

# CITY OF WEST CHICAGO

WHERE HISTORY & PROGRESS MEET

Approved November 5, 2019

## MINUTES

### PLAN COMMISSION/ZONING BOARD OF APPEALS

October 1, 2019 7:00 P.M.

#### 1. Call to Order, Roll Call and Establishment of a Quorum

Chairperson Laimins called the meeting to order at 7:00 p.m. Roll call found commissioners Laimins, Dettman, Henkin, Kasprak, Devitt and ex-officio member Banasiak present. Commissioners Faught, Hale, and ex-officio member Jakabcsin were excused. A quorum was established.

Also in attendance was City Planner John Sterrett.

#### 2. Pledge of Allegiance

Chairperson Laimins led everyone in the Pledge of Allegiance.

#### 3. Chairman's Comments

Chairperson Laimins had no comments.

#### 4. Approval of Meeting Minutes

Commissioner Devitt made a motion, seconded by Commissioner Henkin, to approve the draft meeting minutes of the August 6, 2019 Plan Commission meeting. With a voice vote of all ayes, the motion carried.

#### 5. Public Hearing Case PC 19-20, Zoning Map Amendment

Commissioner Kasprak made a motion, seconded by Commissioner Devitt, to open the public hearing. With a voice vote of all ayes the motion carried.

Mr. Sterrett stated that Dante Domenella, owner of the property located at 30W680 Lee Road, is requesting approval of a Zoning Map Amendment to rezone the subject property from ER-1 Estate Residence District to M Manufacturing District in order to allow future industrial uses on the property, including an existing landscaping business currently leasing and operating out of the property. The property is 5.16 acres, heavily wooded with wetlands, and is located at the north end of Lane Road, a dead end street which contains 8 single family residential properties. The subject property, as well as the single-family residential properties, and additional properties to the north and west, were force annexed in 2010 and zoned ER-1 Estate Residence District, which is the default-zoning for annexation.

The property was placed in violation for operating a landscaping business, which is not a permitted use in the ER-1 District. As such, the property owner has filed an application for a zoning map amendment to rezone the property to M Manufacturing, which would allow a landscape business. The landscaping business, which is currently in the Administrative Adjudication system, would still require a special use permit to continue to utilize the site for outside storage if the rezoning is approved.

The City's 2006 Comprehensive Plan designates this area, as well as the areas around it as Industrial, which is compatible with the requested zoning district of M Manufacturing. The properties to the north and west, located off of Pilsen Road, were rezoned to M Manufacturing in 2014. The properties along Lane Road and the south side of Lee Road, however, have maintained their ER-1 zoning along with their single-family residential use. Staff does have concerns over the adverse impact that the requested rezoning to Manufacturing may have on the residential properties immediately to the south on Lee Road and Lane Road. Staff therefore cannot recommend approval of the proposed zoning map amendment.

Dante Domenella, petitioner, was sworn in. Mr. Domenella clarified that the railroad tracks to the east are zoned ER-1 and included seven railroad tracks. He also clarified that the curb cut for the property is Lee Road. Mr. Domenella emphasized the recent rezoning approvals in the area to M Manufacturing including the parcel to the west. Mr. Domenella referenced and cited portions of the City's Strategic Plan supporting the proposed rezoning.

Donald Lee, 6N583 Promontory Court, St. Charles, was sworn in. Mr. Lee owns the landscaping business that is on the property. He explained the current landscaping operation taking place on the site and said they were not aware they needed a business license or proper zoning for the operation. The Commission asked about the traffic generated from the operation and discussed the impacts on Lee Road.

The following members from the public were sworn in and voiced opposition to the request:

- Maryellen Lipscomb, 1N531 Lane Road
- Michael Utley, 1N536 Lane Road
- Denise Gutierrez, 31W037 Lee Road
- Jimmy Wagenmaker
- Laura Utley, 1N536 Lane Road
- Michael Kodak, 1N561 Lane Road

Mr. Domenella requested a continuance of the hearing to investigate issues brought up by both the members of the public and the members of the Commission dealing with traffic impacts in the neighborhood. Mr. Sterrett stated the Plan Commission can continue the hearing to a later date if they wish but that the matter is currently in administrative adjudication waiting for the zoning issue to be resolved.

Commissioner Dettman made a motion, seconded by Commissioner Devitt to close the public hearing. With a voice vote of all ayes, the motion carried. The public hearing was closed after all testimony was received from the petitioner and all interested persons in the audience.



## **6. Review of Case PC 19-20, Zoning Map Amendment**

Commissioner Kasprak made a motion, seconded by Commissioner Dettman, to continue the hearing to a later date. With a roll call vote of zero (0) ayes and five (5) noes, the motion failed. The Commission was not in favor of continuing the hearing.

The Commission discussed that the the rezoning of the property would have a detrimental and negative impact on the surrounding area specifically the traffic.

With no further discussion by the Commission, Commissioner Dettman made a motion, seconded by Commissioner Henkin, to recommend approval of the proposed zoning map amendment from ER-1 Estate Residence to M Manufacturing.

With a roll call vote of zero (0) ayes and five (5) no, the motion failed. Mr. Sterrett stated this petition will be placed on the October 14, 2019 Development Committee agenda for discussion.

## **7. Public Hearing Case PC 19-14, Zoning Variances**

Commissioner Kasprak made a motion, seconded by Commissioner Devitt, to open the public hearing. With a voice vote of all ayes the motion carried.

