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Community Development Department

31 West Quincy Street • Westmont, Illinois 60559
Tel: 630-981-6250 Fax: 630-968-8610

Village of Westmont
Planning and Zoning Commission
January 8, 2014 - Minutes

The Village of Westmont Planning and Zoning Commission held its regular meeting on Wednesday, January 8, 2014 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
In attendance: Chair Ed Richard, Commissioners Gregg Pill, Craig Thomas, Bill Fleet, Stan Anton, PZ Secretary Wallace Van Buren, Village Attorney John Zemenak, Village Planner Jill Ziegler.

Absent: Commissioner Steve Fedeczko, Director of Community Development Malik.

(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

(6) Approval of Minutes of the December 11, 2013 meeting.

Motion to approve the Minutes of the December 11, 2013 meeting.

Motion: Van Buren

Second by: Pill

VOTING--Minutes
Van Buren--yes
Thomas--yes
Pill--yes
Anton--yes
Fleet--yes
Richard--yes
Motion passed.

New Business

PZ 13-037 Musa Tadrus of Crown Commercial Real Estate and Development regarding the property located at 19 West Ogden Avenue, Westmont, IL 60559 for the following:

(A) Special Use Permit request to operate a restaurant with an associated drive-in in the B-2 General Business District.

(B) Zoning Code Variance request to reduce the number of required off-street parking stalls for the purpose of operating a multi-tenant building with restaurants in the B-2

General Business District.

(C) Zoning Code Variance request to reduce the required front yard setback for the purpose of constructing a new multi-tenant building in the B-2 General Business District.

(D) Site and Landscaping Plan approval for the purpose of constructing a new multi-tenant building in the B-2 General Business District.

PRESENTATION:

Peter M. architect for the project gave presentation. It is proposed that the current building would be demolished and a new multi unit building would be built. The first request is based on anticipating two restaurant units so the setback would be used for outdoor seating as well. The other request is for the a single drive through that would allow for 7 cars to stack with an island to create lane. They are also requesting a variance on the parking spaces. The variances are being requested as without them the size of the building units would be negatively impacted and they would anticipate having difficulty renting the units as they would be less than the standard 60 ft depth for retail space. It was also mentioned that signage items were included with the packet. It was mentioned that the drive through window may be a larger window than indicated on original plans and it still in flux right now. It was indicated that they are working with engineers and will be adding storm retention to the site per ordinances. The engineer did not foresee any issues with the retention through the normal permits. Musa Tadras mentioned that their hardships for the variances.

PUBLIC COMMENT:

Baxter Phillips support of business but as a neighbor inquired the parking space variance. It was clarified that they are asking for variance of 10 spaces. It was indicated that the loading dock would be for a long truck to pull in. Phillips asked about number of doors., seemed to be more doors than proposed tenants, it was clarified that that would be based on tenants need. Phillips asked about loss of public parking spaces which Ziegler would not be losing any public parking spaces.

STAFF COMMENT:

Ziegler asked for a review of the drive through space outlining the changes in the plan.

Response: proposed layout will have one way out exit onto Ogden and two driveways onto Grant Street, will check with IDOT and anticipate having a right only exit., which will also clean up the congestion at that corner. The new plan has extended the island near drive through to allow for more stacking of the cars for drive through lane, but keeps back up traffic along back of the site. The island will be heavily landscape.

Ziegler indicated that there is an additional requirement of 1-½ spaces for a drive through facility than a normal sit down restaurant even though there are less seats in the proposed location because of the drive through. The total parking spaces proposed is 45.

COMMISSIONER COMMENT:

Richard: questioned if meeting the parking requirements would affect the size of the building in a negative way. Answer: yes the impact would affect the size of the units in the building making them

less than a standard 60ft depth and possibly difficult to rent.

Fleet: questioned if there was any current retention and landscaping and asked about two tenants that are proposed. Also asked about snow removal for the lot. Answer: there is currently no retention or landscaping. The two tenants are Connies and Pot Belly. Snow would be plowed and accumulated on lot not removed.

Pill: clarified that middle space would be one or two tenants. Inquired about the grease trap and how it is serviced. Asked about the material for the fencing, being made out of wood instead of a no maintenance synthetic. What are plans for parking lot lighting, will they be shielded. Inquired about the hours for building. Mentioned snow removal. Answer: yes, it would depend on the tenant need. The grease trap could be move to an off area but otherwise it would be serviced off hours. They do not have a preference on the fencing and would not mind changing the material. Will not be flipping the property so they will handle maintenance of property. The parking lot will be well lit and per code may have some lighting shining down by the sign. They do not have exact hours until tenants are confirmed. They have a loading dock area that they could temporarily hold snow.

