

CITY OF WEST CHICAGO

WHERE HISTORY & PROGRESS MEET

Approved 10.01.24

PLAN COMMISSION/ZONING BOARD OF APPEALS September 4, 2024 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 Chairperson Laimins and Commissioners Banasiak, Billingsley, Henkin, and Terrazas present. Vice Chairperson Kasprak and Commissioner Slattery were excused. With five members present, a quorum was established.

Staff in attendance included City Planner John Sterrett.

2. Pledge of Allegiance

Chairperson Laimins led the Commission in the Pledge of Allegiance.

3. Chairperson's Comments

None.

4. Public Comment

None.

5. Approval of draft meeting minutes from June 4, 2024

Commissioner Billingsley made a motion, seconded by Commissioner Henkin, to approve the draft meeting minutes of the June 4, 2024 Plan Commission meeting. With a voice vote of all ayes the motion carried.

6. Public Hearing of Case PC 24-07 – Special Use Permit Amendment – SRH Properties, LLC – 1307 S Neltor Boulevard

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

Mr. Sterrett was duly sworn in. Mr. Sterrett stated that SRH Properties is requesting a Special Use Permit Amendment at 1307 S Neltor Boulevard in the B-2 General Business District. The subject property is 1.44 acres and was previously used as a gas station with a car wash since 1988 until it closed in early 2022. The gas pump canopy, convenience store, and car wash building remain on the site. The property is located on the east side of South Neltor Boulevard and on the south side of Dayton Avenue, just north of the interchange with Roosevelt Road.

The petitioner purchased the property in 2023 and intends to make several changes to the site. Among them include demolishing the convenience store, car wash building, and canopy. The petitioner is proposing to construct an 8,900 square foot commercial structure that will include a 6,249 square foot convenience store with a drive-through restaurant and two additional commercial spaces for future occupancy. A new canopy, slightly larger than the existing canopy, will be constructed over 10 pumps for a total of 20 vehicle positions. The petitioner also intends

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to reconfigure the parking lot with additional spaces to accommodate the proposed commercial building. Other improvements include restriping, new landscaping, and lighting.

Himanshu Modi, representing the petitioner, was duly sworn in and provided a brief background on the project.

With all members of the public having had the opportunity to speak, and with all Plan Commissioners having the opportunity to question staff, Commissioner Banasiak made a motion, seconded by Commissioner Billingsley, to close the public hearing. With a voice vote of all ayes, the motion carried and the public hearing was closed.

7. Review and Recommendation of Case PC 24-07 – Special Use Permit Amendment – SRH Properties, LLC – 1307 S Neltnor Boulevard

The Plan Commission deliberated the proposed Special Use Permit Amendment. After a discussion, Commissioner Banasiak made a motion, seconded by Commissioner Henkin, to recommend approval of the proposed Special Use Permit Amendment, subject to the following conditions:

1. That the site be developed in substantial conformance with the following plans:
 - a. Site Plan, consisting of one page (Sheet G1), prepared by Advantage Consulting Engineers, dated April 1, 2024 with a latest revision date of August 28, 2024.
 - b. Landscape Plan, consisting of one page (Sheet L1), prepared by G Studio, dated March 26, 2024 with a latest revision date of August 27, 2024.
 - c. Building Elevations, consisting of one page (Sheet A-2, prepared by Nova Design Building, Inc. dated August 19, 2024.
 - d. Floor Plan and Dumpster Enclosure Plan, consisting of one page (Sheet A-1), prepared by Nova Design Building, Inc. dated August 26, 2024.
2. That the columns on the proposed gas pump canopy be clad in brick and stone to match the building.

And to incorporate the following Findings of Fact into the recommendation:

(A) Is necessary for the public convenience at the location or, the case of existing nonconforming uses, a special use permit will make the use more compatible with its surroundings. *This standard should be interpreted as indicating whether or not the proposed use is good for the public at that particular physical location, and not whether or not the use itself is needed there*****

A motor vehicle service station (i.e. gas station) is a use that is best suited to be located within a commercial corridor that is along a major arterial road with a high traffic volume such as Illinois Route 59. Furthermore, the property has been used since 1988 as a gas station until its recent closure in 2022. *Staff is of the opinion the petitioner has satisfied this finding.*

(B) Is so designed, located and proposed to be operated that the public health, safety and welfare will be protected:

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The design of the proposed development for the use is similar with other previously approved motor vehicle service stations in the City and is relatively consistent with the layout of the previously approved gas station. The existing location of the access onto Route 59 and Dayton Avenue will remain the same for the new gas station. Staff is of the opinion the petitioner has satisfied this finding.

