

MINUTES OF STUDY SESSION - MARCH 19, 2008  
TOWN OF ST. JOHN PLAN COMMISSION  
10955 WEST 93<sup>RD</sup> AVENUE

PLAN COMMISSION:

Jay Dahlin  
Joe Wachowski  
John Mainwaring  
Dan Morang  
Todd Trepton - absent  
Mike Ryan - absent  
Steve Kil

STAFF:

Bob Pharazyn - Absent  
Pete Faberbock  
Greg Volk, Town Council Liaison

**CALL TO ORDER:**

The study session was called to order by Jay Dahlin at 7:10 p.m. Town Council member, Mike Forbes was present in the audience.

**OLD BUSINESS:**

A. EENIGENBURG ADDITION - TWO LOT SUBDIVISION REVIEW  
JOHN EENIGENBURG AND MR. WESTLAND

John Eenigenburg appeared before the Board seeking approval for the two lot subdivision Eenigenburg Addition. Pete Faberbock stated that there were a couple of issues he would like to review. He stated he had not reviewed anything on the storm water or storm water calculations. Pete Faberbock stated that John Eenigenburg should have his engineering firm submit this information to him so that he could review the calculations for accuracy.

(General discussion ensued.)

The Board deferred the matter to the April 16, 2008, study session.

B. ZIG-E's FUN LAND - PLAN REVIEW

Drew Dziegeowicz and Bob Womack of Bolinak Engineering, appeared before the Board for plan review. Bob Womack stated that the Petitioner is proposing to rehabilitate or upgrade an existing fun park that is located just north of Lake Central High School. He informed the Board part of the plan involves providing a seal coat overlay over the existing parking lot, redoing the existing go cart track, and revamping of the miniature golf course area.

Bob Womack informed the Board that additional parking would be provided. He

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stated that there are currently 42 existing parking spots. The Petitioner is proposing to install an additional 72 parking spots which would bring the total parking stalls to approximately 114 spaces. He stated that in order to add additional parking, the Petitioner would be creating approximately one acre of additional asphalt area, which was reflected on the plan submitted to the Board.

Bob Womack stated that there is a ditch located on the north end of the property that would need to be closed in and provide flow across the parking area through an eighteen-inch pipe. The water would be conveyed from Route 41 and go all the way to the west end of the property by the high school.

Bob Womack stated that he had talked with Robinson Engineering about the possibility of a detention waiver. He stated he would provide calculations to Robinson Engineering for review. He stated if detention was required, it would be located at the northwest corner of the property.

Steve Kil stated the concern the Board has is if the Petitioner is going to create an additional acre of parking how would it affect the Petitioner's storage. Steve Kil requested that the Petitioner go over the entire site plan with the Board and tell them what new buildings they planned to erect, their location, etc.

Steve Kil stated that this property is currently not subdivided. The Petitioner stated that there are three pieces of land. Steve Kil stated that property needed to be cleaned up and subdivided into one parcel.

Drew Dziegeowicz stated that there are two existing garages on the property that will be demolished. He stated there will be a pit area installed and an additional garage created. The dimensions of the garage, a 20x40 pit, were reflected on the drawings. Drew Dziegeowicz explained that the building containing the pit would have garage doors on each side and roll up doors on the front and the back. This pit building would house the go carts.

Steve Kil stated that pursuant to the Town's ordinance, the Petitioner would have to erect brick buildings or brick faced buildings that adhere to the Town's ordinance and an asphalt shingle roof.

(General discussion ensued.)

Steve Kil asked about the miniature golf course. Drew Dziegeowicz stated that the plan was to include minor landscaping and re-bricking the miniature golf section.

(General discussion ensued.)

Jay Dahlin asked if the Petitioner had any plans for the other two existing buildings. Drew Dziegeowicz stated that the one story frame building would belong to Zig-E's Fun Land. He stated that the two story block and stucco frame building will be

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rented to the interior decorator for possibly one to two more years. He stated Zig-E's Fun Land would have the right of first refusal if and when the interior decorator relocates.

(General discussion ensued.)

Pete Faberbock stated he would need to review all of the storm water data.

(General discussion ensued.)

Steve Kil stated that next step would be for the Petitioner to draw a preliminary plat of subdivision. He stated that Petitioner should also start its calculations and provide them to Pete Faberbock for his review.

(General discussion ensued.)

The Board placed matter on the April 16, 2008, study session agenda.

C. ZONING ORDINANCE - CONTINUED REVIEW

Steve Kil informed the Board that they would continue review of the zoning ordinance. The Board started its review on Chapter 10.

