



Agenda Cover Memorandum

Meeting Date: March 6, 2017

Meeting Type: COW (Committee of the Whole) City Council Budget Workshop

Item Title: Approve the first reading of An Ordinance Approving a Map Amendment for Property at 4 North Delphia Avenue from R-2 Single Family District, to R-3 Two-Family District (17-03-MA)

Action Requested: Approval For discussion
 Feedback requested For your information

Staff Contact: Jim Brown, CP&D Director Phone: 847-318-5296
Email: jbrown@parkridge.us

Background:

Tim Timmons, applicant, requests a map amendment to change the zoning of the property at 4 North Delphia Avenue from the R-2 Single Family Residential District to the R-3 Two-Family Residential District.

A map amendment request was previously heard by the Commission in August, 2012, and April, 2013. At that time, the applicant had requested rezoning the property to the R-4, Multi-Family Residential District, which included a proposal for a four-unit multi-family residential project. The Planning and Zoning Commission ultimately recommended denial of the proposed map amendment. The City Council upheld the denial in July, 2013.

The Planning & Zoning Commission conducted a public hearing on the application at its meeting of February 14, 2017. Two residents spoke against the rezoning. The P&Z voted 6-2 to recommend approval of the rezoning request.

Recommendation:

Approve the first reading of An Ordinance Approving a Map Amendment for Property at 4 North Delphia Avenue from R-2 Single Family District, to R-3 Two-Family District (17-03-MA)

Budget Implications:

Does Action Require an Expenditure of Funds: Yes No

If Yes, Total Cost:

If Yes, is this a Budgeted Item:

Yes No Requires Budget Transfer

If Budgeted, Budget Code (Fund, Dept, Object)

Attachments:

- An Ordinance Approving a Map Amendment for Property at 4 North Delphia Avenue from R-2 Single Family District, to R-3 Two-Family District (17-03-MA)
- Approved minutes of the P&Z meeting of February 14, 2017
- Staff memorandum to P&Z, dated February 14, 2017, with exhibits

CITY OF PARK RIDGE

ORDINANCE NO. 2017- _____

AN ORDINANCE APPROVING A MAP AMENDMENT FOR PROPERTY AT 4 NORTH DELPHIA AVENUE FROM R-2 SINGLE FAMILY DISTRICT, TO R-3 TWO-FAMILY DISTRICT (17-03-MA)

WHEREAS, the City of Park Ridge is an Illinois home rule municipality operating under the Constitution and Laws of the State of Illinois;

WHEREAS, Property located at 4 North Delphia Avenue, Park Ridge, Illinois, and legally described on **Exhibit A** ("**Subject Property**"), is owned by Tim Timmons ("Owner"), and

WHEREAS, the Subject Property is currently zoned in the R-2 Single Family Residential District; and

WHEREAS, the Owner has filed an application with the City requesting approval of a map amendment/rezoning of the Subject Property from the current zoning to R-3 Two-Family Residential District ("**Rezoning Application**"); and

WHEREAS, the Planning and Zoning Commission convened a public hearing on February 14, 2017, on the Rezoning Application, pursuant to legal notice as required by law, and all persons attending the hearing were provided an opportunity to be heard at the public hearing; and

WHEREAS, at the conclusion of the public hearing on February 14, 2017, the Planning and Zoning Commission recommended, by a vote of 6-2, approval of the Rezoning Application to the City Council;

WHEREAS, the City Council has reviewed the minutes from the Planning and Zoning Commission public hearing and the testimony and evidence submitted by the Applicant and others at the hearings, and has concluded that the Rezoning Application will be beneficial to the City, will further the development of the Property, and will otherwise enhance and promote the general welfare of the City and the health, safety and welfare of the residents of the City.

BE IT ORDAINED by the City Council of the City of Park Ridge, Cook County, Illinois, pursuant to its home rule authority provided under Article VII of the Illinois Constitution of 1970 as follows:

SECTION 1: Recitals. The recitals set forth above are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

SECTION 2: Findings. The City Council has duly considered the recommendations of the Planning and Zoning Commission and hereby adopts the findings proposed by the Planning and Zoning Commission at its meeting of February 14, 2017, attached as **Exhibit B**, as the findings of the City Council as though fully restated in this Ordinance.

SECTION 3: Map Amendment/Rezoning. Pursuant to the authority granted by Section 4.7 of the Zoning Ordinance, and subject to compliance with the conditions described in Section

4, the Property described on **Exhibit A** is hereby rezoned from R-2 Single Family District to R-3 Two-Family District.

SECTION 4: Conditions of Approval. The approval granted pursuant to Section 3 of this Ordinance shall be and is hereby expressly subject to the following terms, conditions, and restrictions:

- A. No Authorization of Work. This Ordinance does not authorize commencement of any work on the Property. Except as otherwise specifically provided in writing in advance by the City, no work of any kind may be commenced on the Property pursuant to the approvals granted in this Ordinance unless and until all conditions of this Ordinance precedent to that work have been fulfilled and after all permits, approvals, and other authorizations for the work have been properly applied for, paid for, and granted in accordance with applicable law.

- B. Compliance with Laws. The Zoning Ordinance, the Subdivision Ordinance, the Building Code and all other applicable City ordinances and regulations shall continue to apply to the Property, and the development and use of the Property must comply with all laws and regulations of federal, state, and local governments having jurisdiction.

SECTION 5: Superseding Effect. The specific terms and conditions of this Ordinance shall prevail against other existing ordinances of the City to the extent of any conflicts.

SECTION 6: Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

SECTION 7: Publication. The City Clerk is hereby authorized and directed to publish this Ordinance in pamphlet form according to law.

Adopted by the City Council of the City of Park Ridge, Illinois this ____ day of _____, 2017.

VOTE:

AYES: _____

NAYS: _____

ABSENT: _____

Approved by me this ____ day of 2017.

Acting Mayor Marty Maloney

Attest:

City Clerk

EXHIBIT A

To

**AN ORDINANCE APPROVING A MAP AMENDMENT FOR PROPERTY AT 4 NORTH DELPHIA AVENUE FROM
R-2 SINGLE FAMILY DISTRICT, TO R-3 TWO-FAMILY DISTRICT
(17-03-MA)**

LEGAL DESCRIPTION OF THE PROPERTY

LOTS 20, 21, AND 22 IN BLOCK TEN (10) IN IRA BROWN'S ADDITION TO PARK RIDGE, SAID ADDITION BEING A SUBDIVISION OF THE SOUTH HALF (1/2) OF THE SOUTHWEST QUARTER (1/4) OF SECTION 26 LYING SOUTH OF THE RIGHT OF WAY OF THE CHICAGO AND NORTHWESTERN RAILWAY IN TOWNSHIP 41 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN.

4 North Delphia Avenue, Park Ridge, Illinois

P.I.N. 09-26-318-025-0000

EXHIBIT B
To
AN ORDINANCE APPROVING A MAP AMENDMENT FOR PROPERTY AT 4 NORTH DELPHIA AVENUE FROM
R-2 SINGLE FAMILY DISTRICT, TO R-3 TWO-FAMILY DISTRICT
(17-03-MA)

FINDINGS OF FACT
On A Map Amendment Application Regarding Property at 4 North Delphia Avenue
Park Ridge, Illinois

The Honorable Acting Mayor and City Council
City of Park Ridge
505 Butler Place
Park Ridge, IL 60068-4182

February 14, 2017

Gentlemen:

We transmit for your consideration a recommendation for **approval/denial** adopted by the Planning and Zoning Commission of the City of Park Ridge on the map amendment application of Tim Timmons for a rezoning from the R-2 Single Family Residential District to the R-3 Two-Family Residential District for the property located at 4 North Delphia Avenue.

Following due public notice as required by the City of Park Ridge Zoning Ordinance, the Planning and Zoning Commission held a public hearing on February 14, 2017, in the City Hall Council Chambers. Upon having reviewed materials submitted by the applicants and a staff memorandum with attachments prepared by the City's Community Preservation and Development Department, and having heard City staff comments and sworn testimony at the public hearing, the Planning and Zoning Commission deliberated and reached the following Findings of Fact:

1. The existing use and zoning of nearby property.

The current zoning designation is R-2, Single Family Residential. The property was previously occupied by a single family residence. The property is currently vacant. The property is surrounded by single family zoning to the north and west, and commercial zoning to the east and south.

2. The extent to which property values of the subject property are diminished by the existing zoning.

The property values with the existing zoning are diminished because of the lack of development of the property with the existing zoning designation.

3. The extent to which the proposed amendment promotes the public health, safety, comfort, convenience and general welfare of the City.

The proposed amendment would promote the public health, safety, comfort, convenience and general welfare of the City by fostering a zoning district which would allow for suitable development.

4. The relative gain to the public, as compared to the hardship imposed upon the applicant.

The public would gain as new housing would be provided in the immediate vicinity.

5. The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property in question for one (1) or more of the uses permitted under the existing zoning classification.

Because of the proximity to commercial uses and Touhy Avenue, and the real estate market for the foreseeable future, the redevelopment of this property as Single Family Residential is unlikely.

6. The length of time that the property in question has been vacant, as presently zoned, considered in the context of development in the area where the property is located.

The property has been vacant for the past five years.

7. The evidence, or lack of evidence, of community need for the use proposed by the applicant.

There is evidence that the community could benefit from a new two-family housing development on the vacant property.

8. The consistency of the proposed amendment with the Comprehensive Plan.

The Comprehensive Plan designates the area along Touhy Avenue as Multi-Family Residential (High Density). It also states that the single family character of the neighborhood is encourage to be maintained. This property could be considered a transition zone between the single family housing and the adjacent higher intensity commercial properties.

9. That the proposed amendment will benefit the residents of the City as a whole, and not just the applicant, property owner(s), neighbors of any property under consideration, or other special interest groups, and the extent to which the proposed use would be in the public interest and would not serve solely the interest of the applicant.

The proposed amendment would benefit the residents of the City as a whole by providing additional housing opportunity on a vacant property.

10. The extent to which the proposed amendment creates nonconformities.

The proposed amendment would not create any nonconformities. Any new development would need to meet all zoning and permit requirements.

11. The trend of development, if any, in the general area of the property in question.

The trend of development along Touhy Avenue has been mixed.

12. Whether adequate public facilities are available including, but not limited to, schools, parks, police and fire protection, roads, sanitary sewers, storm sewers, and water lines, or are reasonably capable of being provided prior to the development of the uses, which would be permitted on the subject property if the amendment were adopted.

Adequate public facilities are available at the property and in the area.

Respectfully,



Joseph A. Baldi
Chairman, Planning and Zoning Commission
City of Park Ridge



MINUTES

PLANNING AND ZONING COMMISSION

**CITY COUNCIL CHAMBERS
505 BUTLER PLACE
PARK RIDGE, IL 60068**

TUESDAY, FEBRUARY 14, 2017 AT 7:00 PM

Chairman Baldi called the meeting to order at 7:00 pm.

I. ROLL CALL

Present

Jim Argionis (arrived 7:11)
Lou Arrigoni
Joe Baldi
John Bennett
Linda Coyle
Jim Hanlon
Rebecca Mills
Chris Zamaites

Absent

Lou Giannetti

City Council

none

Staff

Jon Branham, Senior Planner
Josephine Faraci, Administrative Assistant

II. APPROVAL OF MINUTES

On a motion by Commissioner Mills seconded by Commissioner Hanlon the Commission AGREED to approve the minutes from the January 10, 2017 meeting, as submitted. Commissioner Bennett inquired if the findings of fact had been reviewed for the case at the meeting. Chairman Baldi responded they had been reviewed but there was very little discussion.

Vote on the motion as follows

AYES	6	Commissioners Baldi, Arrigoni, Coyle, Hanlon, Mills, Zamaites
NAYS	0	None
ABSTAIN	1	Commissioner Bennett
ABSENT	2	Commissioners Argionis, Giannetti

The motion passed.

III. PUBLIC HEARINGS

1. Case Number 17-02-SU: Special Use for a Professional Office (Ground Floor) in the B-4, Uptown Core Sub-District at 110 South Prospect Avenue

Chairman Baldi explained the public hearing process.

Mr. Branham provided an overview of the application. He stated he applicant requests a special use to allow a professional office (ground floor) in the B-4 Uptown Business District - Uptown Core Sub-District at 110 South Prospect Avenue, in accordance with the special use provisions in Section 4.6 of the Zoning Ordinance. The subject tenant space is current vacant and included within a two-story multi-tenant masonry building. The applicant has indicated the request is to operate an office use at the property, which is identified as a special use in the designated zoning district. The proposed office would occupy approximately 3,032 square feet of the building. The applicant has provided a conceptual floor plan.

Mr. Branham also provided a summary of the parking requirements. Off-street parking required for an office use is identified as four spaces per 1,000 square feet of gross floor area. Businesses of 1,000 square feet or more within the B-4 District are permitted to account for that area over 1,000 square feet. Also, in the B-4 District, on-street parking spaces that are adjacent to the front or side property line may be counted toward required off street parking spaces. Eight total spaces would be required for the proposed 3,032 square foot facility. There are three total off-street spaces provided for the tenant in a parking lot located behind the building to the west, and two spaces are available in front of the space along Prospect Avenue. Therefore, an exception for three spaces would then be required, and is permitted via the special use process.

