



**Village of Westmont
Planning and Zoning Commission
August 13, 2014 - Minutes**

The Village of Westmont Planning and Zoning Commission held its regular meeting on Wednesday, August 13, 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, Steve Fedeczko, Bill Fleet, Stan Anton, Village Attorney John Zemenak, Village Planner Jill Ziegler.

Absent: Commissioner Craig Thomas, PZ Secretary Wallace Van Buren

(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 July 9, 2014 meeting.

Motion to approve the Minutes of the July 9, 2014 meeting.

Motion: Pill

Second by: Anton

VOTING--Minutes

Anton--abstain

Fleet--yes

Pill--yes

Fedeczko--yes

Richard--yes

Motion passed.

Old Business

PZ 14-021 Green Healing LLC regarding the property located at 772 Burr Oak Drive, Westmont, IL 60559 for the following:

(A) Special Use Permit request to operate a medical cannabis dispensary facility in the M-Manufacturing District.

PRESENTATION: Tanya Griffin applying for dispensary license works with innovators of medical cannabis industry from Colorado called The Green Solution. They have been award many awards and developing new medical strains of medical cannabis. Other part of their partnership are 3 pharmacists and serve chronically ill, homebound patients. Additional discussion took place on



finding locations for the dispensaries, very considerate of medical patients, and stressed that this is strictly for medical purposes will not be forced to allow recreational use. Discussed change of public opinion on support of medicinal use. Presentation on process for getting a medical card, chronic illnesses, physician relationship, Illinois will not allow use for pain use at this time, conditions will be reviewed 2 times per year. Pilot program in place through 2018. Reviewed qualifying conditions and illnesses that can benefit from this use. Much of use is trending towards edible use and not inhaling. She reviewed the surrounding communities that would be served including hospitals and senior living facilities. They will serve very sick patients and Westmont is equi-distant from a number of hospitals which is important. The proposed building in is the Ty Warner complex in Oakwood Commons. She has met with all owners and have gotten a signed petition from them on having their facility near them. No one without a card will be allowed in the dispensary, verified with the state system before entering the building further and meet with a bud tender. No one is allowed to use on premises, no employees allowed to be medical card carriers. Security will be in place 24/7 and product locked in safe. Business is very patient oriented, no loitering, highly regulated, all product leaves in sealed bags. She addressed concerns on traffic flow. They will open after SASS to drop off the teens before their office is open. They have also developed a patient app for tracking data. Discussion took place on benefits to Westmont.

PUBLIC COMMENT: Debbie Mason inquired about safety of patients when leaving the facility. Tanya responded that there will be video surveillance outside with face and license plate recognition plus security guard on site. Plus the amount of medicine dispensed at one time is small.

Additional inquiry about how many patients from surrounding community will benefit from this. Response mentioned in Illinois there may be 12,000-30,000 people in the state but without Westmont they may have to travel very far. The use is still new so there are no real numbers for how many may be served.

Jennifer H. inquired about the all cash business status, second question was about criteria for a medical card whether it required a prescription from a doctor. Response on cash business is that they will be taking cash and debit cards, some challenges with banks, but insurance will not cover. Physician will certify the patient, the bud tenders will be responsible for determining strain and the education on the use.

Steve H. what training and degree do the bud tenders have for determining dosage and has there been increase in crime around dispensaries that have opened. Bud tenders will be trained in Denver, video instruction, state regulations with medical team writing the training and all bud tenders would be supervised by pharmacists. There is no precedent for crime rates in Illinois but in Denver, not a lot of traffic impact, no crime increases, no increase in dui, no increase in teen use. Clarified that the state set regulations and it is up to the patient to determine how much they should use, plus you cannot overdose on cannabis. Dispensary cannot be combined with a pharmacy, only the cannabis and paraphernalia will be sold at the dispensary.

STAFF COMMENT: Attorney mentioned that at previous meeting public comment was opened and closed that there were no comments made at last meeting regarding this petition. It was also questioned whether this facility was in 1000 ft of a school, and it was mentioned that if it was too close to a school the state would not allow the facility to open. They have reached out to the state to



get an opinion on what determines a school. The state has determined this to be a lawful item, cannot refuse unreasonably. This should be viewed as any other special use request. And can impose special conditions if deemed necessary. It should be considered that this is a pilot program within the state, potentially should consider a sunset clause for the special use permit. Inquired about any adverse conditions expected and about why state enacted a 1000ft restriction. Response: no adverse smells, traffic concerns, etc. expected and believes that the 1000ft restriction was to keep this type of business away from minor children. Not permitted to be used in any public place.