(C) Will not cause substantial injury to the value of other property in the neighborhood in which it is located:

The proposed gas station use is consistent with other uses in the immediate vicinity near the intersection of Illinois Route 59 and Roosevelt Road. The use of the property will not change with the exception of the removal of the car wash use. The configuration of the property will remain relatively similar to the previously approved layout. Staff is of the opinion the petitioner has satisfied this finding.

(D) The proposed special use is designated by this code as a listed special use in the zoning district in which the property in question is located:

A motor vehicle service station is listed as a special use in the B-2 Regional Shopping District, per Section 10.3-4 (G) of the West Chicago Zoning Code. Staff is of the opinion the petitioner has satisfied this finding.

A roll call vote found Commissioners Banasiak, Billingsley, Henkin, and Terrazas, and Chairperson Laimins voting “aye”. No one voted “no”. With a roll call vote of five (5) “aye” and zero (0) “no”, the motion carried.

8. Public Hearing of Case PC 24-11 – Special Use Permit Amendment – Forming America, LLC – 1200 North Prince Crossing Road

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

Mr. Sterrett was duly sworn in. Mr. Sterrett stated that Forming America, located at 1200 North Prince Crossing Road, operates a concrete form manufacturing facility with ancillary outside storage that originally received Special Use Permit approval in 2007. The Special Use Permit is to allow outside storage on the property ancillary to the principal use of a concrete forming operation. The Special Use Permit has been amended five times. One of the conditions of the Special Use Permit approval is the requirement to pave all areas of the property where outside storage would occur. Paving of these areas took a considerable amount of time and several amendments were approved extending the timeframe for when paving had to be completed. In 2019, a fourth amendment was approved by the City which included a condition that the applicant provide a financial guarantee to the City until such time that all phases of paving were completed and approved by the City.

Forming America completed paving all areas where outside storage is occurring as indicated on their Paving and Layout Plan with the exception of an approximately 64,000 square feet area near the stormwater detention facility. All outside storage is now currently located on paved

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areas. In 2023, Forming America indicated they do not intend to add any additional outside storage to what is already occurring and that the 64,000 square foot area was no longer needed by Forming America.

Recently, Forming America informed the City they are now in need of this 64,000 square foot area and intend to pave it. To do so, a sixth amendment is needed to the Special Use Permit to add this area back to the controlling pavement plan. The petitioner is proposing to perform the work in two phases. A third phase is indicated on the Site Plan but is located on the adjacent property to the north, which is owned by the same owner. The petitioner has indicated they do not intend to pave this until a later date. Staff is recommending a condition be placed on the controlling ordinance stating Phase 3 shall not commence until such time that Special Use Permit authorization is granted and that all engineering has been approved, a site development permit has been issued by the City, and authorization has been received from the DuPage County Stormwater Department.

The existing stormwater detention facility was previously sized and constructed to accommodate the 64,000 square foot area that the petitioner now intends to pave as Phases 1 and 2. No modifications to the existing stormwater detention facility is therefore required prior to the pavement of Phases 1 and 2.

Ben Start, representing the petitioner, was duly sworn in and provided a brief background on the project.

With all members of the public having had the opportunity to speak, and with all Plan Commissioners having the opportunity to question staff, Commissioner Banasiak made a motion, seconded by Commissioner Henkin, to close the public hearing. With a voice vote of all ayes, the motion carried and the public hearing was closed.