Kate Duff, Pusheen Corporation, further summarized the application. She is interested in the space which would be used as office space for the licensing team of the business. She stated the business also rents three separate spaces in the direct area and they have an interest in keeping all parts of the business close to each other. She stated they have been renting in the area for over five years. The owners of the company are from Park Ridge and currently live in Park Ridge, and they have vested interest in keeping their company in their hometown. She stated they have no plans to do any significant work to the property besides new flooring and fresh paint.

Chairman Baldi inquired if this particular space will be used for office or retail. Ms. Duff confirmed office use only.

Commissioner Bennett asked for clarification regarding a page in the packet referencing "Retail Space" and another page stating the name "Pusheen". Ms. Duff indicated that the first page was provided by the owner prior to leasing for any future tenants but repeated the use will be office. She indicated the second page showed the proposed signage for the front door. "Pusheen" is the name of the business.

Commissioner Zamaites inquired about the number of employees and public walk-ins. Ms. Duff responded that there would be five total employees and no public walk-ins would occur.

On a motion by Commissioner Bennett, seconded by Commissioner Zamaites, the Commission AGREED to close the public hearing.

Commissioner Bennett mentioned that there could be concern that the City is losing commercial space in the Uptown District. He agreed the trend is moving towards more office space; however, he would like to see more retail. Chairman Baldi mentioned the alternative would be vacant space.

The Commission reviewed the suggested findings of fact. Commissioner Bennett and Chairman Baldi commented on the Findings of Fact. There was a recommendation to amend paragraph 2a, to clarify that there was less than required parking by three total spaces, but given the proposed use it would still be compatible with the adjacent properties and other properties within the immediate vicinity.

On a motion by Commissioner Arrigoni, seconded by Commissioner Bennett, the Commission AGREED to approve the application with the amended Findings of Fact for Case Number 17-02-SU: Special Use for a Professional Office (Ground Floor) in the B-4, Uptown Core Sub-District at 110 South Prospect Avenue

Vote on the motion as follows

AYES	8	Commissioners Baldi, Arrigoni, Argionis, Bennett, Coyle, Hanlon, Mills, Zamaites
NAYS	0	None
ABSTAIN	0	None
ABSENT	1	Commissioners Giannetti

The motion passed.

2. Case Number 17-04-SU: Special Use for a Medical / Dental Clinic in the B-4, Uptown Commercial Sub-District at 40 North Northwest Highway

Mr. Branham provided an overview of the application. He stated the applicant requests a special use to allow a medical / dental clinic in the B-4 Uptown Business District - Uptown Commercial Sub-District at 40 North Northwest Highway, in accordance with the special use provisions in Section 4.6 of the Zoning Ordinance. The applicant plans to operate a health services facility, including chiropractic, massage therapy, and acupuncture services in the 2,095 square foot tenant space located at 40 North Northwest Highway. The applicant has provided a statement outlining details of daily-expected operations as well as a proposed floor plan.

He stated off-street parking required for a medical / dental clinic is identified as 1.5 spaces per exam room. Additionally, businesses of 1,000 square feet or more within the B-4 District are permitted to account for that area over 1,000 square feet. Therefore, nine spaces would be required for the proposed 2,095 square foot facility. The applicant intends for patrons and employees to utilize the designated parking areas associated with the Shops of Uptown (44 surface spaces and 287 underground spaces). There are also public street parking spaces in front of the building, which can count towards off-street parking requirements in the B-4 District.

Mr. Branham stated the Uptown Development Agreement specifies uses allowed within the Shops of Uptown. All other uses must be approved by the City Council and an agreement must be executed to offset the retail sales taxes.

Andrew Langley, Aligned Modern Health, stated that the business is looking to expand in Park Ridge at the Shops of Uptown. He stated AMH opened about six years ago and currently has

eight locations in the Chicago area. Mr. Langley asked the Commissioners if they had any questions.

Commissioner Bennett inquired about the number of patients and peak visit times. Mr. Langley reported, approximately 10 patients would be the maximum at one time, spread between all services, typically from 4:00 pm – 6:00 pm.

Commissioner Zamaites inquired if the hours of operations in the packet are accurate. Mr. Langley reported that it was an estimate, but fairly accurate. He stated they would cater toward customer preferences.

On a motion by Commissioner Zamaites, seconded by Commissioner Mills, the Commission AGREED to close the public hearing.

The Commissioners inquired about the total number of parking spaces at the Shops of Uptown and how each use contributes to the total. Mr. Branham stated he will look into the inquiry.

The Commission reviewed the suggested findings of fact. The Commission commented on the trend of office and medical uses locating in business areas rather than retail. Chairman Baldi felt the Findings of the Fact were satisfied.

On a motion by Commissioner Arrigoni, seconded by Commissioner Bennett, the Commission AGREED to approve the application and the Findings of Fact for Case Number Number 17-04-SU: Special Use for a Medical / Dental Clinic in the B-4,Uptown Commercial Sub-District at 40 North Northwest Highway.

Vote on the motion as follows

AYES	8	Commissioners Baldi, Arrigoni, Argionis, Bennett, Coyle, Hanlon, Mills, Zamaites
NAYS	0	None
ABSTAIN	0	None
ABSENT	1	Commissioners Giannetti

The motion passed.

3. Case Number 17-03-MA: Map Amendment from the R-2 Single Family District to the R-3 Two-Family District at 4 North Delphia Avenue

Mr. Branham provided an overview of the application. He stated the applicant requests a map amendment to change the zoning of the property from the R-2 Single Family Residential District to the R-3 Two-Family Residential District, in accordance with Section 4.8 of the Zoning Ordinance. He stated a map amendment request was previously heard by the Commission in August, 2012, and April, 2013. At that time, the applicant had requested rezoning the property to the R-4, Multi-Family Residential District, which included a proposal for a four-unit multi-family residential project. The Planning and Zoning Commission ultimately recommended denial of the proposed map amendment. The City Council upheld the denial in July, 2013.

He stated the Comprehensive Plan's Land Use Map identifies this area as multi-family (high density) residential. The Plan states that multi-family uses are to be considered west of Chester Avenue to Lincoln Avenue, along Touhy Avenue. The Plan also states the single-family character of the neighborhood is encouraged to be maintained. He also summarized the

purpose of R-3 Two-Family Residential District which is intended to create a moderate density environment of single-family homes and two-family dwellings located along major streets upon sites comparable in dimensions to the typical lot size for single-family housing within the community. Limited non-residential uses that are compatible with surrounding residential neighborhoods may be permitted.

Tim Timmons, applicant, stated that he purchased the property in 2012, which at the time contained a dilapidated older single family residence. Due to the poor condition of the home, it was demolished. His goal was to improve the property by building multi-family units, but his request was denied. Mr. Timmons recited an excerpt provided by his current realtor, Al Giannini. He stated that Mr. Giannini has been a realtor since 1978 where he has been marketing and selling property in Park Ridge, Northwest Chicago, and the nearby suburbs. The statement summarized the lack of interest from buyers in the property as designated as single family residential, and that the property was suited for a two-family or multi-family zoning designation.

Mr. Timmons stated he felt the size and location of the property lends itself to a higher-density residential property rather than single family. In addition, he has concerns with the gas station located across the street, which is considering redeveloping with a convenient store component. He feels this will further affect the sale of the property as designated as single-family. He stated he would prefer the land to be developed rather than remain vacant land. He also shares neighbor concerns about parking, traffic, and flooding.

Commissioner Mills inquired if Mr. Timmons is trying to rezone the property to develop or sell. Mr. Timmons indicated he was open to either option.

Commissioner Bennett inquired if any offers on the property had been presented. Mr. Timmons indicated that some very low offers were presented. He stated no offers were submitted after he counter-offered.

Commissioner Zamaites inquired if the intent is to sell the units or rent. Mr. Timmons indicated his intent is to sell the property to a builder. If he cannot, he will develop the property and try to sell as individual units. If he cannot sell then he will rent.

Commissioner Bennett inquired if the property was rezoned as R-3, would developers be more willing to purchase the property. Commissioner Hanlon inquired if the property was rezoned as R-3 would the realtor suggests raising the current price.

Mr. Timmons suggested the current price would remain the same. It is his belief that the property would sell more quickly to a developer if the property rezoned as R-3.

Commissioner Coyle inquired about the length of time the property has been vacant. Mr. Timmons responded that the property was for sale two years prior to his purchasing in 2012, so approximately seven years.

Commissioner Hanlon questioned what price would Mr. Timmons sell as a single family residence. Mr. Timmons stated that he would be willing to sell for reasonable amount; however, again, no one has presented a reasonable offer.

Commissioner Coyle inquired if realtors indicated builders are interested in multi-family. Mr. Timmons responded the builders he has spoken to are interested in multi-family.

Commissioner Argionis inquired if Mr. Timmons intent was to build multi-family units when he originally purchased the property. He also inquired pricing history after the denial of the previous map amendment request.

Mr. Timmons indicated that his intention was to build multi-family. He stated the vacant land was listed for \$225,000. He then dropped the price to \$199,000. Mr. Timmons decided to remove the property from the market due to no reasonable offers. Mr. Timmons and the realtors felt that price is not an issue; it is more related to the location of the property.

Commissioner Hanlon inquired if he had approached surrounding businesses about a larger development. Mr. Timmons indicated that he had reached out to surrounding business owners and there was no interest.

Joe Harner, 26 N. Delphia Avenue, stated he is concerned with a multi-family in a single family area. He also mentioned the townhomes on Elm Street and Delphia Avenue changing the dynamics of the neighborhood. He expressed concerns that other homeowners including himself could request future zoning changes.

Peggy Barry, 19 N. Lincoln Avenue, stated she is concerned with the rezoning of the property and traffic.

On a motion by Commissioner Bennett, seconded by Commissioner Arrigoni, the Commission AGREED to close the public hearing

Chairman Baldi indicated that he was in favor of change in 2013. He indicated that rezoning to R-3 rather than R-4 had less of an impact on parking and congestion. He stated he had concern with the inability of selling the property.

Commissioner Bennett referred to the Comprehensive Plan and that the higher density is suggested for properties along Touhy Avenue, not necessarily isolated properties such as this one. He stated he understood the hardship on the owner, however, he felt allowing the map amendment may not guarantee the sale of the property. He stated the change would not benefit the City.

Chairman Baldi referenced a successful transition regarding the property at Greenwood Avenue and Northwest Highway, and suggested this could be a similar situation.

Commission Argionis stated he was more open to R-3 rather than R-4, however he still had concerns and believed Park Ridge is primarily single family oriented.

Commissioner Hanlon referred to Touhy Avenue corridor as a variety of businesses as well as multi-family uses. He stated the proposed amendment would not be out of character.

Commissioner Bennett expressed that a developer could have purchased the property as an R-2 property. Commissioner Hanlon expressed the denial of the first map amendment could have deterred developers.

Chairman Baldi stated the map amendment could be a benefit to the community if developed as a two-family dwelling, rather than remain an empty lot. He believes the homeowner has made a good faith effort to sell the property.

Commissioner Mills stated she was in favor of the map amendment. She stated the two-family designation was the next best possible use other than single family.

Commissioner Arrigoni stated he would also support the R-3 designation.

Commissioner Coyle expressed that currently the property is not functioning, and that is a criteria to consider. She stated the higher zoning designation could benefit the community and a two-dwelling unit could work at this specific location with the gas station across the street.

Commissioner Zamaites referenced the large lot size and felt it was appropriate for two units.

The Commissioners discussed the Findings of the Fact. There was a recommendation to amend #8 to clarify that the Comprehensive Plan designates the area along Touhy Avenue as multi-family residential, and to amend #11, since the trend of development in the area has been mixed.

On a motion by Commissioner Arrigoni, seconded by Commissioner Bennett, the Commission AGREED to approve the application with the amended Findings of Fact for Case Number 17-03-MA: Map Amendment from the R-2 Single Family District to the R-3 Two-Family District at 4 North Delphia Avenue.

Vote on the motion as follows

AYES	6	Commissioners Baldi, Arrigoni, Coyle, Hanlon, Mills, Zamaites
NAYS	2	Commissioners Argionis, Bennett
ABSTAIN	0	None
ABSENT	1	Commissioner Giannetti

The motion passed.

IV. OTHER DEVELOPMENT CASES

Mr. Branham stated there would be a training session prior to the next meeting on February 28th, which would begin at 6:30 pm.

Commissioner Bennett inquired about illegally illuminated signs. Mr. Branham encouraged Mr. Bennett to provide specific locations and staff would follow up with property owners / businesses.

V. CITY COUNCIL LIAISON REPORT - none

VI. OTHER ITEMS FOR DISCUSSION -none

VII. CITIZENS WISHING TO BE HEARD ON NON-AGENDA ITEMS -none

VII. ADJOURNMENT

On a motion by Commissioner Zamaites, seconded by Commissioner Arrigoni, the Commission AGREED to adjourn the meeting.

The meeting was adjourned at 8:50 pm

These minutes are not a verbatim record of the meeting but a summary of the proceedings.