COMMISSIONER COMMENT:

Pill: clarified the attorney statement. Attorney recommended evaluating on merits of petition outside of the school issue as that will be determined by state opinion. Inquired as to whether there will be cultivation on site, asked about consumption on site. Inquired about pricing of product. Response: no cultivation, no use on site, no use on park property, state rules outlines that you can use at hospital, at home, not around minors, no use in state parks. There will be varying price points depending on product. VA doctors are federal employees so it would be a conflict, veterans can bypass the certification and go direct to the health department to apply for a medical card, veterans cards are at a reduced price. Three proposed locations, Forest Park, District 11 near St. Louis, Westmont other proposed location might be Kankakee. Limited to 60 dispensaries only in Illinois. Alarms direct connected to police, security guards are not arms, first window in reception does have locked area and bullet proof glass in window.

Anton: clarified that no insurance covers this usage, asked about forms, how many people treated in Westmont. Concerned that other towns not allowing, no taxes for Westmont, nearness to school and park. Response: candies, cookies, tinctures, concentrates in a wax, buds industry has changed considerably even with smoking with vapor pens. Possibly 150 treated in Westmont, most communities have decided that these businesses need to be in an industrial area and many towns don't have the space with no viable space away from the schools, found this building to be one of the only spaces in Westmont. Supports the state regulations for security.

Fedeczko: asked about the 200K base would be serviced. Asked about recreational sales in Denver. Response: 5% of the 200,000 base but since Illinois restricts the use for pain management numbers will be smaller. Training for bud tenders would be with medical and medicinal sales. Signage will be very minimal, it would only say the Green Solution anyone visiting would need to know the name and where they are going.

Fleet: inquired about park having lot of people and potential traffic at some times, how would facility work with heavy traffic days like July 4th. Commented that conceal carry sticker would need to be in window. Response: they would accommodate adjusting hours to be closed during a heavy traffic day like July 4th.

Richard: asked why this is not located in a hospital, asked about products if they will be pre-packaged. Inquired about whether cannabis is a cure. Response: biggest reason with not having in hospital is the fear of repercussions by federal law. No products will be made on site. It is not a cure but it does reduce suffering and pain associated with some of the diseases on list. Every two weeks a patient can purchase 2.5 oz. per state law. Attorney response: if state does not renew program the business



would need to close, Westmont can add an additional sunset clause to make sure any issues that may arise could be reviewed.

Richard mentioned pros of being in a hospital and benefits of the medical use, not sure if the proposed building is a good fit.

Attorney: special clauses to consider, signage limits, limiting hours, require days to close with Ty Warner events, make it clear that there is no cultivation on site, security minimums.

FINDINGS OF FACT A:

(1) Yes-2; No-3

(2) Yes-2; No-3

(3) Yes-2; No-3

(4) Yes-2; No-3

(5) Yes-2; No-3

(6) Yes-2; No-3

(7) Yes-2; No-3

MOTION A

Motion to recommend to the Village Board of Trustees to approve a Special Use Permit request to operate a medical cannabis dispensary facility in the M-Manufacturing District.

Motion by: Pill

Second by: Anton

VOTING A

Anton--no

Fleet--yes

Pill--no

Fedeczko--yes

Richard--no

Motion not passed.

New Business

PZ 14-022 Brian and Angela Beusse regarding the property located at 141 East Richmond Street, Westmont, IL 60559 for the following:

(A) Zoning Code Variance Request to permit the construction of a 6' solid wood fence in the side yard adjoining the street in the R-3 Single Family Residential District.



PRESENTATION: Brian and Angela Beusse owners of the property would like to replace chain link fence with a wood fence. Moving the fence 15 feet within their property would reduce the yard size considerably. They do understand that the rule applies to corner lots so as not to obstruct view but on their lot there is no line of site issues where the fence will be installed. They feel the fence will also add value to their home. They do have neighbors who support the request.

PUBLIC COMMENT: Kevin Wright commented that he is a close neighbor and would like to see the chain link fence replaced with a more aesthetically pleasing wood fence.

STAFF COMMENT: Ziegler mentioned that this lot is located near Veterans park so it experiencing more pedestrian traffic than some areas so it warrants the extra privacy a fence could provide. There are also no sight line issues with the requested position of the fence. And to follow code the homeowner would lose 2000sq feet of yard.

COMMISSIONER COMMENT:

Fleet: commented that there is a neighbor with similar fence, asked about the additional chain link fence between houses, and access gates. Response: they will replace all chain link fence and will have two access gates.

Fedeczko: familiar with area and sees no affect on line of site. Anton: supports the new fence.

