



VILLAGE OF WESTMONT
Board of Trustees Memorandum
January 13, 2022

Item for Board of Trustees Consideration:

Board to consider an ordinance approving requests from Whiskey Hill Brewing CO, Inc., and HP Quincy Partners, LLC, regarding property located at 1 West Quincy Street, for the following:

- (1) Special Use Permit request to operate a Craft alcoholic beverage dispenser in the B-1 Limited Business District.
- (2) Zoning Code Variance request for a Craft alcoholic beverage dispenser to be located within 1000 feet of a school.
- (3) B-1 Development Permit.

Planning and Zoning Commission recommendation:

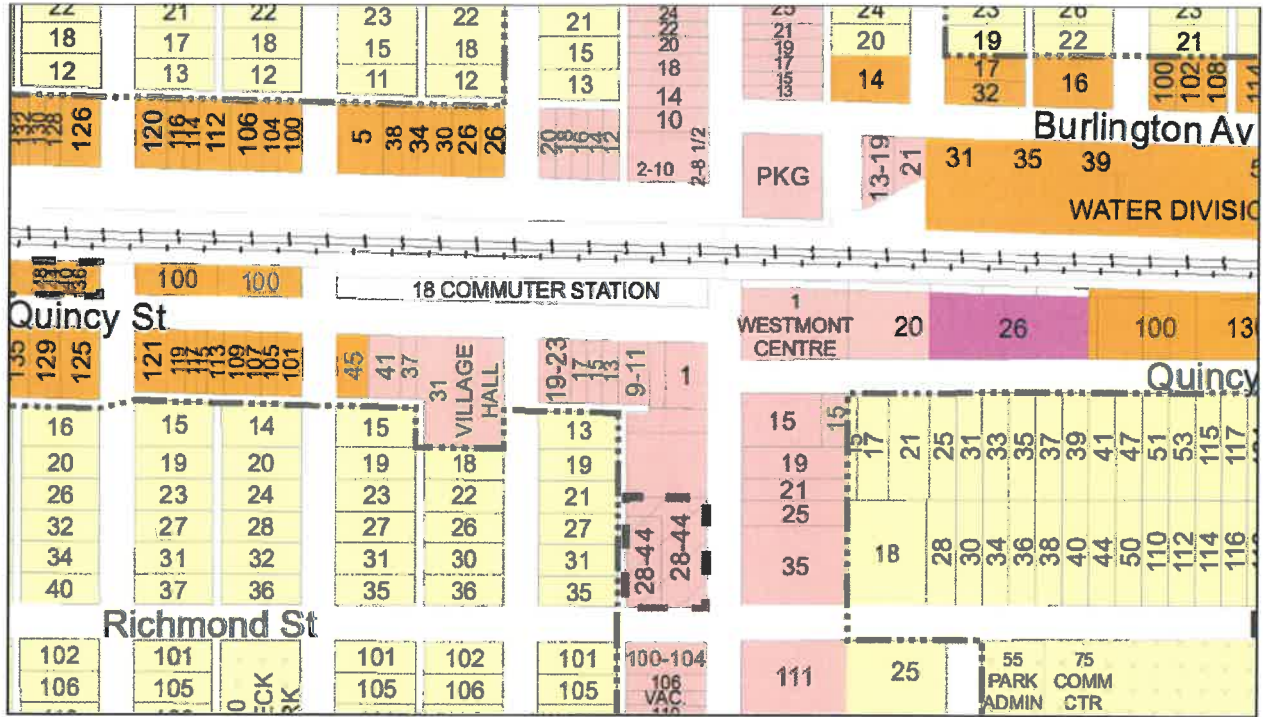
At its meeting on December 8, 2021, the Planning and Zoning Commission unanimously recommended approval of these items.

BACKGROUND OF ITEM - General Legal and Location:

The subject lot is located on the southwest corner of Quincy Street and Cass Avenue. Located within the “Quincy Station”, which includes a 5-story mixed-use development including 94 residential units currently under construction. The use would occupy approximately 3,100 square feet of the first floor adjacent to Quincy. The site is 38,958 square feet or .89 acres.