CITY OF PARK RIDGE

505 BUTLER PLACE
PARK RIDGE, IL 60068
TEL: 847/ 318-5291
FAX: 847/ 318-6411
TDD:847/ 318-5252
URL:<http://www.parkridge.us>

DEPARTMENT OF COMMUNITY
PRESERVATION AND DEVELOPMENT

Date: February 14, 2017
To: Planning and Zoning Commission
From: Jon Branham, Senior Planner
Thru: Jim Brown, Director of Community Preservation & Development
Subject: Map Amendment from the R-2 District to the R-3 District at
4 North Delphia Avenue
Zoning Case: 17-03-MA

Introduction

Tim Timmons, applicant, requests a map amendment to change the zoning of the property from the R-2 Single Family Residential District to the R-3 Two-Family Residential District, in accordance with Section 4.8 of the Zoning Ordinance.

Notification requirements for this application have been satisfied. A legal notice for the public hearing for the map amendment was published in the *Park Ridge Herald-Advocate*. Neighboring property owners were notified for the map amendment. A sign was posted on the property.

A map amendment request was previously heard by the Commission in August, 2012, and April, 2013. At that time, the applicant had requested rezoning the property to the R-4, Multi-Family Residential District, which included a proposal for a four-unit multi-family residential project. The Planning and Zoning Commission ultimately recommended denial of the proposed map amendment. The City Council upheld the denial in July, 2013. Those meeting minutes have been attached.

The following chart summarizes the land use, zoning district classification and Comprehensive Plan designation for the subject and surrounding properties.

Location	Current Use	Zoning	Comprehensive Plan
Subject Property	Vacant (formerly single family residence)	R-2	Multi-Family Residential (High Density)
North	Single Family Residential	R-2	Single Family Residential
East	Motor Vehicle Service Station	B-2	Multi-Family Residential (High Density)
South	Medical Office/Retail Shop	B-1	Multi-Family Residential (High Density)
West	Single Family Residential	R-2	Multi-Family Residential (High Density)

Information Submitted by the Applicant

The property is comprised of one parcel totaling approximately 9,375 square feet. The property is currently vacant and was previously occupied by a single family residence. The applicant requests a map amendment to change the zoning of the property from the R-2 Single Family Residential District to the R-3 Two-Family Residential District. A zoning change would accommodate a two-unit residential building on the property. If the property is rezoned, any development would be required to meet all applicable Zoning Ordinance requirements and receive approval from the Appearance Commission. Other requirements would be required through the building permit review process. No development plans are being presented at this time.

The applicant submitted a statement summarizing how the project would satisfy the required findings of fact for map amendments in Section 4.8.E, Table 1.

Comprehensive Plan and Zoning District

Comprehensive Plan

The Comprehensive Plan's Land Use Map identifies this area as multi-family (high density) residential. The Plan states that multi-family uses are to be considered west of Chester Avenue to Lincoln Avenue, along Touhy Avenue. The Plan also states the single family character of the neighborhood is encouraged to be maintained. The Land Use Map is conceptual and "advisory"; it is not to be construed as establishing exact land use boundaries or necessarily applying to any individual parcel of land. The Map is a guide for public decision making and is a long range vision to support the greater detail and more immediate perspective of the Zoning Ordinance.

Purpose of R-3 Two-Family Residential District

The R-3 Two-Family Residential District is intended to create a moderate density environment of single-family homes and two-family dwellings located along major streets upon sites comparable in dimensions to the typical lot size for single-family housing within the community. Limited non-residential uses that are compatible with surrounding residential neighborhoods may be permitted (§7.1.C).

Standards for Zoning Map Amendments

In 1957 the Illinois Supreme Court issued a judgment on a rezoning case (*LaSalle Nat'l Bank of Chicago v. County of Cook*). The Court's decision listed a number of tests to consider when evaluating a rezoning. In 1960 the Illinois Supreme Court returned to the issue of rezoning, and in *Sinclair Pipeline Co. v. Village of Richton Park*, added two more tests, or factors to consider. Together, the tests listed in these two court cases have become known as the "LaSalle factors," and have become the standards by which Illinois municipalities consider rezoning applications. The Zoning Ordinance of the City of Park Ridge incorporates these standards into Table 1 of Section 4.8.D (see below).

TABLE 1: STANDARDS FOR ZONING AMENDMENTS		
Standards	Map Amendments	Text Amendments
The existing use and zoning of nearby property.	X	
The extent to which property values of the subject property are diminished by the existing zoning.	X	
The extent to which the proposed amendment promotes the public health, safety, comfort, convenience and general welfare of the City.	X	X
The relative gain to the public, as compared to the hardship imposed upon the applicant.	X	X
The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property in question for one (1) or more of the uses permitted under the existing zoning classification.	X	
The length of time that the property in question has been vacant, as presently zoned, considered in the context of development in the area where the property is located.	X	
The evidence, or lack of evidence, of community need for the use proposed by the applicant.	X	
The consistency of the proposed amendment with the Comprehensive Plan.	X	X
The consistency of the proposed amendment with the intent and general regulations of this Ordinance.		X
Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.		X
That the proposed amendment will benefit the residents of the City as a whole, and not just the applicant, property owner(s), neighbors of any property under consideration, or other special interest groups, and the extent to which the proposed use would be in the public interest and would not serve solely the interest of the applicant.	X	X
Whether the proposed amendment provides a more workable way to achieve the intent and purposes of this Ordinance and the Comprehensive Plan.		X
The extent to which the proposed amendment creates nonconformities.	X	X
The trend of development, if any, in the general area of the property in question.	X	
Whether adequate public facilities are available including, but not limited to, schools, parks, police and fire protection, roads, sanitary sewers, storm sewers, and water lines, or are reasonably capable of being provided prior to the development of the uses, which would be permitted on the subject property if the amendment were adopted.	X	
The extent to which the proposed amendment is consistent with the overall structure and organization of this Ordinance.		X

Commission Review and Action

The Commission should review the standards for map amendments in Section 4.8.D, Table 1 and determine if the applicant satisfies the standards for changes to the Zoning Map. The Commission will need to weigh whether the proposed map amendment is compatible with the Zoning Ordinance, if the current conditions of the property warrant a change, whether the proposed two-family residential district would be compatible with the surrounding area, and if the proposed map amendment is consistent with the Comprehensive Plan.

The Commission may decide to recommend approval, recommend approval with conditions, or recommend denial to the City Council: a map amendment to change the zoning of the property from the R-2 Single Family Residential District to the R-3 Two-Family Residential District at 4 North Delphia Avenue, Zoning Case Number 17-03-MA. In taking action the Commission shall make findings of fact for map amendments, in accordance with Section 4.8.D, Table 1 of the Zoning Ordinance.

Findings of Fact for Zoning Amendments

The Planning and Zoning Commission recommendation and City Council decision on any zoning amendment, whether text or map amendment, is a matter of legislative discretion that is not controlled by any particular standard. However, in making their recommendation and decision, the Planning and Zoning Commission and City Council shall consider the following standards, as set forth in Table 1: Standards for Zoning Amendments below.

Staff has prepared potential findings of fact that the Commission may wish to consider, adopt or alter as the Commissioners deem appropriate. The suggested findings of fact are attached.

FINDINGS OF FACT
On A Map Amendment Application Regarding Property at 4 North Delphia Avenue
Park Ridge, Illinois

The Honorable Acting Mayor and City Council
City of Park Ridge
505 Butler Place
Park Ridge, IL 60068-4182

February 14, 2017

Gentlemen:

We transmit for your consideration a recommendation for **approval/denial** adopted by the Planning and Zoning Commission of the City of Park Ridge on the map amendment application of Tim Timmons for a rezoning from the R-2 Single Family Residential District to the R-3 Two-Family Residential District for the property located at 4 North Delphia Avenue.

Following due public notice as required by the City of Park Ridge Zoning Ordinance, the Planning and Zoning Commission held a public hearing on February 14, 2017, in the City Hall Council Chambers. Upon having reviewed materials submitted by the applicants and a staff memorandum with attachments prepared by the City's Community Preservation and Development Department, and having heard City staff comments and sworn testimony at the public hearing, the Planning and Zoning Commission deliberated and reached the following Findings of Fact:

1. The existing use and zoning of nearby property.

The current zoning designation is R-2, Single Family Residential. The property was previously occupied by a single family residence. The property is currently vacant. The property is surrounded by single family zoning to the north and west, and commercial zoning to the east and south.

2. The extent to which property values of the subject property are diminished by the existing zoning.

The property values with the existing zoning are diminished because of the lack of development of the property with the existing zoning designation.

3. The extent to which the proposed amendment promotes the public health, safety, comfort, convenience and general welfare of the City.

The proposed amendment would promote the public health, safety, comfort, convenience and general welfare of the City by fostering a zoning district which would allow for suitable development.

4. The relative gain to the public, as compared to the hardship imposed upon the applicant.

The public would gain as new housing would be provided in the immediate vicinity.

5. The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property in question for one (1) or more of the uses permitted under the existing zoning classification.

Because of the proximity to commercial uses and Touhy Avenue, and the real estate market for the foreseeable future, the redevelopment of this property as Single Family Residential is unlikely.

6. The length of time that the property in question has been vacant, as presently zoned, considered in the context of development in the area where the property is located.

The property has been vacant for the past five years.

7. The evidence, or lack of evidence, of community need for the use proposed by the applicant.

There is evidence that the community could benefit from a new two-family housing development on the vacant property.

8. The consistency of the proposed amendment with the Comprehensive Plan.

The Comprehensive Plan designates this area as Multi-Family Residential (High Density). It also states that the single family character of the neighborhood is encourage to be maintained. This property could be considered a transition zone between the single family housing and the adjacent higher intensity commercial properties.

9. That the proposed amendment will benefit the residents of the City as a whole, and not just the applicant, property owner(s), neighbors of any property under consideration, or other special interest groups, and the extent to which the proposed use would be in the public interest and would not serve solely the interest of the applicant.

The proposed amendment would benefit the residents of the City as a whole by providing additional housing opportunity on a vacant property.

10. The extent to which the proposed amendment creates nonconformities.

The proposed amendment would not create any nonconformities. Any new development would need to meet all zoning and permit requirements.

11. The trend of development, if any, in the general area of the property in question.

The trend of development along Touhy Avenue has been toward multi-family housing.

12. Whether adequate public facilities are available including, but not limited to, schools, parks, police and fire protection, roads, sanitary sewers, storm sewers, and water lines, or are reasonably capable of being provided prior to the development of the uses, which would be permitted on the subject property if the amendment were adopted.

Adequate public facilities are available at the property and in the area.

Respectfully,

Joseph A. Baldi
Chairman, Planning and Zoning Commission
City of Park Ridge



Zoning Map Amendment Application

City of Park Ridge

Community Preservation and Development Department . 505 Butler Place . Park Ridge, IL . 60068
Phone: (847) 318-5291 . Fax: (847) 318-6411 . www.parkridge.us

Case Number: 17-03-MA

Subject Property Information:

Address: 4 North Delphia Ave Zoning District: R-2

Legal Description (can attach separate sheet): Lot 20, 21, and 22 in block ten (10) in Ira Brown's addition to Park Ridge, said addition being a subdivision of the south half (1/2) of the southwest quarter (1/4) of section 26 lying south of the right of way of the Chicago and northwest railway in township 41 north, range 12 east of the third principal meridian.

Applicant Information:

Name: Tim Timmons Phone: 847-899-8468

Address: 104 N. Greenwood Ave E-mail: boilerpete@gmail.com

Owner Information:

Name: Tim Timmons Phone: 847-899-8468

Address: 104 N. Greenwood Ave, Park Ridge, IL 60068

Summary of Proposed Zoning Map Amendment (refer to Section 4.8 of the Zoning Ordinance):

The proposed zoning map amendment for 4 N. Delphia is to rezone the property from R-2 single family to R-3 two family.

I hereby certify, as the undersigned applicant, that the above statements and attached documentation are true and correct to the best of my knowledge.

Tim Timmons
Signature of Applicant

1/17/17
Date

Applicant Disclosure Statement (Section 2-24-1)

Name of Applicant: Tim Timmons

Subject Property Information:
Address: 4 N. Delphia

P.I.N.: 09-26-318-025-0000

Name and business address of any and all current holders of legal or beneficial title to the subject property (attach additional sheets if necessary):

Tim Timmons @ 104 N. Greenwood Ave., Park Ridge 60068

If there is a pending contract for the sale of the subject property, list the purchasing party's name:

N/A

List any entities, other than a natural person, that hold legal or beneficial title and that have a greater than 3% interest in the entity:

N/A

For each entity listed above that, list every director, officer and manager of the entity:

N/A

For each entity listed above that is a limited partnership or limited liability company, list the name of every limited or general partner or member:

N/A

For each limited partner or general partner that is a corporate entity, list the name of every person who holds a greater than 3% interest in the corporation:

N/A

I acknowledge that I have read and understand the requirements of Article 2, Chapter 24 of the Park Ridge Municipal Code ("Code"). I understand that as the applicant, I am required to keep all of the information on this form current and updated until the City Council takes final action on my request. I also understand that if I fail to comply with this requirement, the City Council may declare the action it has taken with respect to my request null and void. In addition, the City Council may direct the initiation of legal action for a violation of the Code and may seek the penalties set forth in Section 2-24-4 of the Code, including daily monetary fines. I understand that this disclosure statement will be open for public inspection and posted on the City's website prior to any meeting when my request will be acted upon. I understand that if the subject property is assigned, transferred or if an agreement is entered into to transfer any right, interest, or permit within one year of the City Council's final action, there will be a rebuttable presumption that the assignee or transferee had constructive control of the subject property at the time of my application. The penalty discussed above will be imposed for any failure to disclose any such assignee or transferee.

