

CITY OF OAK FOREST

PLANNING/ZONING COMMISSION MEETING

Wednesday

November 20, 2013

The Plan/Zone Commission meeting was called to order by Chairman Stuewe at 7:00 p.m. with Roll Call. The Pledge of Allegiance was led by Mr. Cowgill.

PRESENT: Mrs. Morrissy
Mr. Forbes
Mrs. Danihel
Mr. Ziak
Mr. Oostema
Mr. Schroeder
Mr. Cowgill
Mr. Wolf
Chairman Stuewe

PUBLIC HEARING - PZC 13-12

Chairman Stuewe introduced PZC Case #13-12, Petitioners Thomas and Denise Hooten, and requested a motion to open the Public Hearing.

Mr. Forbes made the motion.

Mr. Schroeder seconded.

Everyone was in favor.

Thomas and Denise Hooten, 6536 157th Street, Oak Forest, introduced themselves and were sworn in.

Mrs. Hooten talked about their history in Oak Forest, noting that this is the third home they have purchased here. She stated that they purchased the property in question only because they were

assured they would be allowed to build a second garage. Since they have installed the approved driveway, they now would like to build the second garage. Mrs. Hooten supplied various exhibits. It was noted that the plat of survey is in the Petitioner's file.

Mrs. Hooten stated that the property will consist of the house, the existing attached garage and the proposed second garage. The existing shed is to be removed. She noted that half of the proposed garage will be used for storage and a workout room for her husband and three children, all of whom have Type 1 Diabetes.

Mrs. Hooten reiterated that the second garage was approved prior to their purchasing the property.

Chairman Stuewe asked whether the neighbors have been notified by mail. Mr. Melrose responded that all property owners within 250 feet have been notified. He stated that he received a letter from the resident at 6549 Courtney Drive, who disapproves of the Variance based on visual aesthetics.

Mrs. Hooten showed pictures of what the property looks like, noting where the proposed garage will be situated. Most of her presentation was not within range of the recording device. Chairman Stuewe noted that he has been to the property.

A discussion ensued about the size of the proposed garage. The Chairman noted that the Petitioners are asking for a 32% Variance, which calls for a supermajority vote.

Chairman Stuewe also noted that Mr. Melrose was unable to locate any document approving a second garage on the property in question, despite the Petitioners' claim that it was approved prior to their purchase of the home. Mr. and Mrs. Hooten noted that the second garage is shown on the plat of survey. Mr. Hooten added that he was actually approved for a 2-story garage with a balcony.

Mrs. Hooten stated that Mr. John Stanley signed off on the plat of survey that includes the proposed garage. Chairman Stuewe asked whether there had been a hearing in which the garage was voted on and approved.

Building Commissioner Gerdes stated that John Stanley was the Director of Public Works at the time of the plat of survey in question. At that time, Public Works controlled driveways but not garages. The plat of survey states: "If driveway can be

allowed in the area on the west side, please sign below". Mr. Stanley did sign that document; however, the plat of survey does not mention approval for the garage. The garage portion would have needed approval by Planning and Zoning and then by City Council. Mrs. Hooten stated that this is not what they were told.

Chairman Stuewe asked the Petitioners what hardship they would face if this second garage is not approved. Mr. Hooten stated that they moved two blocks, from a completely finished 4-bedroom home to the house in question which they have gutted and redone. Had they not been told that they could have the proposed second garage, they would not have moved to this house. Mr. Hooten noted that there was no room to put a garage on their former Pine Street property.

Mrs. Hooten pointed out that the houses behind theirs were not supposed to be built; however, since they were built, the Petitioners have had drainage issues. She noted that, since they installed the driveway on the side of their house, the flooding has ceased. She believes that constructing the proposed garage will alleviate other drainage problems.

Chairman Stuewe questioned how covering more area could help with flooding issues. Mr. Hooten talked about how the pitch and swale of the driveway has improved the flow of rain water to the street.

The Chairman voiced concern about the aesthetics of the proposed garage. He and the Petitioners discussed other issues, such as the Petitioners' motor home and trailer.

