

**City of Prospect Heights  
Plan/Zoning Board of Appeals  
June 27, 2019**

**I. MEETING COMMENCEMENT:**

The regular meeting of the Plan/Zoning Board of Appeals was called to order at 7:00 pm by Chairman Dash, at City Hall, 8 N. Elmhurst Road, in Prospect Heights, Illinois.

**II. ROLL CALL:**

Present: Commissioners Kempa, DeGraf, Tammen, Patel, Mellen, Saewert & Chairman Dash

Absent:

Quorum is present.

Present at the meeting: Director of Building & Development Daniel A. Peterson and Recording Secretary: Jenn Myzia

**III. APPROVAL OF May 23, 2019 MINUTES**

Motion made by Commissioner Kempa, seconded by Commissioner Tammen to approve the meeting minutes.

**ROLL CALL VOTE:**

AYES: Commissioners Kempa, DeGraf, Tammen, Patel, Mellen, Saewert & Chairman Dash

NAYS:

ABSENT:

ABSTAIN:

Motion carried.

**IV. OLD BUSINESS**

**1. PZBA – Zoning Public Hearing: Case No. ZBA 19-06 SU/V**

Applicant: Crown Castle, represented by Tom Lang, Insite Inc

Address: 10 E. Camp McDonald Rd., Prospect Heights, IL 60070

Description of Request:

Applicant is seeking a special use and variations to Section 5-3-15 G of the City of Prospect Heights Zoning Code to allow the removal and reconstruction a commercial communications tower in the R-1 Residential Zoning District.

Application has been withdrawn per Applicant.

**V. NEW BUSINESS**

**1. PZBA – Zoning Public Hearing: Case No. ZBA 19-09 Map Amendment/Rezoning**

Applicants: Lutheran Church Charities, Tim Hetzner, President/CEO

Address: 2978 & 3020 Milwaukee Ave. Northbrook, IL 60062

Description of Request:

Applicant has applied for consideration of an application for a map amendment for rezoning of the subject property from B2 General Commercial District for 2978 Milwaukee Ave., and R1 Single Family Residential District for 3020 Milwaukee Ave. recently annexed parcels to B3 Commercial, Wholesale and General Services District per Title 5-7-5 B of the City of Prospect Heights Zoning Code.

Chairman Dash requests a motion to open the public meeting for 19-09 Map Amendment/Rezoning at 7:03 pm

Motion by Commissioner Mellen  
Second by Commissioner DeGraf

VOICE VOTE:

AYES: Commissioners Kempa, DeGraf, Tammen, Patel, Mellen, Saewert and Chairman Dash

NAYS:

ABSENT:

ABSTAIN:

Director Peterson states that the applicant Lutheran Church Charities is the sole owner of all three parcels. 3020 N Milwaukee was annexed into the City of Prospect Heights as a R1 single family designation, general commercial zoning district. City Council on Monday June 24 approved the Ordinance of Annexation. As part of the review process it has been determined B3 would be the proper zoning and therefore the reason for the map amendment and rezoning.

Tim Hetzner, 123 S Brockway Palatine, IL 60067, representing Lutheran Church Charities, gives a brief history of the property. Mr. Hetzner states there is no active congregation at the site but Lutheran Church Charities would like to continue to expand the national comfort dog ministry and disaster response ministry. Mr. Hetzner states they are a ministry that is not in debt and will never be in debt and that they don't have a lot of resources but would like in the future to build a pole barn on the property to house the disaster response equipment which is in various locations and the continuous growth with the comfort dog program.

Chairman Dash asks for any public testimony in regards to this case.

Chairman Dash asks the commissioners if they have any questions or comments.

Chairman Dash states that the public hearing is being done in conjunction with the plan commission and states what the application is in regard to the final plat.

Director Peterson states each case must be clearly delineated and voted on.

Chairman Dash requests a motion to close the public meeting for 19-09 Map Amendment/Rezoning at 7:11 pm

Motion by Commissioner Tammen  
Second by Commissioner Kempa

VOICE VOTE:

AYES: Commissioners Kempa, DeGraf, Tammen, Patel, Mellen, Saewert and Chairman Dash

NAYS:

ABSENT:

ABSTAIN:

Chairman Dash asks the commissioners if there are any questions or concerns on case ZBA 19-10 SU/LC

Commissioner Saewert comments that a letter was received from the City Engineer that if approved the plan be subject to adding the IDOT certificate to the final Mylar.

Chairman Dash requests a motion to receive into the public record the staff review of the zoning compliance for the application 19-09 Map Amendment/Rezoning with the zoning standards as presented by staff and to make these standards a part of the official record of this application.