I, the undersigned applicant, hereby certify that above statements are true and correct to the best of my knowledge.

Tim Timmons
Signature of Applicant

4/17/17
Date

4 N. Delphia

TABLE 1: STANDARDS FOR ZONING AMENDMENTS

Standards	Map Amendments
<p>The consistency of the proposed amendment with the Comprehensive Plan.</p> <ul style="list-style-type: none"> The comprehensive plan calls for multi-family residential property to act as a buffer from commercial or business properties along Touhy to the east of Greenwood Ave. This property has business property to the south and the proposed rezoning shares in spirit and intent the idea of a low density multi-family buffer between business zoned property to the south and R-1 zoned to the north. In addition, most of the property is across the street from a B-2 zoned gas station. 	X
<p>The consistency of the proposed amendment with the intent and general regulations of this Ordinance.</p>	
<p>Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.</p>	
<p>That the proposed amendment will benefit the residents of the City as a whole, and not just the applicant, property owner(s), neighbors of any property under consideration, or other special interest groups, and the extent to which the proposed use would be in the public interest and would not serve solely the interest of the applicant.</p> <ul style="list-style-type: none"> Benefits the city by being a developed residential property actively participating in the tax base at a higher level than a vacant property. The R-3 zoning preserves the vibe of the neighborhood by introducing a low density two family residential structure on a lot that almost equals the size of two lots. The width of the lot is 75', most lots on Delphia are 40' wide. The low density R-3 zoning would serve as a continuation of the family oriented structures that continue to the north and therefore appeal aesthetically to the public. The additional tax revenue of a developed property over that of a vacant lot would be an appealing alternative. 	X
<p>Whether the proposed amendment provides a more workable way to achieve the intent and purposes of this Ordinance and the Comprehensive Plan.</p>	
<p>The extent to which the proposed amendment creates nonconformities. none</p>	X
<p>The trend of development, if any, in the general area of the property in question.</p> <p>There seems to be a trend of developing multi-family properties in many area in Park Ridge. The recent development at the City's old maintenance property would be the closest in the area. In addition, there has been discussion at the city level to rezone B-1 properties to B-2 properties. This property currently borders a B-1 property that is on Touhy. Developing it as a low density residential buffer would fit with the business zoning definition of a B-2 zoned property.</p>	X
<p>Whether adequate public facilities are available including, but not limited to, schools, parks, police and fire protection, roads, sanitary sewers, storm sewers, and water lines, or are reasonably capable of being provided prior to the development of the uses, which would be permitted on the subject property if the amendment were adopted.</p> <p>Adequate public facilities are present.</p>	X
<p>The extent to which the proposed amendment is consistent with the overall structure and organization of this Ordinance.</p>	

4 N. Delphia Statement

The purpose of this Map Amendment rezoning request is for 4 N. Delphia Ave. The property is currently zoned R-2 single family residential, and the request is to have the zoning changed to R-3 two family residential. This property has been for sale as a vacant lot for almost 3 years. The only individuals who have shown interest are developers that have stated that because of its proximity to the gas station they would only be interested in purchasing if the property were to be a multi-family zoned property.

The comprehensive plan calls for multi-family residential property to act as a buffer from commercial or business properties along Touhy to the east of Greenwood Ave. This property has business property to the south and the proposed rezoning shares in spirit and intent the idea of a low density multi-family buffer between business zoned property to the south and R-2 zoned to the north. In addition, most of the property is across the street from a B-2 zoned gas station. In addition, there seems to be a trend of developing multi-family properties in many area in Park Ridge. The recent development at the City's old maintenance property would be the closest in the area. There has been discussion at the city level to rezone B-1 properties to B-2 properties in this area along Touhy Ave. This property currently borders a B-1 property that is on Touhy. Developing it as a low density residential buffer would fit with the business zoning definition of a B-2 zoned property.

That the proposed amendment will benefit the residents of the City as a whole in the following ways.

- Benefits the city by being a developed residential property actively participating in the tax base at a higher level than a vacant property.
- The R-3 zoning preserves the vibe of the neighborhood by introducing a low density two family residential structure on a lot that almost equals the size of two lots. The width of the lot is 75', most lots on Delphia are 40' wide.
- The low density R-3 zoning would serve as a continuation of the family oriented structures that continue to the north and therefore appeal aesthetically to the public. The additional tax revenue of a developed property over that of a vacant lot would be an appealing alternative.



MINUTES

REGULAR CITY COUNCIL MEETING OF THE PARK RIDGE CITY COUNCIL

**CITY HALL
COUNCIL CHAMBERS
505 BUTLER PLACE PARK RIDGE, IL 60068**

Monday, July 1, 2013

Mayor David F. Schmidt called the meeting to order at 7:30 p.m.

I. Roll Call

City Clerk Henneman read the Roll Call and the following Elected Officials indicated their presence: Ald. Sweeney, Milissis, Smith, Shubert, Knight, Mazzuca, and Mayor Schmidt. Ald. Maloney was absent. There was a quorum.

Staff present: K. Oliven, M. Zywanski, F. Kaminski, E. Hill, S. Hamilton, C. Peterson, J. Testin, W. Zingsheim, and S. Mitchell

II. Pledge of Allegiance

III. Approval of Minutes

1. Regular City Council Meeting – June 17, 2013

Moved by Ald. Sweeney. Seconded by Ald. Shubert. **Motion carried.**

IV. Consent Agenda

- VII.B.1. Approve final reading of an Ordinance for a variance to allow an attached garage to encroach 7.5 feet into the required rear yard setback of 20 feet, as required by Section 7.3, Table 3 at 194 Michael John Drive, Case Number V-13-02**
- VII.E.1. Approve first reading of modifications to Article 4, Chapter 14, Section 1 - Youth Service Commission; reflecting a decrease in members and removing the Teen Center as a liaison**
- VII.E.1. Approve first reading of modifications to Article 4, Chapter 14, Section 1 - Youth Service Commission; reflecting a decrease in members and removing the Teen Center as a liaison**
- VII.G.1. Approve final reading of modifications amending Article 9; adding Chapter 7- Hazardous Materials Regulations**
- VII.H.1. Approve warrants, reviewed by Ald. Mazzuca for the period ending June 29, 2013 in the amount of \$1,817,954.51 and wire transfers in the amount of \$260,057.33 for a total of \$2,078,011.84**
- VII.H.2. Approve a purchase order for time and material / emergency tree work to Autumn Tree / Sav A Tree, 550 Bedford Road, Bedford Hills, New York 10507-1605 in the amount of \$125,000.00**
- VII.H.3. Approve a purchase order for cyclic tree trimming to Autumn Tree / Sav A Tree, 550 Bedford Road, Bedford Hills, New York 10507-1605 in the amount of \$130,000.00**
- VII.H.4. Approve a purchase order for tree health treatments to Autumn Tree / Sav A Tree, 550 Bedford Road, Bedford Hills, New York 10507-1605 in the amount of \$10,000.00**
- VII.H.5. Approve a purchase order for tree removal to Steve Piper and Sons Inc., 31 W 320 Ramm Drive, Naperville, Illinois 60564-5639 in the amount of \$400,000.00**

- VII.H.6. **Approve a purchase order for street tree inventory to Davey Tree Expert Co., 1500 North Mantua Street, Kent, Ohio 44240-5193 in the amount of \$25,000.00**
- VII.H.7. **Approve a purchase order for tree purchasing and planting to Suburban Tree Consortium, West Municipal Conference, 2000 5th Avenue, River Grove, Illinois 60171-1907 in the amount of \$140,000.00**
- VII.H.8. **Approve a purchase order increase of \$11,000.00 to the State of Illinois, Illinois Department of Transportation, 201 West Center Court, Schaumburg, Illinois 60196-1096**
- VII.H.9. **Approve a Purchase for Hydrant Materials, Mid-America Water Company of Wauconda, Illinois in the amount of \$17,000.00.00**
- VII.H.10. **Approve agreement allowing POB Uptown LLC to enter into a lease agreement with Charles Schwab Corporation based on guarantee of sales tax revenue of \$300.00 per square foot, plus annual sales increases based on Consumer Price Index**

Moved by Ald. Sweeney. Seconded by Ald. Knight.

Ald. Mazzuca requested that Item VII.H.1. be removed from the Consent Agenda.

Roll Call Vote:

AYES: Ald. Knight, Mazzuca, Sweeney, Milissis, Smith and Shubert (6)

NAYS: None (0)

ABSENT: Ald. Maloney (1)

Motion carried, 6 - 0.

V. Reports of City Officials

A. MAYOR

1. Motion to approve the City Manager's Employment Agreement

Moved by Ald. Sweeney. Seconded by Ald. Knight.

Ald. Mazzuca spoke of Mr. Hamilton's current arrangement with the City, comparing it to what has been proposed. Topics of discussion included vacation, insurance, salary increase, bonus pay, and IMRF contributions, which totaled approximately \$40K of unbudgeted funds. For the interest of full disclosure, Ald. Mazzuca indicated that he had once worked with Mr. Hamilton at the Federal Home Loan Bank of Chicago.

Mr. Hamilton waived family health coverage under his current arrangement with the City, however, Mayor Schmidt indicated that Mr. Hamilton does not intend to utilize the health coverage but does have a right to utilize that coverage. Ald. Sweeney inquired about the IMRF contributions and insurance benefits.

Ald. Smith was uncomfortable discussing this matter in open session and it was his opinion that it should take place in closed session. He made a motion to that effect, but it failed due to lack of a second.

Ald. Sweeney commented on the fine job by Mayor Schmidt in negotiating this contract.

Ald. Smith did not agree with the process and believes the City has been lackadaisical in looking for a new City Manager. It was his concern that hiring Mr. Hamilton might trigger a discrimination lawsuit from Ms. Maller. Mayor Schmidt reminded Ald. Smith that Ms. Maller left voluntarily to accept a City Manager position in another municipality. Discussion continued about the residency requirement, which Ald. Smith believes Ms. Maller was bound to. Ald. Knight indicated that the residency requirement was removed as a requirement by the Council within the last few years and is no longer applicable.

Ald. Mazzuca did not support the contract. He believes the salary is too high, comparing it to the Federal Civil Service pay scale and benefits. He also stated that all senior staff agreed not taking any pay increases this year. He suggested that the GS pay scale is one that the City may want to research and adopt.

Ald. Knight believes that Mr. Hamilton is aware of the high performance level that is expected of him and his staff. He will vote to support the contract. He sees no relevancy comparing this job to the Federal pay scale.

Ald. Milissis understands Ald. Mazzuca's comparison to the GS pay scale. However, one employee cannot be singled out. The fact is the City does not use the government scale. Therefore, it would be unfair to use the comparison. He believes it is a fair contract that was submitted by Mayor Schmidt with proper comparative data from other municipalities.

Mayor Schmidt believes it is a fair agreement and the amount offered to Mr. Hamilton is sufficient based on comparatives that he submitted.

Ald. Shubert recognized Mayor Schmidt for the transparency and fairness of this process. He believes Mr. Hamilton performed well thus far and will vote to support the agreement.

Ald. Smith suggested that the new aldermen review the audios of the Closed Session meetings relating to the termination of City Manager Hock and the process for finding a replacement.

Roll Call Vote:

AYES: Ald. Sweeney, Milissis, Shubert and Knight (4)

NAYS: Ald. Mazzuca and Smith (2)

ABSENT: Ald. Maloney (1)

Motion carried, 4 – 2.

Mayor Schmidt explained that those who received FEMA reimbursement might also be eligible for a Small Business Administration loan available to residents for personal flood control devices. You must qualify through FEMA. No FEMA flood assistance is available for the June flood in Cook County. The deadline to apply for FEMA assistance for the April 2013 flood is July 9, 2013.

Mayor Schmidt also mentioned that he had a conference call with Congressman Jan Schakowsky and mayors from the 9th Congressional District. She provided an update on Washington issues. After her update, many mayors started asking questions about the flooding. Mayor Schmidt requested that more government money be made available to upgrade the sewer systems. Mayor Schmidt also indicated that he spoke with Finance Manager Oliven regarding the amount of increase per household that would be required for the sewer fund to eliminate all sewer backups and fix the infrastructure all at once. According to Finance Manager Oliven, Mayor Schmidt was told that rates would need to be increased from \$3.10 (every two months) to \$270.11. According to Mayor Schmidt, the cost would be astronomical.

At the mayor's request, Public Works Director Zingsheim explained the purpose of the deep tunnel project. Zingsheim explained it is a TARP or Tunnel and Reservoir project. It is a pollution control device, not a flood control device. It holds the first inch of rainfall and treats the water before it is released into the waterways, eliminating any pollutants. He also explained the usage of the reservoirs and the difficulty in handling excessive rainfall amounts. They spoke of the massive reservoir planned near McCook Avenue. Director Zingsheim would like a way to transmit water from the east side of the City to the west. Mayor Schmidt provided a makeshift example of an overabundance of water placed on a sewer using a paper cup.

