LUEDTKE: Yes.

1 CHAIRMAN JARRETT: So, we don't need to
2 fix the colon, then, can somebody fix it between
3 here and there, which is good.

4 So, is there any need to add a type
5 of outdoor storage container, I think it's clear for
6 the definition. Anyone opposed to that line of
7 thought?

8 COMMISSIONER SHLENSKY: I just don't know
9 how you think that shipping container could be used
10 for an illegal purpose?

11 COMMISSIONER LUEDTKE: I think the other
12 way around, I think it's some sort of inside
13 container that they're saying, oh, I shipped my, you
14 know, my luggage across country, now, I am using
15 that on my back lot.

16 COMMISSIONER SHLENSKY: Which would never
17 get a permit, that would never be approved.

18 COMMISSIONER LUEDTKE: I am just saying.

19 COMMISSIONER SHLENSKY: On that train of
20 thought, if somebody brings an indoor container to
21 Consuelo and Staff and says, how about a permit,
22 this is being used as permanent outdoor storage

1 container or outdoor shipping container to be used
2 on a partial lot, I think that person would be
3 laughed out of the office.

4 CHAIRMAN JARRETT: It's pretty clear that
5 the shipping container, the outdoor storage
6 containers, I mean, we're looking for the engineered
7 structural, the permanence that is the structures
8 and, they are being used more and more in creative
9 ways, I mean, they build apartments out of them, we
10 don't have that in our code, but we'll cross that
11 bridge when we get to it.

12 All right, so I think that's all of
13 the issues on the report. Does anybody up here have
14 anymore thoughts, comments anything that we missed
15 on those before we open it up for public comment?

16 COMMISSIONER SHLENSKY: I just had a
17 question for Staff, obviously we can get further
18 into this later on the January meeting, later, but,
19 how have conversations been going at the current, I
20 think that term was non-conforming, the current
21 non-conforming businesses and how in relation to,
22 you know, probably just getting them copies of the

1 approved language, indicating, you know, you have
2 such and such time to work with us to get into
3 compliance, have Staff and manager's office been
4 making some progress on that?

5 MS. ARTUILLES: Well, I can say that
6 there's only one building committal, but it's not
7 there now, so, I have not received any applications
8 from businesses that have them, to permit them.

9 I will say that those businesses that
10 have containers in their properties were notified of
11 this meeting here tonight, they were invited, and
12 original notices that went out about a year ago,
13 there was very little, if any, feedback from them or
14 contact with the Village.

15 COMMISSIONER SHLENSKY: So, some similar
16 with what was addressed at our meeting on Thursday,
17 might come down to an enforcement issue?

18 MS. ARTUILLES: Correct. I will say we
19 definitely have progress in that we did codify some
20 language allowing them to go through the informative
21 process and adhere to the guidelines.

22 CHAIRMAN JARRETT: I guess the other

1 thought that I would have, if we're looking at these
2 while we require a permit, we do not put any size
3 limitations on permanent outdoor storage containers,
4 is that something we need to do or should we leave
5 that up to with there being permitted, it would
6 count against lot coverage, and they need to be in a
7 standard shipping container, even if someone wanted
8 a larger one for their needs, they would still have
9 to get it permitted and meet lot coverage.

10 Does anybody think there is a need to
11 add a size limit on that? Is that something staff
12 may want to consider between now and the next public
13 hearing? I mean, I could see the argument for not
14 needing it at all, given lot coverage permitting the
15 fact that we're requiring them to use standard
16 shipping containers, but, do anybody have a thought
17 on that?

18 COMMISSIONER LUEDTKE: I do, I agree with
19 you, not sort of narrowing down the field when you
20 say shipping containers, there's only a handful,
21 like 10, 20.

22 CHAIRMAN JARRETT: Right, take the size of

1 Walmart, say, they wanted a permanent, wanted to
2 call it a permanent container at the back of their
3 property. Their property and their drives are more
4 than big enough to handle a full size trailer and
5 their back alley, if that's what they want.

6 Whereas, and that would be putting on
7 an existing impervious surface, so it's not
8 increasing lot coverage, whereas by this Villa
9 Avenue, they don't have the area for it, they're not
10 going to meet lot coverage requirements for a full
11 sized one, so, I would think that it's not
12 necessary, but, I would say to look into that, think
13 about that, if you have an opinion on that between
14 now and the public hearing, something to add, if
15 we're going to add, since we are going to be
16 changing a few things.

17 There's no other comments up here,
18 we'll take a public comment. Okay, so, it's not a
19 public hearing, I'm not going to ask anyone to be
20 sworn in, you don't need to be under oath, but, if
21 you are going to speak, please come up to the podium
22 and state your name and address for the record. If

1 you got a complicated last name, spell it for the
2 court reporter and anyone wants to speak, now is
3 your chance.

4 MR. BULTHUIS: Al Bulthuis. On the
5 temporary storage containers, the first item where
6 you have the, the more than one, I heard you guys
7 talking about leading that way. I was just
8 wondering like for Walmart, because they seasonally
9 have more than one container. Would it be maybe --
10 and then they would have to come in for permits for
11 the other additional ones, maybe it would be easier
12 just to make it, you know, maybe put a number on
13 there, like two or three, or leave it as it is, you
14 know, I'm not really that sold on, a little flexible
15 on that, too, but I just want, how are they going to
16 come, they don't come now for a permit, so I don't
17 know if they will come and are we going to go write
18 them a ticket, maybe we will, so.

19 I agree with you on item No. 3 there
20 about leaving the language there, but changing the
21 size, just make it eight and a half by 20, like you
22 guys recommended. I would hate to think a ten foot

1 high, you know, that's about as high as that accent
2 is, molding up there on the wall, I would guess,
3 that's what I would guess, and that's pretty high,
4 and if it was that high, how could you possibly
5 screen it, and what would you screen it with. So.
6 So, I think the eight and a half by 20 would be
7 sufficient there.

8 On the permanence, on No. 6, I said
9 you were struggling, place on paved surface. Maybe
10 without, except for existing ones, ones existing
11 before a certain date, and then after that, if
12 they're ones in or if there is a replacement, then
13 maybe it should be on some type of a hard surface,
14 so, I think that would be probably an easy answer
15 for that.

16 And definitely, even in the permanent
17 one, you might want to say no stacking, I don't know
18 if that is anywhere in the code now.

19 CHAIRMAN JARRETT: It is, in the temporary
20 I don't see in the permanent. Yes, it is B-6 is
21 actually stacking of outdoor storage containers is
22 prohibited.

