



**Village of Westmont
Planning and Zoning Commission
October 9, 2013 - Minutes**

The Village of Westmont Planning and Zoning Commission held its regular meeting on Wednesday, October 9, 2013 at 7:00pm, at the Westmont Village Hall, 31 W. Quincy Street, Westmont, Illinois 60559.

Chair Ed Richard led in the following:

(1) Call to Order

Roll Call

In attendance: Chair Ed Richard, Commissioners Steve Fedeczko, Gregg Pill, Craig Thomas, PZ Secretary Wallace Van Buren, Village Attorney John Zemenak, Village Planner Jill Ziegler, Director of Community Development Shannon Malik.

Absent: Commissioners Anton, Fleet

(2) Pledge of Allegiance

(3) Swearing in of testifying attendees and reminder to sign in

(4) Reminder to silence all electronic devices

(5) Approval of Minutes of the June 12, 2013 and September 11, 2013 meetings

Motion by: Pill

Second by: Fedeczko

Minutes Voting:

Fedeczko – Yes

Richard – Yes

Pill – Yes

Thomas – Yes

Minutes approved.

New Business

PZ 13-025 Jamie Tinucci regarding the property located at 114 North Washington Street, Westmont, IL 60559 for the following:

(A) Zoning Code Variance Request to allow the construction of a front porch larger than 100 square feet with an existing non-conforming front yard setback in the R-3 Single Family Detached Residence District.



PRESENTATION:

Tinucci indicated that home was purchased in 2009 and the front and side porch attached to home had quickly gone into disrepair. She is interested in removing and rebuilding the existing porch with one near identical in size and location.

Chair Richard asked for explanation of hardship for applying for variance.

Tinucci explained that under current variance they would need to reduce the size of existing porch from approx. 150 sq. feet to 100 sq. feet. In addition, there is a cement stoop underneath current porch that would need to be removed which would add additional financial cost. Builder would be able to cover cement stoop with new porch if current size was kept.

Chair Richard asked commission if building around the cement stoop was an issue. It was confirmed that was not an issue. Chair Richard read a letter from Frank and Mary Sileszak, 112 N. Washington, neighbors to the south of the Tinucci residence urging an approval of the request.

PUBLIC COMMENT:

Mary Kritchlow, 136 N. Washington indicated that porch is falling down and agreed they should be allowed to rebuild with same dimensions.

COMMISSIONER COMMENT:

Thomas-replacing to same dimensions, similar to neighborhood, in support of project.

Pill- asset to community, bring neighbors out, in support of project.

Fedeczko- confirmed that as long as size will be the same the porch should be rebuilt and made safe.

Richard-more substantial footings to support the porch, confirmed in disrepair and supports rebuild.

FINDINGS OF FACT A:

(1) Yes – 4; No – 0

(2) Yes – 4; No – 0

(3) Yes – 4; No – 0

MOTION A

Motion to recommend to the Village Board to approve a Zoning Code Variance Request to allow the construction of a front porch larger than 100 square feet with an existing non-conforming front yard setback in the R-3 Single Family Detached Residence District.

Motion by: Fedeczko

Second by: Pill

VOTING A

Thomas –Yes

Pill – Yes

Fedeczko – Yes



Richard – Yes

Motion passed.

PZ 13-026 Robert and Rebecca Rheintgen of Oakwood Lighting Electric Service regarding the property located at 237 North Cass Avenue, Westmont, IL 60559 for the following:

- (A) Zoning Code Variance Request to reduce the required side yard setback in an existing commercial lot in the B-1 Limited Business District for the purpose of constructing a parking lot.
- (B) Zoning Code Variance Request to reduce the required rear yard setback in an existing commercial lot in the B-1 Limited Business District for the purpose of constructing a parking lot.
- (C) Site and landscaping plan approval.

PRESENTATION:

Robert and Rebecca Rheintgen would like to use property they purchased for expanding their business and have more business exposure in Westmont. The requests for variance in order to use lot for accessing garage to load and unload business vehicles. The lot does not currently allow them to drive over the lot to access garage. Bob Gudmenson, engineer presented that the requests will improve the current lot, and it is a small area for the proposed improvement. The lot currently has an open pit retention area which has been covered by decking, which prohibits access to back door. The proposal is to encapsulate the stormwater basin, actually increasing the amount of current storage basin which will allow paving over the basin and allow for access to garage and parking spaces. It was also indicated that this would not be a heavy use parking lot, and may also require an ADA accessible parking spot but all of this requires the variances.

PUBLIC COMMENT:

None.

