

# CITY OF WEST CHICAGO

WHERE HISTORY & PROGRESS MEET

## DEVELOPMENT COMMITTEE

**Monday, May 9, 2022**  
**7:00 P.M. - Council Chambers**

### AGENDA

1. Call to Order, Roll Call, and Establishment of a Quorum
2. Approval of Minutes
  - A. April 11, 2022
3. Public Participation
4. Items for Consent.
5. Items for Discussion
  - A. **Outdoor Dining** – Several text amendments are proposed to allow seasonal outdoor dining, with liquor service, within the public right of way (it is already allowed on private property). Licensing and insurance would be required, along with a number of other regulations.
  - B. **The Preserve at West Branch** –The Plan Commission voted unanimously to recommend a proposed 266-unit single-family Pulte development known as The Preserve at West Branch, located north of the St. Andrews Golf Course property. This item was tabled last month because of a request from a nearby Homeowners' Association.
6. Unfinished Business
7. New Business
8. Reports from Staff
9. Adjournment

**Draft**

## **MINUTES**

### **DEVELOPMENT COMMITTEE**

**April 11, 2022 7:00 P.M.**

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

Alderman Stout called the meeting to order at 7:00 p.m.

Roll call found Aldermen Melissa Birch Ferguson, Christine Dettmann, John Jakabcsin, Jayme Sheahan, and Rebecca Stout present.

Also in attendance was Community Development Director, Tom Dabareiner.

**2. Approval of Minutes.**

**A. March 14, 2022.**

**Alderman Dettman moved and Alderman Jakabcsin seconded a motion to approve the minutes. Voting Aye: Aldermen Birch Ferguson, Dettmann, Jakabcsin, Sheahan and Stout.**

Alderman Stout announced a change in the Agenda order whereby Item for Discussion 5. A., The Preserve at West Branch, would come next.

**5. Items for Discussion.**

**A. The Preserve at West Branch** – Last month, the Plan Commission voted unanimously to recommend a proposed 226-unit single-family Pulte development known as the Preserve at West Branch, located north of the St. Andrews Golf Course property. Staff has received a request for continuance from a Homeowners' Association (letter included). Upcoming available meeting dates include a special meeting date of either Wednesday, April 27 or May 4, or the next regularly scheduled Development Committee meeting on Monday, May 9.

Tom Dabareiner indicated that a request was received to continue this discussion to another meeting. Staff selected some possible options to schedule a special meeting or the Committee may proceed with the discussion.

**Alderman Birch Ferguson moved to table this discussion until the next regularly scheduled Development Committee meeting on May 9, 2022, and Alderman Dettman seconded the motion. Voting Aye: Aldermen Birch Ferguson, Dettmann, Jakabcsin, Sheahan and Stout.**

**3. Public Participation.** None.

**4. Items for Consent.** None.

**6. Unfinished Business.** None.

**7. New Business.**

**A. Outdoor Dining** – Discussion is requested on whether the Development Committee wishes to see Outdoor Dining in the Public Right of Way continued, at all, or either seasonally or year-round, as a Special Use (recommended) or Permitted Use, and have Staff develop formal regulations for consideration at the next available Plan Commission Meeting.

Alderman Stout stated they are always looking for ways to help their small businesses. The COVID Pandemic affected many businesses, but some adaptations were made in order to help them keep functioning. Tonight's discussion is to explore the potential for making permanent some of the allowances given during the Pandemic and to have staff look into corresponding language for text amendments.

Alderman Birch Ferguson said she is in favor of allowing businesses to continue doing this.

Alderman Stout recognized Alan Gilbert, owner of The Bunker Bar & Grille, 216 Main St., to speak. He thanked the Members for the opportunity to speak and that it means a lot to the owners and patrons of his business to explore this option. He relayed the City provided for the purchase of and allowed them to put tables and chairs in front of this business. Eventually, they found a way to make the setup work while still allowing for proper sidewalk clearance. The surrounding businesses also benefitted from the increased foot traffic. It made the downtown look lively. Now he has to store the outdoor tables and chairs, however, as he has no other place to put them.

Alderman Dettman asked if there were ever any problems with accessibility. Mr. Gilbert said they did once, but they made some adjustments to make it work. He stated he has heard that some cities have businesses sign agreements regarding outdoor seating in the Public Right of Way.

Alderman Sheahan said she thinks it is a good idea, but she believes more structure needs to be put in place. Alderman Dettman stated the Pandemic is not really over as businesses are still playing catch up. The tables, chairs and tents purchased should not go to waste. Outdoor dining makes the City look vibrant, and as long as it is safe she is all for it.

Alderman Jakabcsin stated he is all for it as long as there is a walking path for strollers and passersby. He mentioned other cities allow for this and it seems to work quite well. Even the outdoor tents in winter seem to work well. Mr. Gilbert mentioned smoking and hat he has had to work with smokers to ensure they are a proper distance away. Mr. Dabareiner indicated that smokers would need to be at least 15 feet away from any outdoor patrons. Mr. Gilbert said he is happy to comply with whatever rules he needs to follow. Mr. Jakabcsin stated that he would like to see this change come about as quickly as possible as he has heard case counts are rising in some areas of the country. Mr. Gilbert indicated he also would like to have the two parking spots in front of his establishment for table use.

Alderman Stout indicated the members seem to have unanimous support. Mr. Dabareiner said that more direction is looked-for regarding the serving of alcohol on public property. Alderman Birch Ferguson said she is in favor of allowing it seasonally with their liquor license. She supports a Special Use, but does not want the businesses to pay an additional fee. Mr. Dabareiner stated that a Special Use is proposed by to ensure that other requirements, such as ADA regulations, are met. Alderman Stout asked how to put limits in place to not allow alcohol to be served on public property everywhere. Mr. Dabareiner suggested making allowances for the Downtown TIF area, but indicated these types of restrictions are difficult to put in place. Alderman Dettman asked if liquor licenses could be limited. Mr. Dabareiner said yes, but they could not control in which areas they would apply. Alderman Sheahan said she does not feel it would be fair to only allow for this in the TIF area. Alderman Stout asked if it would be possible to add stipulations within a Special Use to define the allowable areas.

Alan Gilbert mentioned he is one of the few establishments looking for use in the Public Right of Way. Alderman Dettman asked about limiting the number of current licenses, and then allowing for more if needed. Further discussion ensued among the Alderman, Mr. Gilbert and Mr. Dabareiner about special use options and changing the liquor license requirements for outdoor dining with seasonal restrictions. Mr. Dabareiner said this Item would come back to the Committee for discussion and he asked about timing. Alderman Stout suggested it be the first Item on the Agenda in May to address this matter promptly.

**8. Reports from Staff.** None.

**8. Adjournment.**

**Alderman Birch Ferguson moved, and Alderman Dettman seconded the motion to adjourn the Development Committee meeting at 7:23 p.m. Voting Aye: Aldermen Birch Ferguson, Dettman, Jakabcsin, Sheahan and Stout.**

Respectfully submitted,

Jane Burke

Development Committee Minutes  
April 11, 2022

## CITY OF WEST CHICAGO

### DEVELOPMENT COMMITTEE AGENDA ITEM SUMMARY

**ITEM TITLE:**

Municipal Code Text Amendments to Allow  
Outdoor Dining in the Public Right of Way

Ordinance No. 22-O-0017, Ordinance No. 22-O-0018,  
Ordinance No. 22-O-0019 & Ordinance No. 22-O-0020

**AGENDA ITEM NUMBER:** 5.A.

**FILE NUMBER:** \_\_\_\_\_

**COMMITTEE AGENDA DATE:** May 9, 2022

**COUNCIL AGENDA DATE:** \_\_\_\_\_

**STAFF REVIEW:** Tom Dabareiner, AICP

**SIGNATURE** \_\_\_\_\_

**APPROVED BY CITY ADMINISTRATOR:** Michael Guttman

**SIGNATURE** \_\_\_\_\_

On April 11, 2022, members of the Development Committee asked Staff to prepare the necessary text amendments to allow outdoor dining within the Public Right of Way. Staff researched what other municipalities do and drafted four ordinances that, combined, would achieve the level of outdoor dining desired by Committee members. These are:

- **22-O-0017:** Zoning Ordinance Text Amendment to allow outdoor dining where restaurants abut Public Right of Way and no privately owned land is available for this purpose. Outdoor Dining would be allowed in the Public Right of Way only within the three Business Zoning Districts.
- **22-O-0018:** A \$50 fee is proposed to obtain an Outdoor Dining License, representing the cost of registering and inspecting the Outdoor Dining location.
- **22-O-0019:** This text amendment sets out the requirements to obtain and adhere to a license for outdoor dining, bracketed by May 1-October 31 operational dates, and including the need to protect space for ADA passage, the need for insurance to protect the City, and prohibiting the serving of alcohol without a Class L License,
- **22-O-0020:** Adds a Class L liquor license category that must be obtained in addition to the restaurant's indoor liquor license, with respective requirements including the prohibition of glass containers, food requirements, and terminating consumption by 10:30PM.

