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Community Development Department

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Tel: 630-981-6250 Fax: 630-968-8610

Village of Westmont Planning & Zoning Commission December 08, 2021 - Approved Minutes

The Village of Westmont Planning and Zoning Commission held its regular meeting on Wednesday, **December 08, 2021 at 7:00 p.m.**, at the Westmont Village Hall located at 31 W. Quincy Street, Westmont, Illinois 60559.

Chair Doug Carmichael led in the following:

1. **Call to Order**
2. **Roll Call**

In Attendance: Chair Doug Carmichael, Commissioners Wallace Van Buren, Craig Thomas, Thomas Sharp, Matt Scales, Alison Clemens, Village Attorney John Zemenak, and Deputy Director of Community Development - Planning Joseph Hennerfeind

Attended Remotely : Commissioner Chris Lavoie

3. **Pledge of Allegiance**
4. **Swearing-in of testifying attendees**
5. **Reminder to silence all electronic devices**
6. **Reminder to sign-in for any public testimony**
7. **Approval of the Minutes of the November 17, 2021 special meeting.**

MOTION to approve the special meeting minutes on November 17, 2021.

Motion by: Clemens

Second by: Thomas

The motion passed on a voice vote. All in favor.

8. **Open Forum - No one spoke during Open Forum.**
9. **Review of Public Hearing Procedures**
10. **Open Hearing**

New Business

PZC 146-2020 Request from CD ZA, Inc. (d/b/a Mrs. T's Pizza and Pub), and 2 W. Naperville Road, LLC, regarding the property located at 2 West Naperville Road in Westmont, IL 60559 for the following:

- (A) Preliminary Plat of Subdivision to consolidate multiple lots in the B-1 Limited Business District.
- (B) Zoning Code Variance request to allow a building addition to encroach into the Cass Avenue Supplemental Setback Line.
- (C) Zoning Code Variance request to allow a building addition to encroach into the Naperville Road Supplemental Setback Line.
- (D) Site and Landscaping Plan approval.



Presentation: Architect Matt Haylock, and Candice Buchanan, Owner of CD ZA, Inc presented their case to the Commission. Ms. Buchanan provided the Commission with her business background and interest in moving to a bigger space with outdoor seating.

Mr. Haylock presented an overview of the site plan and explained why there is a need for setback variances along Cass Avenue and Naperville Road. As the building stands, Mr. Haylock stated that the current set backs would be 30ft which would be right in the middle of the building. Because they are not looking to demolish the building or reduce the size, a variance would be needed. Mr. Haylock also noted that they are looking to change the configuration of the parking lot, and commented that they would like the stall width to remain at 9ft. which would not meet current code requirements.

Mr. Haylock provided the Commission with the proposed improvements and site plan which included a wrap-around porch.

Staff Comment: Deputy Director of Community Development Joseph Hennerfeind elaborated on the request items for consideration. The first request to consolidate the lot, the second and third request for zoning variances, and the fourth request being a site and landscaping plan to improve the lot.

Mr. Hennerfeind explained that supplemental setback lines in the B-1 District is a common issue. Hennerfeind went on to say that there are very few existing buildings in the downtown that actually sit at the 30ft set back.

Mr. Hennerfeind stated that the street parking requirements for the B-1 District were revamped a couple years ago which reduced a lot of the requirements for the B-1 District and grandfathered all the existing parking. In the event that the parking is being reduced, a site plan approval would be needed. The site plan that Mrs. T's is proposing would reduce the parking spaces from 32 to 29 spaces. Hennerfeind commented that this greatly exceeds the current parking standards.

Hennerfeind also commented that due to the improvements, sprinklers would be installed as a requirement.

Public Comment: No comments.

Commissioner Comments:

Lavoie : Commissioner Lavoie had several concerns including the lack of parking lot lighting, absence of a trash enclosure, lack of landscaping, and inaccurate north elevation. Lavoie did not think that the proposal was aesthetically pleasing. He also stated that he did not agree with the first two criteria listed on the findings of fact.

Carmichael : Commissioner Carmichael was in favor of the request but did feel that the site lighting was a concern.

Thomas : Commissioner Thomas agreed that parking lot lighting would be beneficial as well as eliminating the curb cut along Cass Avenue. Thomas was in favor of the site and landscaping improvements.

