

**ZONING BOARD OF APPEALS**  
**MINUTES OF DECEMBER 7, 2016 – 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, Chairman Mark Cwik, Kathy Mennella, George Snarski, Bruce Boreson, Frank Grieshamer, Lisa Manzo (Secretary), Matt Welch (Village Attorney) and Zoe Heidorn (Village Planner). All members were present.
3. Member Grieshamer made a motion to accept the minutes of November 2, 2016. The motion was seconded by Member Mennella and approved to place them on file as presented.
4. New Business: ZBA 16-23  
Map Amendment  
Koch Foods  
2319 25<sup>th</sup> Avenue

Chairman Cwik stated that this hearing is for a Map Amendment to the zoning district boundary lines of the Village of Franklin Park Zoning Map to zone and include within the boundary lines of the I-2 General Industrial 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 petitioner up at this time. He asked the petitioner to sign in and be sworn in. Mr. Mark Kaminsky, COO Agent, petitioner, came forward. He signed in and was sworn in.

Mr. Kaminski gave his presentation to the members stating that he is requesting annexation of p.i.n. 12-34-100-039-0000 into the corporate limits of Franklin Park and a map amendment. They are also requesting that the subject parcel be rezoned to I-2 because of all the parcels owned by the petitioner are contiguous and those parcels in Franklin Park are currently zoned I-2.

Mr. Kaminski stated that they intend to add an addition totally approximately 72,000 square feet to the existing building and hire approximately 250 new employees to

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work. The new addition will be primarily used for the processing of chicken breasts and vacuum packaging them.

Chairman Cwik opened this hearing to the public at this time. Chairman Cwik stated that anyone wishing to come forward, please sign in and be sworn in.

Ann Varchetta of 9605 Costello, came forward. Ms. Varchetta signed in and was sworn in. Ms. Varchetta stated that Koch Foods has been loud for years. She stated that the truck drivers employ prostitutes and one of them came to her home and knocked on the door. She continued that the trucks smell, exude odors, the alarm on the building goes off at all hours, they use liquid ammonia, the employees are loud, blow horns and she stated she is not very happy about this project.

James Domino of 2052 N. 25<sup>th</sup>, came forward. Mr. Domino signed in and was sworn in. Mr. Domino stated that he feels the shaking of his home from the trucks, hears the engines of the trucks braking coming down the bridge on 25<sup>th</sup>, and when the trucks turn into the property, their lights shine directly into his home. He is not happy about this project.

Public session closed at 7:17 p.m.

Chairman Cwik re-called the petitioner back up to the podium. Chairman Cwik asked Mr. Kaminski to respond to the public testimony. Mr. Kaminski stated that Koch Foods has two work shifts and the last one ends at midnight. He stated that the facility is not a 24 hour a day facility. He continued that there is an alarm for their refrigeration system or if there is a break in. The alarm shouldn't be going off all the time.

Matt Welch (Village Attorney) interjected that tonight's hearing is to address the request for a Map Amendment and to re-zone a vacant parcel from unincorporated Cook County.

Board Discussion began at 7:24 p.m.

The members discussed this map amendment and re-zoning at this time.

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Board Discussion ended at 7:26 p.m.

Member Grieshamer made a motion to “approve ZBA 16-23 for Map Amendment to the zoning district boundary lines of the Village of Franklin Park Zoning Map to zone and include within the boundary lines of the I-2 General Industrial district the property commonly known as 2319 25<sup>th</sup> Avenue in Cook County, Illinois, contingent upon an approved Annexation of the subject parcel into the Village of Franklin Park corporate boundaries.” Member Mennella seconded the motion. Roll Call Vote. Member Mennella-Yes; Member Snarski-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 16-24  
Pawel Buch  
9514 Grand  
12-27-121-031, 032, 033, 034-0000

Chairman Cwik stated that this is a Conditional Use for “Car Wash” in the C-3, General Commercial District per Village Code Section 9-5C-3.

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 the petitioner to sign in and be sworn in. Mr. Dorothy Buch and Mr. Pawel Buch, petitioner, came forward. They signed in and were sworn in.

Ms. Burch gave a brief presentation to the members on this Conditional Use. She stated that they would like to open a hand car wash and auto repair business at 9514 Grand. They would like to revitalize the corner of Grand Avenue and Rose Street. She stated that they will have three (3) car lifts that will be fixed and the auto repair will consist primarily of oil and brake work, no painting of cars will occur. She continued that they would have a total of four (4) employees.

There was much discussion regarding this hearing with Attorney Welch and Ms. Heidorn in the fact that each address should have one (1) principal use. This particular business will have two (2) principal uses.

Chairman Cwik opened this hearing to the public at this time. Chairman Cwik stated that anyone wishing to come forward, please sign in and be sworn in.

Public session began at 7:48 p.m.

Bill Mays of 2817 Pearl came forward at this time. Mr. Mays signed in and was sworn in. Mr. Mays stated that his home is on the corner and he is concerned about the hours of operation of this business as well as traffic congestion.