Mr. Wolf agreed with Commissioner Gerdes' explanation of the plat of survey. Mrs. Hooten conceded that there must have been a misunderstanding regarding the proposed garage at the time the plat of survey was signed by Mr. Stanley. She reiterated that they would not have purchased this property if they had known they could not build the proposed garage.

Mr. Wolf asked about the lot size. Mrs. Hooten stated the lot is 10,150 square feet. She noted that, even with the proposed garage, they will still be less than 50% total ground coverage.

Mr. Wolf asked whether the new Code will allow for a second garage on the lot in question. Mr. Melrose responded that, under the new Zoning Code, seconded garages are allowed; however, a

Variance must be 10% or less. He noted that the current/old Code requires a supermajority vote for anything more than a 10% Variance. Mr. Melrose and Mr. Wolf briefly discussed the property in question.

Mr. Wolf asked whether the Petitioner knows of a similar situation in the vicinity of their property. Mrs. Hooten cited a comparable property on 157th Street, 3 blocks west of Ridgeland. Much of their discussion was not within range of the recording device.

Chairman Stuewe talked about pictures of the previously-cited property. He explained that the proposed garage size would be out of place in the Petitioner's neighborhood. He also explained that this will need a supermajority vote.

Mr. Wolf commented that, if this size Variance is allowed, other Petitioners will expect to be allowed this size Variance.

Mr. Hooten mentioned that, at one time, a building permit had been issued for this garage; however, it was rescinded when he went to pick it up. Commissioner Gerdes stated that there is a 2006 application in the file, but it says "Withdrawn". Mr. Hooten reiterated that the Building Department okayed a blueprint for a 2-story garage with a patio at the front; however, when he went to pick up the permit, he was told they could no longer approve it.

Mrs. Hooten noted that, also in 2006, the City told them to turn their existing attached garage into living space so that they could then build a garage in the back. She stated that this would look worse than what they are requesting; however, she believes it would be approved because there would be only one garage. She stated that they are trying to make their property look nice.

Mr. Oostema asked what size garage the Petitioners could build within the range for a 10% Variance. Mr. Melrose responded that a Variance will be required, regardless of the garage size. Mrs. Hooten produced a document from the Building Department that allows for an 800 square foot garage. She believes the proposed garage is less than the 800 square feet.

In response to Mr. Hooten's question, Commissioner Gerdes confirmed that, according to the Zoning Code, if the Petitioner closed off his existing garage he would be allowed to build the

proposed garage up to 800 square feet. It was noted that the Petitioner also would have to eliminate the driveway leading to the existing garage because it would then be habitable living space.

In response to Mr. Oostema's earlier question, Mr. Melrose stated that the lot size would need to be 13,500 square feet in order for the proposed garage to fall within the 10% degree of relief for a second garage, under the new Code. Under the current Code, the lot would have to be 15,000 square feet in order to allow a second garage.

In response to Mrs. Danihel's unrecorded question, Mr. Melrose explained that the Petitioner's lot size is not sufficient to allow for any second garage without a supermajority vote, regardless of the garage size.

Mrs. Hooten added that they had decided to bring the garage closer to the house so that it would be away from the neighbors to the rear of their property.

There were no other questions or comments from the Commissioners.

Chairman Stuewe offered audience members an opportunity to speak.

Mr. Tom Klein, 6601 Courtney, Oak Forest, identified himself as the resident to the west of the neighbor directly behind the Hooten property. Mr. Klein was sworn in.

Mr. Klein voiced his opinion that the Petitioners' proposed garage (measuring 30' wide, 26' deep, with a 9' garage door and 16' peak) does not belong in a residential area. He talked at length about his opinion. Mrs. Hooten responded that they were told by the City, 2 months ago, that the peak could be 16' high. She agreed to make changes in order to comply with the ordinance.

Mr. Klein again spoke at length about his objections to the Hootens' proposal. He denied that the Hootens' new driveway has any bearing on rainfall drainage. He also stated that, rather than being considerate of the rear neighbors, the Hootens' garage would have had to be brought forward due to the 10' unbuildable easement.

Ms. Lynne Kaiser, 6549 Courtney, identified herself as the resident directly behind the Hootens' property and was sworn in.

