

CITY OF WEST CHICAGO

WHERE HISTORY & PROGRESS MEET

Plan Commission/Zoning Board of Appeals

Tuesday, May 2, 2023

7:00 p.m.

West Chicago City Hall

Council Chambers

475 Main Street

West Chicago, IL 60185

A G E N D A

1. **Call to Order, Roll Call and Determination of a Quorum**
2. **Pledge of Allegiance**
3. **Chairperson's Comments**
4. **Public Comment**
5. **Approval of the Draft April 4, 2023 Plan Commission Meeting Minutes**
6. **Public Hearing of Case PC 23-04 – Tropical Smoothie Café – 1865 N Neltor Boulevard – Request to approve an amendment to the Final PUD**
Jace Food Group, LLC is requesting approval of an amendment to the Final PUD for a redesigned drive-through circulation for a restaurant and to allow vehicle stacking and associated menu board signage and equipment to be located in the actual front yard.
7. **Review and Recommendation of Case 23-04 – Tropical Smoothie Café – 1865 N Neltor Boulevard – Request to approve an amendment to the Final PUD**
8. **Petition Updates/Staff Report**
9. **Adjournment – Next Meeting Tuesday, June 6, 2023**

The Rules of Procedure for the Plan Commission/Zoning Board of Appeals can be found on the City's website at <https://westchicago.org/community-development/>

cc: Plan Commission Members
Mayor
City Council
M. Guttman
T. Dabareiner
M. Patel
J. Sterrett
School Districts #25, #33, #94, #303, #46
West Chicago Fire Protection District
West Chicago Park District
West Chicago Public Library District
DuPage County Building & Zoning
Warrenville Plan Commission
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Michael L. Guttman
CITY ADMINISTRATOR

DRAFT

PLAN COMMISSION/ZONING BOARD OF APPEALS

April 4, 2023 7:00 P.M.

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

Vice Chairman Hale called the meeting to order at 7:05 p.m. Roll call found Vice Chairman Hale and Commissioners Slattery, Henkin, Banasiak, Billingsley and Kasprak present. Chairperson Laimins was absent. With six members present, a quorum was established.

Staff in attendance included City Planner John Sterrett.

2. Pledge of Allegiance

Vice Chairman Hale led the Commission in the Pledge of Allegiance.

3. Chairperson's Comments

None.

4. Public Comment

None.

5. Approval of draft meeting minutes from February 7, 2023

Commissioner Slattery made a motion, seconded by Commissioner Billingsley, to approve the draft meeting minutes of the February 7, 2023 Plan Commission meeting. With a voice vote of all ayes, the motion carried.

6. Approval of draft meeting minutes from March 21, 2023

Commissioner Banasiak made a motion, seconded by Commissioner Kasprak, to approve the draft meeting minutes of the March 21, 2023 Plan Commission meeting. With a voice vote of all ayes, the motion carried.

6. Public Hearing of Case PC 23-03 – Paradise Spa – 956 N Neltnor Boulevard, Unit 318 – Special Use Permit for a Recreational Facility

Commissioner Kasprak made a motion, seconded by Commissioner Slattery, 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 This is a request from Paradise Spa, LLC, represented by Attorney Daniel Shapiro, to approve a special use permit, in accordance with Section 5.5 of the Zoning Code, allowing the use of a Recreational Facility, in accordance with Section 10.3-4(N) of the Zoning Code, at 956 North Neltnor Boulevard, Unit 318, in the Tower Station commercial development in the B-2 General Business District.

The proposed use, to be called Paradise Spa, will offer therapeutic saunas, hot and cold tubs, steam rooms, and rain showers. The subject tenant space is roughly 3,200 square feet and will be

renovated to accommodate the proposed operation. Parking and site access already exist in the Tower Station development to accommodate the use and the petitioner is not proposing any changes to the site. Changes to the exterior will be minimal including the installation of a wall sign.

The petitioner is also proposing a separate restaurant use in the commercial space adjacent to the subject commercial space. A restaurant use is permitted by right in the district and does not require a special use permit. The two operations will be distinct from one another.

All notification requirements have been completed including mailing to property owners within 250 feet of the subject property, posting a hearing sign on the property, and publication in the newspaper, all having been completed at least 15 days prior to the hearing this evening.

Staff finds that the proposal will comply with all Zoning Code requirements and recommends that the Plan Commission pass a motion recommending approval of the proposed special use permit with the recommended conditions contained in the staff report. Staff has also drafted findings of fact for consideration by the Plan Commission to incorporate into their recommendation.

