

CITY OF PALOS HEIGHTS



Planning and Zoning Committee Meeting Minutes August 27, 2019

Call to Order

Chairman Clifford called the meeting to order at 7:00 p.m. on August 27, 2019. In attendance were: Chairman Clifford, Alderman McGovern, Alderman Key, Community Development Coordinator Ken Busse, and Recording Secretary Charlotte Moore. Also present were the petitioners and residents. Alderman McGrogan was absent.

Approval of Minutes

Chairman Clifford called for approval of the minutes of the June 25, 2019. Planning & Zoning meeting. So moved by Alderman Key and seconded by Alderman McGovern. All in favor and motion carried.

Docket 2019-05: 2019 Comprehensive Plan and 2019 Parks & Recreation Master Plan commissioned by the City and prepared by Teska and Associates, Inc. On July 15, 2019, the Planning and Zoning Commission motioned to approve both Plans with revisions listed in the motion (see 7/15/19 Commission Meeting Minutes). Those revisions were made, and a hard copy of each Plan was placed in the Inbox of each Alderman on August 6th. Those revised Plans are now the subject of the Planning & Zoning Committee's consideration for possible approval.

Planning and Zoning Commission Vote (Monday, 7/15/19): 6 Yes, 0 No; Motion carried

Chairman Clifford opened the floor for public comment.

Mr. Bob Grossart, resident of Palos Heights and Chairman of the BEAC committee, approached the podium and thanked the committee for giving him the opportunity to speak. Mr. Grossart explained that the Comprehensive Plan has been reviewed numerous times by the BEAC committee. The Comp plan is used by the BEAC committee as a basis for making decisions. Mr. Grossart passed out a memo that was included in the agenda packet.

Next, Mr. Michael Googan, resident of Palos Heights and member of the BEAC committee approached the podium to read the following memo by members of the BEA Committee.

We, the members of the BEAC Committee, recommend the property located at the northeast corner of Rte. 83 & Harlem be improved as a "Gateway" to the City of Palos Heights.

It is most important to be mindful of, and keep current, the past and present work of multiple consultants engaged by our elected leadership, our administration, as well the many hours of debate and discussion various committees have had to direct and develop a vision for Palos Heights. We specifically refer to the approved 2005 Gateway TIF Plan, the approved 2008 Comprehensive Plan by Houseal Lavigne, and the nearly approved 2019 Comprehensive Plan update by Teska & Associates. Each plan refers to gateway parcels as having critical and potentially positive impacts on our community. References to the importance of these gateway parcels can be found on pages 8, 19, 29, 58 & 60 within the 2019 Comprehensive Plan update.

The Business & Economic Advisory Committee believes the northeast corner parcel, currently owned by Spectrum, should become a “**GATEWAY**” to Palos Heights, creating a visual sense of arrival and place as you enter our great little city from the north. A sense that “you have arrived” in a special and unique community. In each of the plans mentioned, it is stated, suggested and encouraged that our city has gateway parcels that capture the unique character and identity of Palos Heights. This particular northeast corner parcel is a “**HIGH VALUE**” parcel not in a financial sense, but rather in a community character sense. This parcel could be used and or developed in a number of ways to “enhance” the character and value of our city for current and future residents and businesses. We believe this parcel should “**SPECIFICALLY**” be considered as a gateway parcel, and that thoughtful discussion and debate should occur by City commissions and committees when presented a development proposal.

The BEAC Committee is charged with encouraging and promoting business within our city. We firmly believe gateway parcels, such as this one, when thoughtfully improved will foster future enhancements to and the character of our city. We also believe that the revenue generated by gateway developments and tenants “should not” be the principal consideration of development approval over key gateway sites.

The opportunity for directing and or controlling this key gateway parcel is now.

Currently, while a gas station developer may soon present a proposal for the northeast corner of Harlem Avenue and College Drive (Rte. 83), we strongly recommend against “any” consideration of a gas station at this key gateway, as it completely deviates from each comprehensive plan approved by the City.

The BEAC Committee also encourages and strongly recommends that the city discuss purchasing the property in order to control the destiny of this parcel. This action would allow the City to discuss, debate and develop this gateway parcel in the best interest of the city as a whole. Furthermore this parcel resides within the 2005 Gateway TIF and we encourage the City to consider utilizing funding made available through TIF to acquire this key gateway parcel.

The opportunity to skillfully improve this key gateway parcel for the entire city is NOW. We strongly encourage all elected officials and committee members to thoughtfully consider its future use and character as it relates to the community and Palos Heights as a whole.