STAFF COMMENT:

Ziegler-with regards to stormwater our engineer indicated that the property is currently not working optimally so the proposed changes would be an improvement. The property owners have been working to improve property, needs access to door and parking spots, many businesses have had variances and lots are small.

Malik-thanked owners for the improvements and have worked very well with the Economic Development department.

COMMISSIONER COMMENT:

Fedeczko—looked at property and noted the deck is an oddity, remarked that he thinks that project will greatly improve the lot.

Pill-questioned if there will be sufficient strength of the storm basin to bear the weight of the trucks? Engineer responded that yes, the storm basin will support the weight of the traffic. Also, questioned



lighting and whether that lighting will be added and shielded for lots behind that area? There will be LED lights with shields added. Discussed the remodeling of the front area, owners will address that at a later time.

Thomas-confirmed that retention will be the same and upgraded and have access to lot, supports the project.

Richard--supports

FINDINGS OF FACT A, B & C

(1) Yes – 4; No – 0

(2) Yes – 4; No – 0

(3) Yes – 4; No – 0

MOTION A

Motion to recommend to the Village Board of Trustees to approve a Zoning Code Variance Request to reduce the required side yard setback in an existing commercial lot in the B-1 Limited Business District for the purpose of constructing a parking lot.

Motion by: Thomas

Second by: Pill

VOTING A

Thomas – Yes

Pill –Yes

Fedeczko -Yes

Richard - Yes

Motion passed.

MOTION B

Motion to recommend to the Village Board of Trustees to approve a Zoning Code Variance Request to reduce the required rear yard setback in an existing commercial lot in the B-1 Limited Business District for the purpose of constructing a parking lot.

Motion by: Fedeczko

Second by: Pill

VOTING B

Thomas – Yes

Pill –Yes

Fedeczko -Yes

Richard - Yes



Motion passed.

FINDINGS OF FACT C

(1) Yes – 4; No – 0

(2) Yes – 4; No – 0

(3) Yes – 4; No – 0

MOTION C

Motion to recommend to Village Board to approve the site and landscaping plan.

Motion by: Thomas

Second by: Fedeczko

VOTING C

Thomas – Yes

Pill – Yes

Fedeczko – Yes

Richard – Yes

Motion C passed.

PZ 13-027 Theresa Johnson (tenant) with Robert Cynowa (property owner) regarding the property located at 128 South Cass Avenue, Westmont, IL 60559 for the following:

(A) Special Use Permit request to operate a ground floor attorney office in the B-1 Limited Business District.

(B) Special Use Permit request to operate a ground floor dance studio in the B-1 Limited Business District.

(C) Special Use Permit request to operate educational classes on the ground floor in the B-1 Limited Business District.

PRESENTATION:

Johnson seeking approval for making a contemporary office front at 128 S. Cass that she will be renting which will be used for 2-12 clients for law practice, life skills lessons and dance studio.

PUBLIC COMMENT:

None.

STAFF COMMENT:

Ziegler: unique mix of businesses combined in one space but based on sizes of clients/classes it should not create any adverse effects or parking concerns.

COMMISSIONER COMMENT:



Thomas: better understands the plan based on Johnson's presentation.

Pill: though the space is small and will not be a large tax generating business, he offered good luck for her expansion.

Fedeczko: asked if there was a plan to teach dance or just use space for practice. Johnson explained that the classes for dance would be limited to unique activities. Agreed that though it would not be a large tax generating business it was good to get the storefronts filled.

Richard: asked if she was fully staffed how many dance students she anticipated and the hours for the dance. Johnson indicated that she expected no more than 12 students and 5-9pm on Saturdays. Questioned staff if the size of class created parking concerns. Staff indicated potentially placing limit on number of students to 14.

FINDINGS OF FACT A, B & C

(1) Yes – 4; No – 0

(2) Yes – 4; No – 0

(3) Yes – 4; No – 0

(4) Yes – 4; No – 0

(5) Yes – 4; No – 0

(6) Yes – 4; No – 0

MOTION A

Motion to recommend to Village Board of Trustees to approve a Special Use Permit request to operate a ground floor attorney office in the B-1 Limited Business District.f to operate a ground floor attorney office in B1 district.

Motion by: Pill

Second by: Thomas

VOTING A

Thomas – Yes

Pill –Yes

Fedeczko -Yes

Richard -

Motion passed.

MOTION B



Motion to recommend to Village Board of Trustees to approve a Special Use Permit request to operate a ground floor dance studio in the B-1 Limited Business District.