Each ordinance modifies a specific, separate and relevant section of the Municipal Code but should be considered together to provide patrons with a full and safe restaurant experience while dining outdoors.

At their meeting held May 3, Plan Commissioners voted 3-2, with the majority supporting the text amendments. However, this is still an insufficient number to make an official recommendation.

**ACTIONS PROPOSED:**

Discussion and recommend approval of Outdoor Dining in the Public Right of Way text amendments.

**COMMITTEE RECOMMENDATION:**

## **ORDINANCE NO. 22-O-0017**

### **AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST CHICAGO – APPENDIX A ARTICLE X OF THE ZONING CODE RELATING TO OUTSIDE SEATING IN THE PUBLIC RIGHT-OF-WAY**

WHEREAS, many restaurants provided outside seating areas during the COVID-19 Pandemic to stay open because indoor dining was not possible at the time; and

WHEREAS, as restrictions on indoor dining began to lift, the popularity of outside dining among patrons remained; and

WHEREAS, for some restaurants in the downtown, the only open space outside for outdoor dining is the public sidewalk; and

WHEREAS, the City's Code of Ordinances does not expressly permit outside seating on the public sidewalk within the public right-of-way; and

WHEREAS, when regulated properly, outside dining on the public sidewalk can have a positive impact on the downtown to promote a lively and active area; and

WHEREAS, the City's Comprehensive Plan envisions this type of practice with an implementation strategy to support restaurants' outside offerings during various seasons; and

WHEREAS, the City Council believes it is in the best interest of the City to amend the Business District of the Zoning Code to allow this type of ancillary use for restaurants; and

WHEREAS, Notice of Public Hearing on said text amendment was published in the Daily Herald on or about April 18, 2022, as required by the ordinances of the City of West Chicago and the statutes of the State of Illinois; and

WHEREAS, a Public Hearing was conducted by the Plan Commission/Zoning Board of Appeals of the City of West Chicago on May 3, 2022 pursuant to said Notice; and

WHEREAS, at the Public Hearing all interested parties had an opportunity to be heard; and

WHEREAS, the corporate authorities of the City of West Chicago have received the recommendation of the Plan Commission/Zoning Board of Appeals, pursuant to Recommendation No. 21-RC-0006, a copy of which is attached hereto as Exhibit "A" which is, by this reference, made a part hereof.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of West Chicago, Du Page County, Illinois, in regular session assembled, as follows:

Section 1. That Section 10.2-1 (Use Restrictions) of Article X (Business) of Appendix A (the Zoning Code) of the Code of Ordinances of the City of West Chicago be amended as follows:

(D) An outside seating area located entirely on private property is permitted ancillary to a permitted or special use provided the area does not encroach onto any required parking spaces or interfere with vehicle or pedestrian traffic. If located on a walkway, a minimum of ~~four~~ three-foot wide clearance shall be preserved.

(G) An outside seating area located on a public sidewalk within the public right-of-way is permitted as an ancillary use to a restaurant provided, however, that a license agreement pursuant to Article XXX of Chapter 9 of the Code of Ordinances of the City of West Chicago has been approved by the City prior to implementing the seating area.

Section 2. That Section 10.3-1 (Use Restrictions) of Article X (Business) of Appendix A (the Zoning Code) of the Code of Ordinances of the City of West Chicago be amended as follows:

(C) An outside seating area located entirely on private property is permitted ancillary to a permitted or special use provided the area does not encroach onto any required parking spaces or interfere with vehicle or pedestrian traffic. If located on a walkway, a minimum of ~~four~~ three-foot wide clearance shall be preserved.

(H) An outside seating area located on a public sidewalk within the public right-of-way is permitted as an ancillary use to a restaurant provided, however, that a license agreement pursuant to Article XXX of Chapter 9 of the Code of Ordinances of the City of West Chicago has been approved by the City prior to implementing the seating area.

Section 3. That Section 10.4-1 (Use Restrictions) of Article X (Business) of Appendix A (the Zoning Code) of the Code of Ordinances of the City of West Chicago to add the following:

(B) An outside seating area located entirely on private property is permitted ancillary to a permitted or special use provided the area does not encroach onto any required parking spaces or interfere with vehicle or pedestrian traffic. If located on a walkway, a minimum of ~~four~~ three-foot wide clearance shall be preserved.

(E) An outside seating area located on a public sidewalk within the public right-of-way is permitted as an ancillary use to a restaurant provided, however, that a license agreement pursuant to Article XXX of Chapter 9 of the Code of Ordinances of the City of West Chicago has been approved by the City prior to implementing the seating area.

Section 4. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

Section 5. That this Ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form as provided by law.



PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Alderman Beifuss \_\_\_\_\_

Alderman Chassee \_\_\_\_\_

Alderman Sheehan \_\_\_\_\_

Alderman Brown \_\_\_\_\_

Alderman Hallett \_\_\_\_\_

Alderman Dettmann \_\_\_\_\_

Alderman Birch-Ferguson \_\_\_\_\_

Alderman Dimas \_\_\_\_\_

Alderman Swiatek \_\_\_\_\_

Alderman Garling \_\_\_\_\_

Alderman Stout \_\_\_\_\_

Alderman Short \_\_\_\_\_

Alderman Jakabcsin \_\_\_\_\_

Alderman Morano \_\_\_\_\_

APPROVED as to form: \_\_\_\_\_  
City Attorney

APPROVED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mayor Ruben Pineda

ATTEST:

\_\_\_\_\_  
Deputy City Clerk Valeria Perez

PUBLISHED: \_\_\_\_\_



## EXHIBIT "A"

RECOMMENDATION # 22-RC-0006

TO: The Honorable Mayor and City Council

SUBJECT: PC 22-08  
Zoning Text Amendment for Ancillary Outside Seating in the Public Right-of-Way.

DATE: May 3, 2022

DECISION: With a roll call vote of three (3) "yes" and two (2) "no, the motion to recommend approval did not carry.

Respectfully submitted,

Barbara Laimins  
Chairperson

### VOTE:

For  
Slattery  
Billingsley  
Henkin

Against  
Laimins  
Banasiak

Abstain

Absent  
Hale  
Kasprak

## Ordinance No. 22-O-0018

### AN ORDINANCE AMENDING APPENDIX G - FEE SCHEDULE, SECTION 2.1 – ANNUAL LICENSES AND RELATED FEES, OF THE CODE OF ORDINANCES OF THE CITY OF WEST CHICAGO FOR OUTDOOR DINING

BE IT ORDAINED by the City Council of the City of West Chicago, Illinois, in regular session assembled, that the City Code is amended as follows:

Section 1. That Appendix G, Section 2.1, of the Code of Ordinances of the City of West Chicago entitled “Annual Licenses and Related Fees” is hereby amended to add the following fee:

*Outdoor Seating License Agreement .....\$50.00*

Section 2. All ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

Section 3. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2022.

Alderman L. Chassee \_\_\_\_\_  
Alderman J. Sheahan \_\_\_\_\_  
Alderman A. Hallett \_\_\_\_\_  
Alderman S. Dimas \_\_\_\_\_  
Alderman C. Swiatek \_\_\_\_\_  
Alderman R. Stout \_\_\_\_\_  
Alderman J. Jakabcsin \_\_\_\_\_

Alderman J. Beifuss \_\_\_\_\_  
Alderman H. Brown \_\_\_\_\_  
Alderman C. Dettmann \_\_\_\_\_  
Alderman M. Birch-Ferguson \_\_\_\_\_  
Alderman M. Garling \_\_\_\_\_  
Alderman J. Short \_\_\_\_\_  
Alderman J. Morano \_\_\_\_\_

APPROVED as to form:

\_\_\_\_\_  
City Attorney

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2022

\_\_\_\_\_  
Ruben Pineda, Mayor

ATTEST:

\_\_\_\_\_  
Deputy City Clerk Valeria Perez

PUBLISHED: \_\_\_\_\_

## **ORDINANCE NO. 22-O-0019**

### **AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST CHICAGO – CHAPTER 9 (LICENSES, PERMITS, AND BUSINESS REGULATIONS), ADDING A NEW ARTICLE XXX – OUTSIDE SEATING IN THE PUBLIC RIGHT-OF-WAY, SECTION 9-748 – 9-758**

WHEREAS, the City of West Chicago (hereinafter referred to as “City”) is a body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

WHEREAS, the City is authorized and empowered, under the Illinois Municipal Code, 65 ILCS 5/11-20-5 to regulate for the public health; and

WHEREAS, the City is authorized, pursuant to its police power, 65 ILCS 5/11-1-1, to carry out the powers delegated to it under its grants of authority; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of West Chicago, DuPage County, Illinois, as follows:

Section 1. Recitals. The facts and statements contained in the preambles to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. Adoption. Chapter 9 of the Code of Ordinances of the City of West Chicago shall be amended by the adoption of a new Article XXX as stated herein, which shall read as follows:

#### **“ARTICLE XXX. OUTSIDE SEATING IN THE PUBLIC RIGHT-OF-WAY**

##### **Sec. 9-748. – Exemptions.**

This article shall not be applicable to persons, businesses, or organizations that have outside seating when such seating is located entirely on private property owned or leased by the entity.

