

CASE	PZC-000058-2020
NUMBER:	
TYPE:	SPECIAL USE PERMIT B-1 PERMIT



Village of Westmont
Board of Trustees
Memorandum
August 27, 2020

Item for Board of Trustees Consideration:

A request from Clemens Enterprises Inc. regarding the property located at 41 N. Cass Ave., Westmont, for the following:

- A. A Special Use Permit to allow the applicant to operate a life and health insurance business on the ground floor of a 1,850 sq. ft. space in the B-1 Limited Business District, with one stipulation by the Fire Prevention Bureau.
- B. A B-1 Permit to relocate an existing downtown business to the subject property.

Planning and Zoning Commission Recommendation:

The Planning and Zoning Commission recommended approval on August 12, 2020.

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CASE SUMMARY

TITLE: A request from Clemens Enterprises Inc. regarding the property located at 41 N. Cass Ave., Westmont, for the following:

- A. A Special Use Permit to allow the applicant to operate a life and health insurance business on the ground floor of a 1,850 sq. ft. space in the B-1 Limited Business District.
- B. B-1 Permit to relocate an existing downtown business to the subject property.

A. Background

The subject property is located on the east side of North Cass Avenue, on the corner North Cass and Irving Street. The parcel is surrounded on the north, south and west by commercial uses and to the east by residential uses.



Aerial Map of the Subject Property nearby developments.

The applicant seeks approval of a Special Use permit in order to operate an insurance business serving an established local clientele.

The applicant submitted a description of the project that focused on:

- 1. The interior size of the space.

- a. The applicant feels that the 1,850 square-foot space lends itself well to the proposed type of business operation, with a growing client base.
 - b. The applicant has added an assistant and an additional agent that is committed to the business success.
 - c. The space lends itself to enabling the business to provide separation distances internally due for HIPPA requirements
 - d. The space’s design includes an interior space that is suitable for conducting educational seminars.
2. Parking space availability nearby.
 - a. The applicant believes there is enough parking close to the subject property
 - b. Many of the clients have walkers and wheelchairs and require parking spaces nearby (in front, along the side and at a lot across the street).

The applicant has signed a lease with the property owner, and feels the space is suitable “as is” for the business operations, requiring only a paint job before moving in.

ZONING ANALYSIS and SPECIAL USE REQUIREMENTS

B. Critical Issues

Comprehensive Plan:

The subject lot is part of the Downtown Subarea Plan from 2013 Comprehensive Plan and is located within a 10-minute walk from the Westmont Metra station. The subject lot is shown on this “areas plan” as a storefront with direct access to public transit along Cass Avenue. A Special Use for a professional insurance office at this location will not preclude future redevelopment of the site as there are no plans to remodel the building. Instead, the business owner plans to occupy the building in an “as is” condition, except for basic painting and decorating.

The subject lot is also near the Naperville and Cass Subarea, and its proposed use may bring more pedestrian and customer traffic to the area, which will enhance the commercial nodes that have been identified at Naperville / Cass, as well as the BNSF / Quincy / Burlington and Cass intersections. This property is suitable for a walkable, pedestrian friendly commercial use that will provide needed services to the area and enhance the Cass Avenue commercial corridor.

Special Use Standards:

A proposed special use shall substantially meet the following standards in order to obtain the recommendation of the planning and zoning commission and approval of the board of trustees:

- (1) That the establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- (2) That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.
- (3) That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

- (4) That adequate utilities, access ways, drainage and/or other necessary facilities have been or are being provided.
- (5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- (6) That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the village board pursuant to the recommendation of the plan commission.

C. Site Plan

See Attached Sheet.

D. Parking Analysis

The project must otherwise comply with all the Village of Westmont Codes, such as off-street parking requirements, as follows:

- I. Per Appendix A, Article X, Section 10.06(J) *Employee parking. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.*

There will be 1-3 employees on the premises at any given time. Therefore, two parking spaces are required. See note below.

- II. Per Appendix A, Article X, Section 10.06(K)(4)(e)(10): Required off-street parking spaces for Business, commercial and industrial uses:

(10) Business, professional and public administration or service office buildings: one parking space for each 275 square feet of floor area. Therefore, approximately 7 spaces are required for customers, in addition to the two employee spaces required for employees. There are no off-street parking spaces available on the subject lot. The prior business obtained a variance for 9 parking spaces. Therefore, the current applicant is exempt from paying parking in-lieu fees.

