

ZONING BOARD OF APPEALS
MINUTES OF AUGUST 14, 2013 – 7:00 P.M.

1. The regularly scheduled meeting of the Zoning Board of Appeals was called to order at 7:00 p.m.
2. A quorum was present. Marzena Szubart, Kathy Mennella, Bruce Boreson, Chairman Mark Cwik, Frank Grieshamer, Gil Snyder, Lisa Manzo (Secretary), Village Attorney Matt Welch, John Schneider (Director of Community Development) and Patrick Ainsworth (Planner). All members were present.
3. Member Grieshamer made a motion to accept the amended minutes of July 10, 2013. The motion was seconded by Member Mennella and approved to place them on file as presented.
4. New Business: ZBA 13-15
Angelo Sisco – Showtime Fitness
9100 Belden – Unit A
12-34-211-009-0000

Chairman Cwik stated that this hearing is for a Conditional Use for a Health Club/Gym per 9-6B-3 of the Franklin Park Zoning Code.

Member Grieshamer made a motion to enter in any and all department reports, memos, and testimony into the record. Member Mennella seconded the motion. All in favor. The motion was carried.

Chairman Cwik called the petitioner(s) up at this time. He asked if they can sign in and be sworn in. Mr. Angelo Sisco, petitioner and Mr. John Carrozza, attorney, came forward. They signed in and were sworn in.

Mr. Sisco gave a brief presentation on this hearing and discussed their plans to move his business from Unit B into Unit A. It is a strength and conditioning facility used for personal training and small group training.

The members discussed that they were under the impression that this business was expanding from Unit B into Unit A. Mr. Sisco stated that as of the present time, he is moving from B to A. He continued that possibly in the future he will encompass both Units.

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Mr. Carrozza came forward and entered into the record Group Exhibit A which are eight (8) photos; six (6) viewing the exterior of the property and two (2) showing the inside of the property. The six (6) of the exterior show the front, side and rear of the property in question.

Mr. Carrozza stated that his client will have sufficient parking for this business. He calculated that there is space for six (6) cars on the side, between six (6) to nine (9) in the rear, three (3) on the apron, and three (3) parallel in front.

The members stated that they would like parking confirmation from the property owner to ensure that Mr. Sisco has sufficient parking.

Chairman Cwik opened this hearing to the public at this time. Any person or persons coming to speak, should sign in and be sworn in before giving any testimony. Public session began at 7:22 p.m.

Mr. Tom Kane, 9101 Medill building owner came forward at this time. Mr. Kane signed in and was sworn in. He stated specifically that he has no issues with Mr. Sisco's business. He did, however have traffic congestion issues with the business that recently moved out of the space at 9100 Belden.

Mr. Michael Sharp, building owner of 2237 Finley came forward at this time. Mr. Sharp signed in and was sworn in. Mr. Sharp was confused as to why he received a public notice for this hearing this evening and how this will affect him. The members responded that building owners within a certain distance around the proposed hearing will receive a public notice.

Chairman Cwik closed this hearing to the public at this time.

Board Discussion began at 7:26 p.m.

The members discussed this hearing at this time and are happy that this petitioner is expanding his business in Franklin Park. They were concerned about the parking situation and want to ensure that they have enough spaces to accommodate his clients.

Board Discussion ended at 7:34 p.m.

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Attorney Carrozza came back forward at this time. He responded to questions and indicated the parking can accommodate customers on the apron and in front of the building. The members stated that the front of the building is Village property and customers and employees will not be able to park there. That cannot be calculated as part of Mr. Sisco's parking.

Member Grieshamer made a motion to "approve ZBA 13-15 for 9100 Belden, Unit A, for a Conditional Use for a Health Club/Gym per 9-6B-3 of the Franklin Park Zoning Code with the following conditions: 1. That an agreement/affidavit be submitted from the property owner allotting that six (6) parking spaces be reserved for Mr. Sisco's business for Unit A; 2. That there will be no on-street parking used by customers and employees; 3. That the applicant and property owner conform with all other applicable regulations as found in the Franklin Park Village Code." Member Mennella seconded the motion. Roll Call Vote. Member Szubart-Yes; Member Mennella-Yes; Member Boreson-Yes; Member Snyder- Yes; Chairman Cwik-Yes; Member Grieshamer-Yes. Six (6) Ayes, Zero (0) Nays, Zero (0) Absent, Zero (0) Abstain. The motion was carried.