##### **Sec. 9-749. – License Required.**

It shall be unlawful for any person, business, or organization to place any tables, chairs, or any other type of seating on a public sidewalk without first obtaining approval of a license agreement for such from the City of West Chicago.

##### **Sec. 9-750. – License Agreement**

A license agreement shall be applied for each year in which a seating area on a public sidewalk is proposed. A license agreement shall expire on November 1<sup>st</sup> of the year it was issued. License agreements are nontransferable and may not be assigned to a third-party.

#### Sec. 9-751. – Location

The seating area shall be located on the side of the public sidewalk furthest away from a street and all tables and chairs shall be located up against the building. A seating area along the street side of a sidewalk is prohibited. The seating area shall not obstruct ingress to and egress from the licensed business nor any other business. A site plan shall be submitted at the time of application for a License Agreement indicating the number and location of tables and chairs.

#### Sec. 9-752. – Minimum Pedestrian Clearance

A minimum of 36 inches in width shall remain free and clear from any obstructions on the sidewalk within the public right-of-way for pedestrian traffic.

#### Sec. 9-753. – Prohibited Activities.

- (a) No food or drink preparation may occur in the seating area or elsewhere on the public sidewalk.
- (b) No dishes, utensils, menus, or other similar items may be stored in the seating area or elsewhere on the public sidewalk.
- (c) No host/hostess station may be located in the seating area or elsewhere on the public sidewalk.
- (d) In addition to any requirement of the Smoke Free Illinois Act (*410 ILCS 82*), no smoking shall be permitted within fifteen (15) of the seating area.
- (e) No alcohol may be served within the seating area unless a Class L license has been issued by the City. A Class L license shall allow alcohol to be served and consumed in the seating area but in no event shall alcohol be served or consumed elsewhere on the public sidewalk.
- (f) No video gaming devices may be located in the seating area or elsewhere on the public sidewalk.
- (g) No speakers or other outdoor amplification, including live entertainment, is permitted outside of the building. No speakers or other amplification, including live entertainment, originating from within the building may be situated or positioned with the intention of being heard from the seating area.
- (h) No signage, balloons, streamers, pennants, spinners, or any other object with the sole purpose of attracting vehicles or pedestrians to the seating area is permitted within any portion of the public right-of-way.

#### Sec. 9-754. – Maintenance

The seating area and nearby sidewalk shall be maintained at all times in a clean, healthy and attractive condition. This maintenance shall be the responsibility solely of the business. All trash originating in the seating area shall be disposed of within the building. No litter shall occur

within the public right-of-way as a result of the seating area at any time. If the City determines this requirement is not being met, the City may issue a notice of violation to the Licensee requiring immediate removal of litter by Licensee. If any litter originating from the seating area requires removal by the City, the Licensee shall be required to pay the Licensor the cost of removal.

Sec. 9-755. – Duration

An approved seating area shall be permitted on the public sidewalk only between May 1<sup>st</sup> and October 31<sup>st</sup>. The seating area shall be completely removed from the public sidewalk no later than November 1<sup>st</sup>.

Sec. 9-756. – Liability Insurance.

Licensee shall purchase and maintain comprehensive general liability insurance of \$1,000,000 for each occurrence and a general aggregate limit for professional liability insurance no less than \$2,000,000. The City of West Chicago, its officials, agents, employees, and volunteers shall be named as additionally insured. The additional insured is covered with respect to liability arising out of any bodily injury, death of any person, or property damage resulting from the use of the public right-of-way for the seating area. No endorsements or additional forms shall modify or limit coverage provided to additional insured. Coverage provided to additional insured shall be primary as it relates to use of public right-of-way for the seating area.

Sec. 9-757. – Application Fee

The application fee for a License Agreement shall be as prescribed in Appendix G.

Sec. 9-758. – Failure to Comply

Failure to comply with any requirements contained in this Article, or any requirement contained in the approved License Agreement, may be cause for revocation of the license agreement.”

Section 3. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed

Section 4. That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2022.

Alderman J. Beifuss \_\_\_\_\_

Alderman L. Chassee \_\_\_\_\_

Alderman J. Sheahan \_\_\_\_\_

Alderman H. Brown \_\_\_\_\_

Alderman A. Hallett \_\_\_\_\_

Alderman C. Dettmann \_\_\_\_\_

Alderman M. Birch-Ferguson \_\_\_\_\_

Alderman S. Dimas \_\_\_\_\_

Alderman C. Swiatek \_\_\_\_\_

Alderman M. Garling \_\_\_\_\_

Alderman R. Stout \_\_\_\_\_

Alderman J. Short \_\_\_\_\_

Alderman J. Morano \_\_\_\_\_

Alderman J. Jakabcsin \_\_\_\_\_

APPROVED as to form: \_\_\_\_\_  
City Attorney

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2022 .

\_\_\_\_\_  
Mayor, Ruben Pineda

ATTEST:

\_\_\_\_\_  
Deputy City Clerk Valeria Perez

PUBLISHED: \_\_\_\_\_

## ORDINANCE NO. 22-O-0020

### AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST CHICAGO, CHAPTER 3, ALCOHOLIC BEVERAGES ARTICLE II LICENSING SECTIONS 3-10 AND 3-17

WHEREAS, the City of West Chicago ("City") is a home rule unit under Article VII, Section 6, of the Illinois Constitution of 1970; and

WHEREAS, subject to said section, a home rule unit of government may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare, including the retail sales and distribution of alcoholic beverages; and

WHEREAS, further the Illinois Liquor Control Act of 1934, 235 ILCS 5/4-1 *et seq.* ("Act") authorizes municipalities to license, control, and restrict the sales of alcoholic beverages within their boundaries; and

WHEREAS, the City's Liquor Control Commission has recently reviewed the existing provisions relative to the retail sale and distribution of alcoholic beverages and has recommended various revisions to ordinances pertaining to this topic, as codified in Chapter 3 Alcoholic Beverages in the City's Code of Ordinances and has recommended various revisions thereto; and

WHEREAS the City Council has reviewed the requested revisions as set forth hereinbelow and has determined that the revisions are necessary and proper to update the City Code relative to the retail sale and distribution of alcoholic beverages in the City.

NOW, THEREFORE, be it ordained, by the City Council of West Chicago as follows:

Section 1. The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

Section 2. That Section 3-10 (Classifications) of Chapter 3 (Alcoholic Beverages), of the Code of Ordinances of the City of West Chicago is hereby amended to add the following underlined text:

"(l) Seating Area on Public Sidewalk – Class L.

A Class L license shall authorize the holder of a Class A-1, A-2, A-3, E-1 or E-3 license to sell alcoholic beverages within a specified and approved licensed seating area on a sidewalk within the public right-of-way adjacent to the specified premises. A Class L license may only be issued to a holder of a Class A-1, A-2, A-3, E-1 or E-3 who has obtained a license agreement from the City of West Chicago for such seating area. To qualify for a Class L license, an applicant must first be issued and hold a current A-1, A-2, A-3, E-1 or E-3 license. The Class L



license is supplemental and in addition to the original license and does not replace the original license.

All Class L License holders shall comply with the following requirements:

(1) All liquor service occurring in a licensed seating area shall end no later than 10:00 p.m., and all liquor consumption shall end no later than 10:30 p.m.

(2) Patrons shall be seated within the licensed seating area at all times when consuming alcoholic beverages.

(3) Alcohol may be served only by an employee of the restaurant eligible to serve alcohol from the restaurant and only to patrons that are located within the licensed seating area.

(4) No carryout service of any alcohol is permitted.

(5) No alcoholic beverages of any kind may be served in bottles.

(6) The service of alcoholic beverages shall be incidental to food service on the premises and shall only take place for patrons ordering food.”

Section 3. That Section 3-17 (Outdoor Seating Areas) of Chapter 3 (Alcoholic Beverages), of the Code of Ordinances of the City of West Chicago is hereby amended to add the following underlined text:

“Holders of licenses, other than a Class C license, may sell and serve alcoholic beverages in an outdoor seating area located on the licensed premises, provided that a Class K license is secured, in addition to the underlying license. The seating capacity and square footage of the outdoor seating area need not comply with the requirement of the license for such, if any, but shall not be considered for purposes of determining premises' compliance with the minimum requirements for such under the license. A Class K License is not applicable for outside seating located on a public sidewalk in the right-of-way. Outside seating located on a public sidewalk shall require a Class L License subject to the terms and conditions of Section 3-10 of this Chapter 3 and of Article XXX of Chapter 9 of the Code of Ordinances.”