Pill: confirmed same path as old fence. Richard: supports the new fence.

FINDINGS OF FACT A:

- (1) Yes-5; No-0
- (2) Yes-5; No-0
- (3) Yes-5; No-0

MOTION A

Motion to recommend to the Village Board of Trustees to approve a Zoning Code Variance Request to permit the construction of a 6' solid wood fence in the side yard adjoining the street in the R-3 Single Family Residential District.

Motion by: Fleet

Second by: Fedeczko

VOTING A

Anton--yes

Fleet--yes

Pill--yes

Fedeczko--yes

Richard--yes

Motion passed.



ITEM WITHDRAWN PZ 14-023 Kavitha Kadari regarding the property located at 401 Kristin Street, Westmont, IL 60559 for the following:

- (A) Zoning Code Variance Request to permit lot coverage greater than the 35% maximum allowed in the R-3 Single Family Residence District.

PZ 14-024 Standard Market regarding the grocery store located at 333 East Ogden Avenue, Westmont, IL 60559 for the following, all in the B-2 General Business District:

- (A) Zoning Code Variance request to increase the number of allowable signs.
- (B) Zoning Code Variance request to display more than five signs on the premises.
- (C) Zoning Code Variance request to display a sign that projects more than 18 inches.

PRESENTATION: They are requesting to add additional signage for their new BBQ restaurant to create awareness, without identification of their restaurant they cannot yield a reasonable return. They are also requesting signage from Blackhawk into their property as it is not directly obvious from Blackhawk. They will be adding high quality signs intended to provide clear direction for customers.

PUBLIC COMMENT: None.

STAFF COMMENT: Ziegler commented that though they are requesting 8 signs the business does have multiple entrances that need to be labelled for customer use and signs are high quality.

COMMISSIONER COMMENT:

Pill: supports signs.

Anton: supports signs.

Fedeczko: inquired about illumination of sign during non business hours. Response is that it would be turned off.

Fleet: no questions.

Richards: clarified the sign positioning and asked about numbering on monument sign on Ogden. Response they would consider adding the numbering.

FINDINGS OF FACT A, B, C:

- (1) Yes-5; No-0
- (2) Yes-5; No-0
- (3) Yes-5; No-0

MOTION A

Motion to recommend to the Village Board of Trustees to approve a Zoning Code Variance request to increase the number of allowable signs.

Motion by: Pill

Second by: Anton



VOTING A

Anton--yes
Fleet--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 display more than five signs on the premises.

Motion by: Pill
Second by: Anton

VOTING B

Anton--yes
Fleet--yes
Pill--yes
Fedeczko--yes
Richard--yes
Motion passed.

MOTION C

Motion to recommend to the Village Board of Trustees to approve a Zoning Code Variance request to display a sign that projects more than 18 inches.

Motion by: Pill
Second by: Anton

VOTING C

Anton--yes
Fleet--yes
Pill--yes
Fedeczko--yes
Richard--yes
Motion passed.

PZ 14-025 McNaughton Development regarding the property located at 704 South Wilmette Avenue, Westmont, IL 60559 for the following:

- (A) Zoning Code Variance Request to permit the development of a single family lot with lot coverage greater than the 35% maximum allowed in the R-3 Single Family Residence District.



PRESENTATION: John Barry, developer, proposing a single family residence on this property. They are requesting a variance since the property ratios includes a private roadway. The previous owners were granted a request but did not build prior to that request expiring. The property cannot achieve a reasonable return, market demands a home greater than 2475 ft that lot would allow with strict enforcement of rules. They think that this will provide a nice addition to the homes in the area.

PUBLIC COMMENT: Resident who lives on Wilmette Avenue he commented that he believes that there has been an overuse of variances, mentioned stormwater proposed taxes for continuing to allow oversized homes on the lots. He mentioned that Wilmette Avenue floods very badly. He claimed that developer has raised road and now water does not drain properly, water sits on properties.

Steve H. owns property in front of the development asked about property line. He has an issue with an easement portion on the north end of lot which is between his property and development as he had an agreement with previous owner. He also asked about the water runoff from this lot going to go. Response: they will be installing infiltration trenches per Village code, semi retention pit in backyard, all water will be channeled from home, overflow from storm sewer to retention pond. The infiltration trench will provide 450 cu ft of storage, per ordinance they are required 390 sq ft so they will exceed requirements.

Another resident mentioned lot 1 and lot 2 have retention area that was full to brim during the flood last year, not sure they can handle any additional. There is a huge water problem in that area and mosquitos.