1 MR. RIGHT: Okay, so that's in there,
2 that's good. And then, I think that's all I have
3 right here.

4 Size, fencing on the permanent ones,
5 yeah it's on there, No. 7, so, okay, that's all I've
6 got.

7 CHAIRMAN JARRETT: Okay, thank you.
8 Anyone else for the public that wish to speak on
9 this?

10 All right so, that will be the end of
11 that item of business, unless anybody else have any
12 other comments.

13 All right, anybody have any public
14 comments on non-agenda items this evening?

15 COMMISSIONER SHLENSKY: Hope that
16 everybody has a very healthy and safe holiday
17 season.

18 CHAIRMAN JARRETT: So, I do want to make a
19 couple of comments real quick, the end of the year.

20 So, we are a pretty unique
21 commission, we've got a wide range of diverse
22 volunteers with having contractor, architects, at

1 least one engineer, planner, we got an attorney for
2 the first time in while, which is always good to
3 have, but we're also unique because we are
4 authorized under the state that we are at in our
5 role as Planning Commission, and our records are
6 subject to administrative review of the Circuit
7 Court, if any of these projects were ever to be
8 questioned for process, so, that makes us distinctly
9 different than a number of commissions.

10 We really wear four hats up here.
11 That most boring hat is the administrative hat, and
12 that is reviewing administrative tax, minor math
13 amendments, I would say these don't even fall into
14 that category, very minor variations for fences,
15 things that we all kind of know of what we're going
16 to vote before we get here because Staff has done
17 their due diligence, the most boring hat, but it's
18 more importantly, too.

19 And the last zoning ordinance update,
20 gave Staff for more review, we opened up some of the
21 things that were available for administrative
22 review. I think that was a good move, that was one

1 of the best things that happened with our zoning
2 ordinance.

3 The next hat we wear is quasi
4 judicial, that is reviewing special uses and
5 variations of substance.

6 We take testimony, we hold public
7 hearings, we weigh the evidence against the
8 ordinance standards, and issue a recommendation
9 based on whether or not we believe the application
10 met that burden of proof. That the standards are
11 subjectively, subjectively objective, but they are
12 standards that we review, and we have to weigh
13 evidence.

14 We hold public hearings and those are
15 the most likely to be subject to potential judicial
16 review, so, that's why we have a court reporter,
17 that's why, when we have public hearing, I try to
18 minimize cross talk, because the record is important
19 in establishing that as being part of the evidence
20 that protects the Commission, it protects the
21 Village, the Corporation and protects the community
22 at large.

1 The third hat we wear is quasi
2 legislative. We are not legislatures, we're not
3 elected, but we're sitting here today crafting
4 legislation that will be passed or modified by the
5 Village Board. So, we review existing ordinances,
6 the comprehensive plan is what legislative act. The
7 zoning map changes, like the one we had last week or
8 legislative act, they don't require the same
9 standards, they should be forward looking, unless
10 standard driven, and they can and sometimes should
11 consider the political and popular wealth while
12 striving to protect the welfare of the community at
13 large.

14 The reason I am going through all
15 this is because for the last year and a half, I have
16 kind of being saying this that Covid was making it
17 tough, before that we were a citizen planner, that
18 process is somewhat legislative, but it delves more
19 deeply into long range planning and recommendations
20 to the Village Board or other commissions on items
21 that are not necessarily before us in application.
22 Issues that are important to us as a commission to

1 the Village Board and to the community at large.

2 Over the last year I have been
3 thinking of ways to get us, as a commission, more
4 involved in the legislative and planning process
5 instead of what has become our primary role more on
6 the administrative and judicial end of the spectrum.
7 Most of our commissioners up here have never
8 actually been part of the planning process in any
9 vision setting sense, and that is probably, as far
10 as the Enabling Act for Planning Commissions,
11 admittedly we're providing planning commission and
12 Zoning Board of Appeals essentially, but that vision
13 setting, that comprehensive plan that is, that is
14 the heart of the planning, Planning Commission
15 Enabling Act, is that forward looking comprehensive
16 plan, and not just a comprehensive plans, but the
17 plans that go into it.

18 And if you read the ordinance
19 creating the planning commission, you will also see
20 areas where we have opportunity to advise the
21 village at large upon other planning items.

22 I think we have a good team up here

1 that can offer a lot of advice on a lot of projects,
2 not just those that come before us, from private
3 developers.

4 So, to make a long story longer, I'm
5 not resigning, I'm not going anywhere, but, next
6 year I would like to have an early in the year, have
7 a goal setting meeting and work towards some
8 workshop meetings, perhaps, or maybe extending the
9 time for the end of meetings that we have shorter
10 agendas. Tonight would be a good night to extend
11 for another hour or half hour, hour and a half to
12 talk about planning things, if there's not members
13 of the public and even if there are, maybe even
14 recessing to committee to the whole room, and
15 discussing around the table instead of at the dais.

16 Some examples of goals could be, are
17 there ordinance passages that we can modernize. I
18 know there are. The updated the zoning ordinance,
19 for sure a couple years ago with a contractor, but
20 some of that language did come directly from the old
21 ordinance and the amount of time and effort that
22 they could put into it financially was somewhat

1 limited, was also limited because at that time that
2 was when the State was not sending out the text
3 shares to the municipalities in a timely manner and
4 so that put the contractors, that we went about six
5 months without meeting with them because the
6 contractors did not get a check, that wasn't the
7 Village's fault, that was the State's fault.

8 Another item would be, is it time to
9 revisit the comprehensive plan of Rotary Park. I
10 certainly think there is an argument to be made that
11 some portions of the village are ripe for
12 reevaluating, even if the entire comprehensive plan
13 doesn't need to be updated.

14 Do we want to explore options, like
15 require a site plan review or appearance review for
16 certain types of projects, that's, that is something
17 that is common in municipalities around us.

18 Projects of certain sizes or in
19 certain zoning districts or certain uses, site plan
20 review or appearance review is mandatory, that maybe
21 something to consider.

22 These are just things that crossed my

1 mind today, not necessarily all things that we need
2 to do, but things for discussion.

3 Are there long term goals for the
4 Village that we, as the Commission, would like to
5 offer a recommendation to the community or the
6 Board?

7 Are there long term goals that the
8 Village Board would like us to explore. There maybe
9 and, so, those are some of the ideas that I have,
10 and I would like for us to talk about that next
11 month, maybe, if we have the time to do it, if not,
12 soon after.