Anton: indicated that snow removal needs to be considered because they are requesting a variance to reduce the number of parking spaces making lot very tight. Inquired about truck deliveries and location for the deliveries to the restaurant. Asked about garbage disposal. Like the plan and landscaping would like to see something other than a wood fence.Answer: that deliveries will be handle early morning. Will get more pick ups for dumpsters during the week to eliminate having bigger dumpsters that would eliminate more parking spaces. The retention area will go the north and runs to the west.

Van Buren: asked if the third tenant or fourth tenant would be retail or strictly office. Answer: would be retail if something that would not require a lot of parking, it would depend on what they are selling.

Fleet: clarified that the entrance to all the stores would be facing the parking lot but outdoor seating would be at the back of the location. Asked for clarification on the signage. Ziegler clarified that the signage would probably need a variance due to number of signs but that request would be reviewed once the final signage is determined. Asked if the electric sign would be running 24 hours a day and what type of information would it include. Ziegler mentioned that the electric sign meets ordinances. Asked for clarification on the grease traps and their servicing. Answer: the digital sign has not been finalized. Engineer included grease trap in anticipation of restaurants needing it, but restaurants may have an indoor system. They will work within code and with tenants needs.

Richard: asked about sign drawing but no variance request. Ziegler mentioned that the sign variance is not on the request right now until the final sign plans are drawn up based on tenants that will be in building. Asked for clarification on the electric sign. Ziegler responded that the electric sign would be for any of the tenants to use and code provides for this type of sign and size meets requirements. Commissioner discussed Ogden Avenue exit, strongly suggests curb slants to the East instead of West to deter patrons from making a left and causing backup. Discussed grease trap and asked if it will need to be cleaned out and that they could not block Ogden traffic for servicing, would recommend that they locate the grease trap to a different location for servicing. May have to

consider snow removal. Asked where the fence would be place. Answer: existing retaining wall will be replaced and a fence added.

FINDINGS OF FACT A:
(1) Yes-6; No-0

(2) Yes-6; No-0

(3) Yes-6; No-0

(4) Yes-6; No-0

(5) Yes-6; No-0

(6) Yes-6; No-0

(7) Yes-6; No-0

MOTION A

Motion to recommend to the Village Board of Trustees to approve a Special Use Permit request to operate a restaurant with an associated drive-in in the B-2 General Business District.

Motion by: Pill
Second by: Thomas

VOTING A
Van Buren--yes
Thomas--yes
Pill--yes
Anton--yes
Fleet--yes
Richard--yes
Motion passed.

FINDINGS OF FACT B:
(1) Yes-6; No-0

(2) Yes-6; No-0

(3) Yes-6; No-0

Motion B

Motion to recommend to the Village Board of Trustees to approve a Zoning Code Variance request to reduce the number of required off-street parking stalls for the purpose of operating a multi-tenant building with restaurants in the B-2 General Business District.

Motion by: Van Buren

Second by: Anton

VOTING B
Van Buren--yes
Thomas--yes
Pill--yes
Anton--yes
Fleet--yes
Richard--yes
Motion passed.

FINDINGS OF FACT C:
(1) Yes-6; No-0

(2) Yes-6; No-0

(3) Yes-6; No-0

Motion C

Motion to recommend to the Village Board of Trustees to approve a Zoning Code Variance request to reduce the required front yard setback for the purpose of constructing a new multi-tenant building in the B-2 General Business District.

Motion by: Pill
Second by: Anton

VOTING C
Van Buren--yes
Thomas--yes
Pill--yes
Anton--yes
Fleet--yes
Richard--yes
Motion passed.

Motion D

Motion to recommend to the Village Board of Trustees to approve a Site and Landscaping Plan approval for the purpose of constructing a new multi-tenant building in the B-2 General Business District.

Motion by: Van Buren
Second by: Fleet

Question on the Motion: Richard asked about outdoor seating and code requirements for fencing

since it is near Ogden Avenue. It was discussed that they are not aware of any requirement for fencing for the seating area.

VOTING D
Van Buren--yes
Thomas--yes
Pill--yes
Anton--yes
Fleet--yes
Richard--yes
Motion passed.

PZ 13-038 Village of Westmont regarding a Zoning Code text amendment as follows:

(A) Amend Appendix A, Article IV General Provisions and Article VI Residence Districts of the Westmont Zoning Code regarding size limitations on attached garages in residential districts.