9. Review and Recommendation of Case PC 24-11 – Special Use Permit Amendment – Forming America, LLC – 1200 North Prince Crossing Road

The Plan Commission deliberated the proposed Special Use Permit Amendment. After a discussion, Commissioner Banasiak made a motion, seconded by Commissioner Billingsley, to recommend approval of the proposed Special Use Permit Amendment, subject to the following conditions:

1. The site shall be developed in substantial compliance the Site and Phasing Plan consisting of one sheet (Sheet 1 of 1) prepared by Webster McGrath & Ahlberg, Ltd dated July 30, 2024.
2. Phase 3 shall not commence until such time that Special Use Permit authorization is granted and that all engineering has been approved, a site development permit has been issued by the City, and authorization has been received from the DuPage County Stormwater Department.
3. Conditions 1 through 8 and 11 of Section 1 in Ordinance 19-O-0003 shall remain in full force and effect;

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4. Condition 2 and 3 of Section 1 in Ordinance 23-O-0037 shall be stricken in their entirety.

And to incorporate the following Findings of Fact into the recommendation:

*(1) Is necessary for the public convenience at the location or, the case of existing nonconforming uses, a special use permit will make the use more compatible with its surroundings. ***This standard should be interpreted as indicating whether or not the proposed use is good for the public at that particular physical location, and not whether or not the use itself is needed there****

No change in use is occurring on the property and no additional site improvements are proposed other than what was previously approved in the original Special Use Permit. The purpose of the amendment is to add the previously approved 64,000 square foot area back into the controlling site plan for the special use permit. Staff is of the opinion the petitioner has satisfied this finding.

(2) Is so designed, located and proposed to be operated that the public health, safety and welfare will be protected:

No additional site improvements are proposed that will affect the existing stormwater facilities or other nearby properties. The 64,000 square foot area proposed to be paved as Phases 1 and 2 on the Site Plan were previously approved. Staff is of the opinion the petitioner has satisfied this finding.

(3) Will not cause substantial injury to the value of other property in the neighborhood in which it is located:

No change in use is occurring on the property and no additional site improvements are proposed. The purpose of the amendment is to amend the controlling site plan to be reflective of the actual improvements made on the property. The same amount of outside storage will occur on the property after the addition of the 64,000 square foot pavement as was approved in the original Special Use Permit. Staff is of the opinion the petitioner has satisfied this finding.

(4) The proposed special use is designated by this code as a listed special use in the zoning district in which the property in question is located:

The existing manufacturing facility with ancillary outside storage listed as a special use per Section 11.2-4 (T) of the Zoning Code. No change in use will occur on the property. Staff is of the opinion the petitioner has satisfied this finding.

A roll call vote found Commissioners Banasiak, Billingsley, Henkin, and Terrazas, and Chairperson Laimins voting “aye”. No one voted “no”. With a roll call vote of five (5) “aye” and zero (0) “no”, the motion carried.

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10. Public Hearing of Case PC 24-12 – Special Use Permit– The Kitchen Table – 100 Hahndorf Street

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

Mr. Sterrett was duly sworn in. Mr. Sterrett stated that The Kitchen Table is requesting approval of a Special Use Permit at 100 Handorf Street in the R-6 District. The subject property is 0.57 acres with an existing 4,000 square foot building previously used as an office for several decades. The building is served with angled parking. The petitioner has leased the space and intends to use 2,000 square feet of the building for training classes in the arts, such as music, culinary, art, and drama. This type of use is considered a *School* in the R-6 District and requires approval of a Special Use Permit. The petitioner is not planning any site improvements nor any exterior modifications to the building. The building has been served with existing parking stalls and the petitioner intends to continue utilizing these stalls for private classes. The petitioners will not live on the property. Mr. Sterrett stated that questions from nearby residents were related to traffic and parking concerns.

Aaron O'Brien and Amy O'Brien of The Kitchen Table were duly sworn in. Mr. and Mrs. O'Brien provided background information on the project including the limited amount of cars that will be parked at the site.

With all members of the public having had the opportunity to speak, and with all Plan Commissioners having the opportunity to question staff, Commissioner Billingsley made a motion, seconded by Commissioner Henkin, to close the public hearing. With a voice vote of all ayes, the motion carried and the public hearing was closed.