13 I guess the last thing that I would
14 say is, when I joined this commission, we had
15 planning commission memberships with the American
16 Planning Association, that was part of what we spent
17 our annual budget on, and to get a little detailed,
18 it's a \$121 to sign up and \$68 per member for annual
19 membership, I think that probably falls well within
20 our budget, but, I might consider that the Planning
21 Commissioners Journal, that's published, I think,
22 quarterly, maybe monthly, I don't remember anymore,

1 it was a very useful tool, it kept planning
2 commissioners up-to-date on what was going on in the
3 legal world because what a lot of people don't
4 understand about planning and zoning is that, we
5 have gotten to where we are through 125 years of
6 litigation, all the way to the Supreme Court, on
7 what zoning means, what are landowners rights and
8 decisions that we make are based on those cases and
9 the changes in laws, and it's a rapidly changing
10 field, it's my profession, and I have to do some
11 continuing education, I can barely keep up with it.

12 So, if that's something in our
13 budget, you might want to consider that. And where
14 we work for years, I think, I don't remember, maybe
15 five or six years ago, maybe it was when Director
16 Brill (ph sp) took over, kind of fell off at some
17 point, but, worth looking into for a few hundred
18 bucks, as you know, I'm sure Consuelo is a wealth of
19 information through the APA.

20 So, that's all I got, does anybody
21 have anything to comment on that?

22 COMMISSIONER LUEDTKE: Very good idea.

1 CHAIRMAN JARRETT: All right, so.

2 MS. ARTUILLES: Chairman Jarrett, I have
3 something to add. So, I want to make a point that
4 besides the proposed items for your consideration
5 tonight, there are three other items that I plan to
6 also bring up at the January meeting.

7 CHAIRMAN JARRETT: Okay.

8 MS. ARTUILLES: As it relates to Section
9 6.11.2-E, 6.11.2 G-7, 6.11.2-G-12. The proposal for
10 those are to strike those from the code, 'E'
11 specifically is in regards to, display an out
12 commercial districts display for a period of not to
13 exceed 90 days of seasonal items, such as garden and
14 patio equipment and supplies.

15 G-7 is indicating no entertainment,
16 whether live recorded or otherwise is permitted in
17 the outdoor seating area, to strike that, and the
18 third item that they propose to strike is G-12, an
19 occupancy permit is required prior to the opening of
20 the outdoor seating area, the occupancy is from
21 March 1st through November 30th, and must be
22 renewed annually. All outdoor furniture must be

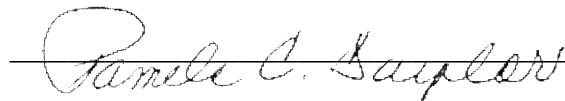
1 removed within 24 hours of permanent expirations.

2 So, those are three items I'm hoping
3 that you can take together along with the items we
4 discussed tonight.

5 CHAIRMAN JARRETT: Okay. Sounds good.
6 Other than Merry Christmas and glad to see that even
7 though the dais isn't full tonight, our commission
8 is full for the first time in a few years, I think,
9 completely full with everybody at the same time.
10 Don and Eric, good having you on, and look forward
11 to hopefully many years of continued service. And
12 the continuing members who have been here for a
13 while, feels like forever, but it's really not, so,
14 Merry Christmas to everybody and we'll see you next
15 year if we don't see you sooner. Board is
16 adjourned.

17 (Which were all the proceedings
18 had in the above-entitled
19 cause.)
20
21
22

1 I, Pamela C. Taylor, CSR/RPR of the
2 State of Illinois, do hereby certify that I reported
3 in machine shorthand the proceedings had at the
4 hearing in the above-entitled cause, and that this
5 transcript is a true and accurate transcription of
6 my machine shorthand notes so taken to the best of
7 my ability.

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13 CSR #084-001184



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15 Dated this 3rd day
16 of January, 2022
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Text Amendments
December 14, 2021

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Planning and Zoning Commission Agenda Item Report

Meeting Date: January 13, 2022

Submitted by: Pat Boksha

Submitting Department: Planning and Zoning Commission

Item Type: Business (Commission Only)

Agenda Section: Public Hearing - New Business:

Subject:

Petition PZ-21-0011 / 1334 S. Villa Avenue / Special Use - Electronic Message Display / New Life Bible Church

Suggested Action:

Attachments:

[PZ-21-0011 P&Z Memo 1334 S. Villa Avenue.pdf](#)

Village of Villa Park

Community Development Department, 11 W. Home Avenue, Villa Park, IL 60181



TO: Planning & Zoning Commission
FROM: Consuelo Arguilles, Director of Community Development Department
DATE: January 3, 2022
RE: Petition PZ-21-0011 / 1334 S. Villa Avenue / SU - EMD / New Life Bible Church

Public Hearing: January 13, 2022 **PIN:** 06-15-303-034 **Lot Size:** 28,637 sq.ft. (.66 acres)

Present Land Use/Zoning: Religious Service / RS-10 - Residential Single-Dwelling District

Land Uses / Surrounding Zoning: Single-family residential in the RS-10 - Residential Single-Dwelling District to the North and East, and Single-family residential in the R-3 Single Family Residence District in unincorporated DuPage County to the west and east

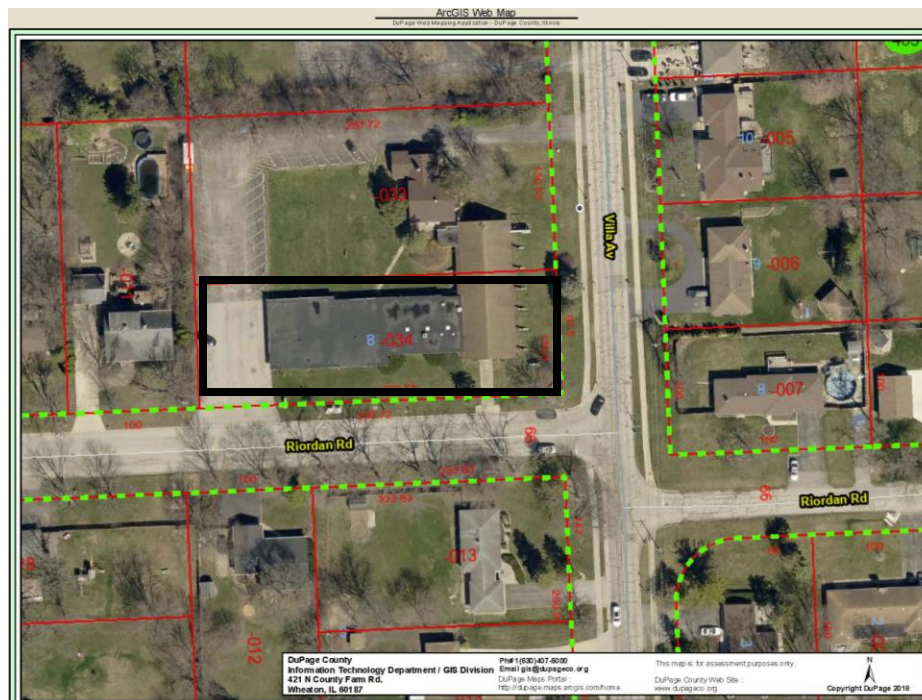
Comprehensive Plan Designation

The 2009 Comprehensive Plan Update designates the subject property as Single Family residential. This land use category is for detached single-family residential dwellings of generally one to two stories in height. This classification encompasses most of the Village's established residential neighborhoods.