Thank you for your thoughtful consideration of this timely and important matter.

Respectfully,
Robert P. Grossart, Chairman
And Members of the BEA Committee
Business / Economic Advisory Committee

Alderman Key asked Mr. Grossart if he is satisfied with the Gateway language that is in the Comprehensive Plan. Mr. Grossart feels that after reviewing the plan it adequately describes what the Gateway property should be.

Chairman Clifford went enumerated some minor changes required in the Parks & Recreation Master Plan, including corrections to alderman names, steering committee names, addition of Recreation Advisory Board, Mr. Nisavic’s name being Daniel rather than Dan, and an update to Goal 7 to read “Develop Acquire Land in SE Palos Heights for a New Park.

Ken Busse mentioned that other minor corrections would be made, such as where the word Village appears instead of City.

Alderman Key wants to make sure the parkland near City Hall is properly named in the Parks & Recreation Master Plan. For example, should the entire park, including all its multiple use components, simply be named “Community Park”? Or, should each component be named separately, e.g., Nabel Woods, Memorial Park, and Community Park. It might make a difference when we are going for capital accreditation. There was some discussion on Nabel Woods (76th Ave). Ken Busse will check with Matt Fairbanks and Dan Nisavic. Alderman Key and McGovern believe Nabel Woods is part of Community Park.

Motion

Alderman Key moved to approve the 2019 Comprehensive Plan and 2019 Parks & Recreation Master Plan with the changes as discussed by the Planning & Zoning Committee, seconded by Alderman McGovern. All in favor and motion carried. **AGENDA**

DOCKET 2019-06: a petition filed by Paul Behrman...

To allow a Small Residential-Care Home to operate as a Special Use within the residence located at 12313 S. 74th Avenue, and contained on PIN: 23-25-406-002-0000.

ZBA Vote (Monday, 8/19/19): 6 Yes, 0 No; Motion carried

Mr. Stan Pavilonis approached the podium to speak on behalf of Mr. Paul Behrman to explain the special use request. Stan’s son Michael will be one of four residents residing in the house. The homeowner, Mr. Paul Behrman, is requesting a special use as City Code requires for Small Residential-Care Homes, which provide supervision and daily living care for the young adults residing in the home. The boys are getting older and need a place of their own. They do need assistance with everyday tasks. Mr. Pavilonis mentioned that no construction on the home has begun until this process is done.

Alderman Key asked if this house is classified as an “R” Residential District. Chairman Clifford stated the house is currently R, and there is no proposed or requested zoning change.

Ken Busse mentioned that for Small Residential-Care Homes, there is a limit of 6 inhabitants, whether in an R or R-1 District.

Mr. Mengoni of UCP Seguin approached the podium. Mr. Mengoni is Vice President of adult residential & clinical services at UCP Seguin. Mr. Mengoni explained that UCP Seguin will provide assistance for daily living skills, skill acquisition and things like that. There will be no one contracted to live there with the residents. This is a family owned home, for the homeowner’s son and his friends. There will be one or one and half staff members, working in shifts (3pm to 11pm and 11pm to 9am). Between the hours of 9am and 3pm the guys will be at their day programs or work activities, and staff will not be needed.

Questions/Comments from the audience:

Pam Martin, residing at 12303 S 74th Ave, approached the podium to express concerns regarding the forming of an LLC and why the number of residents increased.

According to Mr. Mengoni, the plan has always been to have 4 individuals residing in the house. In terms of the LLC, Mr. Behrman has created the LLC for the purpose of collecting rent from the different residents. It is not a business.

Pam Martin feels that collecting rent makes the home a business.

Chairman Clifford explained that the home is owned by Mr. Behrman for his son to reside and are hiring on outside contractor to care for his son and friends. The attorney has checked everything out. There will be no infringement on any of the neighbors. The building department will make sure everything will be done safely.

Alderman Key moved to approve a Small Residential-Care Home at 12313 S 74th Avenue, seconded by Alderman McGovern. All in favor & motion carried. **AGENDA**

Tom Ryan, a resident of Oak Lawn and boyfriend of Pam Martin, approached the podium and inquired whether the special use is a written document that can be reviewed. Chairman Clifford said it is an ordinance under special use. Mr. Ryan believes four people living in the house paying rent would change the zoning of the residence to multi-family. Chairman Clifford said the City's attorney said it does not change the zoning of the parcel or zoning code.

