

**ZONING BOARD OF APPEALS**  
**MINUTES OF DECEMBER 3, 2014 – 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. Gil Snyder, Bruce Boreson, Chairman Mark Cwik, Frank Grieshamer, Kathy Mennella, Rafael Nunez, George Snarski, Lisa Manzo (Secretary), Village Attorney Matt Welch, Eric Richard (Village Planner), Zoe Heidorn (Village Planner) and John Schneider (Director of Community Development). All members were present.
3. Member Grieshamer made a motion to accept the amended minutes of November 5, 2014. The motion was seconded by Member Mennella and approved to place them on file as presented.
4. New Business: ZBA 14-21  
Sonoco Clear Pack  
11610 & 11700 Copenhagen Court  
12-19-300-011, 012-0000

Chairman Cwik stated that this hearing is for a Plat Consolidation (re-subdivision) for the properties commonly known as 11610 and 11700 Copenhagen Court, Franklin Park in Cook County, Illinois in the I-2 General Industrial District per Section 10-1 and 10-2 of the Franklin Park Village 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 asked if staff had any comments on the cases.

Mr. Richard proceeded to indicate that the petitioner is requesting a plat consolidation in order to construct a passage way in the future connecting the businesses' two buildings. Without the consolidation, the petitioner would not be in compliance with the setbacks, per Village Code. The consolidation will combine two parcels into one and allow the petitioner to conduct the aforementioned work.

Chairman Cwik called the petitioner up at this time. He asked if she can sign in and be sworn in. Ms. Laura Artus, Artus Property Services, representative for Sonoco Clear Pack, came forward. She signed in and was sworn in.

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Ms. Artus gave a brief presentation and stated her reason to come before the members this evening. The petitioner desires to consolidate the two lots to accommodate for future improvements of their facility. Sonoco Clear Pack plans to construct a connecting link between the two (2) buildings.

Discussion took place between the petitioner, the ZBA and staff on the proposal, whether any work would be encroaching on Village right-of-way, the timeline for the project and general business operations.

Ms. Artus stated that nothing will encroach on Village property and that there will be 100 employees in the buildings at one given time.

Mr. Schneider stated that Village staff has diligently worked with Sonoco Clear Pack to keep them in the Village. The business is expanding its operations into a third building in town and will be increasing employment after this project is complete.

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 7:11 p.m.

There was minimum discussion regarding this hearing. The members discussed this plat consolidation and its positive effect on the Village.

Board Discussion ended at 7:12 p.m.

Member Grieshamer made a motion to “approve ZBA 14-21 for a Plat Consolidation (re-subdivision) for the properties commonly known as 11610 and 11700 Copenhagen Court, Franklin Park in Cook County, Illinois in the I-2 General Industrial District per Section 10-1 and 10-2 of the Franklin Park Village Code.” Member Mennella seconded the motion. Roll Call Vote. Member Boreson-Yes; Member Nunez-Yes; Member Mennella-Yes; Member Snarski-Yes; Member Snyder-Yes; Chairman Cwik-Yes; Member Grieshamer-Yes. Seven (7) 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

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final decisions will be made by the Village Board of Trustees.

Chairman Cwik thanked everyone for attending this evening.

### 5. Old Business: ZBA 14-18

Husar Abatement Ltd. (Janina Stogowska)  
10215 Franklin Avenue  
12-21-317-004-0000

Chairman Cwik stated that this continued hearing is for a Conditional Use for Contractor and Construction Yards and Offices per Section 9-5D-3 of the Franklin Park Zoning Code in the CM Commercial Manufacturing District.

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 petitioners up at this time. He asked if they can sign in and be sworn in. Mr. Tomasz Stogowski, petitioner and Jeffery Camplin of Camplin Environmental, came forward. They signed in and were sworn in.

Mr. Camplin gave a presentation to the members on this prospective business and the parking plan that the members requested at the last meeting. Following the prior meeting, Mr. Stogowski hired an engineering firm to create a parking plan at the request of the Zoning Board of Appeals. The engineering firm provided a plan that would allow for a total of five (5) outdoor parking spaces, one of which would be accessible.

Mr. Camplin stated to the members that Mr. Stogowski recently became a union contractor, so now his employee numbers have changed. He continued that this change of events should reflect a change in the number of parking spaces that are required per zoning. Chairman Cwik appreciated Mr. Camplin's testimony; however, the fact still remains on the petitioner's number of full time employees. Staff verified that no documentation on his change of employment had been submitted to the Village. Chairman Cwik stated that the number of union workers will have nothing to do with the actual full time employees of Husar, Inc.