Zoning Request

1. Special Use to install an electronic message display panel in the RS-10 Residential Single-Dwelling District on a lot occupied by an institutional use

Location Map



Background

The subject property is located at the northwest corner of the Villa Avenue and Riordon Road street intersection. The property is zoned residential, which allows for electronic message display panels on lots occupied by institutional uses, such as a church, as a special use. If approved, the electronic message display panel is subject to the regulations of Sec. 8.7 as well as any additional regulations imposed by the village board.

On December 21, 2020, the Village Board approved a similar request allowing an electronic message display panel measuring 62.4% of the allowed sign area for the church located on 300 S. Cornell Avenue. The overall sign area was 31.60 sq. ft., which exceeded the maximum 50% of the allowed sign area. The electronic message display measured to 19.97 sq. ft. or 62.4% and required variation approval. In 2019, the Village Board approved a special use for an electronic message display panel measuring approximately 10.76 sq. ft. in area at the Villa Park public library. It included an "Open/Close" component, a static library logo etched on aluminum that is less than 4 square feet, and a 10.76 sq.ft. electronic message display board. The total sign area is less than 16 sq. ft. The sign sits atop a masonry monument base that is 2' 8" tall. In total, the sign stands less than 5.5' tall.

The Village Zoning Ordinance allows for the construction of a monument sign for non-residential uses in R districts up to 6-feet in height and 32 sq. ft. in area. An electronic message display panel can be part of their overall sign with issuance of a special use for public, civic, or institutional uses. However, this provision does not apply to the subject property because it is located within the Ardmore Avenue Business District.

Summary of Request:

The petitioner proposes to remove the existing sign cabinet and install a new sign consisting of an electronic message display and a digital print. The existing concrete pad and masonry base will remain:



The proposed plans indicate the sign measures overall approximately five feet (5') in height as

measured from grade and eight feet (8') wide. The sign area, including the digital print and electronic message display is shown as 3.5' high by 6' wide. The electronic message display will measure approximately 1'6" tall x 6' wide. The top panel will measure 2' tall x 6' wide. Per Village Code, allowed monument signs are subject to a maximum height limit of 6' and may not exceed 32 sq.ft.in area. Therefore, the proposed sign area will not exceed the maximum size allowed for a freestanding sign and electronic message display.

The plat of survey indicates the sign is setback over 18' from the east property line along Villa Avenue and over 20' from the south property line along Riordan Road. The landscape plan indicates a flower bed will be provided around the base. Landscaping will be required to be installed and maintained around the base. Code requires a minimum of three (3) feet from the outer edge of the sign base on all sides.

Standards for Special Use

1. The proposed use or activity is expressly authorized as a special use;

As a church, this property is considered institutional use. An electronic message display is being added to an existing sign and will comply with all of the following:

Sec. 8.7. - ELECTRONIC MESSAGE DISPLAY PANELS

8.7.1. - Where Allowed

Electronic message display panels are allowed in any of the commercial and industrial zoning districts with the exception of the Ardmore Avenue Business District, Villa Avenue Business District, St. Charles Road and the train station area as shown on the maps adopted as part of Ordinance No. 3673, which are on file in the office of the community development director. Electronic message display panels are subject to the regulations of this section.

8.7.2. - Maximum Number and Sign Area

No more than one of the allowed signs on a lot may contain an electronic message display panel. The sign area of the electronic message display panel is counted in calculating the overall area of the subject sign. An electronic message display panel may not exceed fifty (50) percent of the allowed sign area of the subject sign.

8.7.3. - Message Hold Time

An electronic message display may not change more frequently than every three (3) seconds. Background colors or displays are allowed to change only when the message changes.

8.7.4. - Graphics and Animation

Graphics are allowed only as static displays. The use of animation, dissolve, fade, scrolling, traveling, flashing, or blinking characters on electronic message display panel signs is prohibited. Animation, live feeds, video or any off-site advertising is prohibited on electronic message display panels.

8.7.5. - Brightness

All electronic message display panels must be equipped with automatic dimming devices, sun screens or otherwise be designed to operate in a manner that is appropriate for ambient light levels and include no external illumination. The brightness of the electronic message display panel

may not exceed five thousand (5,000) nits in the daytime or more than one thousand seven hundred fifty (1,750) nits in the nighttime (after sunset).

8.7.6. - Operating Hours

All electronic message display panels within 100 feet of any R zoning district must be turned off between the hours of 11:00 p.m. and 7:00 a.m. unless the business is open and operating during such hours, in which case the sign may be operated only during the hours of business operation.

8.6.2. - Freestanding Signs

E. Landscaping

Landscaping must be installed and maintained around the base of all freestanding signs. The landscape area must extend a minimum of three (3) feet from the outer edge of the sign base on all sides. Where the area around the base of a sign will not accommodate landscaping, the community development director is authorized to allow installation of all or a portion of the required landscaping at an alternate location on the site

- 2. The special use is necessary or desirable to provide a service or a facility that is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community;**

Approval for the existing sign on this property to include an electronic message display will allow for communication of church activities to the community.

- 3. The special use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity or be injurious to property values or improvements in the vicinity;**

This existing sign currently does not pose any detriment. Nor, is it currently injurious to property values or improvements in the vicinity. We are simply adding a 5'-3" x 1'6" electronic message display according to all rule and regulations which will not add any of the aforementioned hazards.

- 4. The special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;**

Currently the sign does not create any impediments. Adding the electronic message center will not create any. A dimmer switch is added so that brightness can be controlled.

- 5. The special use will be served by adequate utilities, access roads, parking, drainage and other important and necessary facilities, infrastructure and community services; and**

No changes will be incurred due to the addition of an electronic message display on the existing sign.

- 6. The special use complies with all applicable regulations of the zoning ordinance except as expressly approved in accordance with the procedures of this zoning ordinance.**

The existing sign is already in compliance with all applicable regulations of this zoning ordinance. The addition of an electronic message display will remain in compliance.