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Mary Ann Dixon came forward at this time. Ms. Dixon signed in and was sworn in. Ms. Dixon stated that their driveway is very narrow and also the beauty salon uses the parking lot as well as the residents that live in the apartment on the second floor. Where will all the parking be?

Public Session ended and Board Discussion began at 7:52 p.m.

Ms. Heidron discussed this case and stated that the petitioners do meet the parking requirement. The members reviewed all facets of this packet before them. They looked at the layouts and the drawings and feel that they have many questions regarding the business being in such small quarters. They feel that the layout is quite congested and that it will take much effort to maneuver the vehicles in and out of the property, as well as the proximity to the corner of Grand Avenue and 25<sup>th</sup>, which is a very busy thoroughfare.

Board Discussion ended at 7:58 p.m.

Member Grieshamer made a motion to “approve ZBA 16-24 of a Conditional Use for “Car wash” in the C-3 General Commercial District per section 9-5C-3 of the Franklin Park Zoning Code for the property commonly known as 9514 Grand Avenue in Franklin Park, Illinois, subject to the following conditions: that this proposed use complies with all Village regulations at all times.” Member Mennella seconded the motion. Roll Call Vote. Member Mennella-No; Member Snarski-No; Member Boreson-No; Member Snyder-No; Chairman Cwik-No; Member Grieshamer-No. Zero (0) Ayes, Six (6) 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. Chairman Cwik thanked everyone for attending this evening.

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6. New Business: ZBA 16-25  
Text Amendment  
9500 Belmont

Chairman Cwik stated that this hearing is for a Text Amendment to various sections of the Village of 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 up at this time. He asked the petitioner to sign in and be sworn in. Ms. Zoe Heidorn, petitioner, came forward. They signed in and were sworn in.

Ms. Heidorn gave a very detailed presentation to the Board as follows: First one was regarding the Stoop Building Side Yard Setback requirements: **Stoop Building Side Yard Setback** Funded by a technical assistance grant from the Regional Transportation Authority, Franklin Park's Downtown Zoning Code was adopted in 2014 to support commercial, mixed-use and residential development around the Franklin Park Metra station and seeks to enhance transit access for Franklin Park residents. The intent of the code is to push new development toward more compact forms that allow for greater density in use, translating to improved access to the downtown Metra stations for a greater number of businesses and residents.

The Downtown Zoning Code defines and provides specific form-based regulations for 5 types of buildings for the Downtown zoning districts: (1) the Storefront Building; (2) the Stoop Building; (3) the Row Building; (4) the Yard Building; and (5) the Civic Building. The Stoop Building is permitted in the DT-2 Downtown Mix, DT-3 Downtown General and DT-4 Downtown Edge zoning districts. Staff is recommending a reduction of the minimum side yard setback for the Stoop Building type. A similar Text Amendment Ordinance, which reduced the minimum side yard setback requirement from 7.5' to 3' for the Yard Building type, was unanimously recommended for approval by the ZBA and passed by the Board of Trustees in April, 2016 (ZBA 16-06).

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The second one was regarding **Permitted Uses in the C-3 General Commercial District**, The C-3 General Commercial district is the least restrictive commercial zoning district under Village Code. The district is intended to serve retail and auto-oriented services supported by the greater region, not only the Village's population. Per Village Code section 9-5C-1, the C-3 district is designed as follows:

*9-5C-1. Design; conditions of allowed uses.*

*“The C-3 general commercial district is designed to accommodate those commercial activities which may be incompatible with the predominantly retail uses permitted in other business districts; and whose service area is not confined to any one neighborhood or community.”*

Upon routine examination of the Franklin Park Zoning Code, staff finds that one of the Permitted Uses listed for the C-3 district is excessively vague and in effect, establishes as Permitted Uses business types that are unfitting for the C-3 General Commercial district. Per Village Code section 9-5C-2, this Permitted Use reads as follows:

*9-5C-2. Permitted uses.*

*“Repair, rental or servicing of any article, the sale of which is a permitted use in the district.”*

Staff recommends striking this use from the C-3 district's list of Permitted Uses altogether. As a result of the language, the following uses could also be considered Permitted Uses in the C-3 General Commercial district:

- Farm equipment rental, repair and servicing:

“Farm implement stores” is listed as a Permitted Use in the C-3 district. As such, the repair, servicing and rental of farm equipment is also a Permitted Use in the district. Staff finds that while “Farm implement stores” is an outdated land use, the repair, servicing and rental of farm equipment is an unfitting land use for the C-3 district.

- Truck rental, repair and servicing:

“Motor vehicle sales” is listed as a Permitted Use in the C-3 district and includes both trucks and passenger vehicles under Village Code. As a result, truck repair could also be interpreted to be a Permitted Use in the C-3 district. In 2014, the Village Board of Trustees passed an ordinance amending the Franklin

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Park Zoning Code to restrict truck repair uses to the I-2 General Industrial district (ZBA 14-23). Removing this Permitted Use eliminates any confusion as to whether truck repair is permitted in the C-3 district.