Mr. Sterrett stated that this is a request for variances from the Zoning Code for Vishal Vaghani, who operates Dunkin Donuts at the property at 110 East Roosevelt Road in the B-2 General Business District. The petitioner is seeking the following the variations in order to modify the drive-thru lane at the Dunkin Donuts to enhance the vehicular flow through the property and around the building:

1. A variance from Section 10.3-2(C)(3) to allow a seven (7) foot landscape setback in lieu of the minimum required ten (10) foot landscape setback along the east lot line.
2. A variance from Section 10.3-2(C)(4) to allow a five (5) foot landscape setback in lieu of the minimum required ten (10) foot landscape setback along the south lot line.
3. A variance from Section 13.3(C)(4)(c) to allow a four (4) stacking spaces in a drive-thru lane in lieu of the minimum required five (5) spaces required beginning at the drive-thru order station.
4. A variance from Section 13.3(C)(3) to allow stacking spaces in the actual corner side yard along Joliet Street in lieu of stacking spaces being prohibited in the actual corner side yard.

The Dunkin Donuts, which is located on a 0.6 acre property at the southeast corner of Roosevelt Road and Joliet Street, was constructed in 2007 with an 1,800 square foot drive-thru/sit down restaurant. The drive-thru lane has a very narrow lane around it, which is an escape lane, but does not provide adequate access around the building, especially at the south portion of the drive-thru lane. The petitioner, is therefore proposing to modify the site which includes relocating the south curb line further south and reducing the size of the existing trash enclosure to allow for more room at the south end of the property. This will reduce the required ten (10) foot landscape yard setback along the south lot line to five (5) feet. The curb line near the southeast portion of the property will also be relocated further east and will reduce the required ten (10) foot landscape yard setback along the east lot line to seven (7) feet.

Regarding the variances related to the drive-thru lane, the drive-thru lane is currently in the actual corner side yard, which is technically non-conforming. The basic operation of the drive-thru will not change and the stacking component of the drive-thru will improve with the relocation of an existing ADA stall from near the drive-thru to the west row of parking stalls. This ADA stall, as it exists today, could be blocked by stacked vehicles in the drive-thru.

Staff recommends the Plan Commission pass a motion recommending approval of the proposed variances from the Zoning Code with the condition that the site is developed in substantial compliance with the submitted plans.

Eric Carlson, 24 North Bennett Street, Geneva, was sworn in. Mr. Carlson is the architect for the project and is representative the petitioner. Mr. Carlson provided background and existing conditions of the property and went through the changes being proposed.

Commissioner Kasprak made a motion, seconded by Commissioner Henkin to close the public hearing. With a voice vote of all ayes, the motion carried. The public hearing was closed after all testimony was received from the petitioner and all interested persons in the audience.

#### **8. Review of Case PC 19-14, Zoning Variances**

The Commission commented that the proposed modifications will improve the site. With no further discussion by the Commission, Commissioner Devitt made a motion, seconded by Commissioner Henkin, to recommend approval of the proposed zoning variances with staff's recommended conditions. With a roll call vote of five (5) ayes and zero (0) noes, the motion carried.

Mr. Sterrett stated this petition will be placed on the October 14, 2019 Development Committee agenda.

#### **8. Review of Case PC 19-21, Preliminary Plat and Subdivision Regulations Deviations**

Mr. Sterrett stated that this is a request for approval of a Preliminary Plat from Pulte Homes for an 84-unit subdivision proposed south of Gary's Mill Road between Purnell Road and Roosevelt Road. The 35 acre property, currently used as the Planter's Palette, is located in unincorporated DuPage County and going through the development approval process with the County for this subdivision. The property is located within 1.5 miles of the corporate limits of West Chicago and therefore is subject to the City's Subdivision Regulations Code, including a review and recommendation to the City Council by the Plan Commission. The petitioner is seeking an extension of City Sewer and Water but is not contiguous to the City to annex. Therefore, the petitioner will be entering into an annexation agreement with the City for such services. The development, however, will remain in unincorporated DuPage County until such time that the property becomes contiguous with the City and then will be annexed.

The petitioner is seeking a deviation from the City's Subdivision Regulations Code to allow a minimum radius of curvature on a minor street centerline to be 90 feet in lieu of the minimum required 250 feet. The subdivision contains five curves, four of which each have a radius of 200



feet, and one curve with a radius of 90 feet. City staff is in support of this deviation given the fact the proposed speed limit will be low as a result of the residential nature of the development. The roads will be used by people coming and going from this development as there is no proposed connectivity with the surrounding developments.

Staff has determined that the preliminary plat complies with the City's Subdivision Regulations and recommends the Plan Commission pass a motion recommending approval of the proposed Preliminary Plat of Subdivision with the requested deviation.

Attorney Russell Whitaker presented on behalf of the petitioner and explained the project to the Commission.

With no further discussion by the Commission, Commissioner Kasprak made a motion, seconded by Commissioner Devitt, to recommend approval of the proposed preliminary plat with deviations from the Subdivision Regulations Code. With a voice vote of all ayes, the motion carried.

#### **9. Other Commission Business**

None.

#### **10. Previous Petitions and General Development Update**

There will be a Plan Commission meeting on November 5, 2019.

#### **11. Adjournment**

Commissioner Dettman made a motion, seconded by Commissioner Devitt, to adjourn the meeting. With a voice vote of all ayes, the motion carried. The Plan Commission, at 8:38 p.m., was adjourned.

Submitted by: John Sterrett, City Planner