E. Access

Access to the business is through the frontage on North Cass Avenue, with ample parking on the west and north sides of the corner business.

F. Landscaping

No changes anticipated.

G. Building Details

The property owner has a Memorandum of Understanding with the Fire Prevention Bureau to install sprinkler systems prior to April of 2021. No other changes to the building are anticipated.

H. Policy

Zoning: *B-1 Limited Business District. No zoning change is proposed.*

Existing Land Use: *Vacant storefront space.*

Proposed Land Use: *The proposed land use is shifting from a prior microbrewery to a professional office use on the ground floor of a space that is larger than 1000 feet, and in the B-1 District, for which a Special Use Permit is required.*

Comprehensive Plan: *General Commercial uses are encouraged along North Cass Avenue, with a focus on downtown walkable-friendly establishments. The proposed use is a professional insurance office that will serve existing clients in the area and provides access on foot or automobile with ready parking available immediately adjacent to the building as well as nearby, and is also an existing business use that is consistent with the Comprehensive Plan.*

SUMMARY

A special use permit is required for a professional office. No variances or waivers are requested and parking requirements have been met. All other codes of the Village of Westmont are required to be adhered to. The proposal is consistent with the codes and ordinances reviewed and with the Comprehensive Plan.

I. Attachments

1. *Application*
 2. *Plat of Survey*
 3. *Site Plan*
-

J. Legal

Notification: *Westmont Village codes require the proposal to be advertised with a Class Two Legal Notices and to be considered by the Planning and Zoning Commission at a public hearing. Public notice was provided in the Westmont Suburban Life on July 23, 2020.*

Other Required Actions: *Village Board action is required for this Special Use Permit. After the Planning and Zoning Commission has made a recommendation, the Special Use Permit will be taken to the Village Board of Trustees for review and a final decision on August 27, 2020, subject to any revisions that might be requested by the Planning and Zoning Commission.*

Code Reference: *Village Code Sections 13.07 specifies the requirements to follow for Special Use Permits.*

K. Principal Parties Expected at Meeting

1. Alison Clemens, Clemens Insurance Inc.

MAP SERIES



Image of Subject Property at 41 N. Cass Avenue showing the notification area.



The Existing Land Use Map shows 41 N. Cass as “Corridor Commercial” Designation.

The proposed use of a professional office is compatible with other uses along Cass Avenue.



The Proposed Land Use Map (2013) shows the subject property as “General Commercial Designation” and is surrounded to the south and north by the same designation.



The Zoning Map shows the subject property as B-1 Limited Business District, and surrounded to the north and south by the same zoning district, consistent with the proposed use.

STIPULATIONS FOR PZC CASE No. 000058-2020

The property owner must complete the terms of a Memorandum of Understanding with the Fire Prevention Bureau to install fire suppression equipment by a certain date.
See Memorandum of Understanding, next page.



Westmont Fire Department
 HEADQUARTERS
 6015 South Cass Avenue • Westmont, IL 60559

Administration (630) 981-6400
 Fire Prevention (630) 981-6402
 Fax (630) 829-4486

I.S.O. 1



Commission on
 Fire Accreditation
 International

Letter of Understanding

By agreeing to the provisions of this Letter of Understanding, **Milan Chlupacek**, (BUILDING OWNER) represents that he is the legal owner of the property located at **41 N. Cass Ave**, in Westmont, IL (PROPERTY).

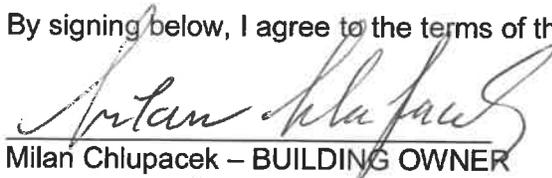
The BUILDING OWNER agrees to install a NFPA 13 compliant automatic sprinkler system, **by September 1, 2021 (DEADLINE)**. The BUILDING OWNER further agrees to meet the specified timeline benchmarks, noted as follows, to ensure that a compliant sprinkler system will be installed and operational prior to the noted DEADLINE.