Aerial Map - 1 West Quincy and proximity to Holy Trinity school



Zoning Map - 1 West Quincy

Zoning Designations:

SUBJECT PROPERTY B-1 Limited Business District

NORTH METRA Commuter Rail Station (across Quincy Street, unzoned as Right-Of-Way)

SOUTH B-1 Limited Business District (Richmond Station - residential)

EAST B-1 Limited Business District

WEST B-1 Limited Business District (immediately adjacent on Quincy) and
R-3 Single Family Detached Residence District (southern portion across alley)

Neighborhood Characteristics:

The corner of Quincy Street and Cass Avenue has a varying mix of uses in proximity, from the METRA station, high density residential, commercial, and nearby municipal and institutional uses.



1 West Quincy rendering

Petitioner Request:

The applicant has submitted a request to operate a craft alcoholic beverage dispenser in a 3,100 square foot commercial space that is still under construction. The business will produce beer on-site, as well as have a full-service bar and restaurant.

The proposed use requires a Special Use Permit in the B-1 Limited Business District and a Variance to be located within 1000’ of a school prior to obtaining build-out permits in the space.

ZONING ANALYSIS

Zoning and Comprehensive Plan Designations

The B-1 Limited Business District is characterized mainly by nonautomotive-oriented retail stores and shops. This site is located on the southside of Westmont’s downtown in the Central Business District TIF District, on the ground floor of the “Quincy Station” mixed-use building currently under construction. Also located within the Comprehensive Plan and designated Civic Core of the Central Business District, the area is denoted as an area containing public offices, services, and open space, as well as secondary downtown retail and restaurant activity. A craft dispenser is considered a retail use, and when combined with food sales can be considered a specialized restaurant.

The Comprehensive Plan recommends investing in the downtown area to reinforce positive characteristics of the area, and retail and restaurants are preferred uses to benefit the TIF District.



Detail - covered patio

Special Use Request

Special Use Permit request to operate a craft alcoholic beverage dispenser in the B-1 Limited Business District. (Appendix A, Section 7.03(A)(32a))

The Zoning Ordinance requires that any craft alcoholic beverage dispensers in the B-1 Limited Business District receive Special Use Permit approval. In addition to the Special Use Standards (Sec 13.09) listed below, a craft dispenser has the following additional Special Conditions:

2. Such special use may be permitted where the owner satisfactorily establishes that there will be no appreciable traffic congestion or hazard to pedestrian safety.
6. Such special use may be permitted provided that no buildings or outdoors portions of the lot containing such use are located within 1,000 feet of a school (not to include nursery schools).

The owners of Whiskey Hill currently operate a beer brewery and tasting room in the southwest portion of the Village near 63rd Street on Vandustrial Drive. Additionally, the owners operate numerous restaurants throughout Chicagoland. The space in Quincy Station was intended to solicit a restaurant operator, and the craft dispenser with restaurant is closely related, yet requires the additional step of a Special Use Permit approval to operate due to the manufacturing of alcohol on-site.

The Westmont location is generally proposed to operate from 11am to 10pm on weekdays, staying open later on the weekends. Employees are anticipated to range from 15 to a maximum of 35. The space includes a full-service kitchen, bartop, tasting room, and dining areas both indoor and outdoor along Quincy Street. The menu will feature slow smoked meats and other Chicago-Italian style fare, with beer brewed on-site, as well as full service bar.

Currently, the use as defined in the Zoning Ordinance does not permit the sale of other alcohols, but this request is preceded by a staff initiated text amendment to amend the definition and allow the additional alcohol sales.

Employee and customer parking can occur behind the building, but will primarily utilize the adjacent street parking and METRA lots when permitted. The use is not anticipated to negatively affect any of the traffic patterns or create any safety hazards, as it closely matches similar restaurant uses within proximity. The use appears to meet all other Special Use standards, which are noted below.

Standards for Special Uses Se. 13.09(D):

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.