Section 4. That if any section or provision of this Ordinance is construed to be invalid or void, the remaining sections or provisions shall remain in full force and effect thereafter.

Section 5. That this Ordinance shall be in full force and effect after its passage, approval, and publication in pamphlet form as provided by law.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2022.

Alderman L. Chassee	_____	Alderman J. Beifuss	_____
Alderman J. Sheahan	_____	Alderman H. Brown	_____
Alderman A. Hallett	_____	Alderman C. Dettmann	_____
Alderman S. Dimas	_____	Alderman M. Birch-Ferguson	_____
Alderman C. Swiatek	_____	Alderman M. Garling	_____
Alderman R. Stout	_____	Alderman J. Short	_____
Alderman J. Jakabcsin	_____	Alderman J. Morano	_____

APPROVED as to form: \_\_\_\_\_  
City Attorney

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Ruben Pineda, Mayor

ATTEST:

\_\_\_\_\_  
Deputy City Clerk Valeria Perez

PUBLISHED: \_\_\_\_\_

## CITY OF WEST CHICAGO

### DEVELOPMENT COMMITTEE AGENDA ITEM SUMMARY

**ITEM TITLE:**

The Preserve at West Bank  
Pulte Group, Inc.

Ordinance No. 22-O-0014

**AGENDA ITEM NUMBER:** 5.B.

**FILE NUMBER:** \_\_\_\_\_

**COMMITTEE AGENDA DATE:** May 9, 2022

**COUNCIL AGENDA DATE:** \_\_\_\_\_

**STAFF REVIEW:** Tom Dabareiner, AICP

**SIGNATURE** 

**APPROVED BY CITY ADMINISTRATOR:** Michael Guttman

**SIGNATURE** \_\_\_\_\_

The Pulte Group proposes construction of a single-family residential subdivision with 266 homes on property owned by and located just north of the St. Andrews Golf Course. At a special meeting held on March 22, the Plan Commission voted unanimously to recommend approval of the proposal to the Development Committee, based on its review of the Findings of Fact.

After that, the President of the Meadow Wood Homeowners' Association requested that the item be tabled at Development Committee so that area residents may "assemble...documents [and] fact check the information that was presented by Pulte". At the April 11 meeting, Development Committee members voted to table the item to tonight.

Copies of the plans are attached, along with a draft Ordinance to recommend to the City Council for approval. The current plans reflect changes that were made by Pulte. All site and building codes are met for the project. The plans also comply with the special provisions of the original 15-year-old Annexation Agreement covering the subject area. Concerns raised by some focus on traffic and stormwater; however, the City's traffic consultant and stormwater engineer believe, respectively, that the petitioner's traffic study is accurate and the stormwater requirements will need to be met.

**ACTIONS PROPOSED:**

Discussion and recommend approval of the single-family subdivision known as The Preserve at West Bank.

**COMMITTEE RECOMMENDATION:**

## **ORDINANCE NO. 22-O-0014**

### **AN ORDINANCE APPROVING THE PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN AND PLAT OF THE PRESERVE AT WEST BRANCH SMITH ROAD BETWEEN ILLINOIS ROUTE 59 AND KLEIN ROAD**

WHEREAS, on or about July 28, 2021, Pulte Home Company, LLC (the “APPLICANT”), filed an application for a Preliminary Planned Unit Development Plan and Plat for property located on the south side of Smith Road between Illinois Route 59 and Klein Road, legally described in Exhibit “A”, attached hereto and incorporated herein as the “SUBJECT REALTY”; and,

WHEREAS, the SUBJECT REALTY is subject to certain zoning requirements contained in the Second Amendment of the Annexation Agreement with St. Andrew’s Golf and Country Club, approved by the City Council on October 20, 2008, according to Resolution 08-R-0106 (the “ANNEXATION AGREEMENT”); and,

WHEREAS, the APPLICANT has incorporated within its application for a Preliminary Planned Unit Development Plan and Plat all zoning restrictions contained in the ANNEXATION AGREEMENT; and,

WHEREAS, Notice of Public Hearing on said application was published in the Daily Herald, was mailed via Certified Mail to all property owners within 250 feet of the SUBJECT REALTY, and was posted on the SUBJECT REALTY, all on November 24, 2021 and all as required by the ordinances of the City of West Chicago and the statutes of the State of Illinois; and,

WHEREAS, a Public Hearing was conducted by the Plan Commission/Zoning Board of Appeals of the City of West Chicago, commencing on December 15, 2021 and concluding on March 22, 2022, pursuant to said Notice; and,

WHEREAS, at the Public Hearing, the APPLICANT provided testimony in support of its application, and all interested parties had an opportunity to be heard; and,

WHEREAS, the corporate authorities of the City of West Chicago have received the recommendation of the Plan Commission/Zoning Board of Appeals for the Preliminary Planned Unit Development Plan and Plat with deviations from the Zoning Ordinance as required by the ANNEXATION AGREEMENT, and from the Subdivision Regulations Code, the latter of which contains specific findings of fact, pursuant to Recommendation No. 2022-RC-0004, a copy of which is attached hereto as Exhibit “B” which is, by this reference, incorporated herein.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of West Chicago, DuPage County, Illinois, in regular session assembled, as follows:

Section 1. That there is hereby approved, pursuant to the provisions of Section 15.3(B) of the Zoning Ordinance, a Preliminary Planned Unit Development Plan and Plat of the SUBJECT

REALTY, subject to the following conditions:

1. The site shall be developed in substantial compliance with the following plans and documents, attached as Exhibit "C" which are hereby approved and shall constitute the "Preliminary Planned Unit Development Plan":
  - a. Preliminary Subdivision Plan and P.U.D. for the Preserve at West Branch, consisting of five sheets (Sheet A1.0) prepared by Cemcon Ltd, dated July 21, 2021, with a final revision date of March 9, 2022 ("Preliminary Plan").
  - b. Preliminary Engineering Plans, consisting of five sheets, prepared by Cemcon Ltd, dated July 21, 2021, with a final revision date of March 9, 2022 ("Preliminary Engineering")
  - c. Preliminary Landscape Plan, consisting of ten sheets prepared by Signature Design Group, dated July 21, 2021 with a final revision date of March 4, 2022 ("Preliminary Landscaping").
  - d. Preserve at West Branch Elevation Selections, consisting of sixty-nine pages prepared by PulteGroup and dated July 30, 2021, with a final revision date of May 2, 2022 ("Building Elevations").
2. The Preliminary Engineering depicts the approved phasing of the development. The final plat for phase two of the development shall be recorded not later than five years following the City's acceptance of the public improvements for phase one of the development.
3. The approval of the Preliminary Planned Unit Development Plan is subject to Section 15.3(C) of the Zoning Ordinance which required the approval of a final plan and plat so long as the final plan and plat is in substantial conformity with the preliminary plan and plat.
4. Prior to the issuance of the first Certificate of Occupancy on the SUBJECT REALTY, and after a request is received in writing from a representative of the West Chicago Park District or the West Chicago Public Library District, APPLICANT shall cause the SUBJECT REALTY to be annexed into the applicable District boundaries.
5. As part of the construction of the roadway connection at Klein Road, APPLICANT shall at its own expense cause a speed limit sign for "30 MPH" and a radar speed indicator sign to be installed on Klein Road. The location of such signs shall be determined based on direction from City staff.
6. That all conditions and requirements contained in the ANNEXATION AGREEMENT shall remain in full force and effect, throughout the term of the ANNEXATION AGREEMENT.
7. APPLICANT may submit building permit applications to the City for master plan approval for each floor plan. Master plan approval for a floor plan shall not relieve Developer from the obligation, as set forth in City Code, to submit a separate building permit for each lot prior to the commencement of construction, but shall serve as a mechanism to facilitate prompt and efficient review of individual building permit applications to the

City.

Section 2. That this Ordinance shall constitute approval of the deviations from the City of West Chicago Zoning Ordinance and Subdivision Regulations Code for the SUBJECT REALTY, as set forth in Exhibit B and shown in Exhibit C:

Section 3. That all ordinances and resolutions, or parts thereof, shall, to the extent not expressly modified by the terms and conditions of this Ordinance, remain in full force and effect as therein provided.