Mayor Schmidt also made a comment regarding those residents who think that the City Council does not care. He understands their frustration. However, the City has a planned sewer restoration program underway, which has been moving forward. Unfortunately, it is cost prohibitive to do it all at once. Director Zingsheim spoke about the City's sewer maintenance and lack of manpower.

Ald. Sweeney agreed there is a maintenance problem. He agreed that a tax increase is necessary so that money could be strictly allocated for flood control and maintenance. Unless this Council takes action, flooding will continue.

Ald. Milissis spoke about the City's sewer restoration plan. He believes the City needs to accelerate the plan with a special assessment for the benefits of the residents. Mayor Schmidt explained the many factors that are involved with this type of project, including the coordination and approval from many governmental agencies.

Engineer Mitchell provided an update of the feasibility study for the proposed project in the Country Club area. Both Engineer Mitchell and Director Zingsheim agreed that talks with the Country Club would be premature.

Ald. Mazzuca questioned the flooding problem west of the Country Club. Director Zingsheim identified that the main part of the project is the giant pipe located at Lahon and Greenwood. Ald. Mazzuca was looking for lower risk strategies or other containment options. He also suggested the use of the vacant property on Greenwood, between Busse and Oakton. Engineer Mitchell believes a reservoir in the Country Club might help a little.

Director Zingsheim addressed Ald. Shubert's concerns about various areas and streets affected by flooding that are not scheduled for a project. Ald. Knight commented on calls received by residents who indicated that their sewer worked fine a year ago and now it doesn't. He questioned the actions taken by the City. He is looking to Director Zingsheim and the Burke Company to rationalize that the study still makes sense and that the proposed projects will be helpful to the City. He would also like to know any addition steps that need to be taken by the City in regards to maintenance. He suggested having a Special Meeting addressing Flood Control.

Director Zingsheim would like to see the vactor truck on the street more often than it is but spoke about the lack of manpower.

Ald. Mazzuca addressed the redirection of water. He believes this may explain the reason for flooding in areas that never experienced flooding in the past.

Ald. Shubert spoke in favor of having a Special Meeting to discuss and address this matter. He believes there is more that the City can and should do for its residents. Mayor Schmidt followed up, directly his comments to City Manager Hamilton, indicating that if it means altering the makeup of City staff so that more people are in Public Works, that is something that he (Hamilton) should consider. If hiring is a solution, cuts may need to be made elsewhere.

Ald. Smith believes that the growth of homes within the community, twice the size and twice the runoff, is another reason for the flooding, that in his opinion, will only get worse.

The following residents spoke before the Council on flooding issues:

Laki Nikokavduras, 1747 Elliot Street; Karen Burkum, 401 S. Prospect; Mike Cavalla, 910 Glenlake; Barbara Gafke, 747 N. Delphia; John Bennett (CERT member), 113 Arthur.

Mayor Schmidt addressed various comments that he has heard in regards to flooding. He agreed that people pay high taxes in Park Ridge, much of which goes to the School Districts and the Park District. He believes it is inaccurate to say that the City doesn't care or hasn't been doing anything. He explained, for decades, this issue was ignored and it is impossible to catch up in a few years. It is a capacity issue and the City will need a lot of money. He spoke about the possibility of bringing the expense before the public so they can decide. The dramatic fix that is wanted by the residents would cost the city an extraordinary sum of money and take years to complete. It is not true to say that Park Ridge is the only City that floods. Mayor Schmidt clearly expressed his frustration.

B. City Council

No report.

C. City Attorney

No report.

D. City Clerk

No report.

E. City Manager

No report.

VI. Citizens Who Wish to Address the City Council on a Non-Agenda Item

VII. Reports of Boards, Commissions and Committees

A. Planning & Zoning Commission – Ald. Sweeney

1. Approve the final reading of an Ordinance for a Map Amendment from the R-2 District to the R-4 District at the property located at 4 North Delphia, Case Number MA-13-02

Moved by Ald. Sweeney. Seconded by Ald. Knight.

Ald. Shubert explained that he intends to withdraw his support for the Zoning Ordinance change. He thanked those in the 4th Ward who have communicated their concerns with him, including water and sewer issues. Ald. Milissis requested clarification of those issues.

Director Testin explained that much of the discussion was focused was on traffic. After a site plan is submitted, traffic, water and sewer issues are all addressed accordingly for this particular use. Any requirements of the City would need to be met. The maximum number of unit that could be built on the property, based on calculations, would be five.

Mayor Schmidt consulted with City Attorney Hill about the anticipated vote. If the matter fails to get the required vote, the case will be closed.

Forrest Shields, 88 N. Greenwood, spoke on behalf of the applicant, Mr. Timmons who was absent, for the proposed project at 4 N. Delphia. Mr. Shields requested a continuance but failed to receive support from the Council. He read a statement submitted by Mr. Tim Timmons, the one year owner of 4 N. Delphia and eighteen year resident of 104 N. Greenwood. He provided the history of the land, addressed various concerns that were previously expressed by residents and explained how the development would meet the recommendations of the City's Comprehensive Plan.

Jon Bennett (113 Arthur) disclosed that he is a member of the Planning and Zoning Commission. He spoke as a citizen with knowledge and experience of the case. He explained the criteria that must be used by the Planning and Zoning Commission when determining if a Map Amendment should be recommended. Although the site plan was shown to the Council at an earlier meeting, it is not the issue before the Council at this time. It is his belief that the Planning and Zoning Commission interprets the Comprehensive Plan to limit development on Touhy Avenue, with a buffer possibility extending one lot into the neighborhood.

Mayor Schmidt spent time at the proposed location of the development, struggling with the fact that there is a commercial property directly across the street on Touhy Avenue, which extends one lot in on to Delphia.

Ald. Mazzuca clarified that he was the one who questioned if a senior staff member recommended this property to be an R-4, which he believes was inappropriate. Also, he indicated that it was he and Ald. Maloney that voted to support the Commission's decision.

Judy Barclay (524 N. Courtland) indicated that the Findings of Fact explain how the Commissioners arrived at their conclusion. Furthermore, she indicated that the Comprehensive Plan is geared toward the major arteries, not to an interior lot. It was her opinion that the site would be overdeveloped with what Mr. Timmons has proposed. Although a site plan was presented to the Council showing four units, the builder could easily add one additional unit if the zoning change was approved.

The following residents spoke in opposition of the rezoning of the 4 N. Delphia property; Candice Hueranft, 109 N. Delphia; Monty Williams, 115 N. Delphia; Peter Fogarty, 105 N. Delphia; Joe Harner, 26 N. Delphia; Barbara Loud, 25 N. Delphia; Jolanta Birylo, 10 N. Delphia; Graham Metzger, 104 N. Delphia; Robbin Forrest, 121 N. Delphia and Hong Chon, 245 N. Delphia. Flooding, sewer configuration, traffic safety issues, devaluation of property values, and the development of a multi-family residence in a single-family neighborhood were the topics that were addressed.

Antonio Fenecia, 109 N. Greenwood, the architect of the project, explained that the development is a residential type building. He indicated that the water runoff would not be increased and that two parking spaces per unit will be offered in addition to parking in the rear. He viewed the development as a transitional multi-family property. He believes it is progress for the City for urban planning.

Forrest Shields (88 N. Greenwood) conducted a random parking study on the first block of north Delphia. He disclosed that the parking to residential home ratio was 3.5 spaces, per home. He spoke about existing street traffic which has always been a problem in the area, in addition to flooding and sewer issues. He believes that Tim Timmons will properly maintain the property, long-term, and be a responsible landlord.

Judy Barclay (524 Courtland) explained that in the Findings of Fact, the applicant must show that this will not be a detriment to the community and not a benefit solely to the property owner. Based on what she has heard, the development would be a detriment o the community.

Ald. Smith explained that the choice is between changing the zoning to R-4 or having a vacant lot. He does not believe anyone would want to build a Park Ridge style home at this specific location.

Ald. Sweeney read a few lines from the Findings of Fact.

Mayor Schmidt expressed that he previously voted twice in favor of the zoning change. After spending time at the location, he had several thoughts that crossed his mind. He understands that the residents on Delphia want to preserve the neighborhood. On the other hand, property owners have a right to develop their land as they wish. He appreciates the words shared by Commissioner Bennett. Although it was a difficult decision, Mayor Schmidt indicated that he has decided to vote against the zoning change. Lastly, he indicated that six votes would be required to approve the zoning change.

Roll Call Vote:

AYES: Ald. Smith, Knight and Mazzuca

NAYS: Ald. Sweeney, Milissis, Shubert, and Mayor Schmidt

ABSENT: Ald. Maloney (1)

Motion was defeated, 3 – 4.

Ald. Milissis stated that he is a big advocate of activism. However, he found the behavior of some of the Delphia representative to be inappropriate, to City staff and in the Council Chambers.

B. Zoning Board of Appeals

1. **Approve the final reading of an Ordinance for a variance to allow an attached garage to encroach 7.5 feet into the required rear yard setback of 20 feet, as required by Section 7.3, Table 3; Case Number V-13-02 at 194 Michael John Drive / Approved pursuant to the Omnibus Vote designation**

C. Liquor License Review Board – Mayor Schmidt

D. O'Hare Airport Commission – Ald. Maloney

E. Procedures and Regulations Committee – Ald. Mazzuca

1. **Approve first reading of modifications to Article 4, Chapter 14, Section 1 - Youth Service Commission; reflecting a decrease in members and removing the Teen Center as a liaison / Approved pursuant to the Omnibus Vote designation**

F. Public Works Committee – Ald. Maloney

G. Public Safety Committee – Ald. Milissis

1. **Approve final reading of modifications amending Article 9; adding Chapter 7- Hazardous Materials Regulations / Approved pursuant to the Omnibus Vote designation**

H. Finance – Ald. Knight

1. **Approve warrants, reviewed by Ald. Mazzuca for the period ending June 29, 2013 in the amount of \$1,817,954.51 and wire transfers in the amount of \$260,057.33 for a total of \$2,078,011.84**

Moved by Ald. Knight. Seconded by Ald Sweeney.

In reviewing the warrants, Ald. Mazzuca noticed a typographical error in the wire transfer amount.

Motion to amend the main motion, changing the wire transfer amount to \$266,057.33 for a total of \$2,084,011.84.

Moved by Ald. Mazzuca. Seconded by Ald. Sweeney.

Voice Vote, motion carried.

Roll Call Vote, on the main amended motion:

AYES: Ald. Knight, Mazzuca, Sweeney, Milissis, Smith, and Shubert (6)

NAYS: None (0)

ABSENT: Ald. Maloney (1)

Motion carried, 6 – 0.

2. **Approve a purchase order for time and material / emergency tree work to Autumn Tree / Sav A Tree, 550 Bedford Road, Bedford Hills, New York 10507-1605 in the amount of \$125,000.00 / Approved pursuant to the Omnibus Vote designation**
3. **Approve a purchase order for cyclic tree trimming to Autumn Tree / Sav A Tree, 550 Bedford Road, Bedford Hills, New York 10507-1605 in the amount of \$130,000.00 / Approved pursuant to the Omnibus Vote designation**
4. **Approve a purchase order for tree health treatments to Autumn Tree / Sav A Tree, 550 Bedford Road, Bedford Hills, New York 10507-1605 in the amount of \$10,000.00 / Approved pursuant to the Omnibus Vote designation**
5. **Approve a purchase order for tree removal to Steve Piper and Sons Inc., 31 W 320 Ramm Drive, Naperville, Illinois 60564-5639 in the amount of \$400,000.00 / Approved pursuant to the Omnibus Vote designation**
6. **Approve a purchase order for street tree inventory to Davey Tree Expert Co., 1500 North Mantua Street, Kent, Ohio 44240-5193 in the amount of \$25,000.00 / Approved pursuant to the Omnibus Vote designation**
7. **Approve a purchase order for tree purchasing and planting to Suburban Tree Consortium, West Municipal Conference, 2000 5th Avenue, River Grove, Illinois 60171-1907 in the amount of \$140,000.00 / Approved pursuant to the Omnibus Vote designation**
8. **Approve a purchase order increase of \$11,000.00 to the State of Illinois, Illinois Department of Transportation, 201 West Center Court, Schaumburg, Illinois 60196-1096 / Approved pursuant to the Omnibus Vote designation**
9. **Approve a purchase for hydrant materials, Mid-American Water Company of Wauconda, Illinois in the amount of \$17,000.00 / Approved pursuant to the Omnibus Vote designation**
10. **Approve agreement allowing POB Uptown LLC to enter into a lease agreement with Charles Schwab Corporation based on guarantee of sales tax revenue of \$300.00 per square foot, plus annual sales increases based on Consumer Price Index / Approved pursuant to the Omnibus Vote designation**

VIII. New Business – For announcement, deliberation, and/or discussion only - no official action will be taken.

Ald. Smith expressed his concern for "optional" items being added to the Committee of the Whole or to the City Council agenda. He suggested that these items must have the support of at least one Alderman. The specific matter he was addressing was relating to "Concealed Carry." Other Aldermen provided their opinions to Ald. Smith's suggestions. City Manager Hamilton explained that he was the person who placed the item on the agenda and that he will continue to do his job by keeping the City Council informed.

