

CITY OF WEST CHICAGO

WHERE HISTORY & PROGRESS MEET

DEVELOPMENT COMMITTEE

**Monday, May 8, 2023
6:00 P.M. - Council Chambers**

Please note the meeting time.

AGENDA

1. Call to Order, Roll Call, and Establishment of a Quorum
2. New Member Protocols
 - A. Election of Chair and Vice Chair
 - B. Meeting Date (requires Municipal Code Text Amendment, if a change is desired) and Meeting Time
3. Approval of Minutes
 - A. April 10, 2023
4. Public Participation

The opportunity to speak to the Development Committee is provided for those who have a question or comment on an agenda item or a City of West Chicago issue. The Development Committee appreciates hearing from our residents and your thoughts and questions are valued. The Development Committee strives to make the best recommendations for the City and public input is very helpful.

Respect for the duties of the Development Committee and for the democratic process will be adhered to – in this regard, civility and a sense of decorum will be strictly followed. All speakers must address their comments to the Chairperson. Comments that are personally condescending will not be permitted. Speakers shall be courteous and should not make statements that are personally disrespectful to members of the Development Committee or City staff.

Please use the podium in the center aisle. Please announce your name and address (if acceptable) before commencing – all public comments are limited to three (3) minutes and each citizen will be permitted to speak only once. It is the Development Committee's policy not to engage in dialogue during Public Comment. Any questions raised will be addressed by City staff or an elected official outside of the Development Committee meeting.

5. Items for Consent.

A. Tropical Smoothie Café, 165 N. Neltnor – Jace Food Group, LLC, owner of Tropical Smoothie Café, requests approval of an amendment to the Final PUD for a redesigned drive-through for a restaurant use and to allow vehicle stacking and a menu board to be located in the front yard. Plan Commission voted unanimously in support of the Amendment.

6. Items for Discussion

7. Unfinished Business

8. New Business

9. Reports from Staff

10. Adjournment



Draft

MINUTES

DEVELOPMENT COMMITTEE

April 10, 2023 6:00 P.M.

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

Alderman Rebecca Stout called the meeting to order at 6:00 p.m.

Roll call found Aldermen Melissa Birch Ferguson, Christine Dettmann, Jayme Sheahan and Rebecca Stout present. Alderman Stout announced a quorum. Alderman Matthew Garling arrived shortly after roll call.

Also in attendance was Community Development Director, Tom Dabareiner.

2. Approval of Minutes.

A. February 13, 2023.

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

3. Public Participation.

Dan Shapiro, attorney for Paradise Spa, the applicant for Consent Item 4.A., spoke to the Committee. He stated the Plan Commission/Zoning Board of Appeals (PC/ZBA) unanimously recommended approval of the requested Special Use Permit. He also highlighted some key elements of their business proposal and offered to answer members' questions.

4. Items for Consent.

- A. Paradise Spa, 956 N. Neltnor Blvd. -** In Unit 318 of the Tower Station commercial center, the petitioner requests approval of a Special Use Permit for a spa that would consist of a wet, dry and steam sauna, plus hot and cold tubs.

Alderman Birch Ferguson moved and Alderman Sheahan seconded a motion to approve the Item. Voting Aye: Aldermen Birch Ferguson, Dettmann, Garling, Sheahan and Stout.

5. Items for Discussion. None.

6. Unfinished Business. None.

7. New Business. None.

8. Reports from Staff.

Mr. Dabareiner informed the members they would be having two concept plans to consider at next month's meeting.

9. Adjournment.

Alderman Garling moved, and Alderman Birch Ferguson seconded the motion to adjourn the Development Committee meeting at 6:07 p.m. The motion was approved unanimously by voice vote.

Respectfully submitted,

Jane Burke

CITY OF WEST CHICAGO

DEVELOPMENT COMMITTEE AGENDA ITEM SUMMARY

ITEM TITLE:

Planned Unit Development Amendment
Tropical Smoothie Café
1865 North Neltnor Boulevard

Ordinance No. 23-O-0012

AGENDA ITEM NUMBER: 5.A.**FILE NUMBER:** _____**COMMITTEE AGENDA DATE:** May 8, 2023**COUNCIL AGENDA DATE:** _____**STAFF REVIEW:** Tom Dabareiner, AICP**SIGNATURE** **APPROVED BY CITY ADMINISTRATOR:** Michael Guttman**SIGNATURE** _____

Jace Food Group, LLC is proposing an amendment to the Planned Unit Development with deviations from the Zoning Code for Lot 3 of the Kmart PUD, now known as Mosaic Crossing, to redesign the layout of an existing drive-through for a proposed fast-service restaurant known as Tropical Smoothie Café. The property is commonly known as 1865 N Neltnor Boulevard and is located on the east side of Neltnor Boulevard north of the intersection with North Avenue. 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 was designed specifically for a previous bank operation on the site rather than for a fast-service restaurant use. The petitioner is redesigning the layout of the drive-through to accommodate the Tropical Smoothie Café.

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.

The Plan Commissioners voted unanimously (4-0) to recommend approval of the requested Special Use Permit.

ACTIONS PROPOSED:

Discussion and consideration of the requested PUD Amendment.

