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Community Development Department

31 West Quincy Street • Westmont, Illinois 60559
Tel: 630-981-6250 Fax: 630-968-8610

Village of Westmont Planning & Zoning Commission December 14, 2022 - Draft Minutes

The Village of Westmont Planning and Zoning Commission held its regular meeting on Wednesday, **December 14, 2022 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, Chris Lavoie, Matt Scales, Harold Barry III, Jill Peterson, Village Attorney John Zemenak, Planner I Scott Williams, and Deputy Director of Community Development Joseph Hennerfeind.

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 October 12, 2022 regular meeting.**

MOTION to approve the regular meeting minutes on October 12, 2022.

Motion by: Lavoie

Second by: Scales

VOTING

Van Buren: Yes

Carmichael: Yes

Thomas: Yes

Lavoie: Yes

Barry: Yes

Scales: Yes

Peterson: Yes

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

New Business

PZC 105-2022 Request from from L Boutique & Spa, LLC, regarding the property at 124 North Cass Avenue, Westmont, Illinois, 60559, for the following:



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(A) Special Use Permit request for a beauty parlor located on the ground floor in the B-1 Limited Business District.

Presentation: Andy Vasiliauskas and Laura Vasiliauskas, owner of L Boutique & Spa, LLC and property owners of 124 North Cass Avenue introduced themselves to the commission. They noted that they are here as part of the process to obtain a business license and that they have been residents of Westmont for seven years.

Staff Comment: Planner I Scott Williams gave an overview and the background of the petitioner's request. Williams explained to the commission that when the petitioner originally approached the Village through the business licensing process they had indicated that they would be conducting massage services, although massage therapy establishments are a permitted use, they must still be approved for a massage license. Williams noted that the petitioner removed massage services from the list of services being offered. Williams explained that staff then determined that the proposed use would be categorized as a beauty parlor located on the ground which requires a special use permit.

Andy and Laura Vasiliauskas voiced frustration and confusion regarding the process to open a business in the Village.

Village Attorney John Zemenak explained to the petitioners that the planning and zoning commission is not involved in the business licensing process and that the commission will only review the special use request.

Deputy Director of Community Development Joseph Hennerfeind apologized to the petitioners for any frustration. Hennerfeind explained that there are multiple processes that overlap including business licensing. Hennerfeind detailed that when a business applies for a business license through the Clerk's Office one of the first steps is have the planner check the list of permitted and special uses in the zoning ordinance and make a determination. Hennerfeind explained that in this case the business was categorized as a beauty parlor instead of a massage therapy establishment due to the massage service being removed as one of the offered services. Hennerfeind noted that B-1 Permit is also a part of the process but that is only voted on by the board in conjunction with the special use request.

Commissioner Barry asked staff for clarification on what special use will be voted on.

Village Attorney John Zemenak answered that the request that is presented in the staff report, a beauty parlor located on the ground floor, is what will be put to a vote. Zemenak indicated that if approved, the ordinance will include a prohibition on massage service until a massage license is approved.

Public Comment: There were no public comments.

Commissioner Comments:

Lavoie : Commissioner Lavoie asked staff about the ownership of the parking lot to the south and if this is looked at when considering a request for a special use.

Williams indicated that the downtown does not have parking requirements for the existing buildings.



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Hennerfeind added that the parking lot to the south is believed to be owned by Westmont Floors and they do not have ownership rights to that parking lot.

Commissioner Lavoie confirmed with the petitioner that there will be no other uses within the building and reminded the petitioner that if they will be changing the signage it should comply with the signage code.

Hennerfeind noted that the proposed signage will be reviewed at permitting.

Williams added that he will provide the petitioned with the sign regulations.

Scales : Commissioner Scales confirmed with the petitioner that this will be their first business.

Barry : Commissioner Barry did not have any comments.

Peterson : Commissioner Peterson asked the petitioner where the retail component of the business will be located on the floor plan.

Laura Vasiliauskas answered that the front portion of the business will include facial products, candles, beauty products and women's clothing.

Thomas : Commissioner Thomas gave a general indication of support.

Van Buren : Commissioner Van Buren asked the petitioner if they have ever owned a spa business.

Laura Vasiliauskas explained that they have not owned a spa business before and that they were waiting until their children were older.

Andy Vasiliauskas added that he owns an HVC business and works as a developer.

Carmichael : Commissioner Carmichael asked the petitioner to clarify the operating hours.

Laura Vasiliauskas explained there would be two shifts to allow flexibility for technicians who have children.

Hennerfeind asked Village Attorney John Zemnak if the petitioner has renderings that were not submitted to the commission can those renderings be brought to the Village Board.

Village Attorney John Zemenak recommended that the request goes straight to the Village Board without additional materials and if the Village Board has serious concerns they can refer them back to the Planning and Zoning Commission.