Variance Request

Use Separation to a School

Special condition #6 for this special use request requires that “such special use may be permitted provided that no buildings or outdoors portions of the lot containing such use are located within 1,000 feet of a school (not to include nursery schools).”

Typically, distance is measured from lot-line to lot-line, and the Quincy Station lot is within 1000’ of the Holy Trinity Catholic School lot located to the southeast at the corner of Cass Avenue and Richmond Street. Measurements between the uses are as follows:

- Lot to Lot: 280’
- Use to Use (commercial space to school building):
640’ direct distance, 860’ walking distance

Measured either way, the minimum distance requirement of 1000’ cannot be met. Therefore the applicant is requesting a Variance from Special Condition #6 as a part of the Special Use Permit request.

The petitioner indicates that the use and outdoor portions of the lot (patio) face Quincy Street, and will not disrupt the operations of the school. It is additionally noted that proper training and alcohol service will be mandatory and should not affect student safety. Staff notes that business operations typically peak at hours opposite of the school operations.

Standards for Variations Sec. 13.07(D):

- (1) *The planning and zoning commission shall not recommend a variation to the regulations of this comprehensive amendment as authorized herein unless it shall have made findings of fact based upon the evidence presented to it in each specific case that:*
 - (a) *The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located;*
 - (b) *The plight of the owner is due to unique circumstances; and*
 - (c) *The variation, if granted, will not alter the essential character of the locality.*
- (2) *For the purpose of implementing the above rules, the planning and zoning commission shall also, in making its recommendations whether there are practical difficulties or particular hardships, take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence:*
 - (a) *The particular physical surroundings, shape or topographical features of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.*
 - (b) *The conditions upon which the petition for variation is based would not be applicable, generally, to other property within the same zoning classification.*
 - (c) *The purpose of the variation is not based exclusively upon a desire to make more money out of the property.*
 - (d) *The alleged difficulty or hardship has not been created by the owner of the property.*
 - (e) *The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.*
 - (f) *The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.*
- (3) *The planning and zoning commission may recommend such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards set forth in this subsection to reduce or minimize the injurious effect of such variation upon other property in the neighborhood, and better to carry out the general intent of this comprehensive amendment.*

Off-Street Parking Requirements

Appendix A, Section 10.06(B)(2)(a) of the Village Code exempts this building and lot for any permitted or special uses from any minimum parking requirements, as authorized through text amendments to the parking standards in 2020. The code revisions acknowledged and accepted any existing parking, or in this case, approved yet not yet constructed parking. Therefore, parking is in compliance.

For reference, the property received a parking variance in 2018 with the anticipated user of the commercial space being a restaurant. Previous calculations for a restaurant space would have required 29 parking spaces. The project included 10 spaces for the commercial use to be provided in the rear parking lot, and a variance of 19 spaces was granted for the deficiency.

In comparison, if the project were to request approval today, it would not be exempt from minimum parking requirements, and 8 parking spaces would be required based on a B-1 District requirement of 1 space for every 400 square feet of area dedicated for the use.

SUMMARY

The petitioner requests approval for a Special Use Permit and Variance in order to operate a craft alcoholic beverage dispenser in the B-1 Limited Business District. Very similar to a commercial restaurant that was always anticipated in the space, the business will serve both beer brewed on-site as well as a full-service menu.

DOCUMENTS ATTACHED:

1. Publication notice appearing in the November 18, 2021 Westmont Suburban Life.
2. Petitioner Attachments:
 - a. Planning and Zoning Development Application
 - b. Cover Letter, Special Use and Variation Standards, dated October 5, 2021.
 - c. Elevations, floor plan and anticipated signage, undated.
3. Findings of Fact for Special Use Permit
4. Findings of Fact for Variance

VILLAGE OF WESTMONT PLANNING AND ZONING COMMISSION
FINDINGS OF FACT

PUBLIC HEARING OF DECEMBER 8, 2021

PZC 160-2021: Whiskey Hill Brewing Co., Inc. and HP Quincy Partners, LLC regarding 1 W. Quincy Street, Westmont

Request for a special use to allow a craft alcoholic beverage dispenser 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 Applicant will hold all necessary liquor licenses from the Village and the State and proposes to operate in strict accordance with all liquor regulations. The proposed restaurant/brewpub will provide an amenity to the Central Business District, will be family-friendly, and all operations will be conducted indoors (with the exception of limited outdoor seating). As a result, the proposed use will not be detrimental to the public health, safety, morals, comfort or welfare.

