

# CITY OF WEST CHICAGO

WHERE HISTORY & PROGRESS MEET

Approved 6.7.22

## MEETING MINUTES

### PLAN COMMISSION/ZONING BOARD OF APPEALS

May 3, 2022 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 Slattery present. Commissioners Hale and Kasprak were absent. With five members present, a quorum was established.

Staff in attendance was City Planner John Sterrett.

#### 2. Chairman's Comments – None.

#### 3. Public Comment - None

#### 4. Approval of the Draft Minutes of the April 5, 2022 Plan Commission Meeting

Commissioner Billingsley made a motion, seconded by Commissioner Banasiak, to approve the April 5, 2022 Plan Commission meeting minutes as presented. With a voice vote of three ayes, zero noes, and two abstentions, the motion carried.

#### 5. Public Hearing of Case PC 22-01 – Zoning Map Amendment – 31W255 Roosevelt 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 and the Plan Commission opened the public hearing.

Mr. Sterrett was duly sworn in. Mr. Sterrett stated that this is a request from 1300 Roosevelt Investors LLC for a Zoning Map Amendment to rezone approximately 51 acres at the southeast corner of Roosevelt Road and Fabyan Parkway, known as 31W255 Roosevelt Road from the current zoning designation of ORI (Office Research and Industrial) to M Manufacturing. The petitioner intends to eventually develop the property with one or possibly two spec industrial buildings, which will be reviewed by Plan Commission at a later date once plans are received.

The City's Comprehensive Plan for this area calls for Industrial, which is consistent with the requested zoning designation. Staff is of the opinion the proposed zoning designation is appropriate for this property and is in keeping with the overall trend in development in the immediate vicinity. Staff recommends the Plan Commission pass a motion recommending approval of the proposed zoning map amendment for 31w255 Roosevelt Road from ORI to Manufacturing. Included in the staff report are draft findings of fact prepared by staff supporting this recommendation for consideration by the Plan Commission to adopt with its recommendation.

Commissioner Banasiak made a motion, seconded by Commissioner Kasprak, to continue the public hearing to May 3, 2022. With a voice vote of all ayes the motion carried and the Plan Commission continued the public hearing to the May 3, 2022 meeting.

Andrew Scott of Dykema Law Firm, attorney for the petitioner, was duly sworn in and gave a brief background on the request.

With all members of the public having had the opportunity to speak, and with all Plan Commissioners having the opportunity to question the petitioner and staff, Commissioner Slattery made a motion, seconded by Commissioner Billingsley, to close the public hearing. With a voice vote of all “aye” and zero (0) “no”, the motion carried and the public hearing was closed.

## **6. Review and Recommendation of Case PC 22-01 – Zoning Map Amendment – 31W255 Roosevelt**

The Plan Commission began deliberating the proposed zoning map amendment. Commissioner Billingsley made a motion, seconded by Commissioner Henkin, to recommend approval of the requested zoning map amendment conditioned that the zoning map amendment take effect once the property has been closed upon by the petitioner.

And that the following Findings of Fact be incorporated into this recommendation:

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

The property is undeveloped farmland with a zoning designation of ORI.

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

The immediate surrounding area is undeveloped farmland with zoning districts consisting of ORI and the Airport District. Other uses along Roosevelt Road in the vicinity are primarily industrial consisting of ORI and M zoning with some small commercial at the intersection of Roosevelt Road and Fabyan Parkway.

### ***3. The suitability of the property in question for uses already permitted under the existing regulations.***

The conditions of the property itself do not prevent ORI uses from occurring but it will have no frontage along Roosevelt Road which limits its potential for future commercial or office uses with the ORI district. Furthermore, the trend in development in the vicinity has been industrial, which is favorable to the current market.

### ***4. The suitability of the property in question for the proposed use.***

The large size of the property is suitable for the construction of two industrial buildings. Preliminary engineering has been reviewed by staff to determine the feasibility of utility connections and stormwater detention and found to be acceptable. Additional engineering will need to be reviewed at the time when the property comes in for development. As previously mentioned, a roadway will be constructed by the petitioner between Fabyan Parkway and Roosevelt Road to serve the proposed industrial uses on the property as well as future commercial uses on the adjacent properties along Roosevelt Road.

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

Over the last several years, there has been a significant amount of development consistent with uses permitted in the M District within the DuPage Business Center. As the DuPage Business Center

becomes fully built-out, development is moving towards Fabyan Parkway. This trend is reflected in the Comprehensive Plan which designates these areas as industrial.

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

The City's Comprehensive Plan designates this property as Industrial, which is consistent with the Manufacturing zoning designation the petitioner is seeking.

