

ZONING BOARD OF APPEALS
MINUTES OF OCTOBER 9, 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 minutes of September 11, 2013. The motion was seconded by Member Mennella and approved to place them on file as presented.
4. New Business: ZBA 13-18
Shelby's – Laredo Hospitality
2735 Mannheim Road
12-28-132-009-0000, 12-28-300-030-0000, 12-28-300-031-0000

Chairman Cwik stated that this hearing is for a Conditional Use for a Restaurant per 9-5C-3 of the Franklin Park Zoning Code.

Member Grieshamer made a motion to enter in any and all department reports, memos, new and revised reports 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. Gary Leff, Ms. Charity Johns, petitioners, and Mr. Nicholas Vittore, representative for Svigos Asset Management, building owner, came forward. They signed in and were sworn in.

Mr. Leff gave a brief presentation on this hearing and discussed their plans for a new restaurant. Mr. Leff stated that his company, Laredo Hospitality is behind the concept of some famous institutions such as Stir Crazy, Cosi, California Pizza Kitchen, Starbucks and Jamba Juice.

Mr. Leff stated that his new restaurant will be a café style environment catering to patrons and the demographic of people who are “over the bar scene”. They will be serving Americana type cuisine and have approximately eleven (11) tables, seating 30-35 in the 1,650 square foot space.

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Member Grieshamer asked what the hours of operation will be. Mr. Leff stated that hours will be Sunday through Thursday from 7:00 a.m. to 11:00 p.m. and Friday and Saturday from 7:00 a.m. to Midnight.

The members discussed that the dumpster by Village Code is required for this new location to be enclosed, and were concerned that the other dumpsters in the rear of this strip mall should also be enclosed.

Chairman Cwik called up Mr. Vittore and asked if the building owner plans to erect dumpster enclosures for the property. Mr. Schneider stated that he intends to have a meeting with Mr. Svigos, Mr. Vittore and Mr. Cupello, Director of Building to discuss this issue.

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 7:15 p.m.

There was minimum discussion regarding this hearing. The members discussed that the dumpsters that are located in the rear of this strip mall should be enclosed. Mr. Welch stated that the dumpster will be covered under the condition that this new use shall comply with all applicable rules and regulations of the Village.

Board Discussion ended at 7:20 p.m.

Member Grieshamer made a motion to “approve ZBA 13-18 for 2735 Mannheim, for a Conditional Use for a Restaurant per 9-5C-3 of the Franklin Park Zoning Code with the following conditions: 1. That this proposed use complies with all applicable regulations at all times.” 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 13-19
Village of Franklin Park
9500 Belmont

Chairman Cwik stated that this hearing is for a Text Amendment to the Franklin Park Zoning Code Sections 9-1-3, 9-5D-2, 9-5D-3, 9-6A-3 and 9-8-4.

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 up at this time. He asked if he can sign in and be sworn in. Mr. Patrick Ainsworth, Village Planner, came forward. He signed in and was sworn in.

Mr. Ainsworth gave a brief presentation to the members and stated that this Text Amendment to was to add some language into the current codes and omit others for the purposes of consistency and uniformity. Mr. Ainsworth continued that by the prospective changes, would no way alter anything to do with the other recent ordinances that the Zoning Board of Appeals recently recommended for approval.

The following language is what is proposed:

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

ADD Grocery Store – A retail operation which is devoted to the sale of food products, beverages, cleaning supplies, pet food and supplies, pharmaceuticals, over-the-counter medicines, personal products, household goods, books and magazines, plants, and/or other sundry and similar items are available to be purchased by the consumer. This land use may also accommodate for the sale of prepackaged alcohol sales as an accessory use, but subject to any all regulations dictated by the established liquor license categories as shown in Franklin Park Village Code Title 3.

ADD Livery – An operation in which any privately-owned First Division vehicle or Public Transportation vehicle which are intended to be used for the transportation of persons when the payment is not based on a meter charge but is prearranged for a designated destination. All vehicles associated with this land use must contain a license plate designated for the transportation of people as identified in Section 1010.430 of Illinois Administrative Code or as otherwise required by Illinois law

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Text Amendment to Village Code 9-5D-2 - Permitted Uses Commercial-Manufacturing

ADD Accessory uses, however, for purposes herein, parking for more than one hour or storage of trucks, trailers and other commercial vehicles, which exceed one and one-half (1 1/2) tons in capacity, is an allowable accessory use only on zoning lots which contain an active principal use and at least one loading berth

Text Amendment to Village Code 9-5D-3 Conditional Uses Commercial-Manufacturing

~~OMIT~~ Accessory uses, however, for purposes herein, parking for more than one hour or storage of trucks, trailers and other commercial vehicles, which exceed one and one-half (1 1/2) tons in capacity, is an allowable accessory use only on zoning lots which contain an active principal use and at least one loading berth.

Text Amendment to Village Code 9-6A-3: Conditional Use Restricted Industry

~~OMIT - Accessory uses, incidental to, and on the same zoning lot as the principal use.~~

ADD - Livery

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

ADD Livery - 1.0 space per every two employees plus 1.0 space per each 3 attendees based on rated design capacity plus one space for every commercial vehicle directly related to the operation of the subject business.

Mr. Ainsworth concluded his presentation at this time.

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 7:30 p.m.

There was minimum discussion regarding this hearing.

Board Discussion ended at 7:32 p.m.

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Member Grieshamer made a motion to “approve ZBA 13-19 for a Text Amendment to the Franklin Park Zoning Code Sections 9-1-3, 9-5D-2, 9-5D-3, 9-6A-3 and 9-8-4.” 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.

6. Old Business: None.

Mr. Schneider discussed the handout that Mr. Ainsworth gave to the members in their packets referring to the RFP (Request for Proposal) for the Zoning Code Re-Write for the Village. The handout is a draft copy in order to have the members peruse through and detail any comments, questions or concerns they may have to Patrick via phone or email.

Mr. Ainsworth stated that East Leyden High School will have their annual “Leyden Career Fair and Business Expo” on Wednesday, November 6, 2013 from 12:15 p.m. to 4:15 p.m. at the East Leyden Field House. All members are invited to attend this informative event.

7. Public Comment: None.

8. A motion was made by Member Grieshamer 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 7:36 p.m.

Respectfully Submitted,

Lisa M. Manzo
Secretary