

CITY OF WEST CHICAGO

WHERE HISTORY & PROGRESS MEET

DEVELOPMENT COMMITTEE

Monday, June 10, 2024
6:00 P.M. - Council Chambers

AGENDA

1. Call to Order, Roll Call, and Establishment of a Quorum
2. Approval of Minutes
 - A. April 8, 2024
3. 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.

4. Items for Consent

A. **Zoning Text Amendment regarding Indoor Recreation and Amusement** – A proposed zoning text amendment would allow Indoor Recreation and Amusement as a permitted use in the B-2 General Business District. Plan Commission recommended approval.

5. Items for Discussion

A. **BAP Power Corp d/b/a Cenergy Power (220 Kress Road)** – Plan Commission recommended approval with a 4-1 vote for a Special Use Permit for a solar farm on Airport property.

6. Unfinished Business

7. New Business

8. Reports from Staff

9. Adjournment – Next Meeting July 8, 2024

MINUTES
DEVELOPMENT COMMITTEE

April 8, 2024, 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, Lori Chassee, Christine Dettman, Jayme Sheahan, Rebecca Stout, and Christopher Swiatek present. Alderman Stout announced a quorum.

Also in attendance was Community Development Director, Tom Dabareiner.

2. Approval of Minutes.

A. March 11, 2024.

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

3. Public Participation. None.

4. Items for Consent.

A. Zoning Text Amendments (Government Facility Signs) – Staff propose a Zoning Text Amendment to Sections 4.1 (Definitions) and 12.3(E) (Signs) of Appendix A (the Zoning Code) of the Code of Ordinances of the City of West Chicago.

A brief discussion was had regarding the types of government signage impacted by this text amendment and the regulations for permitting.

Alderman Chassee moved, and Alderman Sheahan seconded a motion to approve the Item for Consent. Voting Aye: Aldermen Birch Ferguson, Chassee, Dettman, Sheahan, Stout and Swiatek.

5. Items for Discussion. None.

6. Unfinished Business. None.

7. New Business. None.

8. Reports from Staff.

Mr. Dabareiner informed the members that the environmental study for the proposed QuikTrip was completed and there were no issues. The matter will soon go before the Plan Commission/Zoning Board of Appeals (PC/ZBA) once again.

9. Adjournment.

Alderman Birch Ferguson moved to adjourn the meeting at 6:07 p.m., and Alderman Sheahan seconded the motion. With a voice vote of all ayes, the motion carried.

Respectfully submitted,

Jane Burke

CITY OF WEST CHICAGO

DEVELOPMENT COMMITTEE AGENDA ITEM SUMMARY

ITEM TITLE:

Zoning Text Amendment
Indoor Recreation and Amusement

Ordinance No. 24-O-0017

AGENDA ITEM NUMBER: 4. A.

FILE NUMBER: _____

COMMITTEE AGENDA DATE: June 10, 2024

COUNCIL AGENDA DATE: _____

STAFF REVIEW: Tom Dabareiner, AICP

SIGNATURE _____

APPROVED BY CITY ADMINISTRATOR: Michael Guttman

SIGNATURE _____

ITEM SUMMARY:

The City Council approved a text amendment in 2020 to permit the use of *Indoor Recreation and Amusement* in the B-3 Regional Shopping District. This was to allow Kids Empire USA to locate an indoor activity play facility in the Mosaic Shopping Center. The definition that was created as part of the 2020 text amendment includes a variety of uses, such as sports facilities, swimming pools, skating rinks, bowling alleys, tennis, handball, indoor golf, paintball, billiards, foosball, table tennis, shuffleboard, pinball machines, video games, activity play, and other similar recreation or amusement uses.

This use was included only within the B-3 District because that is the district where Kids Empire was to be located. The B-2 General Business District, which has many of the same permitted uses as the B-3 District, does not contain the use of *Indoor Recreation and Amusement*. Staff is of the opinion that the properties within the B-2 District are appropriate for this type of use and the use should be permitted in the B-2 District as well. One such property is the former Bowling Green bowling alley, which is proposed to be remodeled and will contain several other indoor recreational activities in addition to bowling.

Amending the B-2 District to allow this type of use will not pose a threat to the health, safety, nor welfare of the community. Staff is of the opinion that the proposed Amendment will be beneficial to the City of West Chicago and will protect, promote, and improve the public health, safety, morals, convenience, order, appearance, prosperity and the general welfare of its citizens. Furthermore, the Amendment is in keeping with the purpose of the Zoning Code and the Comprehensive Plan.