Ken Busse stated that City Ordinance O-90-31, adopted in October 1990, defines both Large Residential-Care Homes, and Small Residential-Care Homes as residences for persons with a disability where skilled care for daily living activities is provided. This code is available online, and allows such residences as a special use within the R and R-1 residential districts. Mr. Behrman is taking the appropriate steps as is required under our current code.

Alderman Key mentioned that this will have to go to City Council for a final vote. Mr. Ryan can attend the city council meeting and speak directly with the city attorney.

Mr. Ryan also expressed concern that property values of adjacent homes will decline.

DOCKET 2019-07: a petition filed by Santos Gonzales and Anna Moore...

To allow a 19-foot Front Yard Set-Back along Comanche Drive for a fence, a 23-foot Front Yard Set-Back along Comanche Drive for a pool, and a 3-foot Side Yard Set-Back along the northwesterly lot line for a pool at the residence located at 7400 W. Kiowa Lane, and contained on PIN: 23-36-214-027-0000.

ZBA Vote (Monday, 8/19/19): 6 Yes, 0 No; Motion carried

Anna Moore, residing at 7400 Kiowa Lane, approached the podium and explained that she is asking approval for a setback variance for her fence along Comanche Drive. Anna Moore would like to remove the wrought iron fence and install a vinyl fence that matches the look and setback of the neighbor's fence. Pictures were shown illustrating the fence along Comanche Dr. With permission of the new and relocated fence, the homeowner would like to install an above ground pool, which also requires a setback variance.

Ken Busse clarified that because the house is on a corner both sides are considered front yards, and therefore setback standards for front yards apply to each street side of the house.

Chairman Clifford mentioned the yard is in a Drainage and Utility Easement. Chairman Clifford reported that the Public Works director, Adam Jasinski, is concerned with the installation of a pool within such an Easement. Adam Jasinski concerns include storm water drainage, and access to utilities for repairs to existing utilities or installation of future utilities not yet known.

Chairman Clifford questioned the addition of a gazebo in the backyard. The building commissioner said a permit was not issued and the gazebo was not inspected. Anna Moore was not aware that she needed a permit for a metal gazebo bought from Lowe's. It is not a permanent structure.

Alderman Key questioned if there is another option for locating the pool due to the Drainage Easement. Anna Moore state there is not enough yard space to locate the pool elsewhere.

Alderman Key asked if the ZBA was aware of the issue with the drainage easement when they voting in favor of the petition. Ken Busse stated that they voted before hearing form the public works department. Alderman Key feels their vote is misleading, because they didn't take into consideration the issue with the drainage easement. Alderman Key stated he would like to send this back to the ZBA for another look. Ken Busse will consult with Tom Brown whether we have to publish another legal notice, or whether a meeting can simply be set to continue the hearing.

Alderman Key suggested meeting with public works to see whether the installation of a pool is somehow possible. The homeowner also needs to meet with the building commissioner regarding the inspection of the gazebo.

Chairman Clifford mentioned that the gazebo needs to be anchored down. Wind can blow the gazebo into a neighbor's yard. Chairman Clifford directed that the gazebo matter first be addressed before the fence and pool matter are returned to the ZBA. Alderman Key believes this type of gazebo isn't meant to be a permanent structure.

Anna Moore questioned what happens when the pool is not approved, what about the fence? Since it looks like the pool is not going to be approved. Chairman Clifford would like to handle it all at once. Alderman Key feels the fence is the least of the problems.

Alderman Key made a motion to approve the fence being built, provided the homeowners take care of the gazebo. Before this goes back to the ZBA, Alderman Key would like for Ken Busse to ask if there was a different pool configuration or additional drainage under the pool, then could the pool be allowed. Alderman McGovern doesn't feel a motion should be made when there is an issue with the unpermitted gazebo. Chairman Clifford would like for it all to go back to the ZBA.

Alderman McGovern suggested that the homeowner meets with the building commissioner and public works director this week to get the plan down solid before returning for another meeting.

Chairman Clifford made a motion to refer DOCKET 2019-07 back to the ZBA for further consideration with the additional information provided by the public works director. All in favor & motion carried.

Alderman Comments

Chairman Clifford announced that on September 12th at 5:00pm there will be a ceremony at the municipal parking lot on Harlem Avenue to dedicate the waterfall in honor of Jean Gnap. All are welcome to attend.

Adjourn

There being no further business, Alderman Key moved to adjourn, seconded by Alderman McGovern. All in favor and motion carried. Meeting adjourned at 8:15 pm

Respectfully submitted

Charlotte Moore
Recording Secretary