Ald. Sweeney requested that Public Safety or Public Works investigate to see if the City should limit the left hand turn on to Delphia to certain hours, or perhaps make the Delphia a one-way street.

Ald. Shubert explained that he has discussed various opinions regarding traffic and parking issues on Delphia.

Ald. Smith requested to have his extended remarks that were placed in the Council packets, be made a part of the minutes.

IX. Adjournment

The regular meeting of the Park Ridge City Council adjourned at 10:35 p.m.

Transcribed by:

Cheryl L. Peterson, Deputy Clerk

Approved by the City Council on the 15th day of July, A.D., 2013.

Attest:

David F. Schmidt, Mayor

Betty W. Henneman, City Clerk

Ald. Smith's Extended Remarks on Gun Control

I'd like to thank the city for letting me speak here. I'm going to tell you a little about myself and then get into the 3 big issues on the topic of an Assault Weapons Ban (AWB), which are why this is an issue at this particular time, what the "assault weapons" issue really means, and what its implications are.

I'm a retired computer consultant who has lived in the Park Ridge/Des Plaines area for a total of 46 years. I have owned 2 residences in Park Ridge. Since I'm retired, I have time to devote to the job of alderman to which I was elected in 2011. I have always been deeply concerned with civil liberties. That is the issue I see here today. Where did the issue of local "assault weapon" bans come from? It was a little-noticed provision in a bill passed on the last day of the legislative session. The politician who has been pushing this is Sheila Simon. She is the Lieutenant Governor. "Light Governor" is a do-nothing, dead-end office (unless the Governor has health or legal problems). She has announced that she will not seek re-election. Political pundits are predicting that Simon will run for Attorney General if Lisa Madigan runs for Governor. Stirring up this issue now is designed to give Simon an issue to run on and a mailing list of like-minded supporters. Those who think this is a real issue are Simon's stooges.

The AWB proposal is basically to add more regulation to an industry that is already the most heavily regulated in the US. This burden of regulation goes way beyond any sensible level and must be considered harassment and

discrimination against gun owners. Gun owners are a persecuted minority. This is the last remaining civil rights issue after a century of progress in this area. The great recent achievement in this area is the legal recognition that "to keep and bear arms" is a fundamental right guaranteed by the Constitution. Now all of the assumptions about the boundaries of gun control are up for debate. The jurisprudence on Second Amendment rights is very under developed. This means that there is a strong chance of litigation which can be very costly for the city. The overall thrust of this type of legislation is to criminalize innocuous events. Notice that the crimes are defined as "possession" not misuse. This is something easy to get a conviction on; it requires no proof of criminal intent. Arguably, such an approach is appropriate for something like narcotics, which has no legitimate use. This is not so for fundamental rights guaranteed by the Constitution. Suppose you have a box in your attic containing your grandfather's WW2 uniform and a 20-round magazine from the M1 carbine that he used. There are no cartridges for the magazine and no gun to put it in, yet the resident is just as guilty of this offense as though she used it in a bank robbery.

The US had a nationwide AWB from 1994 to 2004. The Department of Justice made 2 studies of its effectiveness and concluded that it had no significant effect on crime rates. Lack of results is one of the reasons why the AWB was not renewed.

The important thing to understand here is that this topic is a partisan election maneuver by a downstate Democrat, a civil liberties issue that the proponents are on the wrong side of, and the revival of a failed idea. Thank you again for listening to me.



MINUTES

REGULAR MEETING OF THE PARK RIDGE CITY COUNCIL

**CITY HALL
COUNCIL CHAMBERS
505 BUTLER PLACE PARK RIDGE, IL 60068**

Monday, June 17, 2013

Mayor David F. Schmidt called the meeting to order at 7:04 p.m.

I. Roll Call

City Clerk Henneman read the Roll Call and the following Elected Officials indicated their presence: Ald. Sweeney, Milissis, Smith, Shubert, Knight, Mazzuca, Maloney and Mayor Schmidt.

Staff present: K. Oliven, M. Zywanski, F. Kaminski, K. Henn, S. Hamilton, C. Peterson, M. Suppan, J. Testin, W. Zingsheim, and S. Mitchell

II. Pledge of Allegiance

III. Approval of Minutes

1. Regular City Council Meeting – June 3, 2013

Moved by Ald. Sweeney. Seconded by Ald. Mazzuca. **Motion carried.**

2. Committee of the Whole Meeting – June 10, 2013

Moved by Ald. Sweeney. Seconded by Ald. Mazzuca. **Motion carried.**

IV. Consent Agenda

- VII.A.1. Approve final reading of an Ordinance for a Special Use to Allow a Ground Floor Personal Service Use (Hair Salon) in the B-4, Uptown Core District at 124 South Prospect; Case SU-13-02
- VII.E.1. Approve the appointment of Shawn Hamilton as the City of Park Ridge's member to the Dempster TIF Joint Review Board
- VII.E.2. Approve the appointment of Shawn Hamilton as the City of Park Ridge's member to the Uptown TIF Joint Review Board
- VII.F.1. Approve a one-year extension to the contract for thermoplastic pavement marking with Superior Road Striping, Inc. of Melrose Park, Illinois for the 2013/14 Thermoplastic Pavement Marking Program and a purchase order in the amount of \$35,000.00
- VII.F.2. Approve a purchase order for mud-jacking sidewalks to AAA Concrete Raising of Inverness, Illinois in the amount of \$14,000.00
- VII.G.1. Approve first reading of modifications amending Article 9; adding Chapter 7-Hazardous Materials Regulations
- VII.G.2. Approve purchase order for Apparatus Floor Epoxy Replacement to Fisher Construction Company Inc., 75 Randolph Street, Elk Grove Village, Illinois in the amount of \$38,808.00
- VII.H.1. Approve warrants, reviewed by Ald. Sweeney for Fiscal Year 2013 in the amount of \$276,399.30
- VII.H.2. Approve warrants, reviewed by Ald. Sweeney for the period ending June 15, 2013 in the amount of \$1,439,454.68

Moved by Ald. Sweeney. Seconded by Ald. Mazzuca.

Roll Call Vote:

AYES: Ald. Milissis, Smith, Shubert, Knight, Mazzuca, Maloney and Sweeney (7)

NAYS: None (0)

ABSENT: None (0)

Motion carried, 7 - 0.

V. Reports of City Officials

A. Proclamation – Celebrating the Center of Concern’s 35th Anniversary Mayor

Mayor Schmidt recognized the Center of Concern with a Proclamation and recognized the organization for its 35 years of dedicated service that it has provided to the City and its residents. The Proclamation was presented to John McNabola, the executive director of the organization. Former Director Mary Shurder expressed words of thanks following the Proclamation acceptance by McNabola.

B. Recognition of Ryan Priest, Miles 2 Give – Cross Country 3,000 Mile Run

Mayor Schmidt recognized Ryan Priest, a Park Ridge native and his team, who started a cross-country journey in April, running from California to New Jersey. Priest explained that his team of three runs approximately 30 miles a day. They are running to raise funds and awareness for sarcoma cancer through the Miles2Give organization and plan to finish their journey mid-July.

Jason Aragon, store manager of the proposed Whole Foods Market in Park Ridge, introduced himself and is looking forward to bringing 165 jobs to the community. The Park Ridge Whole Foods store is scheduled to open in the fall of 2013 and have recently joined the Park Ridge Chamber of Commerce.

B. City Council

No report.

C. City Attorney

No report.

D. City Clerk

No report.

E. City Manager

1. Human Resources Update

City Manager Hamilton explained that the City has various job openings. Descriptions can be found on the City’s website.

2. Labor Relations Update

City Manager Hamilton explained that the City received a letter from the IL Relations Board (dated 6/5/13) that Local 150 (Public Works) filed an Unfair Labor Practice charge against the City. Hamilton indicated that he filed a countercharge with the IL Relations Board on 6/14/13 on behalf of the City against Local 150 for failure to execute the contract which was approved and ratified by the union. He also provided the Council an email exchange between the City’s labor attorney, Bob Smith, and Local 150’s attorney which included the red lined agreement (2/15/13). The union’s labor attorney indicated in an email exchange to Mr. Smith that everything looked good (2/20/13). A few days later the Union had a ratification vote.

The matter is now set for review before the IL Labor Relations Board for review. City Manager Hamilton and Human Resource Manager Suppan answered questions presented by the Council.

City Manager Hamilton also spoke briefly about two grievances with the FOP of sworn officers; one for an employee suspension issue and another for denial for modified duty.

3. Information on Concealed Carry Legislation

City Manager Hamilton provided a memorandum with information from the City Attorney regarding House Bill 183; Concealed Carry. He explained that the governor has 60-days to sign the bill. However, municipalities will only have 10 days from the date it is signed to make any code modifications.

Ald. Mazzuca suggested placing the matter on a Committee of the Whole agenda as a discussion item.

Ald. Knight concurred. Ald. Smith asked the Council, if they believe this is a good idea, why didn't the City consider it years ago? Mayor Schmidt explained the urgency of arranging a Special City Council Meeting if Governor Quinn does sign the bill.

4. Resolution for Property Tax Appeal at 3 South Prospect

Motion to Approve Resolution Allowing the City to Intervene with Property Tax Appeal at 3 South Prospect

Moved by Ald. Knight. Seconded by Ald. Mazzuca.

Roll Call Vote:

AYES: Ald. Smith, Shubert, Knight, Mazzuca, Maloney, Sweeney and Milissis (7)

NAYS: None (0)

ABSENT: None (0)

Motion carried, 7 - 0.

VI. Citizens Who Wish to Address the City Council on a Non-Agenda Item

Kenneth Marcuccilli (310 S. Knight) indicated that neighbors have contacted him about information they read in the newspaper. He would like to see the City stop spending money on O'Hare issues and would rather have the money spent to alleviate flooding in basements.

Janelle Marcuccilli (310 S. Knight) spoke about a nearby residence that recently had flood control installed. The dirt removed during installation still remains in the front of the home and Ms. Marcuccilli was told it would remain until the City approves the project. She questioned the amount of time required for a final inspection.

VII. Reports of Boards, Commissions and Committees

A. Planning & Zoning Commission – Ald. Sweeney

1. **Motion to approve final reading of an Ordinance for a Special Use to allow a ground floor personal service use (hair salon) in the B-4, Uptown Core District at 124 South Prospect; Case SU-13-02 / Approved pursuant to the Omnibus Vote designation**
2. **Motion to approve the first reading of Ordinance for a Map Amendment from the R-2 District to the R-4 District at the property located at 4 North Delphia, Case Number MA-13-02.**

Moved by Ald. Sweeney. Seconded by Ald. Milissis.

Joe Harner (26 N. Delphia) expressed his disappointed with the City and claimed that the it never informed the residents of what was happening regarding the property at 4 North Delphia, nor does it care about its residents property values. He believes that placing the proposed development on his block would hurt the value of his property.

Mayor Schmidt questioned Community Preservation and Development Director Testin about the notification that was given to residents. Director Testin explained direction was provided through the motion. Mayor Schmidt explained to Mr. Harner that the final vote would occur at the July 1, 2013 City Council meeting, and tonight's vote is for the first reading.

Terrance Lyons, an attorney (no address provided) representing Deborah Kura who resides at 18 N. Delphia, indicated that he previously represented Ms. Kura and a few other neighbors at the Planning & Zoning meeting relating to this matter. He requested that residents be given an opportunity to voice their concerns about the proposed development. Mayor Schmidt explained that the Planning & Zoning Commission holds Public Hearings, at which time public testimony is given. The matter then moves before the Council for a final determination, at which time, residents are welcome to attend and comment

on the matter before the Council. Mr. Lyons explained the concerns of residents on Delphia for the potential of additional flooding if four more units are added to the area. He also indicated that the City needs to follow its Zoning and Code requirements. Ms. Kura does not believe the City has a shortage of apartments, especially on Touhy Avenue. Therefore, she sees no need for this development. She suffered significant losses due to past flooding.

In response to a question presented by Ald. Milissis, Director Testin explained that the matter moved to the Council as a recommendation from the Commission and that there are no notification conditions. He claimed that nothing was done differently. Ald. Sweeney added that an announcement is made at the Planning & Zoning meeting explaining the next step, and that any motion is always presented in the affirmative.

Ald. Maloney believes that approving this would be unfair to the residents on Delphia, and after hearing comments from the residents, he explained that this is not a precedent that he wishes to set. He will not be supporting the motion.

Roll Call Vote:

AYES: Ald. Shubert, Knight, Sweeney, Milissis, Smith, and Mayor Schmidt (6)

NAYS: Ald. Mazzuca and Maloney (2)

ABSENT: None (0)

Motion carried (6 – 2).

B. Zoning Board of Appeals

- 1. Approve first reading of an Ordinance for a variance to allow an attached garage to encroach 7.5 feet into the required rear yard setback 20 feet, as required by Section 7.3, Table 3 at 194 Michael John Drive, Case Number V-13-02.**

Motion by Ald. Sweeney. Seconded by Ald. Mazzuca.