11. Review and Recommendation of Case PC 24-12 – Special Use Permit– The Kitchen Table – 100 Hahndorf Street

The Plan Commission deliberated the proposed Special Use Permit. After a discussion, Commissioner Banasiak made a motion, seconded by Commissioner Billingsley, to recommend approval of the proposed Special Use Permit Amendment and to incorporate the following Findings of Fact into the recommendation:

(A) Is necessary for the public convenience at the location or, the case of existing nonconforming uses, a special use permit will make the use more compatible with its surroundings. *This standard should be interpreted as indicating whether or not the proposed use is good for the public at that particular physical location, and not whether or not the use itself is needed there*****

The proposed use as a *School* for small training classes at the location is ideal fronting a major commercial thoroughfare such as Illinois Route 59. Staff is of the opinion the petitioner has satisfied this finding.

(B) Is so designed, located and proposed to be operated that the public health, safety and welfare will be protected:

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The proposed school use will be relatively consistent with the former office use that has taken place on the property for several decades. No site modifications are proposed that would negatively impact any adjacent properties. Staff is of the opinion the petitioner has satisfied this finding.

(C) Will not cause substantial injury to the value of other property in the neighborhood in which it is located:

The proposed use of the property will not change significantly. The site and building will remain unchanged to keep the existing residential appearance and character of the property. Staff is of the opinion the petitioner has satisfied this finding.

(D) The proposed special use is designated by this code as a listed special use in the zoning district in which the property in question is located:

A school is listed as a special use in the R-6 Multiple-Family District, per Section 9.7-4 (A) of the West Chicago Zoning Code. Staff is of the opinion the petitioner has satisfied this finding.

A roll call vote found Commissioners Billingsley, Henkin, Banasiak, and Terrazas, and Chairperson Laimins voting “aye”. No one voted “no”. With a roll call vote of five (5) “aye” and zero (0) “no”, the motion carried.

12. Public Hearing of Case PC 24-13 – Zoning Map Amendment and Zoning Variations– Trillium Farm Subdivision – East of Purnell Road and south of Gary’s Mill Road

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

Mr. Sterrett was duly sworn in. Mr. Sterrett stated that Trillium Farm residential subdivision consists of 84 single-family home lots. The development was approved in 2020 by DuPage County and construction of the subdivision and all of the homes was completed summer 2024. Following completion of the development, the subdivision was annexed to the City of West Chicago on August 19, 2024 in accordance with a Pre-Annexation Agreement between the City and the developer, Pulte Homes. According to the pre-annexation agreement, the City shall conduct a public hearing after the annexation to consider the reclassification of the property from ER-1 Estate Residence to R-5 Single-Family Residence and the approval of zoning variations for certain setbacks and lot coverage.

Per Article V of the Pre-Annexation Agreement, the City shall conduct a public hearing to consider the passage of an ordinance amending the Zoning Map to reclassify the property from ER-1 Estate Residence to R-5 Single-Family Residence with zoning variances based on improvements that were previously approved by DuPage County, including:

1. A variance to allow a side yard setback of six (6) feet for all of the lots in lieu of the minimum required side yard setback equal to 10 percent for each lot;
2. A variance to allow a rear yard setback of 25 feet for lots 9-84 in lieu of the minimum required rear yard setback of 30 feet.

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3. A variance to the allow a rear yard setback of 0 feet for lots 1-8 in lieu of the minimum required rear yard setback of 30 feet.
4. A maximum lot coverage of 65 percent for all of the lots in lieu of the maximum allowable lot coverage of 40%.

The following residents were duly sworn in and asked general questions about the proposal:

Stacey Pierce, HOA Board Secretary
Nancy Mores, 28W648 Trillium Drive
John Halabrin, 28W777 Gary's Mill Road

With all members of the public having had the opportunity to speak, and with all Plan Commissioners having the opportunity to question staff, Commissioner Henkin made a motion, seconded by Commissioner Terrazas, to close the public hearing. With a voice vote of all ayes, the motion carried and the public hearing was closed.

13. Review and Recommendation of Case PC 24-13 – Zoning Map Amendment and Zoning Variances – Trillium Farm Subdivision – East of Purnell Road, South of Gary's Mill Road

The Plan Commission deliberated the proposed Zoning Map Amendment and Zoning Variances. After a discussion, Commissioner Billingsley made a motion, seconded by Commissioner Henkin, to recommend approval of the proposed Zoning Map Amendment and to incorporate the following Findings of Fact into the recommendation:

1. The existing uses and zoning of the property in question.

The subject property is developed with 84 single-family home lots that average roughly 9,000 square feet in size with average lot widths ranging from 50 feet to 60 feet in the ER-1 Estate Residence District.