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Mr. Cwik referred to the 2 parking plans submitted to the Zoning Board of Appeals. On one side it read “Parking Plan Option 1 (preferred) and on the backside, stipulated “Parking Plan Option 2.” Both showed the required seven (7) parking spaces. Mr. Stogowski worked with Village Staff to submit two parking plans to the Zoning Board of Appeals for review. Neither plan included accessible parking.

The members discussed the parking plans at length and found them to be insufficient. Stacked parking to the west of the property would not be allowed, rendering Parking Plan Option 1 inadequate. Parking Plan Option 2 did not involve stacked parking but the petitioners were unsure as to whether accessible parking spaces would be needed. Parking Plan Option 2 would require the removal of the trailer at the rear of the property. The members discussed the trailers at the rear and to the west of the property and asked the property owner when they would be removed.

Mr. Schneider asked Mr. Stogowski when would be a reasonable time to demolish the trailers. Mr. Camplin stated that a reasonable amount of time would be in June of 2015. The members were concerned as to why the petitioner would need six (6) months to remove the trailers. Mr. Camplin explained that demolition would be complicated and that the current cash flow of the business was insufficient to cover the high cost of immediate removal.

The members discussed the issue of the employees and the number of parking spaces that would be required. Mr. Camplin stated that most of the employees will not go to the property address as they are dispatched to the job site.

Mr. Camplin stated that the two (2) parking plans depict the required number of parking spaces with and without the trailer. Chairman Cwik stated that there are still many unknowns regarding this case and that the answers change continuously.

Mr. Snarski asked if the business is in operation. Mr. Stogowski stated that they are indeed running the business at the present 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.

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The members asked questions to the Village attorney and staff regarding the inadequacy of the parking plan and the change in testimony. They questioned why the petitioner needed until June to remove the trailers, and furthermore, what are the ramifications for Mr. Stogowski running the business illegally at the present time.

Mr. Welch stated to the members that the petitioners are testifying under oath and any verbal testimony will be entered into the record and will become part of the permanent record for this case.

The members discussed placing conditions on approval, including immediate removal of the trailers

Chairman Cwik cited a case back in the 1980s in which the property owner was required by the Zoning Board of Appeals to remove the trailers. For this reason, he feels they should be removed immediately.

The members discussed the Parking Plans and stated that the proposed parking configurations are inadequate.

Board Discussion ended at 7:44 p.m.

Member Grieshamer made a motion to “approve ZBA 14-18 for a Conditional Use for 10215 Franklin Avenue for a Contractor and Construction Yards and Offices per Section 9-5D-3 of the Franklin Park Zoning Code in the CM Commercial Manufacturing District with the following conditions: 1. That the trailers are immediately removed; 2. No outside storage of any kind; 3. No on-site storage; 4. Parking must be onsite, both employees and company vehicles; 5. No hazardous materials stored on the premises; 6. That the owner obtains permits for the removal of the outdoor storage structure; 7. That this proposed use complies with all Village regulations at all times.” Member Mennella seconded the motion. Roll Call Vote. Member Boreson-No; Member Nunez-Yes; Member Mennella-No; Member Snarski-Yes; Member Snyder-No; Chairman Cwik-No; Member Grieshamer-No. Two (2) Ayes, Five (5) Nays, Zero (0) Absent, Zero (0) Abstain. The motion was denied.

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

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Chairman Cwik thanked everyone for attending this evening.

6. New Business: ZBA 14-23  
Village of Franklin Park  
9500 Belmont Avenue

Chairman Cwik stated that this is for a Text Amendment to the Franklin Park Zoning Code Sections 9-1-3, 9-8-4, 9-6B-3 and to various sections of the Village Code of Franklin Park regarding the C-2-2 Central Business Zoning District and the regulations for telecommunications towers and antennas.

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 up at this time. He asked if she can sign in and be sworn in. Ms. Zoe Heidorn, petitioner, came forward. She signed in and was sworn in.

The applicant is requesting a Text Amendment to Franklin Park Zoning Code sections 9-1-3, 9-8-4 and 9-6B-3 and to various sections of the Village Code of Franklin Park regarding the C-2-2 Central Business zoning district and the regulation of telecommunications towers and antennas.

Ms. Heidorn mentioned a few changes that have been made to Staff Report that was distributed to the Zoning Board the previous Wednesday. These were highlighted in yellow in the revised staff report. She noted that where there were errors in typing, all text reading “one and one-half tons capacity” had been corrected. Other changes were made to the proposed chapter on telecommunications regulations. Ms. Heidorn stated that these will be discussed later on.