*CHAPTER 10 - MASONRY CONSTRUCTION*

Jay Dahlin asked if the Routes 231 and 41 overlay district would encompass 109<sup>th</sup> and Calumet Avenue. Steve Kil stated that they had not envisioned commercial development up Calumet until 101<sup>st</sup> was reached.

(General discussion ensued.)

Mike Forbes stated that the Board should extend the brick ordinance to include other business development areas. He stated the brick ordinance should be extended along Route 231 and 109<sup>th</sup> and Calumet.

(General discussion ensued.)

Steve Kil stated that the problem lies in that only a twenty acre piece has been annexed into the Town at the present time and it has been annexed in as R-1. He stated that all of the other property that the Board was discussing was purchased and

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has been zoned residential.

(General discussion ensued.)

Steve Kil stated that at a later date, in the event that Calumet Avenue was going to be developed commercially, the Board would have to come up with a name for this area, such as the *Calumet District*, and at that time they could incorporate the Town's brick ordinance in this district as well.

Steve Kil asked the Board if they had any problem with *Page 2, Section D, Impervious Surface*. He stated that there is a minimum percent of impervious surface required.

*Protection of Shoreline and Water Courses* - Steve Kil stated that this section was incorporated into the ordinance book based upon the recommendation of consultant.

Mike Forbes asked about *Section G, Refuse*. He suggested the language be changed to be more consistent with the ordinance in that the enclosed building be like and kind to the main structure.

#### CHAPTER 11 - SPECIAL REGULATIONS

Jay Dahlin referred to Section A-2, a one shed per yard limit. He recalled an incident in Mike Forbes' neighborhood where a shed had been built too big or too tall causing complaints.

(General discussion ensued.)

Steve Kil stated that the total area for all accessory buildings was not to exceed 250 square feet, which included only one storage shed per residential unit.

Garages were discussed. Town ordinance limits a garage size to 1100 square foot per residential lot. Steve Kil stated that with the larger houses being built, they were running into problems with the 1100 square foot limit. In order to deal with this problem, the Board decided to change the lot square footage requirements: any lot of 30,000 square foot or larger would be able to petition to add an additional 540 square feet of garage space.

(General discussion ensued.)

Jay Dahlin referred to "*1. Whenever a station abuts a residential district a fence or compact evergreen which is a minimum of 25 percent opaque and not less than six feet in height...*" His concern was with the screening.

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(General discussion ensued.)

Mike Forbes stated that lighting in the canopies needs to be more strictly addressed. He stated that the lighting should not be able to spread out. Steve Kil stated that there is a photometric section included in the ordinance book which addresses these issues.

(General discussion ensued.)

The Board agreed that the language in this section should read a minimum of 75 percent opaque with fencing, or trees not less than six feet high.

Steve Kil stated that the electrical code under swimming pools requires that the electrical is located ten feet away from a building not twenty.

(General discussion ensued.)

Jay Dahlin wanted to discuss was retractable pool covers/pool covers. He stated that the Police Department receives many complaints about open pool covers. The Board discussed fencing around pools. Jay Dahlin stated that the Town should consider implementing an ordinance for this issue, unattended, uncovered swimming pools.

Mike Forbes noted that a fence should be installed prior to use of the pool. He stated this should be in place before the pool is ever used.

(General discussion ensued.)

The Board stated it would add language in the permit that would require a permanent fence be erected around a pool within thirty days of installation of the pool.

(General discussion ensued.)

Mike Forbes pointed out to the Board under "E-10" it should read "the slope of the walks" and not "the slop".

*Manufactured Housing* - Steve Kil stated that the ordinance on manufactured housing reads that the residence must conform with the square footage requirements for the appropriate zoning classifications.

*Home Occupation* - Senior housing and child care facilities were briefly discussed.

Steve Kil pointed out that the language regarding tattoo parlors should be changed from under special exception to BZA approval.

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Antennas were briefly addressed by the Board. Jay Dahlin stated that when the time comes this was an issue that would have to be addressed. Mike Forbes stated that the antennas addressed in the ordinance are the large ones, like the tower recently proposed by Community Hospital. He stated that the Town wants to keep towers hidden and out of residential areas.

*Live Entertainment Establishments* - Steve Kil asked the Board to review the wording in this section. A wording change from "Town manager" to "Town Council" was to be made in this section.

*CHAPTER 12 - PARKING*

Steve Kil noted that the Board had already reviewed the chapter on parking.

