



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

The Village of Westmont Planning and Zoning Commission held its regular meeting on Wednesday, October 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, PZ Secretary Wallace Van Buren, Commissioners Gregg Pill, Steve Fedeczko, Craig Thomas, Janis Bartel, Doug Carmichael, Village Attorney John Zemenak, Village Planner Jill Ziegler.

Absent:

(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 September 10, 2014 meeting.

Motion to approve the Minutes of the September 10, 2014 meeting.

Motion: Pill

Second by: Fedeczko

VOTING--Minutes

Van Buren--Yes

Bartel--Abstain

Carmichael--Abstain

Thomas--Yes

Pill--Yes

Fedeczko--Yes

Richard--Yes

Motion passed.

Old Business

PZ 14-030 ITEM CONTINUED TO NOVEMBER 12, 2014

Oak Creek Capital Partners regarding the properties located at 507 64th Street, 515 64th Street, 522 64th Street, 528 64th Street and 514 64th Street, Westmont, Illinois 60559 for the following:



- (A) Map Amendment request to rezone 507 64th Street and 515 64th Street from R-1, Single Family Detached Residence Zoning District, to R-3 Single Family Detached Residence Zoning District.
- (B) Map Amendment request to rezone 514 64th Street, 522 64th Street, and 528 64th Street from R-1A, Single Family Detached Residence Zoning District, to R-3 Single Family Detached Residence Zoning District.
- (C) Zoning Code Variance Request to permit the construction of two homes within the side yard adjoining the street in the R-3 Single Family Residential District.
- (D) Land Development Code Variance request to allow the creation of six (6) lots with substandard lot depth.
- (E) Preliminary Plat of Subdivision request to subdivide the subject lots into fifteen (15) buildable lots and two (2) outlots.

Motion to continue Item PZ14-030 to the November Meeting.

Motion: Pill

Second by: Van Buren

VOTING

Van Buren--Yes

Bartel--Yes

Carmichael--Yes

Thomas--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: Bob H. with Pathway Senior Living presented. They originally presented in August with an assisted living facility for frail, elderly seniors with requirements of assistance with daily living. They will also have a secure wing for memory care. They are asking for a variance for parking near 63rd to avoid parking near the residential area at back of property. They are proposing 60 spaces which they feel would be more than adequate for their needs based on the other 14 properties they manage. They have reduced the second floor areas on the south to reduce impact on residential areas to the south. They have reduced plan from 3 wings to 2 wings and reduced to one story wings. They have included a letter from Fire Department indicating that they do not need to have a loop all around the building, but they do have an option to provide a full loop if needed for broader group. They discussed that project is approximately 3 acres, part of a 4 acre property that drained to the Muddy Waters pond. They have reviewed the plans and construction, and spoken with Bob Fleck from the Park District and discussed that the pond would not need to be modified. The difference on impervious area between original plan and this plan is minimal, 5/10 of a percent. The pond currently exceeds the needed amount. They are also including on site additional detention area which would probably double what was needed. The variance request for parking is to reduce number of spaces in order to appease not having parking by residents. The other variance is square footage, as they would not want to increase size of building and have wasted space.

The initial proposal was a 2 story building throughout and came within 20 feet of back property line. They changed back of property, reduced to one story along back and increased to 3 story along 63rd, added additional green space again near residential area, and additional detention.

In response to the public comments, it was mentioned that there was a traffic study conducted though it was not required. The maximum would be 15 employees, but the study showed a minimal impact on traffic. And they have done their homework on the need for assisted living, most residents will come from within 5 miles of the facility. They also do take residents to the community businesses and other activities, but they are also local residents from the community. They are trying to make sure to meet all water requirements. Since the property is not developed it currently sheet drains to the Nelson properties. Once constructed this will remove 3 acres of runoff from the homes. They did also try to look into how to take on more water from the Nelson Circle homes, but since they are downhill it was not possible. They are willing to work with Village engineer to increase swales for additional capacity. This project will not be buying any credits, and will not be paying any fees in lieu of detention and this development will be paying the previous development's fee of \$50,000 for the construction on the pond. They are not adding more water, they will be conveying it differently. The residents of the facility do not drive, so there will not be any traffic issues. They have private ambulances which are silenced. They are trying to keep all of their services on the 63rd side so there will not be any impact to residents. They have pulled their line 14ft off of Charles and they are adding landscaping so the townhomes face landscaping and not the building. He mentioned that their staff counts are up to the industry standard. Busiest day by far is Mother's Day and over the course of a normal day is 33 visitors over a ten hour period, the parking lot has a very low use.

PUBLIC COMMENT: Josh Hearn, lives at Nelson Circle behind development. They appreciate the changes but the parcel is not currently zone for this use and feels that there is a good reason that it is not zoned for this use. They have a petition, there have been common themes, noise, privacy and blind spot on the access, but major concern was the water runoff. They feel codes have been updated



since the original Bellrive proposal and does not feel Muddy Waters pond is adequate. They included pictures of the pond flooding across 63rd street after one night of rain. The property is zoned for residential which in addition to taxes would bring more consumers to area businesses and schools, whereas the assisted living facility would not add patronage to the community. They also called local area assisted living facilities which are all at 70% capacity.