Chairman Cwik reminded the applicant that this is a recommending body and all final decisions will be made by the Village Board of Trustees.

Chairman Cwik thanked everyone for attending this evening.

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5. New Business: ZBA 13-16

Nick Cosentino – “All Star Wings”
9505 Grand Avenue
12-27-300-019-0000

Chairman Cwik stated that this hearing is for a Conditional Use for the operation of a restaurant per Section 9-5B-3 of the Franklin Park Zoning Code.

Member Grieshamer made a motion to enter in any and all departmental reports, memos, reports, answers to the standards and any new reports, information and testimony into the record. Member Mennella seconded the motion. All in favor. The motion was carried.

Chairman Cwik called the petitioner(s) up at this time. He asked if they can sign in and be sworn in. Mr. John Cassidy, petitioner, and Mr. Nick Cosentino, petitioner, came forward. They signed in and were sworn in.

Mr. Cassidy gave a brief presentation on this hearing and discussed their prospective new business. He stated that this will be a sports themed restaurant specializing in the sale of wings in a variety of flavors. They will also have burgers, chicken sandwiches, beef, sausage and various fries and appetizers. They will have flat screen televisions and surround sound for all the ball games and sporting events. Mr. Cassidy continued that they previously had a zoning hearing on March 13, 2013 (ZBA 13-04) for the address located at 9507 Grand. Since that hearing, the property owner’s intention was to move All Star Wings into 9505 Grand. This is what prompted another zoning hearing.

Mr. Cassidy and Mr. Cosentino stated that all information and testimony is exactly the same from zoning hearing 13-04 and should be applied to this hearing as well.

Member Grieshamer asked for the record the hours of operation for this business. Mr. Cassidy stated that it would be 10 a.m. to 11 p.m. on the weekend and 10 p.m. during the week.

Chairman Cwik opened this hearing to the public at this time. Chairman Cwik stated that since no public came forward, he closed public session.

Board Discussion began at 7:42 p.m.

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The members discussed the case at this time and reviewed all the paperwork in the packets. They stated that it is identical information from their previous hearing in March. They discussed that if there were any conditions placed on this business from the March hearing, that they be applied to this hearing as well.

Board Discussion ended at 7:44 p.m.

Member Grieshamer made a motion to “approve ZBA 13-16, for 9505 Grand Avenue, for a Conditional Use for the operation of a restaurant per Section 9-5B-3 of the Franklin Park Zoning Code with the following conditions from ZBA 13-04: 1.) that all employees park on the property and off the street; 2.) that this proposed use complies with all applicable regulations at all times and that the use of the property complies with all other codes and ordinances of the Village of Franklin Park and.” Member Mennella seconded the motion. Roll Call Vote. Member Szubart-Yes; Member Mennella-Yes; Member Boreson-Yes; Member Snyder- Yes; Chairman Cwik-Yes; Member Grieshamer-Yes. Six (6) Ayes, Zero (0) Nays, Zero (0) Absent, Zero (0) Abstain. The motion was carried.

Chairman Cwik reminded the applicant that this is a recommending body and all final decisions will be made by the Village Board of Trustees.

Chairman Cwik thanked everyone for attending this evening.

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6. New Business: ZBA 13-14
Village of Franklin Park
9500 Belmont Avenue

Chairman Cwik stated that this hearing is for a Text Amendment to Section 9-1-3, 9-5B-3 and 9-8-4 of the Franklin Park Zoning Code.

Member Grieshamer made a motion to enter in any and all department reports, memos, reports and testimony into the record. Member Mennella seconded the motion. All in favor. The motion was carried.

Chairman Cwik called the petitioner up at this time. He asked if he can sign in and be sworn in. Mr. Patrick Ainsworth, petitioner, came forward. He signed in and was sworn in.