Ken Nelson lives on Wilmette immediately west of the development. He stated that 58th place during a thunderstorm is like a river and definitely are water issues. Inquired about size of home, and setback, position of driveway. Response: home will be a traditional 2 story home, showed elevation. The setback will be 35ft line, so will be in line with other homes, also mirrored his home so new house would not block neighbor, 7 ft from east and west property lines.

Jennifer Houchens resident on Scott Court mentioned that she is not opposed to a new house being built but did mention that there is a conflict between the surveys between the two properties. She mentioned that the percentages should be based on correct size of the lot based on a correct survey. Staff: commented that if the additional 3 ft in dispute would increase the variance by .5%. Recommendation by the attorney is to consider the higher percentage number when making decision.

STAFF COMMENT: Attorney commented on the stormwater utility and that it is something that will be put on a referendum so the Village will not be willfully imposing a tax. Ziegler property has a unique situation in that there is a private road as part of the lot. Planning Engineer spoke to the detention concerns, the ponds were created to include the detention for this lot and was based on a 40% lot coverage.

COMMISSIONER COMMENT: Fleet: inquired about options for addressing water issues. Response: driveway has been cut back to reduce impact, permeable pavers don't have the look of regular pavers but may impact sale of house, would be willing to look at storing more water on lot by increasing the trench in back. There will be some drainage of driveway to 58th place.



Fedeczko: asked about top surface of infiltration system, could that system be increased. Disagrees with residents, the ponds in this neighborhood do not overflow, there is a water issue and would recommend increase infiltration system if possible. Response: yes it could be increased on lot. would prefer increase of system over permeable bricks on driveway.

Anton: new properties have to accommodate the water, but old properties do not. When a new house goes in it is set to handle the water.

Pill: glad it is last lot in the area.

Richard: made a suggestion for additional water area for driveway.

FINDINGS OF FACT A:

(1) Yes-5; No-0

(2) Yes-5; No-0

(3) Yes-5; No-0

MOTION A

Motion to recommend to the Village Board of Trustees to approve a Zoning Code Variance Request to permit the development of a single family lot with lot coverage greater than the 35% maximum allowed in the R-3 Single Family Residence District.

Motion by: Fleet

Second by: Fedeczko

VOTING A

Anton--yes

Fleet--yes

Pill--yes

Fedeczko--yes

Richard--yes

Motion passed.

PZ 14-026 People's Resource Center regarding the property located at 100, 102 and 104 East Chestnut Avenue, Westmont, IL 60559 for the following:

- (A) Zoning Code Variance request to reduce the number of required off-street parking stalls in the M-Manufacturing District.

PRESENTATION: Scott Safe representing PRC and owner of property and they are seeking a variance on percentage of requirement parking. They are proposing 60, 9ft spaces. The essential hardship are the physical constraints of the lot layout. The building itself will be broken into 3 units. They are seeking a variance of 7 parking spaces, they will be converting the 50, 10 ft spaces into 60, 9 ft spaces. The property has been vacant for some time so this would allow a reuse of this building. Spaces will be allocated to each unit. Unit 102 has been leased by a new dance studio. PRC is proposing to



purchase one of the units. Unit 100 meets parking requirements. Unit 102 will need a variance of 4 spaces.

PUBLIC COMMENT: None.

STAFF COMMENT: Prc has provided a huge benefit to our community and have outgrown their space and they have worked very hard to find a new location. The team has worked very hard to work on the re-striping plan, site is limited to expansion due to wetlands on the site.

COMMISSIONER COMMENT:

Pill: supports the plan.

Anton: supports the plan.

Fedeczko: supports the plan.

Fleet: good luck.

Richard: asked if they foresee an influx of parking needs at any particular time. Response: the food pantry might have an influx but it is scheduled and very controlled. Dance studio does not anticipate using its full allocation.

FINDINGS OF FACT A:

(1) Yes-5; No-0

(2) Yes-5; No-0

(3) Yes-5; No-0

MOTION A

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 in the M-Manufacturing District.

Motion by: Pill

Second by: Anton

VOTING A

Anton--yes

Fleet--yes

Pill--yes

Fedeczko--yes

Richard--yes

Motion passed.