Motion by Commissioner DeGraf  
Second by Commissioner Tammen

VOICE VOTE:

AYES: Commissioners Kempa, DeGraf, Tammen, Patel, Mellen, Saewert and Chairman Dash

NAYS:

ABSENT:

ABSTAIN:

Chairman Dash requests a motion to recommend that City Council approves the application 19-09 Map Amendment/Rezoning of the subject property from B2 General Commercial District for 2978 Milwaukee Avenue and R1 Single Family Residential District for 3020 Milwaukee Avenue which was recently annexed parcels to B3 Commercial Wholesale and General Service District per title 5-7-5B of the City of Prospect Heights Zoning Code.

Motion by Commissioner DeGraf

Second by Commissioner Saewert

ROLL CALL:

AYES: Commissioners Kempa, DeGraf, Tammen, Patel, Mellen, Saewert and Chairman Dash

NAYS:

ABSENT:

ABSTAIN:

Chairman Dash requests a motion to recommend that City Council approve the final plat of subdivision for the Lutheran Church Charities Prospect Heights consolidation is approved subject to modify the plat to include IDOT signature block.

Motion by Commissioner Kempa

Second by Commissioner Tammen

ROLL CALL:

AYES: Commissioners Kempa, DeGraf, Tammen, Patel, Mellen, Saewert and Chairman Dash

NAYS:

ABSENT:

ABSTAIN:

**2. PZBA – Plan Commission: Case No. ZBA 19-10 SU/LC**

Applicants: Lutheran Church Charities, Tim Hetzner, President/CEO

Address: 2978 & 3020 Milwaukee Ave. Northbrook, IL 60062

Description of Request:

The applicant is seeking final plat of subdivision for the Lutheran Church Charities Prospect Heights Consolidation.

Case 19-10 SU/LC is combined with case 19-09 Map Amendment/Rezoning, see above.

**3. PZBA – Zoning Public Hearing: Case No. ZBA 19-11 TA**

Applicants: Robert W. Kirk, Architect

Address: 33 E. Palatine Rd. Prospect Heights, IL 60070

Description of Request:

Applicant seeking a Text Amendment to add Tractor/Trailer servicing and repair and Tractor/Trailer rental and leasing as permitted special uses to Section 5-7-6 C of the City's Zoning Code.

Chairman Dash requests a motion to open the public hearing for 19-11 TA at 7:18 pm

Motion by Commissioner Saewert

Second by Commissioner Tammen

VOICE VOTE:

AYES: Commissioners Kempa, DeGraf, Tammen, Patel, Mellen, Saewert and Chairman Dash

NAYS:

ABSENT:

ABSTAIN:

Chairman Dash swears in all who are present to testify.

Director Peterson states this is a returning case by the direction of City Council requiring a more comprehensive application. The applicant is seeking uses to make the lot in the B4 where the truck parking was, more consistent to the activities that are actually taking place on-site and in conjunction with what they have permission to do with the building in the B3 zoning. Director Peterson further states Staff is not recommending rezoning the property to B3 across the board but instead keeping the property a B4 zoned district and add certain conditions to text amendments that will allow the City to establish a set of criteria and conditions that would allow the City compliance. A revised parking plan has been submitted earlier today. The new plan reflects changes per previous discussions regarding relocating some of the uses in an effort to lessen some of the impact along the perimeter on Piper Lane.

Robert Kirk, Group A Architecture 1100 Landmeier Elk Grove Village, IL 60007 – Mr. Kirk describes Exhibit 6 and continues to describe the changes made on the submitted revised plan dated 6.27.19.

Director Peterson states in the B4 district the independent truck leased trucking spaces private parking lot is the only listed possible permitted special use. Without the text amendment allowing the maintenance parking and the leased trailer parking area which is what Stery has been doing since they purchased the property and how they have been operating since the beginning when they took over the site. The proposed text amendment will align what is taking place on the lot with what their actual services and uses are doing in the space and will allow conditions that are enforceable to maintain compliance.

Chairman Dash asks if anyone from the public would like to testify.

Bree Higgins – 1566 Quaker Lane and also representing the Quincy Park Home Owners Association of 1592 Quaker Lane – Ms. Higgins reviews the history of the Stery Trucking project from the beginning when she was a member of City Council and finished with a list of questions.

Matthew Dolick – 1405 Quaker Lane, Mr. Dolick expresses concerns regarding the length of time vehicles under maintenance can remain on the facility.

Director Peterson states in the application for Special Use that the applicant lists a number of conditions one of which is the length of time a vehicle can remain for service which would be no longer than thirty days. Director Peterson states this is a concrete and enforceable timeframe. Per the City Attorney should violations of the conditions become a pattern the Special Use permit can be revoked. The goal is to establish a set of enforceable restrictions and conditions that will help Stery trucking be good neighbors and good business partners and help the City enforce the codes.

