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Community Development Department

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Village of Westmont Planning and Zoning Commission February 10, 2016 - Minutes

The Village of Westmont Planning and Zoning Commission held its regular meeting on Wednesday, February 10, 2016 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: Commissioners Craig Thomas, Thomas Sharp, Janis Bartel, Doug Carmichael, Secretary Wallace Van Buren, Community Development Director Jill Ziegler, Planner Joseph Hennerfeind

Absent: Chair Ed Richard, Gregg Pill

(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 9, 2015 meeting.

Motion to approve the Minutes of the December 9, 2015 meeting.

Motion: Thomas

Second by: Bartel

VOTING--Minutes

Thomas--Yes

Sharp--Yes

Van Buren--Yes

Bartel--Yes

Carmichael--Yes

Motion passed.

Old Business

None.

New Business

PZ 16-001 Midway Autohaus regarding the property located at 311 East Ogden Avenue, Westmont, IL 60559 for the following:

(A) Special Use Permit request to allow the sale of used automobiles in the B-2 General Business District.

PRESENTATION: Max Makselis, presenter mentioned that they are trying to open a dealership. They have two other locations, cars are used but only 2-4 years old, nice condition. They are aware that the property flooded three years ago.

Mark Butler, real estate agent, property has been under contract 4 times and always falls through due to the cost of redevelopment being approximately \$900,000 for the re-engineering. Seller is willing to take a loss to a degree but would rather have a tenant that is aware of the conditions of the lot and at least it can be used. It is also an irregularly shaped lot for a retail application.

PUBLIC COMMENT: none.

STAFF COMMENT: Hennerfeind stated that it is the former Alpha motors has been operated as car sales since 1986 but has been vacant since large storm and flooding. Property does take on water during large storm events. A parking plan has been provided that met conditions suggested by staff and they have been working with client, they would need to restripe the lot. It has been requested to improve landscaping. The biggest concern is that everyone is aware that the site does flood.

COMMISSIONER COMMENT:

Bartel: lives on block is a significant issue and per Comprehensive Plan used car lots are not part of it on Ogden Avenue. Think that a vacant property allows an opportunity to fix the flooding problem.

Sharp: inquired about what the plan if the property was to flood. Reply: they feel that the past storm was a 500 year flood, and they will prepare with significant weather to move inventory from front corner to a different section, there is one bad section.

Thomas: confirmed that they have seen the pictures of the flooding on the lot and are aware of the problem and make sure that they have a plan in place to protect their inventory. Reply: yes, they are aware of the problem and will make sure to have plan in order to protect their investment.

Carmichael: feels that there are a lot of pros and cons, from a community standpoint there are probably better uses for this property, but they are willing to assume the risks, but will support.

Van Buren: concerned that they are getting into this without full consideration for the issues and Economic Development gave a negative recommendation.

Attorney: has been discussion between staff and other village entities on other options for redevelopment but all preliminary.

FINDINGS OF FACT A

- (1) YES=4 NO=1
- (2) YES=4 NO=1
- (3) YES=4 NO=1
- (4) YES=4 NO=1
- (5) YES=4 NO=1
- (6) YES=4 NO=1
- (7) YES=4 NO=1
- (8) YES=4 NO=1

MOTION A

Motion to recommend to the Village Board of Trustees 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: Carmichael

VOTING A

Van Buren--No

Sharp--No

Thomas--Yes

Bartel--No

Carmichael--Yes

Motion did not pass.

PZ 16-002 Village of Westmont regarding a Zoning Code text amendment for the following:

(A) Amend Appendix A, Article XIV - Definitions of the Westmont Zoning Code regarding the Video Gaming definition to remove distance separation restrictions between establishments with video gaming terminals.

PRESENTATION: Staff Hennerfeind presented an amendment to code regarding video gaming. At the time, staff was receiving many requests for video gaming cafes with a liquor license request as part of a restaurant, even though the cafe portion of the business was minimal. A separate license was created but since then requests have diminished. There was discussion to remove the distance restriction from the Zoning code so businesses would not have to request a variance and come before Planning and Zoning Commission, but leave the restriction in the liquor license code and business license code, which is a faster and cheaper process.