Although Ms. Kaiser talked about the Hooten family in nice terms, she stated that she will need to sell her house one day and does not want the proposed garage right behind her deck. She noted that the lots are small to begin with and she needs to protect her resale value.

Mr. Dreznes, 6533 West 157th, Oak Forest, identified himself as the neighbor directly across the street from the Petitioners and was sworn in.

Mr. Dreznes voiced the opinion that the Hootens will make the proposed garage attractive, not an eyesore. He pointed out that Tom Hooten's brother and Denise Hooten's sister (Bill and Lisa Hooten) live next door to the Petitioners. He asked whether the City would consider the proposed garage for the combined Hooten properties. Chairman Stuewe stated that these are separate lots.

Mr. Dreznes voiced concern that the Hootens will move from Oak Forest if they cannot build a second garage, noting that they are wonderful neighbors and community members. He voiced many positive comments about the Hootens.

Mr. Ernest Lamm, 6504 West 157th Street (behind Fierke School) identified himself and was sworn in. He commented that he takes offense with Mr. Klein's comments about it not being an issue if someone built such a structure behind a house further east. He stated that he would be very angry if someone built the proposed garage on a property behind his.

Mr. Don Schmidt, 15821 Ridgeland, identified himself and was sworn in. Mr. Schmidt voiced concern that the proposed garage takes away from the integrity of the neighborhood because the lots are not large. He voiced suspicion about what the Hootens truly intend to use the garage for. He insisted that the structure in question will compromise the property values of everyone around them.

In rebuttal, Mrs. Hooten stated they purchased the side lot from the City; therefore, they have more property than almost everyone on their block. She noted that some of their neighbors have two sheds and a pool on a smaller lot than theirs, but she and her family are asking only for a garage. She does not see how this

garage will lower anyone's property value. In short, Mrs. Hooten disagreed with the comments of the audience members.

Mr. Hooten questioned how closing off the attached garage and building the proposed garage in his yard will change anything, pointing out that the garage will be seen either way. He and Ms. Kaiser briefly talked about the Hootens' reason for buying the house. Mrs. Hooten added that the City-proposed scenario will look ridiculous.

Mrs. Hooten did not care for one man's comment that she's 'a pretty girl' and should 'stay here'. She stated that they have no privacy in their yard, but this garage would provide some degree of privacy. She commented that she loves her Kaiser neighbors, but their deck is high and they can look right into the Hootens' house.

Mr. Hooten questioned Mr. Klein's objection to a 9' door on the proposed garage. If the peak is 15', why should Mr. Klein care about the door size? Chairman Stuewe stated that the Commissioners are not concerned about door opening.

Mrs. Hooten responded to a neighbor's concern about "race cars". She clarified that she, her husband and their children build junior dragsters that have a one-cylinder lawnmower-type motor. This is their family hobby. Their children race these on a track on weekends.

Chairman Stuewe asked whether the junior dragsters will be stored in the proposed garage. Mr. Hooten responded affirmatively, stating that the current garage isn't large enough for them. Mrs. Hooten clarified that the dragsters are kept in the trailer from April until October but would be stored and refurbished in the proposed garage during the winter months.

There were no other questions or comments from audience members.

Chairman Stuewe requested a motion to close the Public Hearing.

Mr. Wolf made the motion.

Mr. Cowgill seconded.

Everyone was in favor.

Chairman Stuewe requested a motion to recommend approval, by supermajority vote, of PZC Case #13-12, Petitioners Thomas and Denise Hooten, for a 32% Variance from the minimum lot size requirements of Chapter 9-101.D.2.a (from 15,000 square feet to 10,150 square feet) in order to build a second garage on the property located at 6536 West 157th Street, in accordance with the reviewed plans.

Mr. Oostema made the motion.

Mr. Cowgill seconded.

The Roll Call vote was taken as follows:

<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
	Mr. Oostema		
	Mr. Cowgill		
	Mr. Wolf		
	Mrs. Morrissy		
	Mr. Forbes		
	Mrs. Danihel		
	Mr. Ziak		
	Mr. Schroeder		
	Chairman Stuewe		

The motion to approve PZC Case #13-12 failed, 0/9.

The Chairman stated that this will not go before City Council but the Petitioners can speak with Mr. Melrose at a later time.