Village Review

Village Staff has reviewed the request and finds it would be consistent with recent approvals allowing electronic message displays for institutional uses. The request would be similar to recent special use approvals the Village Board approved in the last two years. Therefore, staff does not object and is supportive.

Compliance with all current codes, including the sign code regulations, including electronic message displays, and a building permit will be required should the special use be approved. If the current sign does not have electric to it, a permit to install electric to the sign would be required. The wooden sign located just east of the driveway off Riordan is partially located in the right-of-way and will need to be either removed or relocated out of the ROW onto private property.

Requested Action

If the Commission finds in support of the Special Use request, the following motion could be entertained:

To recommend approval of the following:

- 1. Special Use to install an electronic message display panel in the RS-10 Residential Single-Dwelling District on a lot occupied by an institutional use

For the property located at 1334 S. Villa Avenue, PIN: 06-15-303-034

With a finding of fact that such variance meets the standards enumerated in Article 11.5. of Appendix C of the Municipal Code Village of Villa Park Basic Zoning Ordinance.

	AYES	NAYS
Planning and Zoning Recommendation Required: Majority of quorum		
Village Board Final Decision Required: Two-thirds of all member of the Village Board		

Planning and Zoning Commission Agenda Item Report

Meeting Date: January 13, 2022

Submitted by: Pat Boksha

Submitting Department: Planning and Zoning Commission

Item Type: Business (Commission Only)

Agenda Section: Public Hearing - New Business:

Subject:

PZ-21-0012 / 15 W. North Ave. / Special Use - Cannabis Dispensary / GRD Illinois LLC

Suggested Action:

Attachments:

[PZ-21-0012 P&Z Memo 15 W. North Ave. SU-Cannabis Dispensary.pdf](#)

Village of Villa Park

Community Development Department, 11 W. Home Avenue, Villa Park, IL 60181



TO: Planning & Zoning Commission
FROM: Consuelo Arguilles, Director of Community Development Department
DATE: January 3, 2022
RE: PZ-21-0012 / 15 W. North Ave. / Special Use - Cannabis Dispensary / GRD Illinois LLC

Public Hearing: January 13, 2022

Lot Size: 35,447 sq.ft. (.81 Acres)

PIN: 06-04-205-005

Present Zoning / Land Use: C-3 - Service Business District / Retail

Surrounding Zoning / Land Uses: C-3 Service Business District to the North and East, M-1 Light Industrial to the West and South / Commercial Uses and Light Industrial

Comprehensive Plan Designation

Corridor Mixed Use – This land use category is intended for a mixture of multi-family residential, corridor commercial and institutional uses along major transportation, auto-oriented corridors. This classification encompasses the Village's main transportation corridors.

Zoning Request

- 1) Special Use for a Cannabis Dispensing Facility

Location Map



Summary of Request

The petitioner, Mayank Patel, on behalf of GRD Illinois LLC seeks to operate a recreational cannabis dispensary at 15 W. North Avenue. The subject site encompasses approximately .81 acres with a 7,678 square foot freestanding building. The proposed dispensary would take up all of the building.



VIEW OF SITE FROM ARDMORE AVENUE LOOKING WEST

The petitioner intends to update the building façade and build out the interior of the building. Current and proposed plans are below.

Current East Building Elevation Facing Ardmore Avenue:



Proposed East Building Elevation Facing Ardmore Avenue:



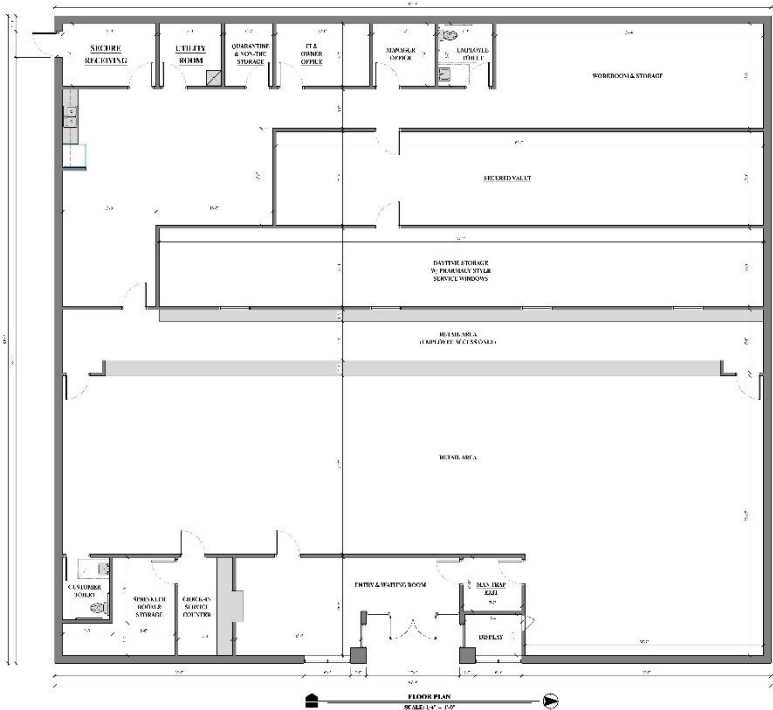
Current North Building Elevation Facing North Avenue:



Proposed North Building Elevation Facing North Avenue:



The interior of the building will be updated to include retail, storage, and office:



The parking requirement for the retail sales area is 4 spaces for each 1,000 square feet and for the office space it is 3 spaces for each 1,000 square feet. Based on the proposed floor plan, the proposed business would require a total 16 parking spaces. Currently there are a total of 27 striped spaces, including two accessible parking spaces, which exceeds the minimum parking spaces required.

Per the Petitioner, the proposed business would be locally owned and operated. They are one of few groups left in the State of Illinois that are not part of a large multi-state, vertically owned operation. Their goal is to offer the best dispensary experience in the State of Illinois and attract customers from a wide radius that are seeking a premium cannabis shopping experience with superior selection, service and ambience.

They anticipate to employ 10-17 employees, with a maximum of 8-10 working on any shift. They expect to do 50-100 transactions per day, 5-10 transactions per hour. The proposed hours of operation would be from 10AM-9PM, 7 days a week. They have a security plan to ensure all aspects of safety and security is accounted for and comply with the federal FDA security requirement. The security plan is confidential and can be shared if needed.

Standards for Special Use

1. The proposed use or activity is expressly authorized as a special use;

GRD Illinois LLC has been granted the conditional adult use cannabis dispensary license from the state. Village of Villa Park required the special use approval to open up the dispensary.