Ms. Heidorn began by recommending an amendment to Section 9-1-3 Rules and Regulations to add a weight restriction to the existing definition of LIVERY. Under the current code, LIVERIES, which are a Conditional Use in the I-1 and I-2 districts, are permitted to park and transport smaller passenger vehicles as well as larger buses and commercial vehicles *servicing the principal use*. Staff views the impacts of the storage and transport of all large commercial vehicles as a principal use to be detrimental to Village infrastructure and without economic benefit to the Village.

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Staff views the parking and transport of large buses under the use of LIVERY as similar to the parking and transport of trucks as part of a truck parking business, a use which is explicitly prohibited by Village Code and was reinforced by a Text Amendment adopted this past August.

Ms. Heidorn continued by recommending a restriction on the weight capacity of vehicles used by a LIVERY to one and one-half tons capacity. This weight limit has consistently been used throughout Village Code to distinguish between passenger vehicles and larger commercial vehicles, including trucks. She referred to a chart of vehicle payload capacities for comparison.

To illustrate the weight restriction, Ms. Heidorn pointed to three vehicles that a LIVERY would be allowed to use and store in the Village. All have a payload capacity of less than one and one-half tons, or 3000 pounds. She then pointed to three vehicles that a LIVERY would be prohibited from using and storing in the Village.

Staff believes the weight restriction on the use of LIVERY will better differentiate between liveries and large commercial vehicle parking as a principal use and prevent future damage to Village infrastructure.

Ms. Heidorn stated that a Text Amendment earlier this year limited the use of AUTOMOBILE REPAIR to vehicles *under* one and one-half tons capacity. A new definition for TRUCK/LARGE EQUIPMENT REPAIR FACILITY was subsequently added for the repair of vehicles *in excess* of this weight. The new use was not listed as a Permitted or Conditional Use in any zoning district and has therefore been prohibited in the Village since the Amendment was passed.

Ms. Heidorn explained that staff has since reviewed the use of TRUCK/LARGE EQUIPMENT REPAIR FACILITY and finds it to be an appropriate use for the Village given the high number of industrial firms in the area that rely on freight for transport. To limit any negative impacts of the use, Staff recommends amending Section 9-1-3 Rules and Regulations to add restrictions to the definition of TRUCK/LARGE EQUIPMENT REPAIR FACILITY. The amendment will limit activities to the INDOOR repair and rebuilding of trucks and large commercial vehicles.

To ensure that outdoor space does not serve unrelated truck parking, Ms. Heidorn explained that the amendment also states that any area used for the storage or parking of trucks not serving the principal use of TRUCK/LARGE EQUIPMENT REPAIR

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FACILITY will be considered a TRUCK PARKING AREA OR YARD. Outdoor truck parking is further limited by the addition of parking requirements for these facilities.

Ms. Heidorn continued to the third recommendation of an amendment to 9-8-4 Parking Requirements to limit the number of outdoor truck and trailer parking spaces for the use of TRUCK/LARGE EQUIPMENT REPAIR FACILITY.

To protect the Village against truck parking as a principal use, Staff recommends adding a detailed parking requirement in section 9-8-4 Schedule of Parking Requirements. To determine a maximum truck parking allowance, the Village will permit the greater of the following calculations:

- 1) 1 space for every 2,500 square feet of ground floor area under roof for the principle use OR
- 2) 2.5 spaces for each service bay

Ms. Heidorn provided an example: if a truck repair building were to have 2 service bays, 5 outdoor parking spaces for trucks would be permitted. These spaces allow for drop-off, pick-up and the temporary parking of trucks waiting for repair. The calculation alternatives ensure an appropriate scale of truck parking to principle use operations and provide adequate flexibility for businesses.

With restrictions added to the use of TRUCK/LARGE EQUIPMENT REPAIR FACILITY, Ms. Heidorn stated that Staff recommends amending section 9-6B-3 and listing the use as a Conditional Use in the I-2 General Industrial Zoning District.

This zoning district is remote from residential and business development. Review by the Zoning Board of Appeals and restrictions on outdoor parking and repair activities will serve to prevent negative impacts. With these protections in place, Village Staff believes the use will be of value to the Village and its industrial businesses.

Ms. Heidorn stated that a new Downtown Zoning Code was recently adopted as an update to Title 9 Zoning Regulations. That Code established four new downtown zoning districts, which now overlay all properties that were formerly zoned in the C-2-2 Central Business District. Because the C-2-2 district is now obsolete, Staff recommends removing all mention of it from Village Code. This affects the following sections: 9-3-1 , 9-5B-1 , 9-5B-4 , 9-5B-6 , 9-5B-8 , 9-9-5 and 9-10C-9.

Lastly, Ms. Heidorn stated that Staff recommends the addition of Chapter 12 TELECOMMUNICATIONS TOWERS AND ANTENNAS to Title 9 ZONING

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REGULATIONS. She explained that the proposed amendment addresses a growing demand for antenna and tower sites by service providers as the consumer demand for wireless communication services increases nationally. Existing Village Code does not address telecommunications towers and equipment in the Village.