PUBLIC HEARING - PZC 13-13

Chairman Stuewe introduced PZC Case #13-13, Petitioner CNB Bank and Trust.

Mr. Fritz Meents, 241 Surf Drive, New Lenox, introduced himself and was sworn in. Mr. Andy Tinberg, the other representative, was not audible on the recording but was also sworn in.

Mr. Tinberg talked about the property at 5459 West 159th Street, stating that the building was purchased out of foreclosure in 2011, when it was in disrepair, and they have been renovating the property. At this time, they are updating the signage at the front of the property and are requesting a Variance in order to insert an LED panel into the existing sign board.

Mr. Melrose briefly talked about the dimensions (4' x 9', 23' to the top, 19' from the ground). He cited the Code, 'Electronic message center areas shall not exceed 25% of an area of the sign to which it is part'.

Noting that 30 square feet would be the requirement in this instance, Mr. Melrose asked whether the Petitioner would object to bringing the face/reader of the sign to 4' x 7.5'. Mr. Tinberg responded that the reader panels come in specific sizes and are not custom made. He noted that the next size would either be significantly smaller or significantly larger. He added that the proposed LED panel fits inside the existing sign, so no change would be made to the current sign structure.

Chairman Stuewe asked whether the Petitioner would replace the existing 'CNB' section with the LED panel. Mr. Tinberg responded affirmatively. Mr. Meents confirmed that the existing panel and the LED panel are both 4' x 9'.

The Chairman asked about the drawings for future signage. Mr. Tinberg indicated that they will comply with Code and do whatever is necessary to improve the aesthetics and continue to be a leader, as an example for neighboring businesses to renovate and improve their properties as well.

Chairman Stuewe asked about the amortization timeline for the sign in question. Mr. Melrose confirmed that the amortization schedule is 5 years from the time the Code is established and letters are sent to the businesses.

Mr. Meents asked for clarification. Mr. Melrose explained amortization of non-conforming signs. A discussion ensued about the sign in question not conforming to the new Code, which also requires decorative materials.

Mr. Fritz asked when the new Code will be in place. Mr. Melrose responded "December or January", stating that the amortization timeline would be 5 years from that point.

Chairman Stuewe talked about the height and dimensions of the sign and suggested moving it closer to the regulations of 8' to 10'. Mr. Tinberg asked for clarification. Mr. Melrose stated that the new Code regulation is from the top of the electronic message center.

Mr. Tinberg stated that the signs view better/pixilated when you get close to them; therefore, the closer they are to the ground/street level, the worse the display will look. If the sign is moved lower, the view-ability will be affected; however, he did agree to lower the sign if required.

The Chairman asked if the sign is double-sided. Mr. Tinberg responded affirmatively.

Mr. Wolf asked about a picture of proposed future signage. The picture/drawing was produced and a discussion ensued.

Mr. Wolf asked whether the LED would be signage or movie-type. Mr. Tinberg responded that, although the sign has video capability, the Petitioner's intent is to run community-based text messages.

Mr. Melrose pointed out that the electronic message center standards exclude the display of animated graphics. Mr. Tinberg agreed that the Petitioner will comply with the new Code.

Mr. Wolf reiterated that the videos are a distraction. Mr. Tinberg reiterated that videos are not in keeping with a financial institution and the Petitioner does not intend to use the sign for videos.

Mr. Tinberg stated that the LED panels that will be placed in the existing box can be removed and placed in a new sign standard in the future. Mr. Meents confirmed this.

Mr. Wolf asked whether the existing sign structure will be used with the new LED panels. Mr. Tinberg responded affirmatively. He added that the name on the panel also will be changed from 'Rose Plaza'.

The Chairman asked about upgrading the other businesses' signs. Mr. Tinberg stated that they are negotiating with Hair Cuttery regarding a full-gut renovation. He added that the remaining store soon will be occupied and generating sales revenue.

Mr. Wolf asked whether the sign will have enough room for all tenants. Mr. Tinberg responded affirmatively, noting that the ATM sign will be removed to make space for the final tenant.