Sharp : Commissioner Sharp asked staff what triggers the site and landscape plan approval. Hennerfeind replied



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that because they are making exterior improvements that would require a permit such as the porch addition, a site and landscape approval is required. Sharp felt that the project would be a substantial improvement on that corner and did not think it was necessary to put a lot of burden on the rest of the site plan in order for these improvements to happen.

Sharp asked staff to clarify that if there was a new building, they could provide no lighting. Hennerfeind replied that formally, there is nothing about the site plan approval process that requires lighting, just that the conditions must be met if there is lighting.

Scales : Commissioner Scales was interested in knowing what the lighting at night would look like as existing. Scales also asked if there were any future plans for the green space on the site. Haylock replied that if business is good, there may be plans to wrap the porch around the entire building. Halock also commented that the grass would be maintained by the property owner.

Van Buren : Commissioner Van Buren asked staff if lighting was discussed during pre-application. Hennerfeind replied that it was not discussed, however staff tried to work with the applicant and be as reasonable as possible considering it would be improvements to an existing building as opposed to new development.

Zemenak added that although there isn't a zoning ordinance that requires outdoor lighting, it is within the Commissions purview to require a photometric study of current lighting conditions to see if the lighting is sufficient, or whether minimum lighting is required.

Van Buren was in favor of the improvements and welcomed the new business.

Clemens : Commissioner Clemens thought the proposal was aesthetically pleasing for the location and felt it was a good addition to the town. Clemens did note that low lighting should be added to the parking lot for reduction of crime and for safety.

Attorney Zemenak suggested making a motion that requires a photometric study of current conditions to see if existing lighting is sufficient for the parking lot or whether additional parking lot lighting is required.

There was discussion regarding the north elevations being updated so that it is a more accurate representation prior to going to Village Board for approval.

MOTION A

Motion to recommend to the Village Board of Trustees to approve a Preliminary Plat of Subdivision to consolidate multiple lots in the B-1 Limited Business District.

Motion by: Clemens

Second by: Scales

VOTING A

Van Buren: Yes

Carmichael: Yes

Thomas: Yes



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Lavoie: No
Sharp: Yes
Scales: Yes
Clemens: Yes

Motion Passed

MOTION B

Motion to recommend to the Village Board of Trustees to approve a Zoning Code Variance request to allow a building addition to encroach into the Cass Avenue Supplemental Setback Line.

Motion by: Thomas
Second by: Sharp

VOTING B

Van Buren: Yes
Carmichael: Yes
Thomas: Yes
Lavoie: No
Sharp: Yes
Scales: Yes
Clemens: Yes

Motion Passed

MOTION C

Motion to recommend to the Village Board of Trustees to approve a Zoning Code Variance request to allow a building addition to encroach into the Naperville Road Supplemental Setback Line.

Motion by: Clemens
Second by: Sharp

VOTING C

Van Buren: Yes
Carmichael: Yes
Thomas: Yes
Lavoie: No
Sharp: Yes
Scales: Yes
Clemens: Yes

Motion Passed



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MOTION D

Motion to recommend to the Village Board of Trustees to approve a Site and Landscaping Plan approval with inclusion of a parking lot photometric study and updated and more accurate north elevation.

Motion by: Van Buren

Second by: Clemens

VOTING D

Van Buren: Yes

Carmichael: Yes

Thomas: Yes

Lavoie: No

Sharp: Yes

Scales: Yes

Clemens: Yes

Motion Passed

PZC 161-2021 Request from the Village of Westmont, regarding the following:

- (A) Text amendment to Article XIV(B), "Definitions," of the Zoning Ordinance to amend the definition for a Craft alcoholic beverage dispenser.

Presentation: Deputy Director of Community Development Joseph Hennerfeind provided the Commission with a background of various past text amendments and definitions related to brew pubs in the year 2019. Staff is recommending the definition to eliminate the language that prohibits the businesses from selling other alcoholic products produced elsewhere such as wine. By doing so, it could be more inclusive to customers that prefer something other than craft beer.

Staff Comment: See Above.

Public Comment: None.

Commissioner Comments:

Lavoie : No comment.

Carmichael : No comment.

Thomas : No comment.

Sharp : No comment.