**7. Impact on surrounding properties.**

Properties to the east and west of the subject property, as well as properties further south on Fabyan Parkway, are anticipated to be developed with industrial uses. The DuPage Business Center to the west has a significant amount of existing industrial buildings that have had a positive impact on the community by diversifying the City's economic base.

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

The proposed rezoning should not have an adverse impact on the health, safety, or welfare of the community. The area in question is anticipated to be developed with uses consistent with the City's M Manufacturing District and will be harmonious with the previous development that has occurred at the DuPage Business Center to the west that is now trending in the area.

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

**7. Public Hearing of Case PC 22-08 – Zoning Text Amendment – Outdoor Seating on Public Sidewalks**

Commissioner Banasiak made a motion, seconded by Commissioner Slattery, to open the public hearing. With a voice vote of all ayes the motion carried and the Plan Commission opened the public hearing.

Mr. Sterrett was duly sworn in. Mr. Sterrett stated that at the beginning of the pandemic, many restaurants established outside seating areas to stay open because indoor dining was not possible at the time. As Illinois began lifting its restrictions on indoor dining, the popularity of outside dining among patrons remained. For some restaurants, specifically those in the downtown, no space exists outside their building where outside dining can occur. The only open space adjacent to some restaurants is the public sidewalk. Although outside seating on the public sidewalk was allowed temporarily during the pandemic restrictions, City Code does not expressly permit it.

Staff has received inquiries from restaurants on the possibility of outside seating on the public sidewalk for this season and in the future. This topic was discussed by the Development Committee in April and members of the Committee instructed staff to prepare code amendments allowing outside seating in the public right-of-way. When regulated properly, outside dining on the public sidewalk can have a positive impact on the downtown to promote a lively and active area. The City's recently adopted Comprehensive Plan envisions this type of practice with an implementation strategy to "Support restaurants' and other vendors' outside offerings during three or four seasons."

Staff is proposing a Zoning Text Amendment that allows outside seating on a public sidewalk as an ancillary use to restaurants in all business districts. A restaurant seeking outside seating on a public

sidewalk would be required to obtain a license agreement with the City prior to utilizing the public right-of-way for this use. Because this type of use regulates an activity within the public right-of-way rather than on private property, the specific requirements for outside seating would be located outside of the Zoning Code and within Chapter 9 of the Code of Ordinances (Licenses, Permits, and Business Regulations).

Although the Plan Commission is tasked only with conducting a public hearing and making a recommendation on the proposed Zoning Text Amendment to Article X of the Zoning Code, staff has included the proposed regulations within Chapter 9 for reference. When this matter was discussed at the Development Committee, members of the Committee stressed the importance of finalizing the amendment in May so restaurants can be ready for outside dining before the summer season.

Members of the Plan Commission expressed concern that the regulations for outdoor dining had not yet been approved prior to allowing outdoor dining on the public sidewalk as an ancillary use. There was also concern with the proposed regulations themselves, such as requiring tables and chairs to be located right up against the building and the absence of a required barrier around the seating area. Members of the Commission also suggested that seating be permitted on platforms within designated areas next to the sidewalk such as in a parking stall.

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 Billingsley, to close the public hearing. With a voice vote of all “aye” and zero (0) “no”, the motion carried and the public hearing was closed.

## **8. Review and Recommendation of Case PC 22-08 – Zoning Text Amendment – Outdoor Seating on Public Sidewalks**

The Plan Commission deliberated the Zoning Text Amendment. Commissioner Henkin made a motion, seconded by Commissioner Billingsley, to recommend approval of the proposed Zoning Text Amendment with the following conditions:

1. That a barrier be required to separate the seating areas from the sidewalk.
2. That platforms be permitted to be located in a parking stall to serve a seating area.
3. That signage be placed in the seating area alerting patrons that alcohol may not be taken out of the seating area.

A roll call vote found Commissioners Billingsley, Henkin, and Slattery voting “aye” and Commissioner Banasiak and Chairperson Laimins voting “no”. With a roll call vote of three (3) “aye” and two (2) “no”, the motion, having not received a majority of aye votes from Plan Commissioners in office, failed.

## **6. Other Business**

Mr. Sterrett stated that staff will begin preparing Plan Commission bylaws for review and comment by the Plan Commission.

## **7. Adjournment**

Commissioner Slattery made a motion, seconded by Commissioner Banasiak to adjourn the meeting. With a voice vote of all aye the motion carried and the Plan Commission, at 7:54 p.m., adjourned.

Respectfully Submitted,  
John Sterrett, City Planner