

**Meeting of the Village of Beecher
PLANNING AND ZONING COMMISSION
Washington Township Center
February 28, 2013**

At 7:15 p.m., Plan Commission secretary Marcy Meyer called for a motion to appoint Kim Koutsky as chairman in the absence of Phil Serviss. Bouchard entered the motion and Schuitema seconded. Roll call: 4 ayes (Koutsky, Saller, Bouchard, and Schuitema). 0 Nays. Motion carried. Kim Koutsky called the meeting to order.

AGENDA ITEM II: ROLL CALL. Members present: Kim Koutsky, Lance Saller, Kevin Bouchard and George Schuitema. Absent: Althea Machtemes, Denis Tetgenhorst, Phil Serviss and Gayle Ahrendt. Staff present: Robert Barber and Don Thomas. Audience present: Art VanBaren Sr. and Art Van Baren Jr., Joe Durante, Paul Lohmann, Jonathan Kypuros and Greg Szymanski.

AGENDA ITEM III: CONSIDER APPROVAL OF THE MINUTES OF THE NOVEMBER 29, 2012 MEETING. A motion was entered by Saller and seconded by Bouchard to approve the minutes as presented. 4 ayes (Koutsky, Saller, Bouchard, and Schuitema). 0 Nays. Motion carried.

AGENDA ITEM IV. PUBLIC HEARING: CONSIDER A PUBLIC HEARING ON A REQUEST FOR TWO VARIANCES TO PERMIT A SUGAR STORAGE SILO AT DUTCH AMERICAN FOODS, 1362 DUTCH AMERICAN WAY, TRIM CREEK BUSINESS PARK WITH A HEIGHT VARIANCE OF TEN FEET AND A FRONT YARD SETBACK VARIANCE OF FIVE FEET). Art Van Baren, owner of Dutch American Foods wishes to install a 50' silo on the front side of the building for the storage and use of sugar in the facility. This silo would protrude 5' into the required 40' front yard setback. His neighbors have expressed concerns regarding truck parking in the street blocking traffic for other businesses in the industrial park. The Police Chief met with concerned parties and has developed a new parking ban on the street agreeable to all parties which will go into effect in the coming month. The petitioner states that the sugar silo will actually reduce truck traffic on the street and allow for off-loading of sugar at night when the rest of the park is closed.

Mr. Van Baren Sr. offered a presentation on the history of the business and the reason for his requests. He built the industrial park in 1999 and the original building was 30,000 sq. ft. He moved into the building in March 2000 and began with two mixers and six workers with approximately five to six trucks per day. They are now at 150,000 sq. ft. with three additions. They employ 120 to 150 people, many of them local, and service 50 to 55 trucks per day. The new silo would hold 120,000 lbs. of sugar. The truck which pumps sugar can park next to the dock rather than waiting on the street and they would try to unload in the evening. They are out of space for storage and have no available land upon which to expand. The silo would have to protrude into the setback since the existing power lines make it impossible to install it closer to the building.

Commissioner Schuitema asked if this is the only location that would work. VanBaren responded that it would present logistical problems to place the silo at the north end of the building. It would require 750 ft. of travel in each direction to bring sugar to the location where it would be used. Schuitema asked if one silo is enough. VanBaren said they shouldn't need more. Commissioner Bouchard wanted to know if silos would eliminate trucks. VanBaren said a silo would help and he will ask the Village to put a sign on the east side of the street preventing trucks from parking there.

Commissioner Koutsky asked if the silo is climate controlled. VanBaren responded that dust is addressed during construction and it contains a dehumidifier. The sugar is not exposed to the environment. The silo is built at the factory and delivered to the plant. It will be white with a painted

logo. Koutsky asked about the initial dimensions of 12' x 50'. VanBaren answered that if the silo is too wide, the sugar will clump. It has to have a particular slant for proper trajectory of the sugar. There will be no sugar or dust on the outside and the silo will extend 20' above the top of the building which is 30' tall. The base will be on a concrete pad. The silo gets cleaned twice a year by outside contractors.

Koutsky noted that the owners of Goldie's Auto Body across the street had thought it would be an eyesore. VanBaren responded that Goldie's issues had been resolved. With the silo being north of the property, trucks wouldn't be turning on his property. Schuitema asked if a 50' silo makes a difference from a fire protection standpoint. Bob Barber answered that the original height rule had been intended for living spaces. New fire truck ladders can go much higher. Barber asked if the building is at capacity and what would the future hold. He noted that he would like Dutch American Foods to consider Beecher if future expansion was needed. VanBaren answered that he would consider a finished goods warehouse across the street in the future if and when space was needed.