Ms. Heidorn explained that existing towers in the Village were erected without specific zoning regulations in place. Staff finds these towers to be detrimental to surrounding property values and to the current and future best use of property on which these towers are located.

Ms. Heidorn continued with an example. She noted that one tower site in the Village leaves a new property owner with few development options as the site takes up a large portion of the land area. Without room for a new building and adequate parking, that tower has effectively lowered the value of the site and reduced its best use to development that generates minimal real estate taxes.

Ms. Heidorn explained that Staff recommends this Text Amendment as it will regulate the placement and construction of towers and antennas in the Village and outline a formal process for zoning review. Staff reviewed many Village Codes with regulations on telecommunications structures and selected code from the City of Kankakee, Illinois, to base Franklin Park's new zoning regulations on. Ms. Heidorn noted that Staff tailored this Code to fit the unique needs and characteristics of Franklin Park.

Ms. Heidorn explained that because the Telecommunications Act of 1996 prohibits the Village from prohibiting towers and antennas by zoning district, our proposed code structures the process for site selection using an order of preference. Locations listed under **FIRST PREFERENCE** are the most preferred locations for new equipment. For example, in order for an applicant to install in a location listed under **SECOND PREFERENCE**, that applicant must demonstrate by substantive evidence that all **FIRST PREFERENCE** sites in the Village are not technologically or economically feasible. Ms. Heidorn outlined the preferences.

Ms. Heidorn explained that the proposed code also establishes different maximum height and minimum setback restrictions for new towers by zoning district. The **MAXIMUM HEIGHT** and **MINIMUM SETBACK** of a new tower will be as follows. There will be a maximum height of 150 feet in the I-2 district and I-1 district where property is not adjacent to a commercial or residential district. Minimum setback will be 25% of height. There will be a maximum height of 100 feet in 1-1

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district where property is adjacent to a commercial or residential district and in all commercial districts. Minimum setback will be 50% of height. Lastly, there will be a maximum height of 50 feet in all residential districts. Minimum setback will also be 50% of height. Ms. Heidorn continued to list additional requirements for tower placement.

Ms. Heidorn noted that new towers may not reduce the parking capacity serving a property's principal use below 125% of the current parking requirements. She explained that Staff views this last requirement as especially important in preventing the exacerbation of existing parking problems and protecting the needs of future uses on property in the Village.

Ms. Heidorn noted that two requirements for tower and equipment sites were edited by Staff following further discussion and review in the past week. She explained that the requirement that telecommunications sites be fenced now limits the fence type to a wood or vinyl privacy fence. Due to aesthetic and maintenance concerns, the option for a chain link fence with surrounding vegetation was eliminated. She added that because service vehicles for telecommunications sites are typically larger than passenger vehicles, Staff increased the size of the required parking area to that of one paved off street loading space, as opposed to a standard parking space. Village Code defines an off street loading space as at least 10 feet in width by 25 feet in length.

Ms. Heidorn listed permitted uses that may be authorized by the Zoning Administrator and conditional uses that will require review by the Zoning Board of Appeals and approval by the Village Board of Trustees. She noted that all applications for Conditional Use will be required to submit supplemental materials in addition to those customarily required by the Zoning Board of Appeals. She added that all towers will be required to be certified by an engineer upon completion of construction and every 5 years thereafter. If use of a tower is discontinued, the proposed code will require that the tower owner notify the Village and remove the tower and all accessory and supporting structures within 90 days of notice.

Board Discussion began at 8:04 p.m.

The members discussed this case and all the revisions and amendments presented before them.

Board Discussion ended at 8:08 p.m.

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Member Grieshamer made a motion to “approve ZBA 14-23 for a Text Amendment to the Franklin Park Zoning Code Sections 9-1-3, 9-8-4, 9-6B-3 and to various sections of the Village Code of Franklin Park regarding the C-2-2 Central Business Zoning District and the regulations for telecommunications towers and antennas.” Member Mennella seconded the motion. Roll Call Vote. Member Boreson-Yes; Member Nunez-Yes; Member Mennella-Yes; Member Snarski-Yes; Member Snyder-Yes; Chairman Cwik-Yes; Member Grieshamer-Yes. Seven (7) 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.

7. Staff Update: None
8. Public Comment: None.
9. A motion was made by Member Grieshamer to adjourn the meeting of the Zoning Board of Appeals. It was seconded by Member Boreson. All in favor. Motion carried.

The meeting adjourned at 8:12 p.m.

Respectfully Submitted,

Lisa M. Manzo  
Secretary