PZ 14-012 Pathway Development Partners regarding the properties located at 407 West 63rd Street, 309 West 63rd Street and 311 West 63rd Street, all in Westmont, IL 60559 for the following:

- (A) Map Amendment request to rezone the property at 407 West 63rd Street, 309 West 63rd Street and 311 West 63rd Street from R-4/PD General Residence District / Planned Development to R-6 Special Residence District.
- (B) Site and Landscaping Plan approval to build an assisted living facility in an R-6 Special Residence District.
- (C) Preliminary Plat of Subdivision in an R-6 Special Residence District.
- (D) Zoning Code Variance request to reduce the required front yard setback in an R-6 Special Residence District for the purpose of constructing parking within the setback.
- (E) Zoning Code Variance request for relief from the maximum allowable density in an R-6 Special Residence District.
- (F) Zoning Code Variance request for relief from the minimum square feet per building in an R-6 Special Residence District.

PRESENTATION: Robert Helly presented that they are proposing a 109 unit living facility, 34 studio apartments for patients with memory care issues plus 79, 1-2 bedroom straight assistance units. They previously proposed a 3 story building which caused some concerns, they contracted a neighboring property and are now proposing a two story building with the units spread out further across the property. There is a high density of seniors in the area, estimated 308 memory care, 2500 assisted living care with only 800 units in the area. They feel that there is a great need in this area. They have an existing 12 properties.

PUBLIC COMMENT: Hassain stated that he has some concerns with the development. Their yards are very small and will now have no privacy with the new development. There will be a large influx of people living there, ambulances coming in and out day and night and will decrease the value of their home, concerned about flooding in their area.

Paul Johnson, president Rosehill homeowners, his property backs up to the development and their yards are very shallow then large two story buildings. With the density the asphalt proposed the water will add water issues to the already overflowing muddy waters pond.

Carlin Johnson resident when they purchased all of 63rd was single family homes and from their lot they had a great view of the green space behind their house. Concerned about the children and entertaining that they may be hosting and having the two story building residents looking into their backyard or the residents of facility complaining about the activity.

Josh Hearn, just built last year in this area. Mentioned that the when they built their code was very strict for water issues, plans seems to clearly pass the coverage percentages. He also mentioned ingress and egress onto 63rd and feels that there will be accidents with older residents leaving this facility. He stated that the density, coverage, water issues and too close to lot line does not feel this is the right location for this property.

Another resident has 6 bedroom home in this area. Concerned about privacy with the density and number of people that will be living in the new development. He mentioned that 63rd floods multiple times per year, and sidewalk is damaged from water issues.



C. Michael lives on Nelson lane confirmed that flooding happens in their backyards and feels that the building will be well above their homes and the fencing, allowing them no privacy.

Response from developer:

Ambulances: one to two ambulance visits per month, they use private service which eliminates need for sirens.

Traffic: putting parking at front to reduce all the noise and impact from development to not affect residential area, they have also placed dumpsters in front of building. Have submitted proposals to the Dupage county regarding the access from 63rd street.

Residents: residents do not drive, they provide bus service and bring in activities to facility. only traffic would be families and employees.

Density: the number of residents would be 109, not 2000.

Stormwater: Dave S. civil engineer addressed stormwater concerns. The current site drains from NW toward SE, there is surface sheet runoff towards the homes. Originally a proposed townhome developed was approved and a detention was created in a retention pond near Muddy Waters pond. Since that development, the rules have changed and they are now required to add additional drainage. They are proposing drainage at both the front and back of the lot and to drain that runoff to the pond so that it would not runoff into homes. They will supplement additional capacity at pond as they do their calculations to make sure the needs are met. Have worked with fire department to allow access around entire perimeter of site and that includes permeable surface to assist with water.

Property/Privacy: they have other properties near residential areas and have not

STAFF COMMENT: Ziegler fire department approved the dead end within perimeter because the building is fully sprinklered and masonry. There were concerns about the residential area being close and plenty of parking, they have asked the developer to add sufficient parking, meet lighting requirements, and add additional landscaping. With more coverage of lot they are required additional detention.

Attorney the rear yard setback requirement is 20 ft. Ziegler confirmed that there were updated plans but they still need to have 4 ft buffer and landscaping. There is not a traffic study because 63rd is managed by the county and they did not require it.

COMMISSIONER COMMENT:

Richard: mentioned that the Park District does not know about modifications to the Muddy Waters pond. Village engineer mentioned that Bob Fleck is aware of project and they are doing testing to document for Village. Developer response on payment is that it is in their contract but only if the development goes forward.

Richard: have not received updates so they do not feel that they can vote on the project. Response: they have addressed staff concerns and submitted updated plans.

Commissioners have not received updated plans but need to have full information to vote.



Motion A

Motion to table this to next month's meeting.

Motion: Pill

Second by: Anton

VOTING A

Anton--yes

Fleet--yes

Pill--yes

Fedeczko--yes

Richard--yes

Motion passed.

Motion to adjourn.

Meeting adjourned 11:15pm.