2. The special use is necessary or desirable to provide a service or a facility that is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community;

Yes, the special use is required to provide a service or a facility is in interest of public convenience as per the Village of Villa Park ordinance.

3. The special use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity or be injurious to property values or improvements in the vicinity;

The proposed use will be located in an existing commercial C3 building which is a separate building, not adjacent to any other building. This will have no negative impact to the health, safety or general welfare residing in the vicinity. This will not have any negative impact to the property value or improvements to the vicinity.

4. The special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;

The proposed use will not impede the normal and orderly development/improvement of surrounding property for uses permitted in the district.

5. The special use will be served by adequate utilities, access roads, parking, drainage and other important and necessary facilities, infrastructure and community services; and

The proposed location has the adequate utilities, access, parking, drainage and other important facilities, infrastructure and community service to carry out intended business.

6. The special use complies with all applicable regulations of the zoning ordinance except as expressly approved in accordance with the procedures of this zoning ordinance.

The proposed special use will comply with all applicable regulations as specified in Village ordinance of zoning with respect to the approval of this application.

Village Review

Village staff reviewed the request and supports the special use provided the compliance with all applicable building and fire codes are met. The property is currently zoned C-3 Service Business District and allows cannabis dispensaries as a special use. The subject property is within a mixed use commercial corridor within C-3 zoning along North Avenue and the retail use is consistent with the future land use designation as per the Comprehensive Plan. Further, it appears the location would be in compliance with State Law stating a Cannabis Facility must be at least 1000 feet away from any school grounds or playground.

The Fire Department reviewed the requests and noted that since the building has an existing fire sprinkler and fire alarm system, applicant would only need to modify it if they plan on changing any of the wall or ceiling layouts. Based on the proposed concept, applicant plans on changing the layout and most likely will need to modify the fire protection systems. If they need to modify the existing fire sprinkler system, they will need to have a licensed sprinkler contractor submit 5-sets of sprinkler drawings and manufactures data sheets for plan review approval. If they need to modify the existing fire alarm system, they will need to have a licensed fire alarm contractor submit 5-sets of fire alarm.

Requested Action

If the Planning and Zoning Commission finds in support of the applicant's request the following motion could be entertained:

To recommend approval of the following:

- 1) Special Use for a Cannabis Dispensing Facility

For the property located at 15 W. North Avenue, PIN: 06-04-205-005

With the following condition:

1. Compliance with current codes, including building and fire.
2. Permits must be obtained separately for interior remodel and signage.

With a finding of fact that such special use meets the standards enumerated in Article 11.4. of Appendix C of the Municipal Code Village of Villa Park Basic Zoning Ordinance.

	AYES	NAYS
Planning and Zoning Recommendation Required: Majority of quorum		
Village Board Final Decision Required: Two-thirds of all member of the Village Board		

Planning and Zoning Commission Agenda Item Report

Meeting Date: January 13, 2022

Submitted by: Pat Boksha

Submitting Department: Planning and Zoning Commission

Item Type: Business (Commission Only)

Agenda Section: Public Hearing - New Business:

Subject:

Amendments to certain provisions of Appendix C - Basic Zoning Ordinance - Article 6, Sections 6.11.2.E., 6.11.2.G.7., 6.11.2.G.12., 6.12.A, 6.12.B. and 14.2.22.F.

Suggested Action:

Attachments:

[PZ-21-0013 P&Z Memo Zoning Code Updates.pdf](#)

Village of Villa Park

Community Development Department, 11 W. Home Avenue, Villa Park, IL 60181



TO: Planning and Zoning Commission
FROM: Consuelo Arguilles, Director of Community Development Department
DATE: January 5, 2022
RE: Amendments to certain provisions of Appendix C - Basic Zoning Ordinance - Article 6, Sections 6.11.2.E., 6.11.2.G.7., 6.11.2.G.12., 6.12.A, 6.12.B. and 14.2.22.F.

BACKGROUND

In 2020, the Community Development Department received an anonymous complaint of about thirty properties throughout the Village with shipping containers on their property. Upon review and follow-up, the Community Development Department found about ten businesses with either no containers or with containers that were being used on a temporary basis for seasonal sales, and issued approximately twenty notices to properties that were found to have containers on their property in violation. At that time, former Village president Al Bulthuis and Village Manager provided direction to work with the businesses to resolve. The direction given to the Director of Community Development was to prepare text revisions relating to containers that would allow the use of containers as long as they were located in the rear of the commercial property and screened by landscape or fencing.

Inspections in the fall of 2021 found 30 properties throughout the Village with storage containers. Staff did not find permits or zoning approval for these containers.

An email dated October 5, 2021 from Trustee Kozar indicated several member of the Board of Trustees recommended the following changes:

1. **STRIKE 6.11.2 E.** In all C districts, the display for a period not to exceed ninety (90) days of seasonal items such as garden and patio equipment and supplies.
2. **STRIKE 6.11.2 G.7.** No entertainment, whether live, recorded or otherwise, is permitted in the outdoor seating area.
3. **STRIKE 6.11.2 G.12.** An occupancy permit is required prior to the opening of the outdoor seating area. The occupancy permit is valid from March 1 through November 30 and must be renewed annually. All outdoor furniture must be removed within twenty-four (24) hours of permit expiration.
4. **STRIKE 6.12 A.2** There may be no more than one temporary outdoor storage container per property.
5. **STRIKE 6.12 A.5** No temporary outdoor storage container may remain on the subject property for more than sixty (60) consecutive days per year.
 1. **REPLACE WITH:** No temporary outdoor storage container may remain on the subject property for more than ninety (90) consecutive days per year.
6. **STRIKE 6.12 A.6** Temporary outdoor storage containers may not exceed eight (8) feet in height or cover an area of more than one hundred thirty (130) square feet.
 1. **REPLACE WITH:** Temporary outdoor storage containers may not exceed ten (10) feet in height or cover an area of more than two hundred (200) square feet.
7. **STRIKE 6.12 A.7** Temporary outdoor storage containers must be placed only on a driveway or other hard surface.
8. **STRIKE 6.12 A.13** Temporary outdoor storage containers may not be used for the purpose of conducting business or selling merchandise.