Ald. Sweeney provided a brief summary of the case before the Council, adding that the resident has a home with an underground garage that floods.

Roll Call Vote:

AYES: Ald. Knight, Mazzuca, Maloney, Sweeney, Milissis, Smith, and Shubert (7)

NAYS: None (0)

ABSENT: None (0)

Motion carried (7 – 0).

C. Liquor License Review Board – Mayor Schmidt

D. O’Hare Airport Commission – Ald. Maloney

Mayor Schmidt announced that the O’Hare Airport Commission would next meet on June 19, 2013 at 7:00 p.m. to discuss next steps and whether or not a recommendation for a lawsuit should be brought before the Council.

E. Procedures and Regulations Committee – Ald. Mazzuca

- 1. Approve the appointment of Shawn Hamilton as the City of Park Ridge’s member to the Dempster TIF Joint Review Board / Approved pursuant to the Omnibus Vote designation**
- 2. Approve the appointment of Shawn Hamilton as the City of Park Ridge’s member to the Uptown TIF Joint Review Board / Approved pursuant to the Omnibus Vote designation**

F. Public Works Committee – Ald. Maloney

- 1. Approve a one-year extension to the contract for thermoplastic pavement marking with Superior Road Striping, Inc. of Melrose Park, Illinois for the 2013/14 Thermoplastic Pavement Marking Program and a purchase order in the amount of \$35,000.00 / Approved pursuant to the Omnibus Vote designation**

2. **Approve a purchase order for mud-jacking sidewalks to AAA Concrete Raising of Inverness, Illinois in the amount of \$14,000.00 / Approved pursuant to the Omnibus Vote designation**

G. Public Safety Committee – Ald. Milissis

1. **Approve first reading of modifications amending Article 9; adding Chapter 7- Hazardous Materials Regulations / Approved pursuant to the Omnibus Vote designation**
2. **Approve purchase order for Apparatus Floor Epoxy Replacement to Fisher Construction Company, Inc., 75 Randolph Street, Elk Grove Village, Illinois in the amount of \$38,808.00 / Approved pursuant to the Omnibus Vote designation**

H. Finance – Ald. Knight

1. **Approve warrants reviewed by Ald. Sweeney for Fiscal Year 2013 in the amount of \$276,399.30 / Approved pursuant to the Omnibus Vote designation**
2. **Approve warrants, reviewed by Ald. Sweeney for the period ending June 15, 2013 in the amount of \$1,439,454.68 / Approved pursuant to the Omnibus Vote designation**

VIII. New Business – For announcement, deliberation, and/or discussion only - no official action will be taken.

Ald. Mazzuca questioned the status of the new police vehicles that the City had purchased. City Manager Hamilton explained that the vehicles are waiting to be outfitted with equipment.

IX. Adjournment

The regular meeting of the Park Ridge City Council adjourned at 8:16 p.m.

Transcribed by:

Cheryl L. Peterson, Deputy Clerk

Approved by the City Council on the 1st day of July, A.D., 2013.

Attest:

David F. Schmidt, Mayor

Betty W. Henneman, City Clerk

C. Development Cases

Chairman Marr explained the public hearing process and swore in all those interested in testifying.

1. Case Numbers MA-13-02 & SP-13-03 Map Amendment from R-2 to R-4 and Site Plan Review for Multi-Family Residential at 4 North Delphia Avenue

Jon Branham summarized the staff report dated April 16, 2013. He stated that Tim Timmons, applicant, requests a map amendment to change the zoning of the property at 4 North Delphia Avenue from the R-2 Single Family Residential District to the R-4 Multi-Family Residential District, in conjunction with a site plan review for a new multi-family residential building. Mr. Branham noted that the case was tabled at the August 14, 2012 meeting. At that meeting, the Commission requested the applicant to supply a more developed site plan.

He stated that the applicant proposes a four-unit, multi-family rental property. The site plan includes eight parking spaces. The Comprehensive Plan advises that multi-family uses are to be considered in this area along Touhy Avenue, but also states that the single family character of the neighborhood is encouraged to be maintained.

Commissioner Baldi noted Section 13.12 of the Zoning Ordinance regarding transitional yards and proposed changing the word "required" to "have the right to waive".

Tim Timmons, applicant 104 North Greenwood Avenue, summarized his statement distributed in the packets. He stated that he bought the property despite it being in poor condition, in order to improve the character of the neighborhood by building a quality multi-family residence that blends into the neighborhood.

Commissioner Bennett questioned whether there were any multi-family residences currently on Delphia Avenue. Mr. Timmons responded that there was a rental property on the alley that borders Delphia Avenue.

Commissioner Argionis asked why the applicant was not developing this as a single family property. Mr. Timmons reported that he was not in the business of buying and selling houses and that he wanted to own and maintain a multi-family residence. He stated that he presently owns a house on Greenwood Avenue, in the same vicinity, and he was planning on maintaining his residence while renting out the units at the Delphia property.

Joe Harnett, 26 North Delphia Avenue, stated that the apartment that was referred to near the alley that borders Delphia Avenue, was attached to a gift shop. He questioned the need for this project and asked where else in Park Ridge a waiver had been granted for transitional yard requirements.

Terrence R. Lyons, Jr., attorney for Deborah Kura, 18 North Delphia Avenue, distributed a response to the proposed application for Map Amendments to the Commission. He summarized the response and stated that the Commissioners

should have a compelling reason to change the zoning. He stated that there was no evidence of need for multi-family housing in this area.

Tom Nazar, 16 North Lincoln Avenue, stated that he had bought a home in this area because it was zoned single-family and he had expected it to stay that way. He stated that parking is an issue in this area.

Judy Barclay, 524 Courtland Avenue, questioned if the property met all the open space requirements and how the tandem parking would work. Mr. Branham replied that the open space requirements had been met and the parking would be accessed by the rear alley.

Mr. Timmons closed by saying he had scaled back the project to build a quality product and had designed it to include plenty of open space. Profit was not the main reason he had bought the property.

No other residents testified in this matter.

On motion by Commissioner Abella-Austriaco, seconded by Commissioner Bennett, the Commission voted to close the public hearing.

The Commissioners discussed the proposal.

Commissioner Bennett stated that the concerns he had about this project from the previous meeting still remained, and his opinion was that the R-4 designation advised by the Comprehensive Plan applied to properties with direct access to Touhy Avenue properties, and not those on side streets such as Delphia Avenue.

Commissioner Abella-Austriaco agreed and stated she was concerned about piecemeal zoning changes. Commissioners Argionis and Zamaites agreed.

Commissioner Baldi stated by allowing this map amendment, a precedent would not necessarily be set, because each case must stand on its own. He stated that this property seems like a natural transition from the gas station property to the single family neighborhood.

Chairman Marr agreed with Commissioner Baldi and added that the proposed building retains the residential feel of the area. Commissioner Kirkby stated that diversity makes a community stronger. He agreed that this proposal would be an appropriate transitional property.

On a motion by Commissioner Bennett, seconded by Commissioner Kocisko;

The Commission AGREED to recommend approval to the City Council for a Map Amendment to change the zoning of the property from the R-2 Single Family Residential District to the R-4 Multi-Family Residential District at 4 North Delphia Avenue, Zoning Case Number MA-13-02:

Vote on the motion was as follows:

AYES 3 Commissioners Baldi, Kirkby, and Marr

NAYES 5 Commissioners Abbella-Austriaco, Argionis, Bennett, Kocisko,
and Zamaites
ABSENT 1 Commissioner Arrigoni

The motion was denied.

Alderman Sweeney suggested addressing the site plan portion of the request, if the Commissioners agreed, in case the City Council overturned the denial of the Map Amendment.

On a motion by Commissioner Baldi, seconded by Commissioner Zamaites;

The Commission agreed to Table to a date uncertain, the site plan for a new multi-family residential building at 4 North Delphia Avenue, Zoning Case Number SP-13-02, subject to:

1. The applicant shall be required to satisfy all the requirements for landscaping and screening in Section 13 of the Zoning Ordinance, including screening of refuse storage areas in Section 13.13.
2. Allow a reduction of the interior transitional side yard requirements per Section 13.12.
3. The applicant shall be required to satisfy all requirements for exterior lighting, as required by Section 11.3 of the Zoning Ordinance.
4. The applicant must satisfy all Engineering Division requirements.
5. The applicant must obtain Appearance Commission approval.

Vote on the motion was as follows:

AYES 8 Commissioners Abella-Austriaco, Argionis, Baldi, Bennett, Kirkby,
Kocisko, Marr, and Zamaites
NAYES 0 None
ABSENT 1 Commissioner Arrigoni

The motion passed and the case was tabled.

C. Development Cases

2. Map Amendment at 4 North Delphia Avenue, Zoning Case Number MA-12-04

Acting Chairman Rifkind explained the public hearing process and swore in all interested in testifying.

Jon Branham summarized his memo dated August 14, 2012. He stated that Tim Timmons, applicant, requests a map amendment to change the zoning of the property at 4 North Delphia Avenue from the R-2 Single Family Residential District to the R-4 Multi-Family Residential District. He stated that the Comprehensive Plan advises that the area west of Chester Avenue to Lincoln Avenue, along Touhy Avenue, be considered for multi-family housing. The Plan also states that the single-family character of the neighborhood is encouraged to be maintained. The owner of the property proposes to construct a multi-unit residential building at this location, which would require Site Plan Review approval from the Planning and Zoning Commission and Appearance Commission approval, at a minimum. No plans for the proposed building have been submitted at this time.

Commissioner Rifkind reviewed the parking requirements for multi-family residential units. Mr. Branham confirmed that 1.5 spaces are required for a one-bedroom unit and two parking spaces are required for a two-bedroom unit.

Tim Timmons, 104 North Greenwood Avenue, and owner of 4 North Delphia Avenue, summarized his proposal. He stated that he believed there was a need for additional multi-family housing options in the community. He stated he intended to personally manage the proposed multi-family building and maintain the character of the neighborhood. The zoning must be changed to develop the property as a multi-family residential. He stated that the property had been on the market for over one year and that the improvements he was proposing would add to the value of the property and the surrounding area.

Mr. Timmons stated that he would likely be proposing a five-unit building with associated parking, but did not have a site plan or building elevations to present at this time. He stated that he was aware of the neighborhood concerns regarding increased street traffic, increased alley traffic, increased street parking, and adding transient residents to the neighborhood. He stated that the primary issue is that street traffic cuts down Delphia Avenue to avoid the traffic light at Greenwood Avenue and Touhy Avenue, but that his proposed multi-family residence will not impact this situation. The alley traffic is a concern that he hopes to manage by communicating with the residents the need to drive slowly and safely. He promised to also instruct the tenants to park in their allotted parking spaces. With regard to concerns about transient residents, he stated that the previous owner of this house for the past 50 years was not very involved with the neighborhood, however there were residents who had lived there for less than five years who were active in the community.

Commissioner Bennett inquired if there was any information on the occupancy rates of condos and rental properties in the area. Mr. Timmons responded that he had not researched this issue, only made a conclusion from his own observations.

Terrance Lyons, attorney representing Deborah Kura, 18 North Delphia Avenue, questioned how a map amendment to the Zoning Ordinance could be made without more information on the proposed use. He noted that the rights of all of the neighborhood residents should be considered. He stated that there were no guarantees that the applicant will continue to manage this property into the future. He stated that the area was already saturated with multi-family housing, and noted that it was zoned and purchased by the applicant as a single-family residence.

Robert Harrington, attorney representing the owner of the property at 10 North Delphia, stated that there was a concern that this type of development would reduce property values and increase traffic with the addition of possibly ten extra vehicles. He stated that it could set a precedent for further development on Delphia Avenue.

Forrest Shields, 88 North Greenwood Avenue, inquired if the change would negatively affect property values in the neighborhood.

Kathy Williams, 115 North Delphia Avenue, stated that she was concerned about the safety of children if additional traffic was added to the neighborhood and if transient residents were living in the area. Sufficient parking was also an issue to consider. She stated that she did not believe that this proposal was in the best interest of the entire neighborhood.

Joe Harnetz, 26 North Delphia Avenue, agreed that parking was an issue as well as vehicles speeding on Delphia Avenue.

Deborah Kura, 18 North Delphia Avenue, noted that there were many apartment buildings on the south side of Touhy Avenue and that she did not see a need for additional apartments in this area. She stated there were many "For Rent" signs throughout the neighborhood and suggested a study be conducted to assess the need for more rental units.

Mr. Timmons stated that the property was large, 75 feet by 125 feet and that the R-4 zoning classification was most appropriate for this sized lot at this location.

On a motion from Commissioner Arrigoni, seconded by Commissioner Abella-Austriaco, the Planning and Zoning Commission voted to close the public hearing.

Commissioner Baldi stated that the reason to rezone this area would be to carry through with the transition between the commercial district along Touhy Avenue and the single-family neighborhood and serve as a buffer between these two zoning districts. He noted that the task this evening was not to decide on the building itself, but to give the owner the option to develop this property with more flexibility.

Commissioner Bennett stated that he did not agree that multi-family use would be appropriate for this property. He noted his concerns regarding traffic and parking and stated that it was difficult to make a decision without a plan.