Mr. Dolick states he has seen many vehicles there longer than thirty days and would like to see that restrained and monitored as much as possible. He continues to state that although Stery Trucking is located in an industrial area it is in close proximity to a residential neighborhood and the sound travels into the multi-family dwellings. Another concern is water runoff. Mr. Dolick has concerns with both the Conor Commercial construction and the Stery Trucking locations both having large impervious surface areas and the potential water run off issues.

Commissioner Patel questions Mr. Dolick about the noise concern.

Discussions continue regarding the noise.

Chairman Dash questions Director Peterson regarding the storm water run off issues.

Director Peterson discusses items that will be required by the City Engineers. Director Peterson continues to state the benefits of the parking lot improvements.

Chairman Dash states as there are no others members of the public to testify and directs the commissioners to give any comments or concerns.

Commissioner Patel asks if there is a reason why the maintenance portion of the plan isn't being designed to take place along Palatine Rd versus the side by the residential neighborhood.

Director Peterson states the logistics portion of the company is located at the north end of the property and the maintenance bay is located at the south end of the property.

Commissioner Patel questions the disposal of oil from the oil changes.

Mr. Kirk states any oil changes happen inside the facility. The oil changes are self-contained into triple basins and controlled.

Director Peterson states there is occasional outside service due to the mounted refrigerated trailers because they will not fit in the building.

Commissioner Tammen asks what the hours of maintenance are.

Mr. Kirk responds operations begin at 7:30 am and typically are completed by 5:30pm latest 6:00pm. He further states there are some weekend Saturday hours with no maintenance but no Sunday hours.

Commissioner Saewert asks Director Peterson if the conditions are attached to the text amendment or if the conditions will be attached specifically to the Special Use.

Director Peterson states that the conditions will be attached to the Special Use permit. He further states that any other B4 Zoned Business would need to come and apply for Special Use permit and conditions could be based on site-specific needs.

Lighting of the property is discussed.

Commissioner Patel asks about violations.

Director Peterson states that any violations that have been cited have been taken care of. Director Peterson further states the way this Special Use is being structured it will give the City the tools to effectively manage the property where as prior to this because of the original sale of the property and

Commissioner Saewert asks if there will be an agreement as to who will maintain the landscaping. Commissioner Saewert comments that the landscaping on the south end of the property looks to be outside the property line.

Mr. Kirk states there will be a maintenance agreement with the landscapers to make sure the sod and trees are maintained. Mr. Kirk explains they would like to gate off the entrance to the east of the property line with a gate and they would like the facility to be gated. He states on the south side where the curb cut is there will be a gate there that is locked but not active.

Director Peterson states that if the gates do go up the City and Police will need to have access and a private parking lot enforcement agreement will need to be put in place.

Chairman Dash requests a motion to close the public meeting for 19-11 TA at 7:50 pm

Motion by Commissioner Tammen

Second by Commissioner Mellen

VOICE VOTE:

AYES: Commissioners Kempa, DeGraf, Tammen, Patel, Mellen, Saewert and Chairman Dash

NAYS:

ABSENT:

ABSTAIN:

Chairman Dash requests a motion to receive into the public record the staff review of the zoning compliance for the application 19-11 TA with the zoning standards as presented by staff and to make these standards a part of the official record of this application.

Motion by Commissioner Saewert

Second by Commissioner DeGraf

VOICE VOTE:

AYES: Commissioners Kempa, DeGraf, Tammen, Patel, Mellen, Saewert and Chairman Dash

NAYS:

ABSENT:

ABSTAIN:

Chairman Dash requests a motion to recommend that City Council approves a Text Amendment to add Tractor/Trailer servicing and repair and Tractor/Trailer rental and leasing as permitted special uses to Section 5-7-6 C of the City's Zoning Code.

Motion by Commissioner Saewert

Second by Commissioner Kempa

ROLL CALL:

AYES: Commissioners Kempa, DeGraf, Tammen, Patel, Mellen, Saewert and Chairman Dash

NAYS:

ABSENT:

ABSTAIN:

#### **4. PZBA – Zoning Public Hearing: Case No. ZBA 19-12 SU**

Applicants: Robert W. Kirk, Architect

Address: 33 E. Palatine Rd. Prospect Heights, IL 60070

Description of Request:

Applicant is requesting three Special Use approvals: 1) allow Tractor/Trailer servicing and repair, 2) Tractor/Trailer rental and leasing, and 3) allow private parking lot to lease no more than 39 spaces to independent truck drivers.