Scales : No comment.



Van Buren : No comment.

Clemens : No comment.

MOTION A

Motion to recommend to the Village Board of Trustees to approve a Text amendment to Article XIV(B), "Definitions," of the Zoning Ordinance to amend the definition for a Craft alcoholic beverage dispenser.

Motion by: Scales

Second by: Clemens

VOTING A

Van Buren: Yes

Carmichael: Yes

Thomas: Yes

Lavoie: Yes

Sharp: Yes

Scales: Yes

Clemens: Yes

Motion Passed

PZC 160-2021 Request from Whiskey Hill Brewing CO, Inc., and HP Quincy Partners, LLC, regarding property located at 1 West Quincy Street in Westmont, IL 60559 for the following:

- (A) Special Use Permit request to operate a Craft alcoholic beverage dispenser in the B-1 Limited Business District.
- (B) Zoning Code Variance request for a Craft alcoholic beverage dispenser to be located within 1000 feet of a school.

Presentation: Matt Weile, owner of Whiskey Hill Brewing Company as well as Firewater Barbeque and Brew and Strand Brewery and Kitchen, provided the Commission with their business plan which included a small 5 barrel, electric system with on-demand water tanks. This location would be much smaller than their production facility on Zygmont Circle. Weile added that they would have a scratch menu kitchen with outstanding food, and have options other than craft beer including whiskey tastings.

Staff Comment: Deputy Director of Community Development Joseph Hennerfeind clarified that it's the brewing on site that puts the operation into that category. If they were not brewing on site, it would be classified as a restaurant and a special use permit would not be needed. Hennerfeind also elaborated on the need for a distance variance due to the fact that the site is within 1,000 ft of the Holy Trinity School. The total distance from property line to property line is 280ft, but when looking at the distance from the front door of the business to the front door of the school, the distance is 840ft. Hennerfeind also added that the front door would be facing the train tracks, away from the school, and the hours of operation would be opposite. Staff felt that the distance variance was justified for those reasons. Hennerfeind went on to discuss the parking requirements and similar to the case



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from earlier, the existing parking would be grandfathered in. The parking would include 10 dedicated spaces behind the building.

Public Comment: Drew Mitchell with Holladay Properties spoke in favor of the business and stated that he was thrilled to have the opportunity to explore this type of use, and thought it would be a great addition to Westmont.

Commissioner Comments:

Lavoie : Commissioner Lavoie had some questions on the elevations and outdoor seating.

Carmichael : Commissioner Carmichael had no questions or concerns.

Thomas : Commissioner Thomas was in favor of the request and thought it was a great location for this business.

Sharp : Commissioner Sharp had no questions or concerns.

Scales : Commissioner Scales had no questions or concerns.

Van Buren : Commissioner Van Buren asked the petitioner how they would exhaust the odor that comes from brewing on site. Weil replied that they would utilize an exhaust hood and black iron duct that would capture any odors from mashing in with the grain or fermentation and expel at the top of the building.

Clemens : Commissioner Clemens had no concerns and thought it would be a great addition to Westmont.

MOTION A

Motion to recommend to the Village Board of Trustees to approve a Special Use Permit request to operate a Craft alcoholic beverage dispenser in the B-1 Limited Business District.

Motion by: Scales

Second by: Clemens

VOTING A

Van Buren: Yes

Carmichael: Yes

Thomas: Yes

Lavoie: Yes

Sharp: Yes

Scales: Yes

Clemens: Yes

Motion Passed



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MOTION B

Motion to recommend to the Village Board of Trustees to approve a Zoning Code Variance request for a Craft alcoholic beverage dispenser to be located within 1000 feet of a school.

Motion by: Van Buren

Second by: Thomas

VOTING B

Van Buren: Yes

Carmichael: Yes

Thomas: Yes

Lavoie: Yes

Sharp: Yes

Scales: Yes

Clemens: Yes

Motion Passed

PZC 162-2021 Request from the Village of Westmont, regarding the following:

- (A) Text amendments to multiple sections of the Zoning Ordinance to define and regulate wireless telecommunication facilities including antennas and towers, and amend current requirements for other types of antennas.