Motion by: Pill

Second by: Fedeczko

VOTING B

Thomas – yes

Pill –yes

Fedeczko -yes

Richard -yes

Motion passed.

FINDINGS OF FACT C

(1) Yes – 4; No – 0

(2) Yes – 4; No – 0

(3) Yes – 4; No – 0

MOTION C

Motion to recommend to Village Board of Trustees to approve a Special Use Permit request to operate educational classes on the ground floor in the B-1 Limited Business District.

Motion by: Fedeczko

Second by: Pill

VOTING C

Thomas – Yes

Pill –Yes

Fedeczko -Yes

Richard -Yes

Motion passed.

PZ 13-028 McGrath Lexus of Westmont regarding the property located at 470-500 East Ogden Avenue, Westmont, IL 60559 for the following:

(A) Special Use Permit request to operate an existing automobile dealership in the B-2 General Business District with a cosmetic repair center that includes painting and body and fender work.

(B) Zoning Code Variance request to permit a cosmetic repair center that includes painting and body and fender work within 500 feet of a residence district.

PRESENTATION:

Buckley described mint cosmetic reconditioning which focuses on smaller repairs, as opposed to a standard body shop, no welding, no complete paint jobs, no collision repair. Most jobs are same day



fixes, shared price chart as well as key points contained areas for paint area, mix rooms, filtration rooms, dust collection system, enviro based paints.

PUBLIC COMMENT:

Mestin, Board of Directors of Citadel Homeowners Association (144 homes), indicated that their management company has received 90 calls from residents against this zoning change. Concerns about noise, adding additional shifts, painting fumes & EPA concerns, lighting and de-valuing of property around this area. Concerns based on the body work currently being done at Toyota.

Christiansen, service & parts representative from McGrath Lexus indicated that the owners are very proud of their location and is looking for adding this area to add revenue and jobs to their location. There have been some complaints on lighting and McGrath has added shields, have asked crew not to honk horns in back and try to be good neighbors and concerned about environment which is why they want to partner with Mint.

Mestin concerned that if zoning changes leaves business open to make any changes they would like, including heavy duty painting and additional shifts.

McCabe, homeowner in Citadel, raised concerns about dangerous pollutants could enter the air if Mint was no longer the company in charge or was not compliant to the regulations. Suggested to move this location to the commercial side of the dealership instead of backing up to houses.

For the record, it was mentioned that location is in furthest northwest corner on commercial side.

Verger concerned about request and believes that it will have a negative impact on the residents, devaluing of property and safety concerns of the fumes and other pollutants and suggested MSDS sheets on products and venting for emissions.

Buckley restated that body shop work and mint reconditioning are two different things and there is already a full collision body shop doing heavy repair work near this location. Buckley indicated that the regulations are very stringent and they make a point of using quality products to make sure they comply, have not received complaints even with locations within 500 ft of residents. The work is not noisy and contained inside the building, would not anticipate anyone would be able to hear the sounds of the repairs, no work is done outside.

Bruyon urged commission to deny request based on current ordinances to protect the residents and children in the neighborhood.

Christiansen asked for residents to review some of the plans that have been submitted and they may alleviate the concerns.

Malik pointed out that there is no zoning change here, this is for special use for the paint booth they are requesting. And the commission would also address whether special considerations would need to apply for this permit. If additional body work was to be done, the company would need to come back for an additional permit.

Buckley reiterated that they are not outside, no additional lighting, and fumes should not be



emitting from the facility, they would be contained inside the building.

Fitzpatrick, resident near Lexus, commented that her house is illuminated all night from the lighting. Questioned whether the variance is given to Lexus or to the Mint company? Buckley indicated that Mint would be the management partner, hiring and overseeing the employees. The attorney clarified that the permit would be granted to Mint, any new company, any new owner would need to reapply for a new permit.

Peterson (property 672) lives near Toyota and is concerned that the same issues will happen with Lexus and the Village will not follow through on enforcing. The Village Attorney addressed that the permit can place conditions on the permit use and then enforce if there are complaints for noise, etc. There can be warning issues, hearings and staff will check into whether conditions are being violated and the Village can take action and revoke a permit.

Minini (property 710 Citadel) suggested a compromise between Lexus and the residents to consider a barrier wall. Property issues, business lighting and noise is a nuisance.

Property 650 Citadel resident asked who is going to monitor the amount emissions to make sure it does exceed safe amounts. Attorney indicated that the Village does not monitor all emissions, but if there was a complaint the Village would either address or get EPA involved to address.

Resident asked if the variance was in place currently there must have been a reason so why change it now.