Tom Nelson, lives on Virginia Drive agrees with the concerns about the flooding on 63rd. Inquired about the number of employees that will be at the facility. There are traffic concerns, will there will be a traffic light, if the street floods it will increase traffic through the residential areas. It will also not be adding money to the businesses in the area. He understands that the math supports the water issues, but the reality is that there is flooding. If the pond does not currently work, adding more water to it will just make it flood more.

Another resident commented that they have expressed their opinion on the objection of the development, have included a petition from all of the residents. They are opposed to changing the zoning code from residential, 63rd has traffic and will cause more accidents, traffic in and out of the facility, noise, privacy, ambulances, etc. Property value will be de-valuated.

Donna and Richard Ferdinand, live in townhome in area and they were told that area was going to be residential. Their development is not finished and there are 5 more to be built, feels that they will have problem selling those units if this development is approved, anticipates traffic and accidents and de-valuation of property.

Psam S., lives on Nelson Lane for past 18 years. He is very concerned about the safety of exiting their neighborhood onto 63rd and his father was injured in an accident there. He feels that this is too large of a development for this lot.

Mr. Michael lives on Nelson Lane. They will have 60 spots so there is the potential for that number of cars and there will be visitors so it will add to traffic. Ambulances will turn on sirens if they want to get onto 63rd. Also mentioned that they are adding more water and problems to the existing problems. He appreciates that the developer has worked with addressing the issues, but does not feel that this is a good idea for this property.

Paul Johnson agrees with the neighbors and went around collecting signatures for the petition and everyone was in total agreement that they were not in favor of this project.

Richard Ferdinand mentioned that they were sold based on the original development of 30 townhomes and now their development is not being full sold. Questioned the visitors, especially during the holidays concerned about the overflow parking onto the residential streets.

Another resident mentioned that they too are opposed to the development.

STAFF COMMENT: The new county detention requirements are being met with this project. The St. Joseph's Creek is the issue and a flood plain, and it will still flood there because St. Joseph Creek is a flood plain. Ziegler noted that the developer was invited in to meet with the residents and explained how the development has changed. The neighbors have submitted a petition that will be included.



COMMISSIONER COMMENT:

Thomas: questioned whether the lot was in a floodplain, mentioned he looked at property and they are asking for a lot in this small area. Response from Staff: it is not in a flood plain.

Fedeczko: not concerned about whether this developer can successfully manage this facility, but does not feel that this is an appropriate use of this lot and should not be re-zoned.

Van Buren: also does not feel that this is appropriate either.

Pill: asked about generators and waste disposal, snow storage, asked about number of employees, concerned about density, flooding. Response: generator testing is timed with emergency sirens testing once per month, trash is inside, snow storage would be off parking lot, employees build up throughout the day, but at any hour maximum in and out would be 15.

Bartel: concerned about flooding and traffic safety, and changing the code, against the rezoning.

Carmichael: appreciates both sides of the proposal and rework to address issues, does not think any project will improve the stormwater, agrees that there is a better use for this space.

Richard: referenced paragraph in code about senior housing and feels that it does not meet these goals, could not vote for this project in this location.

MOTION A

Motion to recommend to the Village Board of Trustees to approve 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.

Motion by: Thomas

Second by: Pill

VOTING A

Van Buren--No

Bartel--No

Carmichael--No

Thomas--No

Pill--No

Fedeczko--No

Richard--No

Motion not passed.

MOTION B

Motion to recommend to the Village Board of Trustees to approve a Site and Landscaping Plan approval to build an assisted living facility in an R-6 Special Residence District.



Motion by: Van Buren

Second by: Thomas

VOTING B

Van Buren--No

Bartel--No

Carmichael--No

Thomas--No

Pill--No

Fedeczko--No

Richard--No

Motion not passed.

MOTION C

Motion to recommend to the Village Board of Trustees to approve a Preliminary Plat of Subdivision in an R-6 Special Residence District.

Motion by: Pill

Second by: Van Buren

VOTING C

Van Buren--No

Bartel--No

Carmichael--No

Thomas--No

Pill--No

Fedeczko--No

Richard--No

Motion not passed.

FINDINGS OF FACT D:

(1) Yes-0; No-7

(2) Yes-0; No-7

(3) Yes-0; No-7

MOTION D

Motion to recommend to the Village Board of Trustees to approve a 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.

Motion by: Thomas

Second by: Van Buren



VOTING D

Van Buren--No
Bartel--No
Carmichael--No
Thomas--No
Pill--No
Fedeczko--No
Richard--No
Motion not passed.

FINDINGS OF FACT E & F:

(1) Yes-0; No-7
(2) Yes-0; No-7
(3) Yes-0; No-

MOTION E

Motion to recommend to the Village Board of Trustees to approve a Zoning Code Variance request for relief from the maximum allowable density in an R-6 Special Residence District.

Motion by: Pill
Second by: Fedeczko

VOTING E

Van Buren--No
Bartel--No
Carmichael--No
Thomas--No
Pill--No
Fedeczko--No
Richard--No
Motion not passed.