Chairman Dash requests a motion to open the public hearing for 19-12 SU at 7:53 pm

Motion by Commissioner Kempa

Second by Commissioner Tammen

VOICE VOTE:

AYES: Commissioners Kempa, DeGraf, Tammen, Patel, Mellen, Saewert and Chairman Dash

NAYS:

ABSENT:

ABSTAIN:

Chairman Dash requests any additional testimony that was not covered during case 19-11 TA

Director Peterson states that moving forward while reviewing the conditions it be added that the owners enter into a private parking lot enforcement agreement with the City and that would become condition 'G'.

Commissioner Saewert states that condition "A" talks about the parking lot being constructed to City engineering standards and asks if they will be required to meet parking lot lighting standards.

Parking lot lighting is discussed.

Mr. Kirk is agreeable to meet the requested requirements or minimum standards.

Commissioner Kempa asks if the Special Use will be with Stery Trucking or with the land.

Director Peterson states the Special Use will be specific with Stery Trucking. Any future tenant that may enter into lease with the airport or by the property would have to appear before this body.

Commissioner Kempa questions maintenance being completed outside in the parking lot.

Discussions of where maintenance and the parking space designations continue.

Ms. Higgins asks if it can be written that the independents who rent the spots do no repairs when the owners are not present.

Director Peterson states it would be blanket across the board and would go back to the owner of the property.

Discussions continue to clarify the request.

Chairman Dash requests a motion to close the public meeting for 19-12 SU at 8:15 pm

Motion by Commissioner Tammen

Second by Commissioner Mellen

VOICE VOTE:

AYES: Commissioners Kempa, DeGraf, Tammen, Patel, Mellen, Saewert and Chairman Dash

NAYS:

ABSENT:

ABSTAIN:

Chairman Dash requests a motion to receive into the public record the staff review of the zoning compliance for the application 19-12 SU with the zoning standards as presented by staff and to make these standards a part of the official record of this application.

Motion by Commissioner Saewert

Second by Commissioner DeGraf

VOICE VOTE:

AYES: Commissioners Kempa, DeGraf, Tammen, Patel, Mellen, Saewert and Chairman Dash

NAYS:

ABSENT:

ABSTAIN:

Chairman Dash requests a motion to receive into the public record or Stery Truck Parking Facility the revised exhibit presented this evening June 27, 2019 in the public hearing as exhibit 12.

Motion by Commissioner DeGraf

Second by Commissioner Saewert

VOICE VOTE:

AYES: Commissioners Kempa, DeGraf, Tammen, Patel, Mellen, Saewert and Chairman Dash

NAYS:

ABSENT:

ABSTAIN:

Chairman Dash requests a motion to recommend that City Council approves the three Special Use requests in front of us this evening. 1) Allow Tractor/Trailer servicing and repair, 2) Tractor/Trailer rental and leasing, and 3) allow private parking lot to lease no more than 39 spaces to independent truck drivers with the following conditions being incorporated into the Special Use Permit

- a. The parking lot shall be constructed to City engineering standards and be either a concrete or asphalt surface.
- b. A parking site plan shall be provided to the City and approved by the City and Prospect Heights Fire District. All parking and tractor/trailer spaces shall be striped, numbered and designated by signage.
- c. Storage of tractors and trailers in for repair service shall not exceed 30 calendar days. Storage of inoperable, unlicensed or unregistered tractors and trailers is prohibited.

- d. Storage of truck/trailer parts, materials, construction equipment is prohibited.
- e. All parking shall be within designated spaces and all drive access lanes shall be kept clear and accessible for emergency fire and police response vehicles.
- f. Fencing and landscaping shall be required and maintained on the north and south ends of the property.
- g. The applicant shall enter into a private parking lot enforcement agreement with the City of Prospect Heights.

Motion by Commissioner Saewert  
Second by Commissioner Mellen

ROLL CALL:

AYES: Commissioners Kempa, DeGraf, Tammen, Patel, Mellen, Saewert and Chairman Dash

NAYS:

ABSENT:

ABSTAIN:

This case shall go before City Council on Monday July 22, 2019 at 6:30pm

**VI. Previous Application Updates**

Director Peterson gave updates on the previously heard ZBA cases.

- A. PZBA 19-04 & 19-04 – 25-35 Piper Lane: Conor Commercial: Ground breaking July 18, 2019.
- B. PZBA 18-16 – 1320 N. Rand Rd: EverClean Carwash: Notified that project has received MWRD approval and is waiting on IDOT.
- C. PZBA 19-07 – 104 Alton: City Council approved and permit issued.
- D. PZBA 19-08 – 307 S. Parkway: Council approved and applicant has submitted for permit.

**VII. Communications**

**VII. Adjournment: 8:22 pm**

Motion to Adjourn: Commissioner DeGraf  
Second: Commissioner Mellen  
Voice Vote: Unanimous