Attorney Dan Shapiro, representing the petitioner, was duly sworn in. Mr. Shapiro gave a presentation to the Plan Commission on the proposal and answered questions related to parking and a proposed door between the spa tenant space and the restaurant use.

Greg Shilakis of Wild Ginger Trail was duly sworn in. Mr. Shilakis asked the petitioner for other examples in the area of this type of use.

Mihail Ninicu, petitioner, was duly sworn in. Mr. Ninicu provided examples of other spas such as this in the Chicago region. Mr. Ninicu also provided additional overview of the proposal.

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 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 23-03 – Paradise Spa – 956 N Neltner Boulevard, Unit 318 – Special Use Permit for a Recreational Facility

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

1. The petitioner shall secure all necessary building permits prior to renovating the space.
2. The petitioner shall obtain a Certificate of Occupancy prior to commencing operations within the commercial space.
3. A sign permit shall be secured prior to the installation of signage on the building.

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

(1) Is necessary for the public convenience at that location or, the case of existing nonconforming uses, a special use permit will make the use more compatible with its surroundings:

The proposed *Recreational Facility*, which will include therapeutic saunas, hot/cold tubs and steam rooms, is best suited in a commercial area that accommodates both local and regional traffic, such as the Tower Station development.

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

The proposed use will be located within an existing commercial space in the Tower Station commercial development. The existing shopping center has sufficient access and parking to accommodate the proposed use while still meeting the needs of the existing uses. The type of use does not require additional parking above and beyond what is required for a typical commercial use. No site improvements are proposed nor needed to accommodate the proposed use. Renovations to the space will require approval of a building permit to ensure all building codes are complied with.

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

The proposed use of a *Recreational Facility* will not cause substantial injury to the value of other property in the area in which it is located. The proposed use will be compatible with the other commercial uses in the Tower Station commercial development and will not impact surrounding properties.

(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 subject property is located in the B-2 General Business District and a *Recreational Facility* is listed as a special use in the B-2 General Business District, per Section 10.3-4 (N) of the Zoning Code.

A roll call vote found Commissioners Kasprak, Henkin, Banasiak, Slattery, Billingsley, and Vice Chairman Hale voting “aye” and no one voting “no”. With a roll call vote of six (6) “aye” and zero (0) “no”, the motion carried.

11. Petition Updates/Staff Report

Mr. Sterrett stated that there will be a Plan Commission meeting on Tuesday, May 2, 2023.

12. Adjournment

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 7:49 p.m., adjourned.

Respectfully Submitted,
John Sterrett, City Planner

City of West Chicago
Community Development Department
Report for the Plan Commission/Zoning Board of Appeals
May 2, 2023



Case: PC 23-04

Petitioner: Jace Food Group d/b/a Tropical Smoothie Café

Owner: 1865 N Neltnor LLC

Location: 1865 N Neltnor Boulevard (Illinois State Route 59)

Zoning: B-3 Regional Shopping District with a Planned Unit Development (PUD)

Existing Use: Vacant 2,239 square foot commercial building

Comp Plan: Corridor Commercial

Requests: An amendment to the Final PUD for Lot 3 of the original K-Mart Planned Unit Development with deviations from the Zoning Code.

Summary: The proposed amendment and deviations are necessary to allow a drive-through configuration for a proposed fast-service restaurant known as Tropical Smoothie Café that will have vehicle stacking and drive-through equipment/menu signage located in the front yard.

Recommendation: Staff recommends the Plan Commission adopt the Findings of Fact suggested by staff on page 2 of this report and pass a motion recommending **APPROVAL** of the proposed amendment to the Final PUD with deviations, subject to the condition that the drive-through be developed in substantial conformance with the Site Plan prepared by Kolbrook Design consisting of one sheet dated February 27, 2023 with a latest revision date of March 23, 2023, attached as Exhibit “D”.

Public Notice.

All public notice requirements were completed including a notice of public hearing published in the Daily Herald on Monday, April 17, 2023, notification to all property owners within 250 feet of the subject property, and placement of a hearing sign on the property visible from Neltnor Boulevard at least 15 days prior to the public hearing.