Section 4. That this Ordinance shall be in full force and effect ten (10) days from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Alderman Beifuss	_____	Alderman Chassee	_____
Alderman Sheehan	_____	Alderman Brown	_____
Alderman Hallett	_____	Alderman Dettmann	_____
Alderman Birch-Ferguson	_____	Alderman Dimas	_____
Alderman Swiatek	_____	Alderman Garling	_____
Alderman Stout	_____	Alderman Short	_____
Alderman Jakabcsin	_____	Alderman Morano	_____

APPROVED as to form: \_\_\_\_\_  
City Attorney

APPROVED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mayor Ruben Pineda

ATTEST:

\_\_\_\_\_  
Deputy City Clerk Valeria Perez

PUBLISHED: \_\_\_\_\_

## **EXHIBIT "A"**

### **LEGAL DESCRIPTION**

#### **PARCEL 1**

THAT PART OF THE WEST HALF OF SECTION 22, TOWNSHIP 40 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED BY COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 22; THENCE SOUTH 89 DEGREES 39 MINUTES 12 SECONDS WEST, 1071.54 FEET ALONG THE SOUTH LINE OF SAID QUARTER SECTION TO THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 39 MINUTES 12 SECONDS WEST, 1561.05 FEET ALONG SAID SOUTH LINE TO THE SOUTHWEST CORNER OF SAID QUARTER SECTION; THENCE NORTHERLY ALONG THE WEST LINE OF SAID QUARTER SECTION AS MONUMENTED BY THE EAST LINE OF ST. ANDREWS ESTATES, ST. ANDREWS HILLS AND THE SOUTHERLY EXTENSION OF SAID EAST LINE TO THE CENTERLINE OF SMITH ROAD; THENCE NORTH 74 DEGREES 43 MINUTES 56 SECONDS EAST, 940.22 FEET ALONG SAID CENTERLINE TO AN ANGLE POINT THEREIN; THENCE NORTH 85 DEGREES 12 MINUTES 59 SECONDS EAST, 547.26 FEET ALONG SAID CENTERLINE TO AN ANGLE POINT THEREIN; THENCE NORTH 83 DEGREES 32 MINUTES 09 SECONDS EAST, 113.87 FEET ALONG SAID CENTERLINE; THENCE SOUTH 01 DEGREE 27 MINUTES 00 SECONDS WEST, 2680.84 FEET PARALLEL WITH THE EAST LINE OF THE WEST HALF OF SAID SECTION 22 TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THAT PART PLATTED AS ST. ANDREWS ASSESSMENT PLAT RECORDED AS DOCUMENT R1992-011782, IN DUPAGE COUNTY ILLINOIS.



PARCEL 2

THAT PART OF THE WEST HALF OF SECTION 22, TOWNSHIP 40 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED BY COMMENCING AT THE CENTER OF SAID SECTION; THENCE SOUTH 01 DEGREE 27 MINUTES 00 SECONDS WEST, 1345.98 FEET ALONG THE EAST LINE OF ST. ANDREWS TRACE SUBDIVISION AND ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION TO THE POINT OF BEGINNING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION; THENCE SOUTH 01 DEGREE 27 MINUTES 00 SECONDS WEST, 1322.70 FEET ALONG SAID EAST LINE TO THE SOUTHEAST CORNER OF SAID QUARTER SECTION; THENCE NORTH 89 DEGREES 39 MINUTES 12 SECONDS WEST, 1071.54 FEET ALONG THE SOUTH LINE OF SAID QUARTER SECTION; THENCE NORTH 01 DEGREE 27 MINUTES 00 SECONDS EAST, 2680.81 FEET PARALLEL WITH THE EAST LINE OF THE WEST HALF OF SAID SECTION TO THE CENTERLINE OF SMITH ROAD; THENCE NORTH 83 DEGREES 33 MINUTES 09 SECONDS EAST, 137.60 FEET ALONG SAID CENTERLINE TO THE WEST LINE OF ST. ANDREWS TRACE SUBDIVISION, RECORDED AS DOCUMENT R1985-1055825; THENCE SOUTH 01 DEGREE 27 MINUTES 00 SECONDS WEST, 1356.30 FEET ALONG SAID WEST LINE PARALLEL WITH THE EAST LINE OF SAID WEST HALF TO THE SOUTHWEST CORNER OF SAID SUBDIVISION; THENCE SOUTH 88 DEGREES 32 MINUTES 30 SECONDS EAST, 935.05 FEET ALONG THE SOUTH LINE OF SAID SUBDIVISION TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THAT PART THEREOF LYING NORTH OF THE SOUTH 100 FEET AND EAST OF THE EAST 366.10 FEET OF SAID PARCEL (AS MEASURED AT RIGHT ANGLES TO THE EAST AND SOUTH LINE, RESPECTIVELY, OF SAID PARCEL) IN DUPAGE COUNTY, ILLINOIS.

PARCEL 3

THE SOUTH 100 FEET OF THAT PART OF THE EAST HALF OF SECTION 22, TOWNSHIP 40 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED BY COMMENCING AT THE SOUTHWEST CORNER OF SAID EAST HALF; THENCE NORTH 01 DEGREE 24 MINUTES 47 SECONDS EAST, 2668.55 FEET ALONG THE WEST LINE OF SAID EAST HALF TO THE SOUTHWEST CORNER OF BANIGAR'S WAYNE CENTER UNIT NO. 3 RECORDED AS DOCUMENT R1967-012399; THENCE NORTH 80 DEGREES 03 MINUTES 40 SECONDS EAST, 1315.41 FEET ALONG THE SOUTH LINE OF SAID SUBDIVISION TO AN ANGLE POINT IN SAID SOUTH LINE; THENCE NORTH 84 DEGREES 33 MINUTES 35 SECONDS EAST, 345.52 FEET ALONG SAID SOUTH LINE TO THE CENTER LINE OF KLIEN ROAD; THENCE SOUTH 01 DEGREE 59 MINUTES 37 SECONDS WEST, 2955.79 FEET ALONG SAID CENTERLINE TO THE SOUTH LINE OF SAID SECTION; THENCE NORTH 89 DEGREES 03 MINUTES 14 SECONDS WEST, 1602.83 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING, EXCEPT THAT PART PLATTED AS PEPPER HILL RECORDED AS DOCUMENT R1986-144433 AND WAYNE TOWNSHIP HIGHWAY GARAGE ASSESSMENT PLAT RECORDED AS DOCUMENT R1992-011388, IN DUPAGE COUNTY, ILLINOIS; (THE EXCEPTION TO PARCEL 2 AND THE REMAINDER TO PARCEL 3 ALSO GENERALLY KNOWN AS AND DESCRIBED AS FOLLOWS, COLLECTIVELY, PURSUANT TO A CONVEYANCE OF A PARCEL OF LAND TO THE FOREST PRESERVE DISTRICT OF DUPAGE COUNTY: THAT PART OF SECTION 22, TOWNSHIP

40 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED BY COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 22; THENCE NORTH 00 DEGREE 24 MINUTES 18 SECONDS EAST, 100.00 FEET ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 18 MINUTES 27 SECONDS WEST, 366.17 FEET PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE NORTH 00 DEGREE 24 MINUTES 18 SECONDS EAST, 1229.99 FEET PARALLEL WITH THE EAST LINE OF SAID SOUTHWEST QUARTER TO THE SOUTH LINE OF ST. ANDREWS TRACE SUBDIVISION RECORDED AS DOCUMENT R1985-105582; THENCE SOUTH 89 DEGREES 35 MINUTES 07 SECONDS EAST, 366.10 FEET ALONG SAID SOUTH LINE TO THE SOUTHEAST CORNER OF SAID SUBDIVISION; THENCE NORTH 00 DEGREE 24 MINUTES 18 SECONDS EAST, 1345.78 FEET ALONG THE EAST LINE OF SAID SUBDIVISION AND ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER TO THE SOUTHWEST CORNER OF BRAINIGARS WAYNE CENTER UNIT NO.3 SUBDIVISION RECORDED AS DOCUMENT R1967-012399; THENCE EASTERLY, 1315.41 FEET ALONG THE SOUTH LINE OF SAID SUBDIVISION TO AN ANGLE POINT THEREIN; THENCE EASTERLY, 345.52 FEET ALONG SAID SOUTH LINE TO THE CENTERLINE KLIEN ROAD; THENCE SOUTHERLY, 2855.79 FEET ALONG SAID CENTERLINE TO ITS INTERSECTION WITH A LINE THAT IS 100 FEET NORTHERLY OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION; THENCE SOUTH 89 DEGREES 52 MINUTES 13 SECONDS WEST, 1603.74 FEET ALONG SAID PARALLEL LINE TO THE POINT OF BEGINNING EXCEPT THAT PART PLATTED AS PEPPER HILL RECORDED AS DOCUMENT R1986-144433 AND WAYNE TOWNSHIP HIGHWAY GARAGE ASSESSMENT PLAT RECORDED AS DOCUMENT R1992-011388, IN DUPAGE COUNTY, ILLINOIS.)