1. **REPLACE WITH**: Temporary outdoor storage containers may not be granted occupancy for purposes of habitation or conducting business.
9. **STRIKE 6.12 B.4** Placed on a paved surface;
10. **STRIKE 6.12 B.7** Screened from public view with a privacy screen (e.g. fence), landscaping or similar methods;
 1. **REPLACE WITH**: Screened from public view with a privacy screen (e.g. fence), landscaping or similar methods or painted;
11. **STRIKE 6.12 B.13** May not be used for the purpose of conducting business or selling merchandise.
 1. **REPLACE WITH**: May not be granted occupancy for purposes of habitation or conducting business.
12. **STRIKE 14.2.22 F** Shipping container is a standard reusable vessel, designed without an axle or wheels which was:
 1. **REPLACE WITH**: Shipping container: A type of outdoor storage container, is a standard reusable vessel, designed without an axle or wheels which was:

On October 11, 2021 the Village Board approved the following text amendments to permit storage containers, subject to requirements:

Sec. 6.12. - Outdoor Storage Containers in Non-Residential Property

A. Temporary outdoor storage containers subject to the following supplemental regulations:

1. *A permit is required for any temporary outdoor storage container.*
2. *There may be no more than one temporary outdoor storage container per property.*
3. *Stacking of temporary outdoor storage containers is prohibited.*
4. *The subject property must be occupied by a principal building.*
5. *No temporary outdoor storage container may remain on the subject property for more than sixty (60) consecutive days per year.*
6. *Temporary outdoor storage containers may not exceed eight (8) feet in height or cover an area of more than one hundred thirty (130) square feet.*
7. *Temporary outdoor storage containers must be placed only on a driveway or other hard surface.*
8. *When placed on the driveway within a front or corner side yard, the container must be located so that pedestrian and vehicular traffic is not obstructed and so that the view of an operator of a motor vehicle entering or exiting a right-of-way is not obstructed.*
9. *Temporary outdoor storage containers may not be placed on public property or in a location that obstructs traffic visibility.*
10. *Temporary outdoor storage containers may display no signs other than the name, address and telephone number of the person or firm engaged in the business of renting or otherwise placing the temporary outdoor storage containers.*
11. *Temporary outdoor storage containers must be maintained in a good state of repair, free from rust, peeling paint and other forms of visible deterioration.*
12. *Temporary outdoor storage containers may not be used for the storage of hazardous, flammable or toxic materials.*
13. *Temporary outdoor storage containers may not be used for the purpose of conducting business or selling merchandise.*

B. Permanent Outdoor Storage Containers in Non-Residential Property

Shipping containers used for permanent outdoor storage in non-residential property subject to the following supplemental regulations:

1. *A permit is required for any permanent outdoor storage container;*

2. *The subject property is occupied by a principal building;*
3. *Placed behind the front wall of a principal building;*
4. *Placed on a paved surface;*
5. *Placed outside of required side and rear yard setbacks;*
6. *Stacking of outdoor storage containers is prohibited;*
7. *Screened from public view with a privacy screen (e.g. fence), landscaping or similar methods;*
8. *Does not take up required parking;*
9. *May not be placed on public property or in a location that obstructs traffic visibility;*
10. *May not display any signs, including the name, address and telephone number of the person or firm engaged in the business of renting or otherwise placing the outdoor storage containers.*
11. *Must be maintained in a good state of repair, free from rust, peeling paint and other forms of visible deterioration;*
12. *May not be used for the storage of hazardous, flammable or toxic materials; and*
13. *May not be used for the purpose of conducting business or selling merchandise out of or within.*

ARTICLE 14. - MEASUREMENTS AND DEFINITIONS

14.2.22. - Words and Terms Beginning with "S"

F. Shipping container: A standard reusable vessel, designed without an axle or wheels which was:

1. *Originally, specifically, or formerly designed for or used in the packing, cargo, movement or transportation of freight, articles, goods or commodities, and/or*
2. *Designed for/or capable of being mounted or moved on a rail car, truck trailer or loaded on a ship.*

Special Public Meeting

A special meeting was held before the Planning and Zoning Commission on December 14, 2021. Six, including Chairman Jarrett, out of the nine commissioners serving on the Planning and Zoning Commission attended, and primarily discussed changes to the outdoor storage container regulations as per the email dated October 5, 2021.

Discussion included consensus of limiting the number of storage containers to one, variation process for more than one container, a mix of thoughts regarding 60 or 90 consecutive days for temporary storage containers, allowing temporary outdoor storage containers to match industry standards, measuring up to 8.5' in height, 8' feet wide, by 20 feet in length, and 160 sq.ft. in area, keeping the requirement to place container on a driveway or other hard surface, and keeping existing language regarding the use. The P&Z Commission did not feel the definition of shipping container needed to be amended to reference occupancy for purpose of habitation or conducting business.

Regarding permanent outdoor storage containers, consensus was to keep the requirement for placing on a paved surface. This would be consistent with the language for temporary outdoor storage containers. It would be difficult to determine when existing structures were installed because there is no record of a permit and to determine if they are on a paved surface. Chairman Jarrett moved on to 6.12.B.7 and clarified "or similar methods" was intended to allow staff the flexibility to permit something like painted, cladding, or similar materials (e.g. trellis) - something other than a fence. The Commission did not feel the need to add "or painted" to the screening requirement or see the need to reference habitation or conducting business. Therefore, the consensus was for the existing regulations to remain. Finally, there was a consensus to keep the definition as is per the online Village code, which does not reference "a type of outdoor storage container".

The commission did not feel the need to add a size for shipping containers used for permanent outdoor storage in non-residential property. Staff reviewed and concurs it is best to keep the language as is. Staff believe keeping this open would allow businesses to best meet their needs.

Public comments included support of a 20' long and 8.5' high container, and keeping paved surface requirement, and not allowing stacking.

The minutes from the 12/14/2021 special meeting are attached for your reference.

STAFF REVIEW

Staff performed research regarding outdoor displays, outdoor entertainment and outdoor seating areas, and found that outdoor seating areas and displays as permitted as seasonal as long as they are located on private property. Village Code regulations found in 6.11.2. include the following:

E. In all C districts, the display for a period not to exceed ninety (90) days of seasonal items such as garden and patio equipment and supplies.