Adjacent Property Zoning and Land Use Information

<i>Location</i>	<i>Adjacent Zoning</i>	<i>Adjacent Land Use</i>	<i>Comprehensive Plan</i>
North	B-3 Regional Shopping	Shopping Center Parking	Corridor Commercial
South	B-3 Regional Shopping	Dunkin Donuts	Corridor Commercial
East	B-3 Regional Shopping	Shopping Center Parking	Corridor Commercial
West	B-2 General Business	Shopping Center	Corridor Commercial

Existing Conditions.

The subject property is an outlot in the Mosaic Crossing shopping center consisting of roughly 1.11 acres. The property is currently vacant with an existing 2,239 square foot commercial building containing an existing drive-through lane and 41 parking stalls. The building was originally constructed for a bank containing drive-up teller services. Following the departure of the bank, the building was used as a medical facility.

Proposal.

The petitioner is proposing an amendment to the Final PUD of the lot with deviations from the Zoning Code to redesign the layout of the drive-through for a proposed fast-service restaurant known as Tropical Smoothie Café. In addition to the drive-through, the establishment will have indoor service and seating. Both a restaurant and a drive-through are permitted uses within the B-3 Regional Shopping District. The existing drive-through configuration, however, was designed specifically for the bank operation rather than for a fast-service restaurant use.

The proposed drive-through will have the five required vehicle stacking spaces, and associated equipment and menu signage, located in the front yard. Section 12.8-3 (E) (Signs – Drive-through restaurant signs) requires drive-through menu signs to be located in the side or rear yard only and Section 13.3 (C) (Off-Street Parking and Loading – Parking and Loading Spaces Required) of the Zoning Code prohibits vehicle stacking and associated equipment in the front yard, unless approved by City Council.

Drive-Through Design.

The building's original drive-through was designed specifically for a bank featuring drive-up teller services. The window and pneumatic tubes were installed on the south side of the building in the interior side yard. The required vehicle stacking spaces for the bank began at the window/tubes on the side of the building and a portion of the required spaces encroached into the front yard.

The proposed Tropical Smoothie Café will utilize the existing window on the south side of the building for its payment/pick-up window. A menu board/ordering station is proposed further west, approximately 60 feet away from the building in the front yard. The required five vehicle stacking spaces for a restaurant drive-through begin at the menu board/ordering station rather than the pickup window, per the Zoning Code. This places all of the required vehicle stacking spaces, as well as the proposed menu board and drive-through equipment, within the front yard. The distance between the proposed menu board/ordering station and the pickup window allows for five stacking spaces between the two areas and allows for an efficient flow of drive-through traffic.

Analysis.

The required five vehicle stacking spaces and associated equipment, including menu board signage, are prohibited within the front yard to mitigate the risk of any excessive vehicle stacking from spilling out onto the public right-of-way. The subject property has no direct access from the adjacent Neltner Boulevard right-of-way. An existing cross access easement exists on the out lot to the north that allows ingress and egress for the subject property. The subject property is located approximately 140 feet south of the entrance to the shopping center. The menu board/ordering station is approximately 325 feet from the entrance to the shopping center and 180 feet from the subject property's north property line. This would allow for a total of nine stacking spaces located entirely on the subject property originating from the menu board. Staff is of the opinion that the location of the required vehicle stacking spaces and menu board/ordering station provides adequate distance from the entrance to the shopping center and that the proposed drive-through design will not impact the adjacent public right-of-way. Furthermore, the menu board sign will be oriented away from northbound traffic on Neltner Boulevard preventing it from being read from the public right-of-way.

Standards for an Amended Final Planned Unit Development

Per Section 15.3 of the Zoning Ordinance: “...if the final plan is, in the opinion of the [Plan Commission], deemed to be sufficient, in compliance with all applicable city ordinances and in substantial conformity with the approved preliminary plan, it shall be approved by the [Plan Commission] and recommended to the city council”. The intent of the proposed amendment to the Final PUD is to utilize existing aspects of the original drive-through layout for the bank and convert it to a high functioning and efficient drive-through for a fast-service restaurant. No significant changes to the site are proposed and the drive-through circulation should work in a manner similar to what was previously approved for the development of the site as a bank.

Exhibits.