Tax ID Numbers: 01-22-301-028; 01-22-301-006; 01-22-301-029; 01-22-301-032; 01-22-400-016

## EXHIBIT “B”

RECOMMENDATION NO. 2022-RC-0004

TO: The Honorable Mayor and City Council

SUBJECT: PC 21-12  
Preliminary Planned Unit Development Plan and Plat with Deviations from the  
Subdivision Regulations Code  
South side of Smith Road between Klein Road and Illinois Route 59

DATE: March 22, 2022

DECISION: With a vote of six (6) “yes” and zero (0) “no”, the motion to recommend approval of the Preliminary Planned Unit Development and Plat with Deviations from the Subdivision Regulations Code passed unanimously.

### RECOMMENDATION

After review of the requested Preliminary Planned Unit Development and Preliminary Plat of Subdivision with deviations from the Subdivision Regulations Code for the SUBJECT REALTY, the Plan Commission/Zoning Board of Appeals (PC/ZBA) recommended approval and incorporated the following findings of fact in their recommendation.

**(A) In what respects the proposed plan is consistent with the comprehensive plan and the stated purpose and intent of the planned unit development regulations.**

The proposed plan for a single-family detached residential development with a density of 2.39 dwelling units per acre is consistent with the City’s Comprehensive Plan which indicates this area as single-family residential. Furthermore, the Annexation Agreement contemplates the development of the property as single-family residential within the R-3 District.

**(B) The extent to which the proposed plan meets the requirements and standards of the planned unit development regulations.**

The property is subject to an Annexation Agreement which requires that all lots adjacent to existing residential contain an area of at least 12,000 square feet and will have a height of no more than 36 feet. The petitioner has demonstrated that both of these requirements are satisfied. Furthermore, the property is subject to a density credit to offset the loss of lots resulting from the 12,000 square foot requirement. The petitioner is providing no more lots on the property than what would be allowed if not for the 12,000 square foot lot requirement. No variations from the Zoning Code are necessary for the proposal.

**(C) The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property including, but not limited to, the density, dimension, area, bulk and use and the reasons why such departures are deemed to be in the public interest.**

The property is part of a previously approved Annexation Agreement which requires any lots immediately adjoining existing residential to be at least 12,000 square feet in area. This requirement creates the loss of 12 lots that could be created if not for this 12,000 square foot requirement. The Annexation Agreement allows for a density credit so that the 12 lots that are lost due to the requirement may be incorporated within the balance of the development. The lots in the balance of the property are reduced in size to include these 12 lots. The topography of the site in certain areas creates difficulty to comply with the minimum centerline radius of 250 feet. The reduced minimum centerline radii in two areas of the development are acceptable provided that parking is prohibited, with signage, at these turns. The deviation request for the reduction in easement width will not have a detrimental impact on the subject property nor the surrounding areas because no easement less than 20 feet will contain both sanitary and water main, which requires a 10-foot separation between them.

**(D) The method by which the proposed plan makes adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects designated common open space and furthers the amenities of light and air, recreation and visual enjoyment.**

The proposed plan will provide a 5.08 acre park site, constructed by the petitioner, to be owned and maintained by the West Chicago Park District for enjoyment by residents. The petitioner is also providing the required 12,000 square foot lots on the perimeter of the site adjacent to existing residential areas. Furthermore, the maximum heights of homes adjacent to existing residential areas, per the Annexation Agreement, will not exceed 36 feet. The petitioner has provided a traffic study, reviewed by the City's traffic engineer consultant, demonstrating that the additional traffic generated by the development will not have a significant impact on the surrounding roadways or intersections. The petitioner's stormwater management report and plans, reviewed by the City's engineering staff, indicate compliance with the DuPage County Stormwater Ordinance.

**(E) The relationship and compatibility of the proposed plan to the adjacent properties and neighborhood.**

The proposal of single-family detached residential is consistent with the surrounding properties, which are also single-family detached residential. The proposal includes all lots immediately adjoining existing residential to be at least 12,000 square feet, which is consistent with the minimum lot size of the R-2 district adjacent to the property.

**(F) The desirability of the proposed plan as regards physical development, tax base and economic well-being of the city.**

When the property was annexed to the City it was anticipated that the property would be developed as an R-3 single-family detached residential development. The proposed use of the property as a residential development is consistent with the previously approved Agreement. The property, as a single-family residential development, will support the tax base of the City and improve the economic well-being of the City.

Respectfully submitted,

Barbara Laimins  
Chairperson

**VOTE:**

For

Laimins

Hale

Henkin

Kasprak

Banasiak

Billingsley

Against

Abstain

Absent

Frantzen

## **EXHIBIT “C”**

(Insert PUD Plat and Plan, Preliminary Engineering Plan, and Landscape Plan,)

# EXHIBIT "C"

## PRELIMINARY SUBDIVISION PLAT AND P.U.D.

# FOR THE PRESERVE AT WEST BRANCH

SHEET 1 OF 5

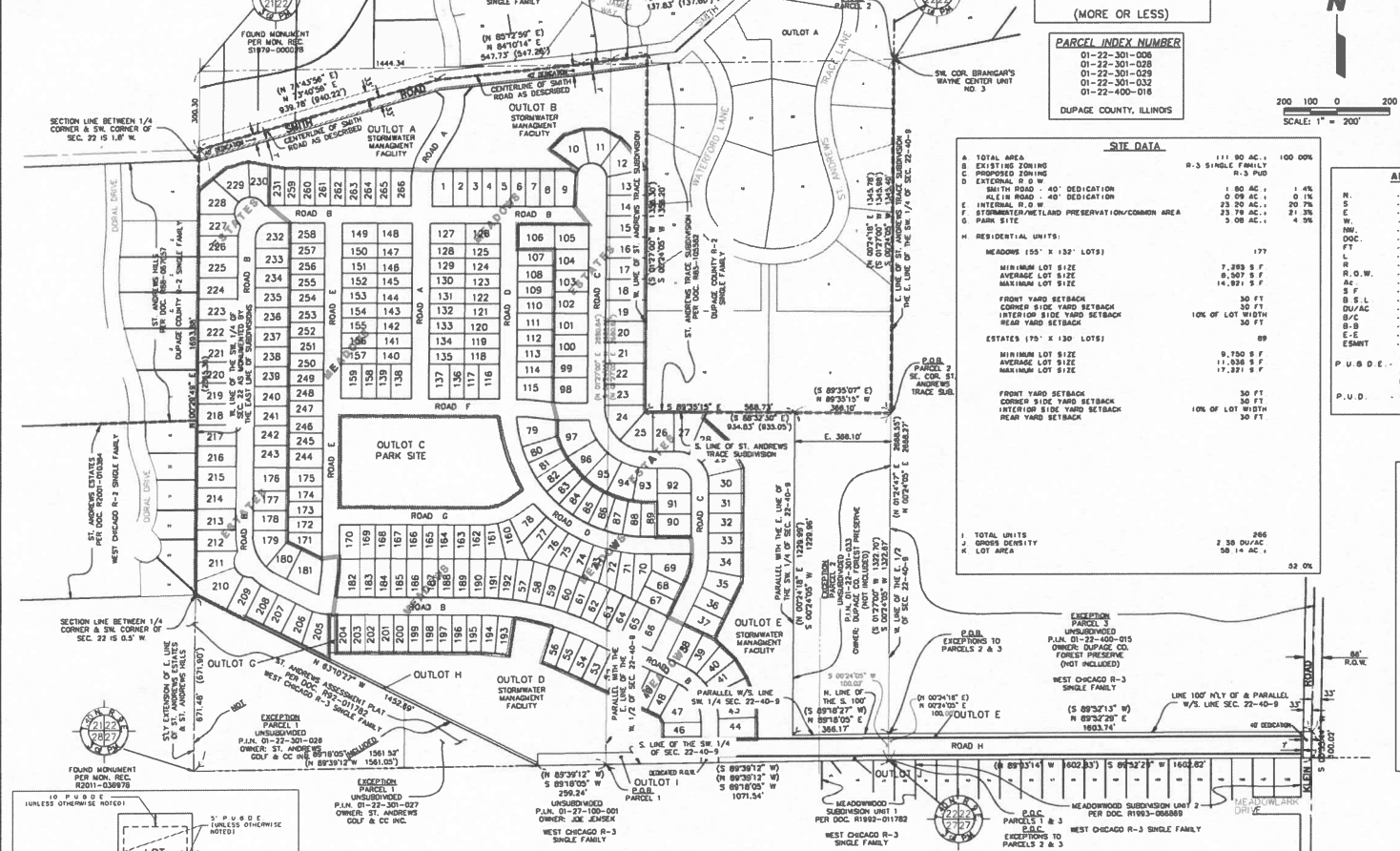
### BENCHMARK/CONTROL POINTS

THE MONUMENT MARK (D.D. 10174) THE STATION IS LOCATED 81.50 FT SOUTH OF THE CENTERLINE OF DIVERSE PARKWAY 81.50 FT EAST OF THE CENTERLINE OF ROUTE 58, AND 5.0 FT NORTH OF THE CENTERLINE OF THE CONCRETE PATH (PART OF THE BLINDS PLAIN PATH) ON A BRIDGE OVER ROUTE 58. THE MONUMENT IS A 3 INCH BRASS DISK SET FLUSH WITH THE CONCRETE BRIDGE PATH AND IS FERROMAGNETIC. NOTE: THE DISK IS NOT STAMPED.  
ELEVATION: 813.45 NAVD83