If the noted PROPERTY or BUSINESS is sold; The requirement to install a compliant sprinkler system at this property is not waived nor are the timeline benchmarks. If PROPERTY or BUSINESS are sold, it is the BUILDING OWNER responsibility to assure that the new owner(s) are aware of the requirement to install a compliant sprinkler system by the noted deadline.

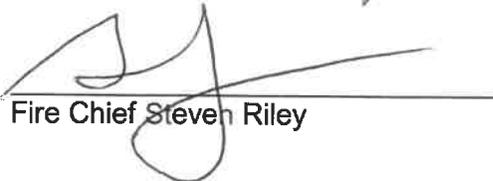
Timeline Benchmarks;

1. Prior to **March 1, 2021** – A sprinkler contractor shall be selected and information regarding the sprinkler contractor forwarded to the Westmont FPB
2. Prior to **April 15, 2021** – sprinkler plans shall be submitted to the Westmont Fire Prevention Bureau for review and approval.
3. Prior to **August 15, 2021**; sprinkler system hydrostatic test must be completed.
4. **September 1, 2021** – Compliant sprinkler system installed, accepted and active.

By signing below, I agree to the terms of this Letter of Understanding;


 Milan Chlupacek – BUILDING OWNER

7/2/2020
 Date


 Fire Chief Steven Riley

7-2-2020
 Date



Westmont Fire Department

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Commission on
Fire Accreditation
International

Letter of Indemnification

The Village of Westmont is granting **Mr. Milan Chlupacek** (BUILDING OWNER) of **41 N. Cass Ave** in Westmont, IL (PROPERTY) **14 months** to comply with installing a required NFPA 13 automatic sprinkler system.

Mr. Milan Chlupacek agrees to indemnify the Village of Westmont, the Westmont Fire Department and the Westmont Fire Prevention Bureau for any fires that may occur, within this granted time extension, resulting in loss of property, or life, which would have been suppressed by a compliant sprinkler system.


Milan Chlupacek – BUILDING OWNER

7/2/2020
Date


Fire Chief Steven Riley

7-2-2020
Date

CONCURRENCY SUMMARY REPORT

Project Name: Clemens Insurance Inc. Special Use Permit - PZC Case #000058-2020

Report Date: August 27, 2020

The proposal is generally consistent with the Comprehensive Plan, the Proposed Land Use Plan, and the Codes and Ordinances for the Village of Westmont.

**PLANNING COMMISSION FINDINGS OF FACT FOR SPECIAL USE PERMIT REQUEST
PZC CASE NO. 000058-2020**

VILLAGE OF WESTMONT PLANNING AND ZONING COMMISSION
FINDINGS OF FACT
PUBLIC HEARING OF AUGUST 12, 2020

P/Z 00058-2020: Clemens Enterprises Inc., regarding 41 North Cass Avenue, Westmont
Request for a special use to allow a ground floor business office in the B-1 Limited Business District.

CRITERIA NO. 1: That the establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

FINDINGS OF FACT: The proposed office space is wholly enclosed, and the proposed office use will not emit adverse noise, light or odors, and instead will be a passive small office use.

CRITERIA NO. 2: That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.

FINDINGS OF FACT: The proposed use in an existing building is a passive office use that is wholly enclosed and with sufficient off-street parking. As such, it will not adversely impact surrounding properties or impair property values.

CRITERIA NO. 3: That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

FINDINGS OF FACT: Surrounding property is fully-developed, and the Applicant is proposing to occupy space in an existing building. This occupancy will not impact the ability of surrounding properties to redevelop.

CRITERIA NO. 4: That adequate utilities, access ways, drainage and/or other necessary facilities have been or are being provided.

FINDINGS OF FACT: The property is already served by adequate utilities, off-street parking and other necessary facilities.

CRITERIA NO. 5:

That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

FINDINGS OF FACT: The property contains sufficient off-street parking. There is additional public parking in the immediate area and the property is served by public sidewalks in the Central Business District.

CRITERIA NO. 6: That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the village board pursuant to the recommendation of the plan commission.

FINDINGS OF FACT: No zoning variances are being requested, and the proposed use meets all other code and ordinance requirements of the Village,

The Planning and Zoning Commission agrees with the above findings.

PREVIOUS PZC CASES FILES / OTHER APPLICABLE REGULATIONS

Ordinance 18-114

Ordinance granting a variance for parking. (41 N. Cass) August 2, 2018