Commissioner Abella-Austriaco stated she was concerned about setting a precedent. She did not like to see "piece-meal" rezoning and agreed with Commission Bennett. She stated that the standards for a map amendment had not been met.

Commissioner Arrigoni stated that he did not have a problem with rezoning this location to multi-family residential, but that he would like to review a site plan.

Commissioner Kocisko noted his concern about setting a precedent and that approving this map amendment could encourage additional rezoning along Delphia Avenue.

Alderman Sweeney stated that it was Planning and Zoning's charge to determine the best use of the land and he will present the information to City Council.

Commissioner Rifkind stated she did not believe it would set a precedent. She stated the use was consistent with the Comprehensive Plan, and that the property faced a commercial property on the opposite side of Delphia Avenue. She would like to see the site plan developed. She noted that this property had been on and off the market since 2010.

The Commissioners discussed continuing this case to allow the applicant to present more detailed plans. They noted that if the case was not continued to a date certain, proper notification would need to be sent out to the neighboring residents and an additional legal notice would be required.

On a motion by Commissioner Arrigoni, seconded by Commissioner Kocisko,

The Commission AGREED to table the map amendment to change the zoning of the property at 4 North Delphia Avenue from the R-2 Single Family Residential District to the R-4 Multi-Family Residential District, Zoning Case Number MA-12-04, to a date uncertain.

Vote on the motion was as follows:

AYES 6 Commissioners Abella-Austriaco, Arrigoni, Baldi, Bennett, Kocisko, and Rifkind
NAYES 0 None
ABSENT 3 Commissioners Marr, Wells and Zamaites

The motion passed.



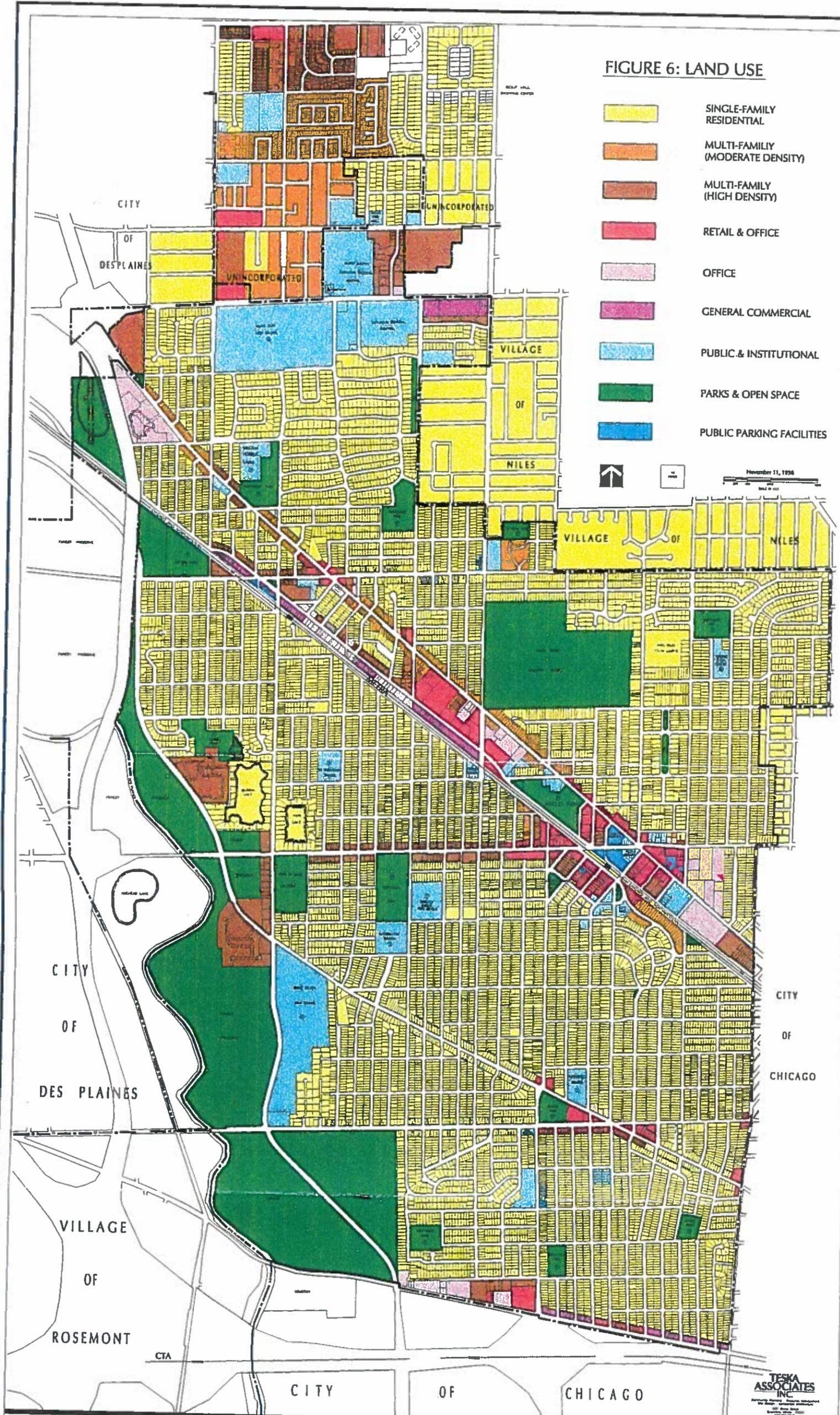
Map created on February 6, 2017.

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FIGURE 6: LAND USE

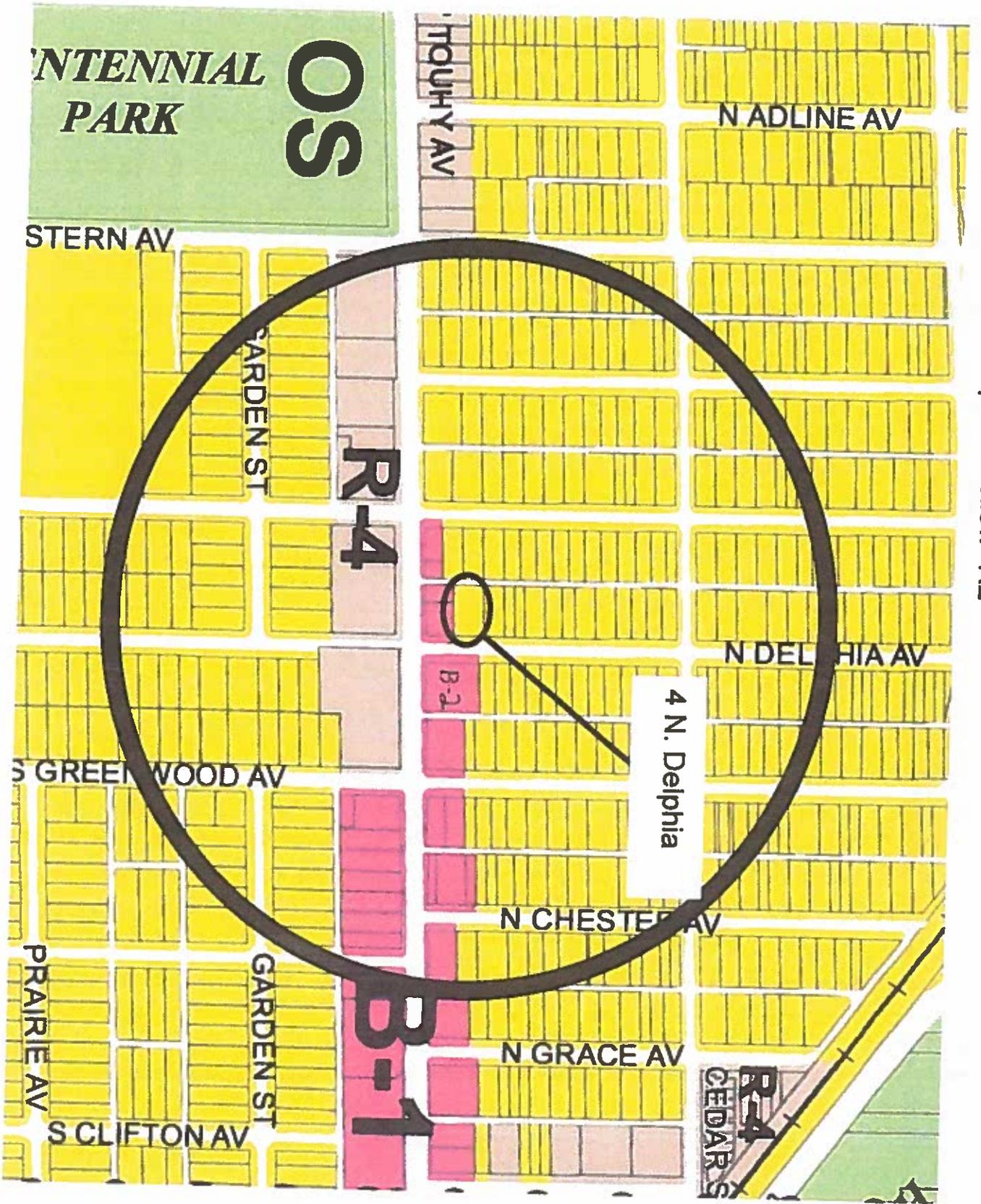


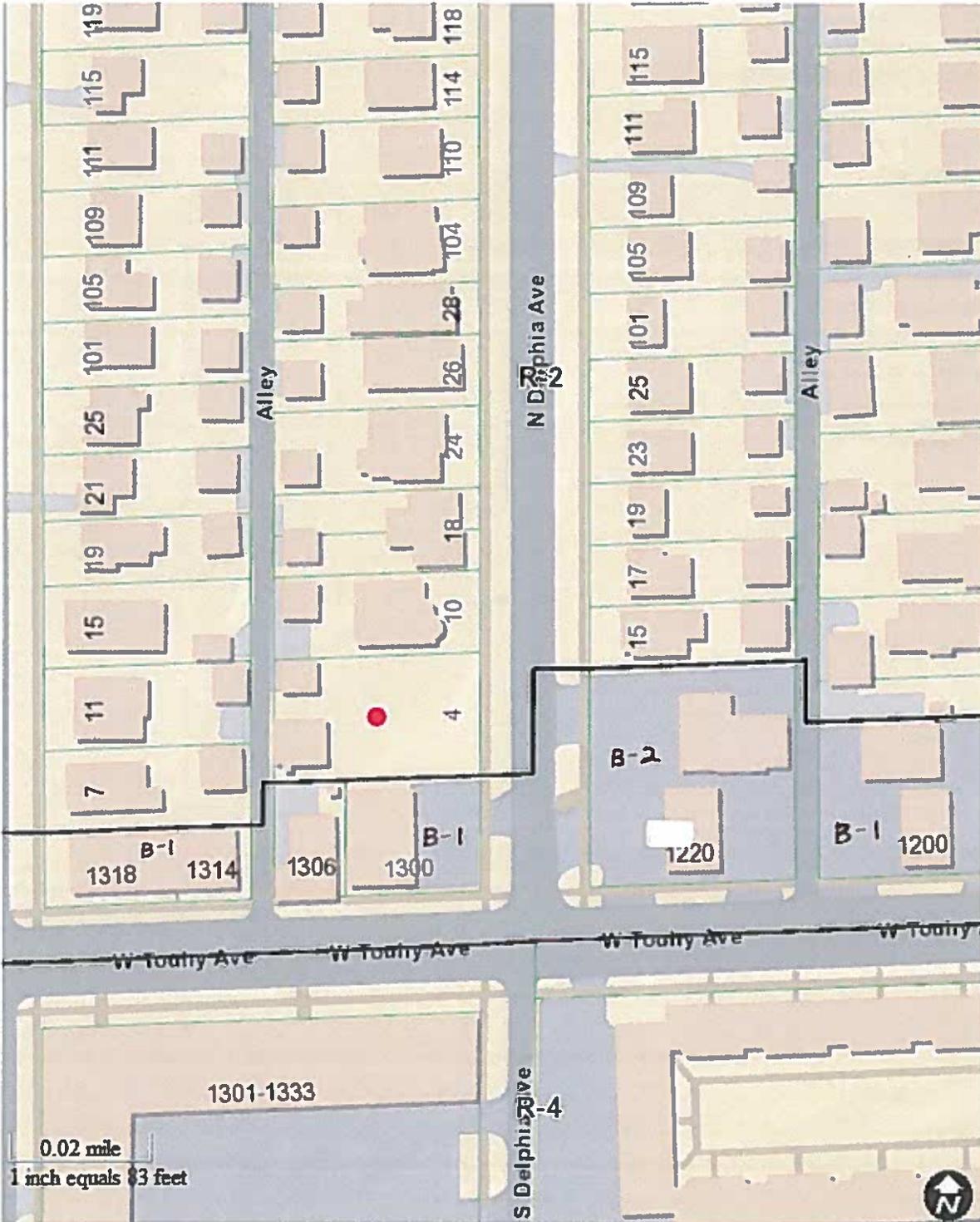
CITY OF PARK RIDGE, ILLINOIS

LAND USE PLAN

TESKA ASSOCIATES INC.

Site Location Map for 4 N. Delphia- Yellow=R2





Map created on February 6, 2017

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