PRESENTATION:

Ziegler mentioned that a variance for a detached garage of almost 3000 sq ft was turned down by the commission. It was noted at that time that the code was silent on attached garage sizes. The Building and Zoning committee discussed this as well and recommended that text amendment language be proposed. Other towns were researched and found to be silent except for Woodridge which limited the size to 750 sq. feet. Based on discussed recommends a text amendment and would like to open discussion on what that text would be, some suggestions would be to limit attached garages to number of cars, limit square footage, or number of doors, or limit to no greater than 1st floor living space.

PUBLIC COMMENT:

Gene Newman, architect that presented for 324 Warwick regarding the variance that was rejected for the detached garage. He indicated that they have submitted a new plan with an attached garage that meets the needs that they were looking to do originally and feels that it meets all zoning. Concerned that they are changing the zoning mid-stream when their proposal has already been submitted. His request is that their plan be approved. If the change is made it should apply to future projects.

Bill Obsera resident of Westmont, has submitted plans for the garage structure at his cousin's property and is concerned that this is being modified during his plans process. Attorney said some plans that come in present new scenarios that warrant the Village looking at coding from time to time often in response to something that has been presented. Anton mentioned that these items are in order to protect the residents of the Village and the look of the Village. Commissioner Richard mentioned personally not wanting to see large structures housing cars.

STAFF COMMENT:

Attorney: discussed that the commission is not aware of the request for their new plans. It was recalled that they did discuss that there was no code language to address the issue and the previous request for variance made the commission aware that there was a problem with the lack of detail in the code. Indicated that the request should not be discussed since the commission does not have the request in front of them.

COMMISSIONER COMMENT:

Richard: reiterated that the commission is not reviewing the request for building permit only the language for the current zoning code.

Fleet: clarified that he is leaning more towards sq. footage defined for this coding, but some lots are larger that would allow for more room and city lots are smaller, would like to see wording adjust for different cases.

Van Buren: would like to see the wording include number of cars per garage. Ziegler clarified that this could go up to 4 car garage and this could be different layouts. Attorney mentioned that some car owners stack cars with a lift, but if you limited to 3 cars that would eliminate stacking. Van Buren clarified space/footprint only, if you could fit 5 cars in a 3 car garage that is fine.

Anton: feels that whatever the criteria it needs to be within reason, loves big garages but there should be reasonable limits. Have to have something on the books to protect the look of the neighborhood. Make sure it is a rule that benefits the whole time.

Pill: since most communities have remained silent his initial thought was to leave it alone but now would consider adding some language but making it proportional to existing home and property and having the language reflect the maximum size.

Van Buren: agrees that it should be proportionate to the size of the lot so language should include some leeway for the larger lots. It was noted that you could currently have an attached garage and a detached garage on the same property.

Richard: could see going up to 1000 sq feet. Clarified that you can have an attached and detached garage on same properties. Ziegler mentioned that currently they see older detached garage that is accessed from the alley, which decreases the lot coverage by eliminating need for long driveway if they access off of alley. Liked the wording of the Woodridge language limiting number of structures. Discussion took place that commission would need to come up with language. Discussion took place on door wording and sizes. Attorney pointed out that some wording on what defines attached so it is not just cornering the two structures. The following criteria was determined:

1000 sq feet maximum for an attached garage
No more than 32 feet of garage door opening width.
At least 50% of the structure has to be in common with the house.

Richard asked for clarification on whether this applies to Article 4 or Article 6. Attorney felt it should be listed in Article 4 with a cross reference in Article 6.

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Motion A

Motion to recommend to the Village Board of Trustees to approve an Amend Appendix A, Article IV General Provisions and Article VI Residence Districts of the Westmont Zoning Code regarding size limitations on attached garages in residential districts. Attached garages not to exceed 1000 sq feet , no garage door opening can exceed 16 feet with total combined doors not exceeding 32 ft, and at least 50% of garage must be attached to the house.

Motion by: Pill
Second by: Anton

Question on the Motion: it was clarified that 50 % of one wall would need to be attached. A question on the door was raised on limiting the door to 16 foot doors.

VOTING A
Van Buren--yes
Thomas--no
Pill--yes
Anton--yes
Fleet--yes
Richard--yes
Motion passed.

Commissioner Richard thanked the Public Works Department for their excellent work in snow removal.

Ziegler mentioned that there may be additional amendments proposed as retention issues are addressed by the Stormwater Committee.

Motion to Adjourn.

Motion by: Pill
Second by: Thomas

Meeting adjourned 8:45pm.