At the June 4, 2024 Plan Commission meeting, members of the Plan Commission voted unanimously (5-0) to recommend approval of the proposed zoning text amendment.

ACTION PROPOSED:

Discuss and recommend approval of the Zoning Text Amendment related to Indoor Recreation and Amusement as a permitted use in the B-2 General Business District.

COMMITTEE RECOMMENDATION:

Attachments: Draft Ordinance
PC Report

ORDINANCE NO. 24-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
INDOOR RECREATION AND AMUSEMENT**

WHEREAS, Article X of the West Chicago Zoning Code provides the permitted uses allowed within the City’s Business Districts; and

WHEREAS, an Indoor Recreation and Amusement use is permitted only in the City’s B-3 Regional Shopping District; and

WHEREAS, the use of Indoor Recreation and Amusement is an appropriate non-retail establishment in the B-2 General Business District; and

WHEREAS, Indoor Recreation and Amusement is compatible with establishments typically found in the B-2 General Business District and similar to other permitted uses in the B-2 General Business District; and

WHEREAS, the City Council believes it is in the best interest of the City to allow the use of Indoor Recreation and Amusement in the B-2 General Business District; and,

WHEREAS, Notice of Public Hearing on said text amendment was published in the Daily Herald on or about May 20, 2024, 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 June 4, 2024, 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 which contains specific findings of fact, pursuant to Recommendation No. 24-RC-0007, 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 Appendix A, Article X, Section 10.3-3 (General Business District – Permitted Uses), of the Code of Ordinances of the City of West Chicago is hereby amended by adding the following text:

(PP) Indoor Recreation and Amusement

Section 2. 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 3. 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 _____, 2024.

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

APPROVED as to form: _____
City Attorney

APPROVED this ____ day of _____, 2024.

Mayor Ruben Pineda

ATTEST:

Executive Office Manager Valeria Perez

PUBLISHED: _____

EXHIBIT “A”

RECOMMENDATION # 24-RC-0007

TO: The Honorable Mayor and City Council

SUBJECT: PC 24-09
Zoning Text Amendment for the use of Indoor Recreation and Amusement

DATE: June 4, 2024

DECISION: The motion to approve the amendment was approved by a unanimous vote of five (5) “yes” and zero (0) “no”.

RECOMMENDATION:

After a review of the proposed text amendment as presented, the Plan Commission/Zoning Board of Appeals finds that the proposed amendment does not pose a threat to the health, safety and welfare of the community. It is the Commission’s opinion that the proposed amendment will be beneficial to the City of West Chicago.

The amendment is in keeping with the purpose of the Zoning Code. The Plan Commission is of the opinion that this proposed amendment will protect, promote, and improve the public health, safety, morals, convenience, order, appearance, prosperity and the general welfare of the citizens of West Chicago community.

Respectfully submitted,

Barbara Laimins
Chairperson

VOTE:

For
Laimins
Kasprak
Slattery
Banasiak
Terrazas

Against

Abstain

Absent
Billingsley
Henkin

CITY OF WEST CHICAGO

DEVELOPMENT COMMITTEE AGENDA ITEM SUMMARY

ITEM TITLE:

Special Use for an Alternative Electric Supply Facility
Cenergy Power
220 Kress Road

Ordinance No. 24-O-0018

AGENDA ITEM NUMBER: 5.A.**FILE NUMBER:** _____**COMMITTEE AGENDA DATE:** June 10, 2024**COUNCIL AGENDA DATE:** _____**STAFF REVIEW:** Tom Dabareiner, AICP**SIGNATURE** _____**APPROVED BY CITY ADMINISTRATOR:** Michael
Guttman**SIGNATURE** _____**ITEM SUMMARY:**

BAP Power Corporation, d/b/a Cenergy Power, the contract leasee, is requesting approval of a special use for an alternative electric supply facility (a solar farm). The subject property is approximately 16 acres in area and is located on the west side of Kress Road between the Union Pacific Railroad overpass and Downs Drive. The property is currently zoned A, Airport district.