MOTION A

Motion to recommend to the Village Board of Trustees to approve a Special Use Permit request for a beauty parlor located on the ground floor in the B-1 Limited Business



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Motion by: Scales

Second by: Barry

VOTING A

Van Buren: Yes

Carmichael: Yes

Thomas: Yes

Lavoie: Yes

Barry: Yes

Scales: Yes

Peterson: Yes

Motion Passed

PZC 110-2022 Request from SARC US, LLC, regarding the property located at 6320 South Cass Avenue in Westmont, IL 60559 for the following:

(A) Amended Site and Landscaping Plan approval for a medical clinic in the C-1 Commercial Business District.

Presentation: Tom Liebo, owner representative of SARC US, gave a brief presentation and explained to the commission that this project has already gone through this process but changes have been made to the project. Liebo explained that they have a new tenant that they are working with and the tenant requested more parking be available. Liebo explained that the amended site plan will only include an additional 10 parking spaces in addition to the already approved 21 parking spaces. Liebo also mentioned that the new spaces will be pervious, and therefore will not impact stormwater or runoff.

Staff Comment: Deputy Director of Community Development Joseph Hennerfeind provided background on the initial site plan approval and gave insight on the petitioner's request. Hennerfeind explained that the initial request was presented to the commission about a year ago as an immediate care facility. Hennerfeind noted that the property previously was a bank and that much of the area is a parking lot and that the approved site plan included a large grassy area in the rear. Hennerfeind also explained that the project lost the initial immediate care user and the new user is a medical office that specializes in non-opioid pain management. Hennerfeind noted that the new user requires more parking spaces and that those parking spaces will not increase the net impervious area of the site. Hennerfeind also outlined that the increase in parking also required changes to the layout of the dumpster enclosure and additional tree landscaping. Hennerfeind added that the Village's process requires approval when amending an already approved site plan.

Public Comment: There were no public comments.

Commissioner Comments:

Scales : Commissioner Scales asked the petitioner where the additional parking spaces will be located.

Tom Liebo indicated that they will be on the west side of the building.



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Lavoie : Commissioner Lavoie did not have any comments.

Peterson : Commissioner Peterson did not have any comments.

Thomas : Commissioner Thomas did not have any questions and gave an indication of support for the request.

Barry : Commissioner Barry did not have any comments.

Van Buren : Commissioner Van Buren did not have any comments.

Carmichael : Commissioner Carmichael asked staff if there were any issues with the lighting in the initial site plan approval.

Hennerfeind indicated that the lighting standards were in compliance but that Commissioner Lavoie did have questions about the parking lots cross access during the initial site plan approval. Hennerfeind also indicated that the amended site plan approval does not have cross access and the fire department did review the plans for parking lot accessibility

Commissioner Carmichael confirmed with the petitioner that the operations would be conducted during the day.

MOTION A

Motion to recommend to the Village Board of Trustees to approve an amended Site and Landscaping Plan approval for a medical clinic in the C-1 Commercial Business District.

Motion by: Lavoie

Second by: Scales

VOTING A

Van Buren: Yes

Carmichael: Yes

Thomas: Yes

Lavoie: Yes

Barry: Yes

Scales: Yes

Peterson: Yes

Motion Passed

PZC 106-2022 Request from the Village of Westmont, regarding the following:

(A) Text amendments to the Zoning Ordinance to remove video gaming cafes as a special use in the B-2 General Business District and to remove video gaming as a permitted accessory use in the B-1 Limited



Business District.

Presentation: Deputy Director of Community Development Joseph Hennerfeind gave the commissioner an overview of the proposed request and history on video gaming uses within the Village. Hennerfeind explained that the existing zoning ordinance lists video gaming cafes as a special use in the B-2 District. Hennerfeind explained the proposed text amendment would remove video gaming cafes as a special use and that there is language to allow existing video gaming cafes to exist and change ownership. Hennerfeind also gave the commission an overview on video gaming as an accessory use. Hennerfeind noted that the video gaming accessory use is usually requested by restaurants and the current zoning ordinance permits video gaming as an accessory use in the B-1, B-2, B-3, O/R, and manufacturing districts. Hennerfeind indicated that the text amendment being proposed is to remove video gaming as a permitted accessory using in the B-1 District exclusively.

Staff Comment: Village Attorney John Zemenak explained to the commission that once the Village Board allowed video gaming they have kept an eye on how the use has expanded within the Village. Zemenak also explained that the Village Board determined that the video gaming process is regulated through the liquor licensing process. Zemenak noted that the Village Board has been concerned with the proliferation of video gaming throughout the Village. Zemenak also stated that video gaming has been successful in generating an income stream to the Village through taxes but, as the use continues to grow the Village Board thinks there should be limitations in place. Zemenak indicated that the Village Board thinks that video gaming cafes have been capped out and the proposed text amendment is a proactive step by the Village. Zemenak added that another piece to the proposed text amendment is to remove video gaming as a permitted accessory use in B-1 district as the Village Board feels that due to the increase in redevelopment in the downtown, video gaming has reached a point of saturation. Zemenak also indicated that the text amendment includes a way for new owners of an already established business that has video gaming to apply for the appropriate liquor license and continue the operation. Zemenak also noted that there is language in the proposed amendment that allows for expansion of an already established business that has video gaming.