Vanici (property 651) asked about the hours of operation, same as dealership or different hours? Would like to see the compromise of a wall and concerns about controls on the fumes.

STAFF COMMENT:

Ziegler-commission may wished to address some of the conditions of the permit such as hours of operation or scope of the work.

COMMISSIONER COMMENT:

Fedeczko-planned working hours? Buckley responded typically as the sales department, service often until 6pm but sometimes until 9pm, though it is based on demand of the number of the cars so there will be occasion to work later. Do the employees carry keys to the location? The answer was no, they would only operate within the working hours of the dealer, longest scenario would be 7am-9pm. Confirmed that this is 100% contained within the dealership. Answer: Correct. Is the spray booth a full wall booth? Answer: double skin with a triple filtration system which will vent 10 feet above the roof and only during the clear coat application, will not be a constant emission of fumes. What is the typical square footage of the paint repair work? Answer: 9 square foot would be the average. Asked how about what percentage of repairs are done in spray booth? Answer: approximately 50% of Mint's repair would be paint jobs.

Pill-are MSDS sheets available? Answer: required to be on site and per Malik would be required to be submitted with full packet. Questioned the corporate chain for the permit use. Answer: Mint would do the actual work but it is a partnership with Lexus in terms of revenue and expenses. Dent



Wizard International out of St. Louis is partnering with McGrath Lexus. Question of limiting hours, dealership is open until 8pm Mon-Thurs and 6pm on Fri and Sat, Mint would not have a key to location to be open during non dealership hours.

Thomas-indicated that the other complaints that came up with this discussion should continue to be pursued with board, any resident that feels that the rules are not being followed and enforced should make sure to follow through on those issues, but supports the request that has been submitted.

Richard-asked if the 3 exhaust fans will penetrate the roof, and the intake for booth will penetrate roof. Confirmed that there will be 4 places that penetrate the roof. It was inquired as to whether they will be using hepa filters. Confirmed yes. It was inquired as to whether charcoal filters were ever used. Answered: they believe their booth meets highest standards and found charcoal filters to not exceed what they have. Asked whether cars would be done same day. Answered: that most vehicles would be processed same day, though there may be the occasional job that last more than one day. Lexus or owner would handle the loaner car for the customer. Customer and sales end will be determined by McGrath. Asked whether the Pasquinelli location would allow room for Mint. Answered: that they do have the room at Pasquinelli but not feasible to drive car without the wheels or bumpers that mint would be working on, this may be an upsell for the car owner already being serviced at McGrath. Dent International will be paying the employees for Mint.

Attorney—took note of special conditions, no full body work or no full body painting.

Richard-completely encased within the building, estimated 10 months of year the service doors will be closed so noise impact should not be heard; mitigation of the odors, clear coat spraying would be very brief so very minimal issue.

FINDINGS OF FACT A

(1) Yes – 4; No – 0

(2) Yes – 4; No – 0

(3) Yes – 4; No – 0

(4) Yes – 4; No – 0

(5) Yes – 4; No – 0

(6) Yes – 4; No – 0

(7) Yes – 4; No – 0

MOTION A

Motion to recommend to Village Board to approve a Special Use Permit request to operate an existing automobile dealership in the B-2 General Business District with a cosmetic repair center that includes painting and body and fender work.

Motion by: Thomas



Second by: Pill

Question on the motion: additional conditions would be added to a separate motion, no hours for repair on Sunday since dealership not open.

VOTING A

Thomas – Yes

Pill – Yes

Fedeczko – Yes

Richard – Yes

Motion passed.

FINDINGS OF FACT B

(1) Yes – 4; No – 0

(2) Yes – 4; No – 0

(3) Yes – 4; No – 0

MOTION B

Motion to recommend to Village Board to approve a Zoning Code Variance request to permit a cosmetic repair center that includes painting and body and fender work within 500 feet of a residence district.

Motion by: Thomas

Second by: Fedeczko

VOTING B

Thomas – Yes

Pill – Yes

Fedeczko – Yes

Richard – Yes

Motion passed.

Motion on Special Conditions

Motion to recommend the following special conditions on this special use of approval:

1. The special use would apply to Dent Wizard International in conjunction with the McGrath Lexus dealership and not run with the property.
2. All operations will comply to applicable IEPA emissions standards.
3. No full body work or full body painting shall take place with this operation, only minor repair and painting as per the presentation.
4. Applicant shall use water based latex paint only in conjunction with the clear coat and base finish.