The applicant is proposing to install a solar power facility on 11 acres of the 16 acre subject property. The unused 5 acres of the property is a result of existing wetland and floodplain throughout the site that cannot be developed on. The facility will consist of multiple rows of solar panels. The panels will be pole mounted several feet above the ground and automatically pivot over the course of the day in sequence with the angle of the sun. Native vegetation will be grown beneath the panels. The entire facility will be enclosed with a 7-foot-tall chain link fence for security purposes. Minimal ground equipment will be placed in the northeast corner of the site. The site will be accessed from a paved driveway in the northeast corner of the site to Kress Road. Once constructed, the site will be unmanned and require minimal maintenance. The City's Comprehensive Plan designates the subject property as open space due to the significant amount of wetlands on the property.

The petitioner had sought and received approval for an SUP for the proposed solar farm in 2018 according Ordinance 18-O-0052. The project, however, never moved forward and the site remains undeveloped. As a result, the approval given by the City Council had lapsed and requires a new approval prior to the development of the site.

At the June 4, 2024 Plan Commission meeting, members of the Plan Commission/Zoning Board of Appeals voted 4-1 to recommend approval of the special use permit.

ACTION PROPOSED:

Consideration of a special use and concept plan for an alternative electric supply facility at 220 Kress Road.

COMMITTEE RECOMMENDATION:

Attachments: Draft Ordinance
PC Recommendation
Site Plan

ORDINANCE NO. 24-O-0018

AN ORDINANCE APPROVING A SPECIAL USE FOR AN ALTERNATIVE ELECTRIC SUPPLY FACILITY AT 220 KRESS ROAD

WHEREAS, on or about May 7, 2019, BAP Power Corporation d/b/a Cenergy Power (the "APPLICANT"), filed an application for a special use for an alternative electric supply facility for the property located at 220 Kress Road and legally described on Exhibit "A", which is attached hereto and incorporated herein as the "SUBJECT REALTY"; and,

WHEREAS, Notice of Public Hearing on said special use application was published in the Daily Herald on May 20, 2024, 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 June 4, 2024, pursuant to said Notice; and,

WHEREAS, at the Public Hearing, the APPLICANT provided testimony in support of his 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 special use which contains specific findings of fact, pursuant to Recommendation No. 2018-RC-0006, 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. A special use for an alternative electric supply facility in conformance with Section 5.5 and Section 10.5-3(C)(3) of the Zoning Ordinance is hereby granted for the SUBJECT REALTY, subject to compliance with the following conditions:

1. The SUBJECT REALTY shall be developed in substantial compliance with the Site Layout Plan SP-1, prepared by Cenergy Power, having a last revision date of August 14, 2018 attached hereto and incorporated herein as Exhibit "C".
2. The SUBJECT REALTY shall comply with all requirements of the DuPage County Stormwater Ordinance prior to the issuance of a permit to develop the facility.

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 _____ 2018.

Alderman D. Beebe _____

Alderman J. Sheahan _____

Alderman A. Hallett _____

Alderman M. Birch-Ferguson _____

Alderman J. Smith, Jr. _____

Alderman R. Stout _____

Alderman J. Morano _____

Alderman L. Chassee _____

Alderman H. Brown _____

Alderman C. Dettmann _____

Alderman S. Dimas _____

Alderman C. Swiatek _____

Alderman J. Short _____

Alderman J. Banas _____

APPROVED as to form: _____
City Attorney

APPROVED this _____ day of _____, 2024.

Mayor Ruben Pineda

ATTEST:

Executive Office Manager Valeria Perez

PUBLISHED: _____

EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL 1:

THE SOUTH 263 FEET OF THE NORTH 428 FEET OF THAT PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF THE CHICAGO AND NORTHWESTERN RAILROAD RIGHT-OF-WAY AND WEST OF THE KRESS ROAD RIGHT-OF-WAY, EXCEPTING THEREFROM THAT PART CONVEYED BY WARRANTY DEED TO THE STATE OF ILLINOIS, RECORDED MAY 23, 1996 AS DOCUMENT NUMBER R96-086069, IN DUPAGE COUNTY, ILLINOIS. P.I.N.S 04-07-201-006 AND 04-07-201-008. ALSO,

PARCEL 2:

THE NORTHERLY 165 FEET OF THAT PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF THE CHICAGO AND NORTHWESTERN RAILROAD RIGHT-OF-WAY AND WEST OF THE KRESS ROAD RIGHT-OF-WAY, ALONG THE EAST END THEREOF, EXCEPT THE SOUTH 75.0 FEET OF THE NORTH 85.0 FEET (BOTH AS MEASURED AT RIGHT ANGLES WITH THE NORTH LINE) OF THE EAST 530 FEET (AS MEASURED ON THE NORTH LINE AND ON THE SOUTH LINE) OF THAT PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WESTERLY OF THE KRESS ROAD RIGHT-OF-WAY, EXCEPTING THEREFROM THAT PART CONVEYED BY WARRANTY DEED TO THE STATE OF ILLINOIS, RECORDED MAY 23, 1996 AS DOCUMENT NUMBER R96-086069, IN DUPAGE COUNTY, ILLINOIS. P.I.N. 04-07-201-010. ALSO,

PARCEL 3:

THE SOUTH 75.0 FEET OF THE NORTH 85.0 FEET (BOTH AS MEASURED AT RIGHT ANGLES WITH THE NORTH LINE) OF THE EAST 530.0 FEET (AS MEASURED ON THE NORTH LINE AND ON THE SOUTH LINE) OF THAT PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WESTERLY OF THE KRESS ROAD RIGHT-OF-WAY, EXCEPTING THEREFROM THAT PART CONVEYED BY WARRANTY DEED TO THE STATE OF ILLINOIS, RECORDED MAY 23, 1996 AS DOCUMENT NUMBER R96-086069, IN DUPAGE COUNTY, ILLINOIS. P.I.N. 04-07-201-007. ALSO,

PARCEL 4:

THAT PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF THE CHICAGO AND NORTHWESTERN RAILROAD RIGHT-OF-WAY AND WEST OF THE KRESS ROAD RIGHT-OF-WAY ALONG THE EAST END THEREOF (EXCEPT THE NORTH 428 FEET THEREOF), EXCEPTING THEREFROM THAT PART CONVEYED BY WARRANTY DEED TO THE STATE OF ILLINOIS, RECORDED MAY 23, 1996 AS DOCUMENT NUMBER R96-086069, IN DUPAGE COUNTY, ILLINOIS. P.I.N. 04-07-201-009.

EXHIBIT "B"

RECOMMENDATION NO. 2024-RC-0006

TO: The Honorable Mayor and City Council

SUBJECT: PC 24-08
Special use for an alternative electric supply facility
BAP Power Corporation d/b/a Cenergy Power
220 Kress Road

DATE: June 4, 2024

DECISION: The Plan Commission/Zoning Board unanimously recommended approval of the special use for an alternative electric supply facility for the SUBJECT REALTY by a (7-0) vote, subject to the following conditions of approval:

1. The subject property shall be developed in substantial compliance with the Detailed Site Plan SP301, prepared by Cenergy Power, having a last revision date of April 10, 2024.
2. The subject property shall comply with all requirements of the DuPage County Stormwater Ordinance prior to the issuance of a permit to develop the facility.

RECOMMENDATION

After review of the requested special use for an alternative electric supply facility for the SUBJECT REALTY, the Plan Commission/Zoning Board of Appeals (PC/ZBA) recommended approval based on the following findings of fact.

- (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:

(This standard should be interpreted as indicating whether or not the proposed use is good for the public at that particular physical location, and not whether or not the use itself is needed there).

The proposed solar power facility intended to be an asset to the community by providing an environmentally friendly source of electrical power that will be added into the region's power grid through the existing ComEd utility infrastructure with minimal development impacts to the subject property.

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

The site is surrounded by unbuildable wetland and floodplain to the north and west, has railroad to the south, and is at the bottom of the Kress Road overpass embankment to the east, thus severely limiting the usability of the property. The site is also being developed with minimal impact to the existing undeveloped character of the site.

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

The proposed use should not have a negative impact on the surrounding neighborhood in which it is located because it is surrounded by unbuildable wetland and floodplain to the north and west, has railroad to the south and is at the bottom of the Kress Road overpass embankment to the east.

- (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 proposed alternative electric supply use is listed as a special use, per the Airport zoning district regulations established in Section 10.5-3(C)(3) of the Zoning Code

Respectfully submitted,

Barbara Laimins
Chairperson

VOTE:

For
Laimins
Slattery
Kasprak
Terrazas

Against
Banasiak

Abstain

Absent
Henkin
Billingsley

EXHIBIT “C”

(insert Site Layout Plan here)