Public Comment: There were no public comments.

Commissioner Comments:

Barry : Commissioner Barry asked staff for clarification on whether the video gaming portion of a business would be transferable to a new owner.

Village Attorney John Zemenak answered that the new owner would have the right to continue the use provided that the board grants the class 23 liquor license and the state grants the video gaming license.

Scales : Commissioner Scales recused himself from the subject.

Lavoie : Commissioner Lavoie voiced concern for a license being lost if the use is not continued and that rather than removing the use there should be a cap instituted on the number of licenses. Lavoie also asked staff if there have been any police problems with the already established video gaming establishments or if the board feels as though the Village has reached the limit.

Village Attorney John Zemenak answered that there are no police problems and that the board has knowledge that the downtown has reached a saturation point with accessory video gaming uses. Zemenak also noted that all



liquor licenses are capped and the board has to approve to increase the number of licenses. Zemenak added that the proposed text amendment is to allow the Village to stop requests for video gaming in the downtown area but that the Village can reverse and/or address it later.

Commissioner Lavoie noted that this allows video gaming to become a commodity for establishments in the downtown that already have approved video gaming licenses.

Village Attorney John Zemenak added that the Village has permitted video gaming in the downtown to help the downtown business and that the Village has given these businesses the opportunity to apply for licenses.

Peterson : Commissioner Peterson asked staff to confirm the video gaming cafes text amendment would not allow new video gaming cafes in the Village.

Village Attorney John Zemenak answered yes but existing video game cafes can continue operations.

Thomas : Commissioner Thomas indicated support for the request.

Van Buren : Commissioner Van Buren asked staff if they have any idea about the average annual revenue for the video gaming cafe compared to restaurants that have video gaming as an accessory use.

Village Attorney John Zemenak answered that in general video gaming cafes make more revenue from video gaming compared to restaurants that have video gaming as an accessory use. Zemenak also noted that both are limited in the total number of terminals they are allowed at six.

Commissioner Barry voiced concern that the text amendment would create a disadvantage for new businesses that may want video gaming.

Village Attorney John Zemenak agreed with his point and that it will ultimately be up to the Village Board but they wanted the text amendment to be considered before the year's end.

Commissioner Lavoie asked if staff knows of any pending applications for video gaming.

Village Attorney John Zemenak answers that there is one pending application and that other amendments to liquor licensing would allow for the pending application to move forward.

Carmichael : Commissioner Carmichael did not have any comments.

Commissioner Peterson asked if the motion would be for both video gaming cafes and video gaming as an accessory use.

Commissioner Carmichael confirmed.

Attorney John Zemenak also indicated that a motion to amend the single motion into two separate motions, one for video gaming cafes and one for video gaming as an accessory use can also be made.

Commissioner Barry gave support to splitting the motion.



MOTION A

Motion to amend the agenda item for PZC 106-2022 to separate the text amendments to the Zoning Ordinance to remove video gaming cafes as a special use in the B-2 General Business District and to remove video gaming as a permitted accessory use in the B-1 Limited Business District into two separate voting items.

Motion by: Peterson

Second by: Barry

VOTING A

Van Buren: Yes

Carmichael: No

Thomas: Yes

Lavoie: Yes

Barry: Yes

Scales: Recused

Peterson: Yes

Motion Passed

MOTION B

Motion to recommend to the Village Board of Trustees to approve a text amendment to the Zoning Ordinance to remove video gaming cafes as a special use in the B-2 General Business District.

Motion by: Peterson

Second by: Thomas

VOTING B

Van Buren: Yes

Carmichael: Yes

Thomas: Yes

Lavoie: Yes

Barry: Yes

Scales: Recused

Peterson: Yes

Motion Passed

MOTION C

Motion to recommend to the Village Board of Trustees to approve a text amendment to remove video gaming as a permitted accessory use in the B-1 Limited Business District.



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Motion by: Barry
Second by: Peterson

VOTING C

Van Buren: Yes
Carmichael: Yes
Thomas: Yes
Lavoie: Yes
Barry: No
Scales: Recused
Peterson: No

Motion Passed

Old Business

11. Miscellaneous Items -

1) General Updates

- a) Next PZC on January 11, 2023
- b) Staff will contact commissioners about availability for special meeting dates for February 22, 2023 and March 22, 2023.

12. Adjourn

Motion by: Thomas
Second by: Scales

Meeting adjourned at 8:21 p.m.