To remove “Repair, rental or servicing of any article, the sale of which is a permitted use in the district” from the list of Permitted Uses for the C-3 district will provide greater clarity and ensure that future uses in the C-3 district are compatible with surrounding uses.

Per Village Code section 9-5G-2, the description and intent of the Stoop Building type are as follows:

*D. Stoop Building. 1. Description & Intent.*

*“The Stoop Building Type is limited in terms of uses by the district within which it is located, generally housing office and/or residential uses. Similar to the Storefront Building, the Stoop Building is intended to be built close to the front and corner property lines, but generally allows for more landscape space between the building and the street.”*

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 8:04 p.m.

There was minimum discussion regarding this hearing. The members discussed this Conditional Use at this time.

Board Discussion ended at 8:05 p.m.

Member Grieshamer made a motion to continue the hearing to January 4, 2017 on that portion of ZBA 16-25 related to amendments to parking regulations for motor vehicle repair uses and regulation of tobacco shops. Member Mennella seconded the motion. Roll Call Vote. Member Mennella-Yes; Member Snarski-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.



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Member Grieshamer made a motion to “approve ZBA 16-25 for a Text Amendment to Village Code section 9-5G-2 regarding the minimum side yard setback for the Stoop Building type and Village Code section 9-5C-2 regarding Permitted Uses in the C-3 General Commercial district.” Member Mennella seconded the motion. Roll Call Vote. Member Mennella-Yes; Member Snarski-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 all for attending.

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7. Old Business: ZBA 16-18  
Text Amendment  
Village of Franklin Park  
9500 Belmont

Chairman Cwik stated that this was a continued hearing for ZBA 16-18 for a text amendment to various sections of the Zoning Code of Franklin Park regarding the regulation of employment agencies, data centers, banquet halls and fencing of property abutting railroad right of way.

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 the petitioner to sign in and be sworn in. Mr. John Schneider, petitioner, came forward. He signed in and was sworn in.

Mr. Schneider discussed this continued hearing regarding the fencing of property abutting railroad right of way. He stated: In order to improve the appearance of commercial and industrial property to passing rail commuters, staff recommends amending Village Code to include a fencing requirement for non-residential property abutting railroad right-of-way. Under the proposed amendment, these properties will be required, upon the sale, lease or change in principal use of the zoning lot, to install a wall or opaque privacy fence between 6 feet and 8 feet in height to screen the property from the railroad right-of-way. Staff strongly encourages implementing a range of height for required fencing. A requirement of 6 feet may not be tall enough for businesses with security concerns and a requirement of 8 feet might be financially burdensome to others. Additionally, the variation in height and fence/wall materials will add visual interest to the screening. Similarly, articulating building facades, varying building heights and avoiding uninterrupted blank walls are key urban design strategies for creating vibrant and pedestrian-friendly streets. Staff also recommends limiting the materials permitted for required fencing and notably, prohibiting the use of chain link fencing.

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Staff recommends the following amendments to Title 9 regarding the regulation property abutting railroad right-of-way:

- 1) Add fencing requirement for non-residential property abutting railroad right-of-way:

### **9-2-4. Regulations for Unique Uses.**

(8) Non-residential property abutting railroad right-of-way shall be screened therefrom by a wall or opaque privacy fence between six (6) feet and eight (8) feet in height. All such property shall be required to comply upon the sale or lease on any portion of the applicable zoning lot, or upon a change in principal use of the applicable zoning lot.

Walls and opaque privacy fences required pursuant to section 9-2-4 shall consist of the following materials: masonry, brick, wood, composite panels or other materials deemed acceptable by the Zoning Administrator. The use of chain link, wire and plywood shall be prohibited.

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 8:14 p.m.

There was minimum discussion regarding this hearing. The members discussed this Text Amendment at this time. There was discussion as to why the Village couldn't have inspectional staff go from property to property to inspect those buildings that do not have protective fencing. Staff stated that the Building Department does not have enough man power to do that.

Board Discussion ended at 8:18 p.m.

Member Grieshamer made a motion to “approve ZBA 16-18 for a Text Amendment to section 9-2-4 of the Village Code of Franklin Park regarding the regulation of fencing of non-residential property abutting railroad right-of-way.” Member Mennella seconded the motion. Roll Call Vote. Member Mennella-Yes; Member Snarski-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.

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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 all for attending.

Member Grieshamer made a motion to continue hearing ZBA 16-26 for a Variance to reduce the minimum rear yard setback requirement for advertising signs from 10 feet to 2.88 feet in the I-2 General Industrial District for the property commonly known at 3333 Mt. Prospect Road, Franklin Park to January 4, 2017 at 7:00 p.m. in the Police Station Community Room. Member Mennella seconded the motion. Roll Call Vote. Member Mennella-Yes; Member Snarski-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.

8. Staff Update. None.

9. Public Comment: None.

10. 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 8:16 p.m.

Respectfully Submitted,

Lisa M. Manzo  
Secretary