*CHAPTER 13 - LANDSCAPING REQUIREMENTS*

Steve Kil asked the Board to thoroughly review Chapter 13. Jay Dahlin asked if it would be feasible to insert language that occupancy permits would not be issued until all landscaping requirements are met.

(General discussion ensued.)

The Board discussed that their site plan approval currently includes a lighting plan, a landscaping plan, et-cetera, so if a developer defaults on the approved plan, the Plan Commission has the ability to enforce what was approved.

Dan Morang asked about fencing. He read a portion of Section F, Screening. It was clarified that the screening would have to be like and kind to the main building.

(General discussion ensued.)

*CHAPTER 14 - LIGHTING REQUIREMENTS*

The Board moved on to review of Chapter 14. Dan Morang addressed the foot candles in A-6. He asked if the number shouldn't be 0.0.

(General discussion ensued.)

Steve Kil stated that the only time the Plan Commission doesn't care if foot candles are put at the property is if they're by a road. It was determined that it should be 0.0 foot candles at the property line. If a waiver was sought, the Board could consider it and grant it, if necessary.

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The Glare and Spill section was briefly addressed by the Board.

*CHAPTER 15 - SIGNS*

Steve Kil stated that this section is the Town's current ordinance at the present time. The sign matters would be addressed on a case by case basis. The Board determined they would keep the language "Applicant may request a waiver."

*CHAPTER 16 - NONCONFORMING USES STRUCTURES AND LOTS*

Steve Kil stated that the only problem that he was aware of with the nonconforming use was the house that a resident was trying to refinance down south that was in a commercial zone but was residential.

(General discussion ensued.)

(Dan Morang left the meeting.)

Jay Dahlin, referred to Page 16, H.7, H.8, in *Signs* to retractable canopies and awnings, which he stated was approved by the Building Commissioner. They discussed fixed canopies and fixed awnings. He asked where this would be covered, and if the Building Commissioner would have authority in this particular section. He just wanted clarification on this section.

(General discussion ensued.)

Steve Kil stated where you get in the non-conforming is if anything is destroyed greater than 50 percent, then it has to conform to Town ordinance, it can't just be replaced.

*CHAPTER 17 - DEVELOPMENT PLAN REQUIREMENTS*

Mike Forbes referred to Section B.1. He stated it starts out "the Plan Commission shall review..." and in that same chapter it then states the Board of Zoning Appeals. Steve Kil stated that this sentence needed to be eliminated. Steve Kil stated that this was the site plan section.

Steve Kil stated that the wording "legislative body" should be changed to Plan Commission.

(General discussion ensued.)

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Jay Dahlin suggested that the Board should investigate whether or not developers could also provide electronic versions of development plans, Steve Kil stated that this was already included as a requirement in the subdivision control ordinance.

(General discussion ensued.)

Steve Kil stated he made a change on Page 8, "time limit". He changed it to "the Plan Commission may extend approval not to exceed six months", with only one extension allowed.

Jay Dahlin asked if the Plan Commission could require a developer to put up temporary street signs during the construction phase. He stated that this would make it easier for both the Police and Fire Departments.

(General discussion ensued.)

Steve Kil stated that the signs should be ordered more timely and installed more timely.

Mike Forbes referred to Page 10 of the Developmental Plan, in Section 4, ten lines down. He stated this entire section addresses the BZA and the "Plan Commission" was inadvertently referred to in this section. This typo would be changed. Mike Forbes also pointed out another typo under "Memorandum" where "Plan Commission should be changed "BZA". Steve Kil stated this was not a typo. He stated if there is a question about interpretation it goes to the Plan Commission. He stated he would always go to the Plan Commission to ask for an interpretation.

(General discussion ensued.)

The Board elected to defer the definition section of the ordinance book to its attorney.

Steve Kil asked the Board if they were in agreement as to the size of the homes. The Board concurred that a ranch should be a minimum of 1700 square feet, 1.5 story 2200 square feet, and a two story 2400 square feet.

(General discussion ensued.)

Steve Kil stated that he would forward the ordinance file to the consultant for changes, continue the public hearing, send the BIA notice and a revised copy and place this item on the agenda the first meeting in May.

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**ADJOURNMENT:**

Joe Wachowski made a motion to adjourn the study session. John Mainwaring seconded the motion. The motion was unanimously carried by voice vote (5/0).

(The meeting was adjourned at 9:15 p.m.)

**A TRUE COPY**

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SUSAN E. WRIGHT, RECORDING SECRETARY  
ST. JOHN PLAN COMMISSION

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