2. The existing uses and zoning of other lots in the vicinity.

The subject property is located in a predominately residential area in unincorporated DuPage County.

3. Suitability of the property in question for uses already permitted under the existing regulations.

The existing lots and improvements in the development are not compatible with the ER-1 District. The development was zoned ER-1 following annexation to the City because this is the default zoning district for any property annexed to the City until such time a property is rezoned. The size of the existing lots conforms to the R-5 District rather than the ER-1 District.

4. Suitability of the property in question for the proposed use.

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The property was approved and developed as a single-family residential subdivision in unincorporated DuPage County. The use of the property as this will not change nor will any of the properties be further subdivided.

5. *The trend of development in the vicinity of the property in question, including any recent zoning activity.*

The trend in the development in the general area will not substantially change and will remain residential.

6. *The effect the proposed rezoning would have on implementation of the Comprehensive Plan.*

The City's Comprehensive Plan identifies the property and general surrounding area as single-family residential.

7. *Impact on surrounding properties.*

The proposed rezoning will not affect the surrounding properties. The development has already been approved and constructed while located in unincorporated DuPage County. No changes to the use or development are proposed.

8. *Impact on health, safety, or welfare of the community.*

The proposed rezoning will not have a detrimental impact on the health, safety, nor welfare of the community. The rezoning is to place the development into a zoning district that will make the lots conforming with the Zoning Code.

A roll call vote found Commissioners Billingsley, Henkin, Banasiak, and Terrazas, and Chairperson Laimins voting "aye". No one voted "no". With a roll call vote of five (5) "aye" and zero (0) "no", the motion carried.

Commissioner Banasiak made a motion, seconded by Commissioner Terrazas, to recommend approval of the proposed Zoning Variations and to incorporate the following Findings of Fact into the recommendation:

- (1) *The particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or loss of revenue, if the strict letter of the regulations were carried out:*

The subject property was approved in DuPage County as a Planned Unit Development which included approval of the setbacks and lot coverage currently being sought for zoning variations.

- (2) *The condition upon which the requested variances are based would not be applicable, generally, to other property within the same zoning classification:*

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The development is unique in that it was planned, approved, and constructed all in DuPage County. The existing conditions seeking variances from the Zoning Code were approved as part of the public process within DuPage County.

- (3) *The alleged difficulty or hardship has not been created by any person presently having an interest in the property:*

As previously mentioned, the subject property was approved in DuPage County as a Planned Unit Development which included approval of the setbacks and lot coverage currently being sought for zoning variations.

- (4) *The granting of the variances will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located:*

Granting the variations within the development will not have any impact on properties surrounding the development. The granting of the variations will bring all of the lots into conformance with the Zoning Code rather than allowing the lots to remain as nonconforming, which could have an impact on property values.

- (5) *The proposed variances will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety or substantially diminish or impair property values within the neighborhood:*

The proposed variances are to address existing conditions. Those existing conditions are not currently impairing or impacting the supply of light or air to adjacent properties nor are they increasing the congestion of public streets, increasing the danger of fire, or endangering public safety. The granting of the variations will bring all of the lots into conformance with the Zoning Code to strengthen property values. If the lots remain as nonconforming, the ability to rebuild any damaged improvement on the property is diminished and could therefore have a negative impact on property values.

- (6) *The proposed variances comply with the spirit and intent of the restrictions imposed by this Code:*

The variances will bring previously approved conditions into compliance with the West Chicago Zoning Code and eliminate nonconformity with the Code.

A roll call vote found Commissioners Banasiak, Billingsley, Terrazas, and Henkin, and Chairperson Laimins voting “aye”. No one voted “no”. With a roll call vote of five (5) “aye” and zero (0) “no”, the motion carried.

14. Petition Updates/Staff Report

Mr. Sterrett provided a brief update on upcoming projects and previously approved projects.

15. Adjournment

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With no further business to discuss, Commissioner Billingsley made a motion, seconded by Commissioner Henkin to adjourn the meeting. With a voice vote of all ayes, the motion carried and the Plan Commission, at 8:16 p.m., adjourned.

Respectfully Submitted,
John Sterrett, City Planner