Exhibit A	Location Map
Exhibit B	Zoning Map
Exhibit C	Aerial Photo
Exhibit D	Site Plan prepared by Kolbrook Design consisting of one sheet dated February 27, 2023 with a latest revision date of March 23, 2023

EXHIBIT "A" - LOCATION MAP



EXHIBIT "B" - ZONING MAP

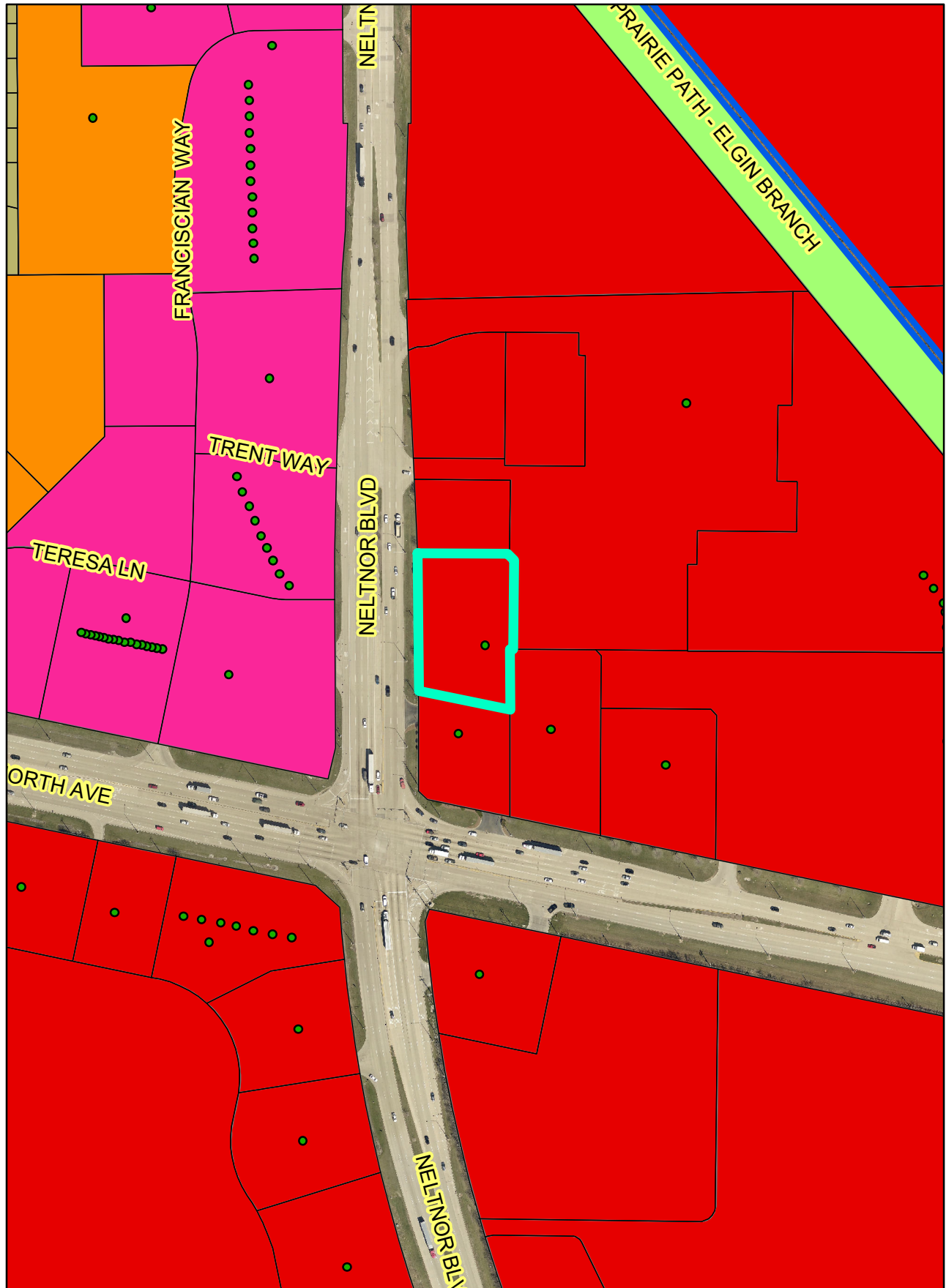
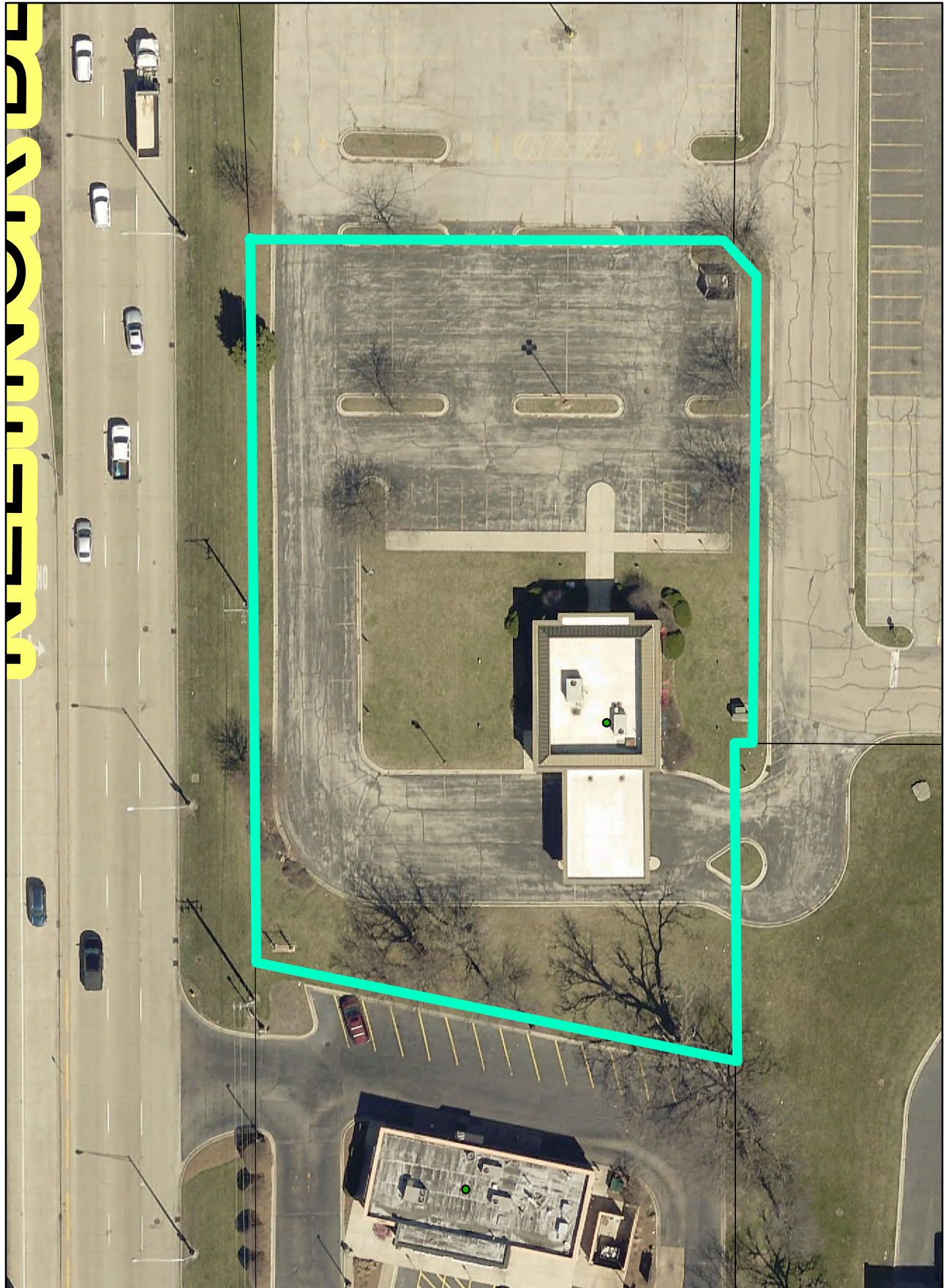


EXHIBIT "C" - AERIAL PHOTO





1 SITE PLAN
SCALE: 3/32" = 1'-0"

SPACE INTENTIONALLY LEFT BLANK FOR CITY
APPROVAL / STAMPS

kolbrook design
630 DAVIS ST. SUITE 300
EVANSTON, IL 60201
OFFICE 847.452.1802 | FAX: 312.453.0659
IL DESIGN FIRM REG# 18400605

STEVEN A. KOLBER
001-018028
STATE OF ILLINOIS
LICENSED ARCHITECT

02/27/2023
EXP. 11/30/2024

STORE ADDRESS

1865 N. Neltnor Blvd.
West Chicago, IL 60185

STORE NUMBER

IL 090

tropical CAFE
SMOOTHIE
eat better. feel better.

REVISION		
△	REVISION	03/23/2022

DATE 02/27/2023

PROJECT 1686.003

SHEET NAME
SITE PLAN

SHEET NUMBER

C004