Mr. Cowgill asked whether the reader board will be considered the monument sign for all the businesses in this plaza and what types of advertisements will run on it. Mr. Tinberg stated that they have not contemplated allowing the tenants to use the reader board sign. He talked about various types of information that will run on the reader board.

Mr. Cowgill and Mr. Tinberg discussed use of the sign. Mr. Tinberg explained that the bank intends to be involved in the community and will run community information on the sign.

Mr. Wolf asked whether the Petitioner will be installing the reader board soon. Mr. Tinberg responded affirmatively, stating that the money has been set aside for this project.

There were no other questions or comments from the Commissioners. Chairman Stuewe opened the meeting to questions/comments from the audience. No one came forward.

Chairman Stuewe asked for a motion to close the Public Hearing.

Mrs. Danihel made the motion.

Mr. Forbes seconded.

Everyone was in favor.

Chairman Stuewe requested a motion to recommend approval of PZC Case #13-13, Petitioner CNB Bank and Trust, for a Special Permit to construct an electronic message center on the existing sign located at 5459 West 159th Street, in accordance with the reviewed plans.

Mr. Schroeder asked for clarification about a Condition referred to in the Staff report. Mr. Melrose responded that the Condition is no longer relevant.

Mrs. Danihel made the motion.

Mr. Schroeder seconded.

The Roll Call vote was taken as follows:

<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Mrs. Danihel			
Mr. Ziak			
Mr. Oostema			
Mr. Schroeder			
Mr. Cowgill			
Mr. Wolf			
Mrs. Morrissy			
Mr. Forbes			
Chairman Stuewe			

The motion to approve PZC Case #13-13 carried, 9/0.

The Chairman stated that this will go before City Council on December 9th.

DESIGN REVIEW

Chairman Stuewe introduced the Design Review for Gas Mart USA who is looking for approval of new signage for the change of business branding of the gas station located at 15229 South Cicero Avenue, currently known as Philips 66.

Mr. Melrose stated that Gas Mart USA will rebrand the Philips 66 station to a Citgo, requiring new signage. He noted that Gas Mart USA intends to create a brick monument sign.

Chairman Stuewe asked about the brick color, stating that it should match the building itself. He and Mr. Melrose discussed red versus white brick.

Mr. Wolf asked for clarification of something in the packet. It was confirmed that the 27' sign is being replaced by a monument sign with landscaping. Mr. Melrose added that address lettering may be placed on the sign's base.

Someone asked whether the monument sign will be immediate. Mr. Melrose responded affirmatively.

Chairman Stuewe requested a motion for Design Review approval for the change of business branding signage from Philips 66 to Citgo at the property located at 15229 South Cicero Avenue.

Mr. Cowgill made the motion.

Mr. Schroeder seconded.

The Roll Call vote was taken as follows:

<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Mr. Cowgill			
Mr. Wolf			
Mrs. Morrissy			
Mr. Forbes			
Mrs. Danihel			
Mr. Ziak			
Mr. Oostema			
Mr. Schroeder			
Chairman Stuewe			

The motion for Design Review approval carried, 9/0.

APPROVAL OF MINUTES

Chairman Stuewe requested a motion to approve the minutes of November 6th, 2013. No additions, deletions or corrections were requested.

Mr. Forbes made the motion.

Mrs. Danihel seconded.

The Roll Call vote was taken as follows:

<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Mr. Forbes		Mr. Oostema	
Mrs. Danihel			
Mr. Ziak			
Mr. Schroeder			
Mr. Cowgill			

Mr. Wolf
Mrs. Morrissy
Chairman Stuewe

The motion to approve the minutes of November 6th, 2013 carried,
8/0, with One ABSTAIN.

UPCOMING MEETINGS

Mr. Melrose stated there is nothing on the December 4th agenda.
For the December 18th agenda, he has received an application for
rezoning and a variance on Kedvale. Building Commissioner Gerdes
briefly talked about issues involved with the property in
question, noting that the structural engineer feels that the
Petitioner can rehab the house as opposed to demolishing it.

ADJOURNMENT

Chairman Stuewe requested a motion to adjourn.

Mrs. Danihel made the motion.

Mr. Oostema seconded.

Everyone was in agreement and the meeting adjourned.

CHAIRMAN JAMES L. STUEWE