Presentation: Deputy Director of Community Development Joseph Hennerfeind provided the Commission with background information regarding cell towers within Westmont. Hennerfeind explained that the Village does not have any codes regulating free standing cell towers although there are federal regulations. Staff felt it appropriate to adopt some requirements based on similar model codes. There were five areas in which the changes would take place which included definitions, regulations specific to cell towers such as a special use requirement, regulations specific to antennas, and clean up to the existing antenna code which is out of date. Some regulations would include screening and height maximums. Hennerfeind added that this amendment would not affect public right-of-way small wireless facilities, only private property.

Hennerfeind wanted to highlight a few definitions and requirements including cell towers. Staff felt that appropriate zoning districts for cell towers would include B-2, C-1, or M, not B-1. As for setbacks, in addition to zoning district setbacks already in place, there would be a height maximum standard. There would also be a setback requirement that is equidistant to the height. Hennerfeind stated there would also be a screening, color and size requirements. Rather than limiting the number of antennas on a tower, the code would limit in size and projection. Hennerfeind added that the code would include preferences such as stealth towers.

Hennerfeind commented that during the permitting process, staff would ask for proof indicating the proposed cell tower is necessary based on the gap in service.



Staff Comment: Village Attorney John Zemenak expanded on staff's comments stating that you can regulate cell towers and cell antennas to a certain extent based on whether or not the tower would have adverse environmental impacts or cause any harm to people. Zemenak added that you cannot regulate a cell tower based on property value impacts.

Zemenak commented that staff should consider clarifying in the definitions that there are three types of towers - lattice, monopole, and stealth. Zemenak also suggested that staff should include setbacks from any buildings, and possibly lateral limitations.

Zemenak also asked staff to correct a section addressing fencing and landscaping for equipment on the ground level from 6ft to 4ft in height. He also asked staff to revise a section which addressed lighting to say "no lighting is allowed on the towers, and only minimal security lighting is allowed at the ground level". Another revision Zemenak suggested was adding language that says any exterior antennas or cables or other equipment have to be painted to match the color of the tower.

Zemenak commented that rather than only allowing towers to accommodate a minimum of three carriers, there should be an exception for stealth antennas which can be smaller. Zemenak noted that if it's possible, the Village should allow multiple carriers on every single type of proposed stealth antenna.

Zemenak suggested eliminating the provision that states lateral arms or extensions for antennas in section E2.

Zemenak asked staff if they thought having a cross-reference for allowed zoning districts in both the use table and section 4.18 would be helpful. Zemenak suggested listing cellular towers in the special use section, but noting to see section 4.18 for details. Hennerfeind replied that he wouldn't object.

Zemenak's last suggestion was to modify or eliminate what kind of poles would be allowed in section 4.02 (D)(1).

Public Comment: No comments.

Commissioner Comments:

Lavoie : Commissioner Lavoie had concerns with additional equipment and antennas being added after the fact, and suggested crafting language to prohibit additional equipment and/or other towers from being added that would exceed the ordinance requirements and approval.

Lavoie suggested adding an alarm system that would notify the Village if there were any modifications or additions.

Hennerfeind suggested adding language for any additional antennas that are not associated with telecommunication to have a special use permit requirement.

Carmichael : Commissioner Carmichael had no additional comments.

Thomas : Commissioner Thoma had no additional comments.

Sharp : Commissioner Sharp asked staff for clarification on the definition for antenna.



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Scales : Commissioner Scales asked where the text amendment language was derived from.

Van Buren : Commissioner Van Buren suggested continuing the meeting.

Clemens : Commissioner Clemens had no additional comments.

Zemanak directed the Chair to include suggested changes recommended by the Village Attorney in the motion and to include poles.

Hennefeind suggested including pole height to match the zoning district allowed height. Zemenak also suggested an alternative which would be to add a minimum 35ft height requirement.

MOTION A

Motion to table and continue PZC 162-2021 to January 12, 2021 Planning and Zoning Commission.

Motion by: Van Buren

Second by: Thomas

VOTING A

Van Buren: Yes

Carmichael: Yes

Thomas: Yes

Lavoie: Yes

Sharp: Yes

Scales: Yes

Clemens: Yes

Motion Passed

Old Business

11. Miscellaneous Items - None

12. Adjourn

Motion by: Clemens

Second by: Sharp

Meeting adjourned at 9:20pm