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Village of Westmont
Planning and Zoning Commission
September 9, 2015 - Minutes

The Village of Westmont Planning and Zoning Commission held its regular meeting on Wednesday, September 9 , 2015 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, Janis Bartel, Doug Carmichael, Thomas Sharp, Secretary Wallace Van Buren, Community Development Director Jill Ziegler

Absent: NONE.

(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 August 12, 2015 meeting.

Motion to approve the Minutes of the August 12, 2015 meeting.

Motion: Pill

Second by: Thomas

VOTING--Minutes
Pill--Yes
Thomas--Yes
Van Buren--Yes
Bartel--Yes
Carmichael--Yes
Sharp--Yes
Richard--Yes

Motion passed with correction to Attorney name.

Motion to proceed with New Business item prior to Old Business item.

Motion: Pill

Second by: Van Buren

VOTING--Minutes
Pill--Yes
Thomas--Yes
Van Buren--Yes
Bartel--Yes
Carmichael--Yes
Sharp--Yes
Richard--Yes
Motion passed.

New Business

PZ 15-025 Greenscape Homes regarding the property located at 14 West Traube Avenue, Westmont, IL 60559 for the following:

(A) Zoning Code Variance Request to allow new home construction within a required front yard setback in the R-3 Single Family Detached Residence District.

PRESENTATION: Brian Hyde, architect for Greenscape Homes presented that they are requesting the variance based on the fact that previous zoning codes were allowed the 25ft setback and current home to be demolished has no setback and they would like to match the rest of the neighborhood. They feel that it would add value to pull the house forward, it would reduce driveway length which reduces the impervious surfaces which would help with stormwater issues. By pulling house forward it will help alleviate the drainage on the site, the situation of the lot should actually improve based on the current condition of the home, including downspouts, collecting stormwater, etc. They are working with engineer and adding compensatory storage on the site. The allowable lot coverage is 35% but the house they are proposing is under 30%. They also submitted for the 35ft building permit and have the engineering plans, but felt that requesting the variance and moving the house closer to the street would be more appropriate for the lot.

PUBLIC COMMENT: Jane Sherchuk is a resident of the block at 12 West Traube and is concerned about the size of the house being proposed for that lot due to the flooding has occurred in the past.

Ken Newton, property owner at 10 West Traube, inquired as to how many setback variations are typically approved by the Planning and Zoning Commission. Commissioners commented that it is not unusual to approve setbacks to match the neighborhood. Since the Village built the police department and library they have had 4 major floods and water in the basements in that area. The real issue is the lot coverage and the flooding problems. He described that his home is now sinking and leaning due to building in area, and is concerned about the lot being elevated. He mentioned that the original size of the retention pond behind the police department was reduced, he stated that there has also been erosion and lack of maintenance of that retention pond.

STAFF COMMENT: Ziegler mentioned current house is a zero setback and the Commission addresses whether the variance will affect the character of the neighborhood. Other homes are at 25ft, so it would actually pull house further back than what it currently is. Ziegler mentioned that Greenscape would manage the stormwater on their own property, area that is lowest on lot to be less impacted, which is another reason that they are requesting home be granted variance.

COMMISSIONER COMMENT:
Pill: is the flooding a common occurrence in that area. Pill stated that increasing size of coverage will increase drainage issues. Impressed with plan and beautiful home. Staff reply: the lot coverage will increase but the engineering is in place because area is in a low depressional area. The builder would be able to build a house at the 35’ setback without coming in front of the commission and continue immediately with permit drawings.

Thomas: older homes are not responsible for following new codes and engineering, and if the builder puts in the new technology he should not be hindered from building on the property. Mentioned that other residents should make sure the village board knows of the flood issues.

Sharp: inquired about the compensatory storage. He believes the front yard setback is an appropriate variance. Staff reply: if they are going to disturb site they have to add compensatory storage; they need to make up for the lot coverage since they are increasing size and will have to meet engineering requirements.

Carmichael: agrees that it is an appropriate request.

Van Buren: asked about the cistern on the back of house. Asked about honey locust tree if it will be removed. Public reply: it was rainwater collection and used for watering outside. Staff reply: it looks as if it will be removed.

Bartel: supports the variance but agrees that residents should address flood issues with the village board.

Richard: mentioned that staff should make sure that the swale be created on lot, and asked if lot will have a basement. He also suggested that since there will be a garage and if possible maybe they could add a cistern to retain more water.

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 allow new home construction within a required front yard setback in the R-3 Single Family Detached Residence District.

Motion by: Bartel

Second by: Carmichael

VOTING A

Pill--Yes
Van Buren--Yes
Thomas--Yes
Bartel--Yes
Carmichael--Yes
Sharp--Yes
Richard--Yes
Motion passed.

Old Business

PZ 15-024 Village of Westmont regarding a Zoning Code text amendment as follows:

(A) Amend Appendix A: Article VII - Business Districts and Article VIII - Manufacturing and Office/Research Districts of the Westmont Zoning Code regarding Video Gaming regulations to require minimum distances between establishments with video gaming terminals.

PRESENTATION: Ziegler gave a summary of previous meetings and discussions. The Village at meetings has discussed giving businesses a year to apply starting January 1st, existing businesses to be grandfathered in, but overall consensus so far has been to keep the 500ft distance. The Community Development Department sent letters out to all liquor license holders and received one letter back in response from Nature's Best. If a business owner transfers ownership, new owner would have one year to resume the video gaming.

PUBLIC COMMENT: Tracey Valerio, DJ's owner and resident, mentioned that Woodridge does make liquor license holders wait one year before they can get a video gaming license to discourage small little gaming cafes. They pushed for video gaming in order to help the small local businesses that were dying, not to allow a bunch of new small gaming shops open. She did state that many video gamers only want to come in to sit at the machine, they do not come in to eat or drink. Pill mentioned that they liked her suggestions but the lawyer had some concerns and that Woodridge requirements have not been tested legally.

COMMISSIONER COMMENT:

Bartel: commented on the amount of work that was involved in researching and working on this amendment, does not see a downside and will help prevent the video gaming strip mall that raised this question.

Thomas: felt there was a significant amount of due diligence on contacting the business owners and liquor license owners and supports the amendment.

Pill: feels that there is ample supply of video gaming and that it still allows support for local businesses.

Van Buren: clarified that if this enhances an existing business but does not necessarily support businesses coming in just to do the gaming.

Sharp: mentioned that the gaming licensee must have liquor license and serve food and limited to only 5 terminals. We have given ample time for the businesses to weigh in and supports the amendment.

Richard: asked for clarification on the grandfathering, existing businesses that do not have a video gaming license will have until January 1 to apply if less than 500ft. Suggested that certified letters be sent to all liquor licensed businesses so there is not a problem later on. Pill mentioned that they could still apply for a variance. Richard changed mind on letter, since they can still apply for a variance. Richard asked if there were any shopping centers that would allow for two gaming locations within one mall, there is only 63rd street location. Other commissioners felt that 500 ft was consistent with other code requirements.

MOTION A

Motion to recommend to the Village Board of Trustees to approve to Amend Appendix A: Article VII - Business Districts and Article VIII - Manufacturing and Office/Research Districts of the Westmont Zoning Code regarding Video Gaming regulations to require a minimum 500 foot distance between establishments with video gaming terminals.

Motion by: Pill

Second by: Thomas

VOTING A

Pill--Yes
Van Buren--Yes
Thomas--Yes
Bartel--Yes
Carmichael--Yes
Sharp--Yes
Richard--Yes
Motion passed.

(8) Motion to adjourn.

Motion by: Thomas

Second by: Bartel

Meeting adjourned 8:09pm.