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 Central Business District, including the area immediately surrounding this property, is improved with numerous restaurants with alcohol service and which do not adversely affect surrounding properties. This proposed use will operate indoors (with the exception of limited outdoor seating), will maintain normal restaurant business hours, will provide an amenity to the Central Business District, and is not expected to adversely affect the use and enjoyment of surrounding properties.

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: This proposed use will operate from an existing building, and surrounding properties are fully developed. Allowing this use on the property will not adversely impact the potential redevelopment of surrounding properties.

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 fully served by adequate utilities, access ways, drainage, and other necessary facilities. Sufficient public parking and limited off-street parking is available for this use.

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: This use is expected to draw patrons from the Central Business District and the walkable neighborhoods adjacent to the Central Business District, thereby minimizing any traffic congestion. Patrons may also utilize the nearby Metra train or Pace bus system to access this use, further minimizing traffic congestion. Ample public parking is available for patrons who visit by automobile, and the use is served by adequate public sidewalks. There is adequate ingress and egress to the off-street parking lot. This proposed use will not create any ingress/egress concerns or issues.

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: Except for one Zoning Ordinance variance which is sought, this proposed use will otherwise comply with all other regulations of the B-1 Limited Business District and the Zoning Ordinance, and the Applicant plans to comply with all State and local liquor regulations.

CRITERIA NO. 7: *The proposed use meets the special conditions of Special Condition 2 and 6.*

FINDINGS OF FACT: The proposed use meets the requirements of Special Condition 2 in that it will not cause appreciable traffic congestion or hazard to pedestrian safety. See the above Findings of Fact for Criteria No. 5. The proposed use does not meet the requirements of Special Condition 6, and the Applicant has applied for a variance to waive strict compliance with this requirement.

VILLAGE OF WESTMONT PLANNING AND ZONING COMMISSION
FINDINGS OF FACT

PUBLIC HEARING OF DECEMBER 8, 2021

PZC 160-2021: Whiskey Hill Brewing Co., Inc. and HP Quincy Partners, LLC regarding 1 W. Quincy Street, Westmont

Request for a variance to allow a craft alcoholic beverage dispenser to be located within 1,000 feet of a school.

***CRITERIA NO. 1:** The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located.*

FINDINGS OF FACT: The property was specifically developed to host a ground-floor restaurant with alcohol service, despite being located just within 1,000 feet of a school. Having a restaurant with alcohol service is a redevelopment goal of the Village and is consistent with the Village's Comprehensive Land Use Plan. Other restaurants with alcohol service operate in the immediate vicinity without any adverse impacts on the school or school children. The Applicant proposes to comply with all State and local liquor regulations. A restaurant at this location without alcohol service is not sustainable, and the property owner and Applicant could not yield a reasonable return without this variance.

***CRITERIA NO. 2:** The plight of the owner is due to unique circumstances.*

FINDINGS OF FACT: This property was developed specifically for a ground-floor restaurant with alcohol service, and the Village was aware of this fact when the initial zoning approvals were granted for this development. Additionally, the primary operating hours of the proposed brewpub will occur when the closest school is closed.

***CRITERIA NO. 3:** The variation, if granted, will not alter the essential character of the locality.*

FINDINGS OF FACT: The Central Business District is characterized by numerous restaurants with alcohol service, none of which have had an adverse impact on nearby schools or school children. The Village seeks to make the Central Business District an attractive destination for family dining and entertainment, and this proposed use meets that goal. The proposed use will be located in a new, attractive building, will maintain normal restaurant operating hours, and is not expected to alter the essential character of the area.