### CONTROL POINTS

CP 224, SET 1" IN THE SOUTHWEST CORNER OF THE TRANSFORMER PAD LOCATED ON THE NORTH SIDE OF SMITH ROAD FOR THE PROPERTY LOCATED AT 48430 ST. JAMES WAY.  
NORTHING: 1818078.13  
EASTING: 102370.43  
ELEVATION: 778.40 NAVD83

CP 224, SET 1" IN THE CONCRETE SIDEWALK LOCATED AT THE SOUTHWEST CORNER OF MEADOWLARK DRIVE AND KLEIN ROAD.  
NORTHING: 1818078.13  
EASTING: 102370.43  
ELEVATION: 778.40 NAVD83



### TOTAL AREA OF SUBDIVISION

111.90 ACRES  
(MORE OR LESS)

### PARCEL INDEX NUMBER

01-22-301-008  
01-22-301-028  
01-22-301-029  
01-22-301-032  
01-22-400-018  
DUPAGE COUNTY, ILLINOIS

### SITE DATA

A TOTAL AREA	111.90 AC.	100 DOL
B EXISTING ZONING	R-3 SINGLE FAMILY	
C PROPOSED ZONING	R-3 PUD	
D CATEGORICAL R.O.W.	60 AC.	1.4%
E SMITH ROAD - 40' DEDICATION	20 AC.	0.18%
F KLEIN ROAD - 40' DEDICATION	23.20 AC.	20.7%
G STORMWATER/RETENTION PRESERVATION/COMMON AREA	23.78 AC.	21.3%
H G.P. SITE	3.08 AC.	4.9%
I RESIDENTIAL UNITS:		
MEADOWS 155' X 130' (LOTS)	177	
MINIMUM LOT SIZE	7,280 S.F.	
AVERAGE LOT SIZE	8,507 S.F.	
MAXIMUM LOT SIZE	14,921 S.F.	
FRONT YARD SETBACK	30 FT	
REAR YARD SETBACK	30 FT	
ESTATES 175' X 130' (LOTS)	89	
MINIMUM LOT SIZE	8,750 S.F.	
AVERAGE LOT SIZE	11,038 S.F.	
MAXIMUM LOT SIZE	17,221 S.F.	
FRONT YARD SETBACK	30 FT	
REAR YARD SETBACK	30 FT	
10% OF LOT WIDTH	30 FT	
2.38 DU/AC		
38.14 AC.		
52.0%		

### ABBREVIATIONS

- N - NORTH
- S - SOUTH
- E - EAST
- W - WEST
- NW - NORTHWEST
- SW - SOUTHWEST
- NE - NORTHEAST
- SE - SOUTHEAST
- DOC - DOCUMENT
- FT - FEET
- R.O.W. - RIGHT OF WAY
- AC - ACRES
- S.F. - SQUARE FEET
- B.S.L. - BUILDING SETBACK LINE
- D.U./AC - DWELLING UNITS PER ACRE
- B/C - BACK OF CURB
- B/E - BACK TO EASE
- E - EASEMENT
- P.U.D. - PLANNED UNIT DEVELOPMENT
- INDICATES PUBLIC UTILITIES AND DRAINAGE EASEMENT

### LINE LEGEND

- SUBDIVISION BOUNDARY LINE (Heavy Solid Line)
- LOT LINE/PROPERTY LINE (Thin Solid Line)
- EXISTING CORPORATE LIMITS OF THE CITY OF WEST CHICAGO (Heavy Dashed Line)
- EASEMENT LINE/LIMITS OF EASEMENT (Thin Dashed Line)
- CENTERLINE (Single Dashed Line)
- QUARTER SECTION LINE (Double Dashed Line)
- SECTION LINE (Thin Dashed Line)
- SECTION CORNER OR QUARTER SECTION CORNER

### NOTES

- ADDITIONAL P.U.D. & D.E. EASEMENTS MAY BE REQUIRED ON FINAL PLATS BASED ON UTILITY SIZE AND LOCATIONS FROM FINAL ENGINEERING.
- DIMENSIONS SHOWN ALONG CURVED LINES ARE ARC DISTANCES.
- ALL RIGHT-OF-WAYS ARE TO BE PUBLIC DEDICATIONS.
- ALL STREETS, UTILITY PIPES AND MAINS SHALL BE PUBLICLY OWNED AND MAINTAINED.
- ALL EASEMENTS DEPICTED ON THIS PLAT WILL BE GRANTED ON THE FINAL SUBDIVISION PLATS (UNLESS OTHERWISE NOTED).
- ALL EASEMENTS ON THE PLAT MAP ARE FOR PUBLIC UTILITIES AND DRAINAGE PURPOSES (UNLESS OTHERWISE NOTED).
- STORMWATER MANAGEMENT EASEMENTS WILL BE GRANTED ON THE FINAL SUBDIVISION PLATS (UNLESS OTHERWISE NOTED).
- STORMWATER STORAGE VOLUMES TO BE PROVIDED AND THE DESIGN OF STORMWATER MANAGEMENT FACILITIES SHALL BE IN ACCORDANCE WITH CITY OF WEST CHICAGO AND DUPAGE COUNTY REQUIREMENTS.
- EASEMENTS TO BE PROVIDED PER CITY, COUNTY AND UTILITY COMPANY REQUIREMENTS.
- FOR PROPOSED CONTOURS, GRADES, UTILITIES, STREETS AND SIDEWALKS REFER TO THE PRELIMINARY ENGINEERING DRAWINGS FOR THIS DEVELOPMENT.
- ALL R.O.W. DEPICTED ON THIS PLAT WILL BE GRANTED ON THE FINAL SUBDIVISION PLATS (UNLESS OTHERWISE NOTED).
- THE MEASURED BEARINGS SHOWN HEREON ARE BASED ON THE FINAL LOT OF SUBJECT PROPERTY BEING N 00°29'49" E (ASSUMED).
- ALL OUTLOTS TO BE OWNED AND MAINTAINED BY THE HOMEOWNERS' ASSOCIATION.

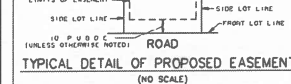


PREPARED BY:  
**CEMCON, Ltd.**  
Consulting Engineers, Land Surveyors & Planners  
2180 White Oak Drive, Suite 100  
Aurora, Illinois 60502-9875  
PH: 630.862.2100 FAX: 630.862.2199  
E-MAIL: info@cemcon.com Website: www.cemcon.com

PREPARED FOR:  
**PULTE HOME COMPANY, LLC**  
1900 E. GOLF ROAD, SUITE 300  
SCHAUMBURG, IL 60173  
(847) 230-5400

DISC NO.: 402078 FILE NAME: PRECHW  
DRAWN BY: LAL FLD. BK. / PG. NO.: BK/PG 007/8-10  
COMPLETION DATE: 07-21-21 JOB NO.: 402.078  
SHEET: 1 OF 10 PROJECT MANAGER: COW  
2021-10-12/AL REVISED PER CITY REVIEW COMMENTS DATED 8/24/21  
2022-03-15/AL REVISED PER LAND PLANNING REVIEW PER CITY  
2022-03-15/AL REVISED PER CITY COMMENTS DATED 3/17/22

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LOT DIMENSIONS, DEDICATION, BUILDING LINE & LAND AREAS ARE APPROXIMATIONS & COULD VARY SLIGHTLY AT TIME OF FINAL SUBDIVISION PLATTING.