Schuitema entered a motion to hold a public hearing on March 28, 2013 on the request for the silo and Bouchard seconded. Roll call: 4 ayes (Koutsky, Saller, Bouchard, and Schuitema). 0 Nays. Motion carried.

AGENDA ITEM V: WORKSHOP: CONSIDER A PUBLIC HEARING ON A REQUEST FOR TWO VARIANCES TO PERMIT A SOLID FENCE IN LIEU OF A 50% OPEN FENCE AT A HEIGHT OF SIX FEET IN LIEU OF A MAXIMUM HEIGHT OF FIVE FEET AS REQUIRED BY ORDINANCE AT 1655 FOX HOUND TRAIL. The petitioner is requesting a variance for a solid, six-foot high fence for several reasons: he is planning to install a pool in the future, there is a dog chained on a tie-out behind the house next door that is a nuisance when his yard is in use and there is a steep grade change at the rear of his property line which places his neighbor's yard several feet higher than his property. He has received permission from Phillippe Builders (HOA) and has a petition signed by 31 neighboring residence that do not object to his request.

Joe Durante, the petitioner, was present to testify. He stated that his home is located in a rare and unique situation where the neighbor to the rear of his property has at least a 3' higher elevation than his, and has installed a pool that makes the grade difference even higher. He has driven around town and has been unable to find another situation like his. He is requesting a 6' high fence with the top 1' being open. The fence would be solid rather than 50% open as the current ordinance requires. They are outdoor people who like a degree of privacy when in their yard. He has small children and worries about the dog next door, the proximity to Fox Hound Trail which is a rather busy street, and has the grade change at the rear which allows neighbors to look over a shorter fence. He stated that he is a fireman and has never heard of any safety issues between 5' and 6' fences. He plans to have 3 gates for access. The fence would be 10' from the rear property line/easement area with a gate for access to the area for mowing. He feels strongly enough about the request that he is spending almost 10% of the cost of the project on the variance request.

Schuitema asked which fence style he is using. Durante responded it would be the Montana picket. There is SOME visibility. Bouchard questioned whether or not this was a solid fence. Durante answered that the top is see-through. He intends to install a pool at some point but not at this time. His primary concern at this point is privacy. Schuitema asked Bob Barber why 5' was the agreed-upon height. Barber responded that there is no science; it's just what had been agreed upon.

Bouchard noted that he understands the situation but hates to open the floodgates of requests if PZC approves a solid fence without a pool. Schuitema said there a couple of issues: 1. Child safety is paramount; 2. There is visibility through the top foot of fence. 3. Neighbors don't mind. If the neighbors don't mind, he doesn't mind.

Koutsky noted that there will be some issues regarding the fact that the solid fence flies directly against the ordinance; the fact that it is 6' tall isn't as bad, but the Trustees will no doubt ask what the hardship is and he will have an uphill battle. Schuitema asked Barber if any solid fences are acceptable. Barber answered that you are allowed a solid fence if you have a pool. But if this is approved, PZC will have to let everyone else have one unless the hardship is specified when approving it. Koutsky asked to confirm whether you need 50% visibility through a fence if you don't have a pool. Don Thomas responded that it can be 67% opaque. The petitioner was asked if he appeared before the Village Board and it was determined that he appeared in October and half of the Board advised him to go through the PZC process.

There was dissent among the Commissioners whether to allow the public hearing and there was no consensus as to whether it should be allowed. Koutsky felt that just because the neighbors said it was OK, was not a criteria for overturning an ordinance. Saller said the grade difference shows a hardship for height, not solid fencing. Durante said the solid fence will prevent the dog from seeing into the yard and barking. Bouchard noted the dog would still hear activity.

Schuitema entered a motion to hold a public hearing on March 28, 2013 on the request for the fence variance and Bouchard seconded. Roll call: 3 ayes (Saller, Bouchard, and Schuitema). 1 Nay (Koutsky). Motion carried.

AGENDA ITEM VI. ILLIANA EXPRESSWAY/LAND USE PLAN UPDATE. Staff continues to hear that corridor planning grant funds are being considered for municipalities along the corridor to update their land use plans but there is no new news on the Illiana. Meetings continue to be held.

AGENDA ITEM VII: SOUTH SUBURBAN AIRPORT UPDATE. Another parcel has been purchased by IDOT. There is no further news.

AGENDA ITEM VIII: NEW BUSINESS. The next plan commission meeting which will include both public hearings, is scheduled for March 28, 2013. With no further new business, Bouchard entered a motion and Saller seconded that the meeting stand adjourned. Koutsky called the motion to a vote and it carried unanimously. The meeting stood adjourned at 8:35.

Respectfully submitted,



Marcy Meyer
Secretary