Mr. Ainsworth gave a brief presentation on this hearing to the members. He discussed three (3) additions and amendments to these code numbers as follows:

Text Amendment to Village Code section 9-1-3 Rules and Definitions

AMEND Sporting Goods Store – A retail operation in which sporting equipment and complementary items are sold for consumer use, this use shall not sell “air rifles” unless the applicant applies under the Conditional Use application process

ADD Air rifle Shop/Dispensary – A retail operation in which air guns, air pistol, paint ball guns, pellet guns, spring guns, spring pistols, and B-B guns and any other implement that is not a fire arm which impels a breakable paint ball containing washable marking colors or, a pellet constructed of hard plastic, steel, lead or other hard materials with a force that reasonably is expected to cause bodily harm.

Text Amendment to Village Code section 9-5B-3 C-2 Conditional Uses

AMEND Body art shop (tattoo and piercings), except that such uses shall be limited to Grand Avenue from the eastern side of Mannheim Road east to the western side of Martens Street. No such use shall be granted within ~~two thousand six hundred forty feet (2,640')~~ **five thousand two hundred eighty feet (5,280')** of any preexisting body art shop.

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ADD Air rifle Shop/Dispensary, Any business establishment that sells any device classified as an air rifle which includes: air guns, air pistol, paint ball guns, pellet guns, spring guns, spring pistols, and B-B guns and any other implement that is not a fire arm which impels a breakable paint ball containing washable marking colors or, a pellet constructed of hard plastic, steel, lead or other hard materials with a force that reasonably is expected to cause bodily harm. This land use shall be limited to Grand Avenue from the eastern side of Mannheim Road east to the western side of Martens Street and no such use shall be granted within five thousand two hundred eighty feet (5,280') of any preexisting air rifle shop/dispensary; no use shall be granted within one thousand feet (1,000') of any existing academic institution property

Text Amendment to Village Code Section 9-8-4, Schedule of Parking Requirements under Service and Institutions.

ADD Health Clubs/Gyms - 1.0 space per employee plus 1.0 space per each 3 attendees based on rated design capacity.

Chairman Cwik opened this hearing to the public at this time. Chairman Cwik stated that since no public came forward, he closed public session.

Board Discussion began at 8:10 p.m.

The members discussed this hearing and discussed the areas of the Village in which this will apply toward.

Board Discussion ended at 8:11 p.m.

Member Grieshamer made a motion to “approve ZBA 13-14 for a Text Amendment to Section 9-1-3, 9-5B-3 and 9-8-4 of the Franklin Park Zoning Code.” Member Mennella seconded the motion. Roll Call Vote. Member Szubart-Yes; Member Mennella-Yes; Member Boreson-Yes; Member Snyder- Yes; Chairman Cwik-Yes; Member Grieshamer-Yes. Six (6) Ayes, Zero (0) Nays, Zero (0) Absent, Zero (0) Abstain. The motion was carried.

Chairman Cwik reminded the applicant that this is a recommending body and all final decisions will be made by the Village Board of Trustees.

Chairman Cwik thanked everyone for attending this evening.

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7. Old Business: None.

Mr. Ainsworth and Mr. Schneider discussed the topic of submitting updated Plats of Surveys for Zoning Board cases. Chairman Cwik stated that this rule should be enforced that plats of survey should not be accepted if they are one year old or older. If the survey is older, and no changes have been made, then the plat of survey can be re-certified.

Mr. Ainsworth and Mr. Schneider updated the members on projects and developments taking place in the Village at this time.

Mr. Schneider discussed new businesses in the Village that are expanding and adding more jobs.

Mr. Ainsworth and Mr. Schneider mentioned that on August 29, 2013 there will be an End of Summer Fest and Car Show at Phase 2 of the Crossings. It will be a free event with the Stingrays as the performing entertainment. It should be a fun event for all families to attend.

Mr. Ainsworth and Mr. Schneider stated that the next scheduled Zoning Board of Appeals hearing will take place in the court room of the new Police Station.

8. Public Comment: None.

9. A motion was made by Member Griashamer to adjourn the meeting of the Zoning Board of Appeals. It was seconded by Member Mennella. All in favor. Motion carried.

The meeting adjourned at 8:16 p.m.

Respectfully Submitted,

Lisa M. Manzo
Secretary