COMMITTEE RECOMMENDATION:

Attachment: Ordinance
Site Plan

ORDINANCE NO. 23-O-0012

AN ORDINANCE APPROVING AN AMENDMENT TO THE PLANNED UNIT DEVELOPMENT FOR LOT 3 OF THE KMART PLANNED UNIT DEVELOPMENT 1865 NORTH NELTNOR BOULEVARD

WHEREAS, on or about April 10, 2023, Jace Food Group d/b/a Tropical Smoothie Café (the “APPLICANT”), filed an application for an amendment to the Planned Unit Development (PUD) for the property legally described on Exhibit “A”, which is attached hereto and incorporated herein as the “SUBJECT REALTY”; and,

WHEREAS, the corporate authorities of the City of West Chicago approved a Planned Unit Development for a commercial shopping center with outlots, that included the SUBJECT REALTY, on March 7, 1988 according to Ordinance No. 88-O-2019; and,

WHEREAS, Notice of Public Hearing on said application was published in the Daily Herald on or about April 17, 2023, 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 2, 2023, pursuant to said Notice; and,

WHEREAS, at the Public Hearing, the APPLICANT provided testimony in support of their 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 amendment to the Planned Unit Development which contains specific findings of fact, pursuant to Recommendation No. 23-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. An amendment to the Planned Unit Development in conformance with Sections 5.5 and 15 of the Zoning Ordinance is hereby granted for the SUBJECT REALTY, subject to compliance with 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 “C”.

Section 2. 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 3. 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 _____ 2023.

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

APPROVED as to form: _____
City Attorney

APPROVED this _____ day of _____ 2023.

Mayor Ruben Pineda

ATTEST:

Executive Office Manager Valeria Perez

PUBLISHED: _____

EXHIBIT "A"

PARCEL 1:

LOT 3A IN ASSESSMENT PLAT OF LOT 3 OF TOWER STATION PHASE 3 OF WILLOW CREEK PUD FINAL PLAT OF PLANNED UNIT DEVELOPMENT AND SUBDIVISION PLAT, BEING A PART OF THE SOUTHWEST ¼ OF SECTION 34, TOWNSHIP 40 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE ASSESSMENT PLAT THEREOF RECORDED JANUARY 24, 2006, AS DOCUMENT NO. R2006-014266, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2:

NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CREATED BY RECIPROCAL EASEMENT AGREEMENT MADE BY AND BETWEEN TSTATION 3A MANAGEMENT COMPANY, LLC (PARCEL A OWNER) AND 956 N. NELTNOR (WEST CHICAGO), L.L.C. ("PARCEL B OWNER") DATED AUGUST 3, 2005 AND RECORDED SEPTEMBER 1, 2005 AS DOCUMENT NO. R2005-192011 FOR INGRESS AND EGRESS, BOTH VEHICULAR AND PEDESTRIAN, OVER, UPON AND ACROSS PARCEL B (THE "PARCEL B EASEMENT"), AS APPROPRIATE FOR PARCEL A OWNER'S REQUIRED ACCESS, AND FOR USE AND ACCESS TO ALL UTILITIES INCLUDING BUT NOT LIMITED TO LINES FOR FIRE AND DOMESTIC WATER SUPPLY, SANITARY SEWER, AND TELEPHONE, ELECTRIC, NATURAL GAS AND FIBER OPTIC LINES ON THAT PROPERTY LEGALLY DESCRIBED IN EXHIBIT B AND AS DEPICTED IN EXHIBIT C, AND INCORPORATED THEREIN, TO PROVIDE ACCESS FOR MOTOR VEHICLE AND PEDESTRIAN TRAFFIC (INCLUDING SERVICE VEHICLES) TO AND FROM PARCEL A.

PARCEL 3:

EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CREATED BY DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND ESTABLISHMENT OF EASEMENTS RECORDED JULY 6, 2004, AS DOCUMENT R2004-180430 AND AMENDED BY FIRST AMENDED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND ESTABLISHMENT OF EASEMENTS RECORDED JULY 20, 2004 AS DOCUMENT NO. R2004-194243 FOR VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS ("ACCESS ROADS").

PIN: 01-34-305-014

EXHIBIT “B”

RECOMMENDATION NO. 23-RC-0004

TO: The Honorable Mayor and City Council

SUBJECT: PC 23-04
An Amendment to the Planned Unit Development for Lot 3 of the Kmart Planned Unit Development for Wheaton Academy
1865 North Neltnor Boulevard

DATE: May 2, 2023

DECISION: The motion to approve the amendment to the PUD request unanimously passed (4-0).

RECOMMENDATION

After review of the requested amendment to the PUD, the Plan Commission/Zoning Board of Appeals (PC/ZBA) recommended approval based on the following standard:

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.

This recommendation is made with the conditions 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.

Respectfully submitted,
Barb Laimins
Chairman

<u>For</u>	<u>Against</u>	<u>VOTE:</u> <u>Abstain</u>	<u>Absent</u>
B. Laimins			H. Billingsley
S. Hale			T. Slattery
D. Kasprak			B. Henkin
A. Banasiak			

EXHIBIT “C”

(Site Plan)