# PRELIMINARY ENGINEERING PLAN

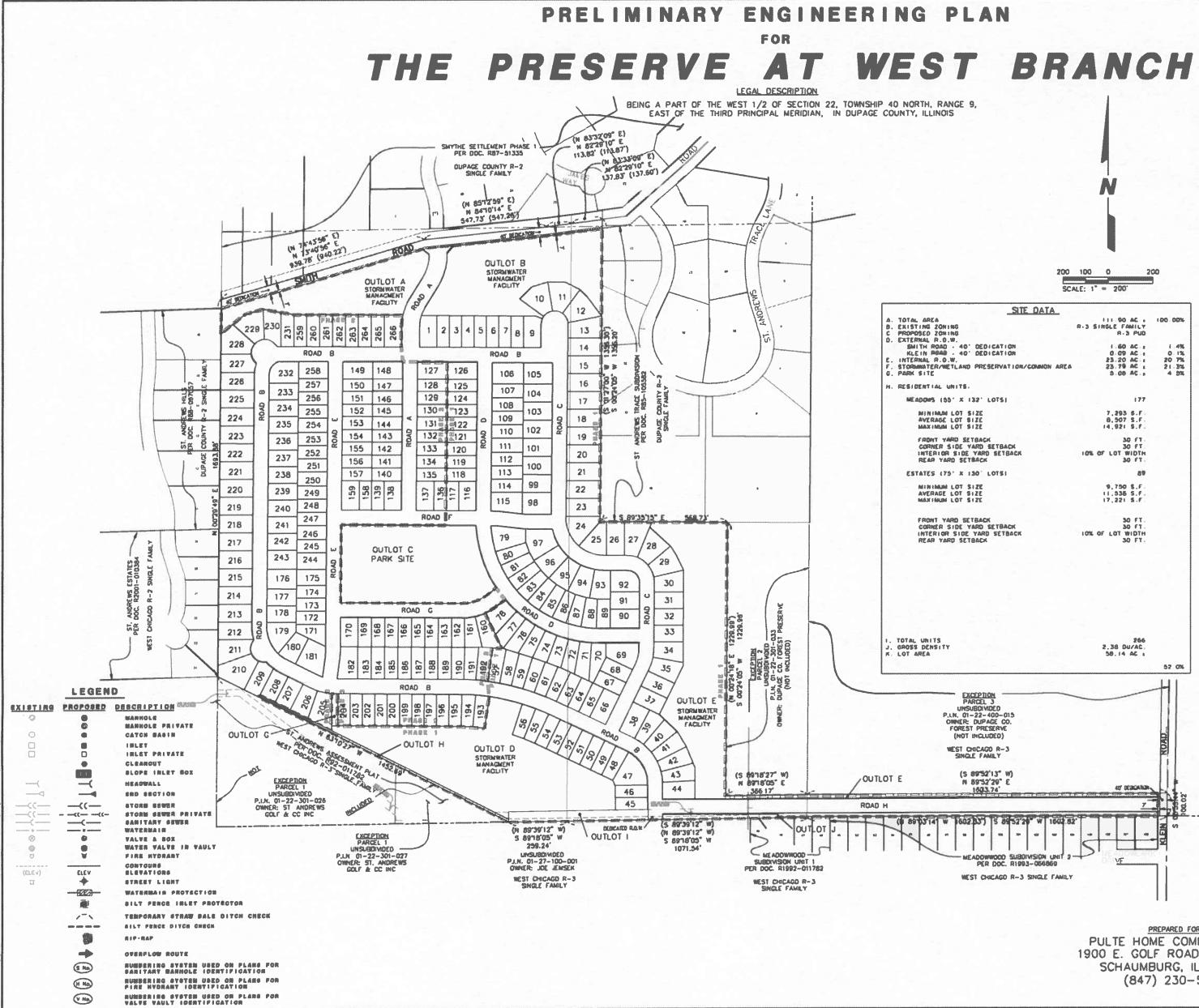
FOR

# THE PRESERVE AT WEST BRANCH

LEGAL DESCRIPTION

BEING A PART OF THE WEST 1/2 OF SECTION 22, TOWNSHIP 40 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS

SHEET 1 OF 5



SCALE: 1" = 200'

## SITE DATA

A. TOTAL AREA	111.90 AC. ±	100.00%
B. EXISTING ZONING	R-3 SINGLE FAMILY	
C. PROPOSED ZONING	R-3 PUD	
D. EXTERNAL R.O.W.	1.60 AC. ±	1.4%
E. INTERNAL R.O.W.	8.09 AC. ±	0.1%
F. STORMWATER/WETLAND PRESERVATION/COMMON AREA	23.78 AC. ±	20.7%
G. PARK SITE	5.08 AC. ±	4.2%

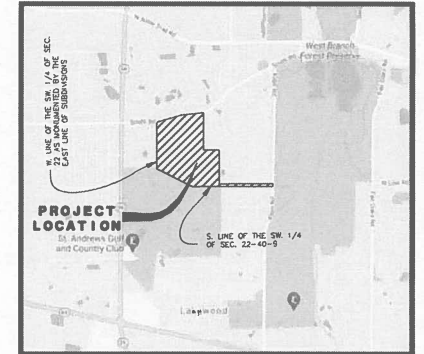
## H. RESIDENTIAL UNITS

MEADOWS (105' X 132' LOTS)	177
MINIMUM LOT SIZE	7,293 S.F.
AVERAGE LOT SIZE	8,507 S.F.
MAXIMUM LOT SIZE	14,971 S.F.
FRONT YARD SETBACK	30 FT.
CORNER SIDE YARD SETBACK	30 FT.
INTERIOR SIDE YARD SETBACK	10% OF LOT WIDTH
REAR YARD SETBACK	30 FT.

## ESTATES (175' X 130' LOTS)

MINIMUM LOT SIZE	9,750 S.F.
AVERAGE LOT SIZE	11,336 S.F.
MAXIMUM LOT SIZE	17,221 S.F.
FRONT YARD SETBACK	30 FT.
CORNER SIDE YARD SETBACK	30 FT.
INTERIOR SIDE YARD SETBACK	10% OF LOT WIDTH
REAR YARD SETBACK	30 FT.

I. TOTAL UNITS	386
J. CROSS DENSITY	2.38 DU/AC.
K. LOT AREA	50.14 AC. ±



## LOCATION MAP

SCALE: 1"=200'

## NOTES

- DIMENSIONS SHOWN ALONG CURVED LINES ARE ARC DISTANCES.
- ALL RIGHT-OF-WAYS ARE TO BE PUBLIC DEDICATIONS.
- ALL STREETS, UTILITY PIPES AND MAINS SHALL BE PUBLICLY OWNED AND MAINTAINED.
- STORMWATER STORAGE VOLUMES TO BE PROVIDED AND THE DESIGN OF STORMWATER MANAGEMENT FACILITIES SHALL BE IN ACCORDANCE WITH CITY OF WEST CHICAGO AND DUPAGE COUNTY REQUIREMENTS.
- ALL WATERMAIN AND SANITARY SEWER TO BE 8" DIAMETER UNLESS OTHERWISE NOTED.
- ALL SANITARY SERVICE CONNECTIONS TO SANITARY SEWER MAINS MUST HAVE AN OVERHEAD SEWER SYSTEM WITHIN THE BUILDING.
- ALL EXISTING ON-SITE BUILDINGS TO BE REMOVED AND DISPOSED.
- ANY EXISTING WELL AND SEPTIC FIELDS SHALL BE ABANDONED ACCORDING TO COUNTY HEALTH DEPARTMENT.
- ENTRANCE ROAD TO HAVE 7% MAXIMUM ROADWAY LONGITUDINAL SLOPE.
- PHASE LINES INDICATE HOW UNITS WILL BE PLATTED. UTILITIES MAY NEED TO BE CONSTRUCTED THROUGH PHASE 2 TO SERVE PHASE 1. EASEMENTS WILL BE GRANTED AS NECESSARY.

## PROFESSIONAL ENGINEER'S CERTIFICATION

STATE OF (ILLINOIS) SS.  
COUNTY OF (DU PAGE)  
I, CHRISTOPHER R. MORGAN, A LICENSED PROFESSIONAL ENGINEER OF ILLINOIS, HEREBY CERTIFY THAT THIS TECHNICAL SUBMISSION WAS PREPARED ON BEHALF OF PULTE HOME COMPANY, LLC BY CEMCON, LTD. UNDER MY PERSONAL DIRECTION. THIS TECHNICAL SUBMISSION IS INTENDED TO BE USED AS AN INTEGRAL PART OF AND IN CONJUNCTION WITH THE PROJECT SPECIFICATIONS AND CONTRACT DOCUMENTS.

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2022.

ILLINOIS LICENSED PROFESSIONAL ENGINEER NO. 082-025878

MY LICENSE EXPIRES ON NOVEMBER 30, 2023

PROFESSIONAL DESIGN FIRM LICENSE NUMBER 184-002937

EXPIRES APRIL 30, 2023

NOTE: UNLESS THIS DOCUMENT BEARS THE ORIGINAL SIGNATURE AND IMPRESSED SEAL OF THE DESIGN PROFESSIONAL ENGINEER, IT IS NOT A VALID TECHNICAL SUBMISSION.

**CEMCON, Ltd.**  
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DESIGN NO.: 402078 FILE NAME: PRELIM.  
DRAWN BY: LAL PLO. DRG. / PG. NO.: BK/PG. 02/10-10  
COMPLETION DATE: 07-21-21 JOB NO.: 402.078  
XREF: TOPO PROJECT MANAGER: CRM  
2021-10-13 A/L REVISED PER CITY REVIEW COMMENTS DATED 9/24/21  
2022-01-14 A/L REVISED PER LAND PLAN REVIEWED PER CLIENT  
2022-03-09 A/L REVISED PER LAND PLAN REVIEWED PER CLIENT  
2022-03-09 A/L REVISED PER CITY COMMENTS DATED 3/7/22

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