Certificate of the Publisher

Westmont Suburban Life

Description: WHISKEY HILL
1936572
PZC 160-2021

VILLAGE OF WESTMONT
31 W QUINCY ST
WESTMONT IL 60559

Shaw Media certifies that it is the publisher of the Westmont Suburban Life. The Westmont Suburban Life is a secular newspaper, has been continuously published weekly for more than fifty (50) weeks prior to the first publication of the attached notice, is published in the Village of Westmont, County of DuPage, State of Illinois, is of general circulation throughout that county and surrounding area, and is a newspaper as defined by 715 ILCS 5/5.

A notice, a true copy of which is attached, was published 1 time(s) in the Westmont Suburban Life, namely one time per week for one successive week(s). Publication of the notice was made in the newspaper, dated and published on 11/18/2021

This notice was also placed on a statewide public notice website as required by 5 ILCS 5/2.1.

In witness, Shaw Media has signed this certificate by Laura Shaw, its publisher, at Westmont, Illinois, on 18th day of November, A.D. 2021

Shaw Media By:



Laura Shaw, Publisher

Account Number 10074602

Amount \$192.30

PUBLIC NOTICE
LEGAL NOTICE / PUBLIC NOTICE
VILLAGE OF WESTMONT
PLANNING AND ZONING COMMISSION
NOTICE OF PUBLICATION

NOTICE IS HEREBY GIVEN that a public hearing has been scheduled before the Westmont Planning and Zoning Commission to be held on Wednesday, December 8, 2021 at 7:00 P.M. in the Westmont Village Hall, 31 W. Quincy St., Westmont, Illinois 60559.

The purpose of the hearing is to consider a request from Whiskey Hill Brewing CO, Inc., and HP Quincy Partners, LLC, for the following:

(A) Special Use Permit request to operate a Craft alcoholic beverage dispenser in the B-1 Limited Business District.

(B) Zoning Code Variance request for a Craft alcoholic beverage dispenser to be located within 1000 feet of a school.

Legal Description:
 LOTS 8, 9, 10, 11, 12, 13, 14, 15 IN BLOCK 1 IN WESTMONT, TOGETHER WITH ALL OF THE VACATED 18' WIDE PUBLIC ALLEY LYING ADJACENT TO AND SOUTH OF SAID LOTS 8, 9 AND 10 IN BLOCK 1, LYING EAST OF THE WEST LINE OF SAID LOT 8 AS EXTENDED SOUTH TO THE NORTH LINE OF LOT 11 IN SAID BLOCK 1, (ALSO BEING THE SOUTH LINE OF SAID VACATED PUBLIC ALLEY) AND LYING WEST OF THE EAST LINE OF SAID LOTS 10 AND 11 IN SAID BLOCK 1 AS EXTENDED SOUTH AND NORTH, IN WESTMONT, BEING A SUBDIVISION BY ARTHUR T. MCINTOSH AND COMPANY OF THE SOUTHEAST QUARTER AND PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 15, 1921 AS DOCUMENT 146502, IN DUPAGE COUNTY, ILLINOIS. PIN: 09-09-407-027

More Common Location: West Quincy Street, Westmont, IL 60559

Village Code(s) Applicable:
 Appendix A, Section 7.03(A)(32a)
 Appendix A, Section 7.04
 Appendix A, Section 13.07
 Appendix A, Section 13.09

Note: Any person who has a disability requiring a reasonable accommodation to participate in the meeting should contact the Village of Westmont, Illinois, 60559 between 8:00 A.M. to 4:00 P.M. Monday through Friday, or telephone (630) 981-6210 voice, or (630) 981-6300 TDD, within a reasonable time before the meeting. All interested persons in attendance will be allowed to express their views. Items may be removed from the agenda after mailing or publication without additional notice. Please check with the Community Development Department at (630) 981-6210 before attending the meeting to verify that an item is still on the agenda.

WESTMONT PLANNING AND ZONING COMMISSION
 Doug Carmichael, Chairperson
 Publication Date: November 18, 2021

(Published in Westmont Suburban Life November 18, 2021) 1936572