MOTION F

Motion to recommend to the Village Board of Trustees to approve a Zoning Code Variance request for relief from the minimum square feet per building in an R-6 Special Residence District.

Motion by: Thomas
Second by: Van Buren



VOTING F

Van Buren--No
Bartel--No
Carmichael--No
Thomas--No
Pill--No
Fedeczko--No
Richard--No
Motion not passed.

New Business

PZ 14-031 Jeffry Birkmeier regarding the property located at 401 Lindley Avenue, Westmont, IL 60559 for the following in the R-3 Single Family Detached Residence District:

- (A) Zoning Code Variance Request to permit the expansion of a driveway which encroaches into the required side yard setback.
- (B) Zoning Code Variance Request to allow a driveway wider than the 22' maximum width allowed by Village Code.

PRESENTATION: Jeffry Birkmeier presented his request. They are a 3 car family and located on a corner lot which makes parking difficult. He presented three options for consideration. The hardship is the limitation on parking options due to the fact they are a corner lot.

PUBLIC COMMENT: None.

STAFF COMMENT: There is some concern that this would cause a precedent.

COMMISSIONER COMMENT:

Pill: inquired about the 2 south side designs why one only uses the porous materials. Response: cost was a consideration, can also do a combination.

Van Buren: inquired about whether there are any flooding issues. Response: no.

Fedeczko: understands the need, but concerned about the precedent being set. Asked about how far off the property line would the pad be. Response: 1 to 1-½ feet.

Thomas: does not have a problem with the design as long as it goes to the angle.

Carmichael: prefers the idea of the porous material and the angle back to the driveway.

Bartel: as long as it within the parameters there is no objection.

Richard: inquired about the shed on property lot line, not sure he meets requirements for a variance.. Response: he did get a variance for the shed.

FINDINGS OF FACT A & B:



(1) Yes-6; No-1

(2) Yes-6; No-1

MOTION A

Motion to recommend to the Village Board of Trustees to approve a Zoning Code Variance Request to permit the expansion of a driveway which encroaches into the required side yard setback.

Motion by: Thomas

Second by: Fedeczko

VOTING A

Van Buren--Yes

Bartel--Yes

Carmichael--Yes

Thomas--Yes

Pill--Yes

Fedeczko--No

Richard--No

Motion passed.

MOTION B

Motion to recommend to the Village Board of Trustees to approve a Zoning Code Variance Request to allow a driveway wider than the 22' maximum width allowed by Village Code.

Motion by: Bartel

Second by: Van Buren

VOTING B

Van Buren--Yes

Bartel--Yes

Carmichael--Yes

Thomas--Yes

Pill--Yes

Fedeczko--No

Richard--No

Motion passed.



PZ 14-032 Linda Slepicka regarding the property located at 325 South Park Street, Westmont, IL 60559 for the following in the R-3 Single Family Residence District:

- (A) Zoning Code Variance Request to permit the construction of an accessory structure on a lot with lot coverage greater than the 35% maximum allowed.
- (B) Zoning Code Variance Request to permit the construction of an accessory structure less than 10' from the principal structure.

PRESENTATION: Linda Slepicka has requested the variances in order to replace her 63yr old garage which has many issues. She would like to keep the same footprint which is currently 5 feet though current code is 10 feet, but she does not have an additional 5 feet on the other side. She is also removing the addition on current garage and adding rain garden to the depression to help with water.

PUBLIC COMMENT:

STAFF COMMENT: Current lot coverage is at 41.6 with new garage 38.8 so is required to request but she is reducing the lot coverage. Additionally they have been working with applicant on options for placement, issues with side yard and depression in back so placement higher i yard and adding garden would improve. There will also be some additional fireproofing added to the garage.

COMMISSIONER COMMENT:

Pill: complimented her on the condition of the lot and proposed plans.

Van Buren: agrees with request.

Fedeczko: definitely will improve the property.

Thomas: appreciates her working with the staff and resolving issues.

Carmichael: agree, good luck.

Bartel: agree, met all requirements.

Richard: inquired about the quote and then final fire department for exterior walls. Contractor has added some additional items which fire department signed off on.

FINDINGS OF FACT A:

- (1) Yes-7; No-0
- (2) Yes-7; No-0
- (3) Yes-7; 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 an accessory structure on a lot with lot coverage greater than the 35% maximum allowed.

Motion by: Thomas



Second by: Fedeczko

VOTING A

Van Buren--Yes

Bartel--Yes

Carmichael--Yes

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 permit the construction of an accessory structure less than 10' from the principal structure.

Motion by: Van Buren

Second by: Bartel

VOTING B

Van Buren--Yes

Bartel--Yes

Carmichael--Yes

Thomas--Yes

Pill--Yes

Fedeczko--Yes

Richard--Yes

Motion passed.

Staff Action Item: Commissioner Pill inquired about getting new ID badges for when they are visiting properties.

Motion to adjourn.

Motion by: Van Buren

Second by: Pill

Meeting adjourned 9:34pm.