G. Outdoor seating accessory to a eating or drinking establishment subject to the following supplemental regulations:

- 1. The outdoor seating area must be open to the sky with the exception that it may have a retractable awning, umbrella, or be placed under a building canopy and may contain furniture, including tables, chairs, railings, planters, and other features that are readily movable.*
- 2. The seating may be located on public property or a public right-of-way provided that at least four (4) feet of the public sidewalk remains obstruction-free. If seating is provided on public sidewalk a certificate of insurance with the Village of Villa Park listed as an additional non-contributory insured and a certificate holder is required. The seating may be located on private sidewalks or pedestrian walkways provided that at least four (4) feet of the walkway remains obstruction-free. If alcohol is to be served, a fence or similar barrier must be constructed around the outdoor seating area where liquor is served.*
- 3. The outdoor seating area may be located in a yard or required building setback.*
- 4. The seating may not occupy or interfere with the use of required parking spaces, aisles, driveways, fire lanes or fire exits.*
- 5. The seating may not occupy or interfere with the use of building entrances, exits and pedestrian walkways.*
- 6. Lighting related to the operation of the outdoor seating area must be directed away from adjacent properties to avoid creation of a public nuisance.*
- 7. No entertainment, whether live, recorded or otherwise, is permitted in the outdoor seating area.*
- 8. The outdoor seating area must be immediately adjacent to the principal building. If the outdoor seating area only includes tables and/or seating immediately adjacent to the exterior wall of the principal building, no fencing is required. If the outdoor seating includes tables and/or seating not immediately adjacent to the exterior wall of the principal building, fencing is required.*

9. *The outdoor seating area must conform to the approved site plan and be landscaped and/or screened as determined necessary by the community development director.*
10. *All outdoor seating must be placed on an all-weather hard surface area.*
11. *All outdoor seating areas must comply with life safety and exit code requirements.*
12. *An occupancy permit is required prior to the opening of the outdoor seating area. The occupancy permit is valid from March 1 through November 30 and must be renewed annually. All outdoor furniture must be removed within twenty-four (24) hours of permit expiration.*
13. *Picnic tables located at a park, golf course, or recreation center are not deemed to be "outdoor seating" and are exempt from the regulations of this section.*

None of the communities listed below allow for outdoor entertainment unless approved as a special event when that is an option. For example, Lombard requires all live entertainment activities to be conducted within the confines of the building and requires a live entertainment application to be submitted to the village for review and approval.

Staff found that there was no standard for days a temporary storage containers were allowed to remain when permitted, and does not object to revising to allow 90 consecutive days versus 60 days. Research found that permits are required when allowed and subject to the following:

Addison – Generally does not permit for commercial properties. Some exceptions in manufacturing zoning districts.

Lombard – Allows cargo containers for sites that are under construction in commercial and industrial properties. Must be placed on loading berths or concrete or asphalt surface areas. Allowed to be placed within the buildable area of the lot and not placed on required parking spaces. In no instance does it allow placement in front of the front wall of a principal structure. There must be an active building permit issued. Cargo containers used for construction purposed are required to be removed immediately upon completion of the construction project.

Elmhurst – Allows shipping containers for storage only with an open permit. Recent text amendment allows for use as an outdoor service station for some bars and restaurants to serve drinks out of them and use them as an accessory structure with restrictions.

Glenview – Generally allows on commercial property if they meet setbacks and are screened from view. Restricts size to 10% of floor area requires to be located no closer than 20 feet from a side or rear lot line which adjoins a residential district. Industrial property requires all operation, activities and storage to be conducted inside a building. In residential districts, they are only allowed on driveway up to five days.

Other communities, such as Deerfield, Carol Stream, Highland Park, permit storage containers on a temporary basis as part of an open construction project that has been permitted. Otherwise they are not permitted.

Based on the feedback received from the Planning and Zoning Commission and research above, staff is in support of amending 6.12.A.5 to allow temporary outdoor storage containers to remain on the subject property for no more than ninety (90) consecutive days per year, and is in support of amending 6.12.A.6 to allow temporary outdoor storage containers up to eight and one half (8.5') in

height, eight feet (8') wide, by twenty feet (20') in length or cover an area of more than one hundred and sixty (160) square feet in area.

REQUESTED ACTION:

If the Commission finds in support of the requested text amendments, the following motion could be entertained:

To Approve PZ-21-0013 seeking amending certain provisions of Appendix C - Basic Zoning Ordinance of the Villa Park Municipal Code, as detailed below:

1. **STRIKE 6.11.2 E.** In all C districts, the display for a period not to exceed ninety (90) days of seasonal items such as garden and patio equipment and supplies.
2. **STRIKE 6.11.2 G.7.** No entertainment, whether live, recorded or otherwise, is permitted in the outdoor seating area.
3. **STRIKE 6.11.2 G.12.** An occupancy permit is required prior to the opening of the outdoor seating area. The occupancy permit is valid from March 1 through November 30 and must be renewed annually. All outdoor furniture must be removed within twenty-four (24) hours of permit expiration.
4. **STRIKE 6.12 A.2** There may be no more than one temporary outdoor storage container per property.
5. **STRIKE 6.12 A.5** No temporary outdoor storage container may remain on the subject property for more than sixty (60) consecutive days per year.
 1. **REPLACE WITH:** No temporary outdoor storage container may remain on the subject property for more than ninety (90) consecutive days per year.
6. **STRIKE 6.12 A.6** Temporary outdoor storage containers may not exceed eight (8) feet in height or cover an area of more than one hundred thirty (130) square feet.
 1. **REPLACE WITH:** Temporary outdoor storage containers may not exceed eight and one half (8.5') in height, eight feet (8') wide, by twenty feet (20') in length or cover an area of more than one hundred and sixty (160) square feet in area
7. **STRIKE 6.12 A.7** Temporary outdoor storage containers must be placed only on a driveway or other hard surface.
8. **STRIKE 6.12 A.13** Temporary outdoor storage containers may not be used for the purpose of conducting business or selling merchandise.
 1. **REPLACE WITH:** Temporary outdoor storage containers may not be granted occupancy for purposes of habitation or conducting business.
9. **STRIKE 6.12 B.4** Placed on a paved surface;
10. **STRIKE 6.12 B.7** Screened from public view with a privacy screen (e.g. fence), landscaping or similar methods;
 1. **REPLACE WITH:** Screened from public view with a privacy screen (e.g. fence), landscaping or similar methods or painted;
11. **STRIKE 6.12 B.13** May not be used for the purpose of conducting business or selling merchandise.
 1. **REPLACE WITH:** May not be granted occupancy for purposes of habitation or conducting business.
12. **STRIKE 14.2.22 F** Shipping container is a standard reusable vessel, designed without an axle or wheels which was:
 1. **REPLACE WITH:** Shipping container: A type of outdoor storage container, is a standard reusable vessel, designed without an axle or wheels which was:

In recommending the amendments above, the Zoning & Planning Commission has determined that this amendment is in the public interest and a benefit to the welfare of the entire community.

	AYES	NAYS
Planning and Zoning Recommendation Required: Majority of quorum		
Village Board Final Decision Required: Two-thirds of all member of the Village Board		