5. Hours of operation shall be Monday through Saturday 7am-9pm only.
6. The location of the operations shall be as submitted on their plans.
7. Applicant shall dispose all hazardous materials per IEPA regulations.
8. The ordinance should include a dispute resolution procedure and if that fails a hearing process with due process to the applicant with the potential to revoke the permit in the event of a violation of these special conditions.

Motion by : Thomas

Second by: Pill

VOTING ON SPECIAL CONDITIONS

Thomas – Yes

Pill –Yes

Fedeczko -Yes

Richard -Yes

Motion passed.

Chair Richard suggested that the residents and dealership possibly looking at some additional landscaping, such as Arbor Vitae, be planted to resolve some of the different issues. Attorney suggested discussing other complaints with staff and Village Board, possibly in open forum to work on resolution.

PZ 13-029 Marc Iozzo of Ogden Lincoln regarding the property located at 209 East Ogden Avenue, Westmont, IL 60559 for the following:

- (A) Special Use Permit request to operate an automobile dealership in the B-2 General Business District.
- (B) Special Use Permit request to allow the sale of used automobiles in the B-2 General Business District.
- (C) Zoning Code Variance request to permit the sale of used automobiles within 500 feet of a residence district.
- (D) Zoning Code Variance request to permit parking in the required front yard setback.

PRESENTATION:

Iozzo from Ogden Lincoln requesting two special use permits and two zoning variances for operating a business for selling used automobiles. The property is already established as a car dealership location and limited to this use.

Iozzo owns an additional property that will be going through a major renovation. Plans to move the 209 location while under construction. The application will be a temporary occupancy while the other location is under construction. Initially the use for the 209 lot will be used cars, then construction at 100 will begin and then used and new cars will be located at 209 location, then move back to 100 location after construction and ultimate goal would be to be a certified pre-owned used car dealer. The building holds 40 cars inside plus parking outside, asking for 8



spaces.

PUBLIC COMMENT:

None.

STAFF COMMENT:

Ziegler-asked for applicant to discussed timeline for converting from new to used dealership. Mentioned that original plan showed 4 parking spaces, increased to up to 10 cars parked and aerial view shows 7.

Attorney-mentioned that special conditions would be restricted to the dealership conditions (no racks, no blow up figures, loud speakers) and those conditions would be listed for this permit as well, parking would be listed for marked spaces with double stack parking in rear lot line.

Malik-historically the Board has not approved stand alone used car lots, but there was one that was approved and mentioned looking into the Alpha Motors used car dealer permit requirements for guidelines.

COMMISSIONER COMMENT:

Thomas-does not have any issues with proposal, did mention that signage ordinances would revert back to existing ordinances.

Pill-understands the timeline better after presentation and does not have any issues with the proposal.

Fedeczko- confirmed that primary goal is high end used vehicles outside of the Lincoln brand.

Richard-questioned double stacking of the vehicles in back lot to Malik, would need to confirm egress with fire department prior to Village Board meeting.

FINDINGS OF FACT A & B

(1) Yes – 4; No – 0

(2) Yes – 4; No – 0

(3) Yes – 4; No – 0

(4) Yes – 4; No – 0

(5) Yes – 4; No – 0

(6) Yes – 4; No – 0

(7) Yes – 4; No – 0

MOTION A



Motion to recommend to Village Board to approve a Special Use Permit request to operate an automobile dealership in the B-2 General Business District.

Motion by: Pill

Second by: Fedeczko

VOTING A

Thomas – Yes

Pill – Yes

Fedeczko - Yes

Richard - Yes

Motion passed.

MOTION B

Motion to recommend to Village Board to approve a Special Use Permit request to allow the sale of used automobiles in the B-2 General Business District.

Motion by: Thomas

Second by: Pill

VOTING B

Thomas – Yes

Pill – Yes

Fedeczko - Yes

Richard - Yes

Motion passed.

FINDINGS OF FACT C

(1) Yes – 4; No – 0

(2) Yes – 4; No – 0

(3) Yes – 4; No – 0

MOTION C

Motion to recommend to Village Board to approve a Zoning Code Variance request to permit the sale of used automobiles within 500 feet of a residence district.

Motion by: Fedeczko

Second by: Pill

VOTING C

Thomas – Yes

Pill – Yes



Fedeczko -Yes

Richard -Yes

Motion passed.

MOTION D

Motion to recommend to Village Board to approve a Zoning Code Variance request to permit parking in the required front yard setback.

Motion by: Pill

Second by:Thomas

VOTING D

Thomas – Yes

Pill –Yes

Fedeczko -Yes

Richard - Yes

Motion passed.

Meeting adjourned at 10:11 p.m.

These minutes respectfully submitted by Kristine Turano.