PUBLIC COMMENT: none.

COMMISSIONER COMMENT:

Carmichael: asked about clarifying what the original reason was for placing the code in all three areas to begin with. Attorney reply: the three codes were warranted based on preventing large strip malls full of video gaming cafes.

Thomas: supports.

Sharp: asked about the cap of 5 licenses. Staff: the 5 license cap is for video gaming cafes. Since the 500' boundary restriction is proposed to be removed from the zoning code, applicants can go directly to the board for a waiver. Attorney: restaurants would need to be verified with a bonafide menu, kitchen, etc. to make sure that they are not an establishment relying on the video gaming for the revenue.

Bartel: supports.

MOTION A

Motion to recommend to the Village Board of Trustees to approve to Amend Appendix A, Article XIV - Definitions of the Westmont Zoning Code regarding the Video Gaming definition to remove distance separation restrictions between establishments with video gaming terminals.

Motion by: Bartel

Second by: Sharp

VOTING A

Van Buren--Yes

Sharp--No
Thomas--Yes
Bartel--Yes
Carmichael--Yes
Motion passed.

PZ 16-003 Village of Westmont regarding a Zoning Code text amendment for the following:

(A) Amend Appendix A, Section 6.04 of the Westmont Zoning Code regarding permitted front yard setback encroachments in the R-3 Single Family Detached Residence District.

PRESENTATION: Staff Hennerfeind presented a proposed text amendment for front yard setback encroachments in the R3 district. The current requirement is a 35ft setback before that it was a 25ft setback. Staff has noticed that with construction in some of the older areas that many homes are at that 25ft setback, some less at 15ft. Staff is proposing that for new construction the context of the neighborhood is taken into consideration. If house on either side of property sets the precedent then a portion of house can be moved up to 10ft, i.e. if older homes were at 15ft, new house instead of 35ft they move up to 25 ft, if older home at 34ft, they could move new house to match. The other conditions will look at floor plans and possibly ask applicants to modify floor plans to keep garage and such back further; garage setback 5ft to give front of house the presence. Surrounding areas were compared to analyze where Westmont criteria stands, the 35 ft setback is one of the larger ones. Picture samples were demonstrated. Besides the aesthetic benefits there would be some lot coverage reduction.

PUBLIC COMMENT: none.

COMMISSIONER COMMENT:

Bartel: glad to see house facade is in front and garage set back, asked if there will be someone to check to make sure these are followed. Reply: when the builders submit Staff will review and let the builders know they can work with them. They are not hindering the construction type, only has to have garage modified if they want to reduce the encroachments.

Sharp: very supportive and likes it a lot, thinks it will help significantly with the difference between the existing houses and new construction.

Thomas: appreciates staff working on modifying and working with the builders, good example of government working.

Carmichael: asked if they was any data kept on teardown vs. vacant lot. Staff: they do keep data, they do have teardowns and vacant, but in many cases it was a lot that a former house was on.

Van Buren: feels that is a good plan for new to conform to old and to not have it required to have public hearing. Attorney: was concern for giant homes to be built and encroach the street, etc. and that did not materialize the home conformed to the area they were being built.

MOTION A

Motion to recommend to the Village Board of Trustees to approve to Amend Appendix A, Section 6.04 of the Westmont Zoning Code regarding permitted front yard setback encroachments in the R-3 Single Family Detached Residence District.

Motion by: Bartel

Second by: Sharp

VOTING A

Van Buren--Yes

Sharp--Yes

Thomas--Yes

Bartel--Yes

Carmichael--Yes

Motion passed.

Miscellaneous:

Ziegler thanked Hennerfeind for all of the work on the research for the text amendments, including the charts and pictures. There are also a few other projects, including the Strategic Plan being adopted by the Village Board and a downtown study in Cass and Burlington area. Franchisee for Hardy's went bankrupt and could not finish that location.

(8) Motion to adjourn.

Motion by: Sharp

Second by: Bartel

Meeting adjourned 7:49pm.