



**VILLAGE OF WESTMONT**  
**Board of Trustees Memorandum**  
**January 13, 2022**

**Item for Board of Trustees Consideration:**

Board to consider an ordinance approving requests from CD ZA, Inc. (d/b/a Mrs. T's Pizza and Pub), and 2 W. Naperville Road, LLC, regarding the property located at 2 West Naperville Road, for the following:

- (1) Preliminary and Final Plat of Subdivision to consolidate multiple lots in the B-1 Limited Business District.
- (2) Zoning Code Variances to allow a building addition to encroach into the Cass Avenue and Naperville Road Supplemental Setback Lines.
- (3) Site and Landscaping Plan.
- (4) Parking stall size Waiver.
- (5) B-1 Development Permit.

**Planning and Zoning Commission recommendation:**

At its meeting on December 8, 2021, the Planning and Zoning Commission voted 6-1 to recommend approval of these items, conditioned with two additional requirements:

- 1) That revisions be made to the north elevation to be accurate; and
- 2) That a photometric plan be submitted as the parking lot does not have any lighting proposed.

A revised north elevation has been submitted and accurately depicts mechanical equipment that had been omitted, and removed two faux windows initially shown on the first floor.

A provided photometric plan illustrates one proposed light pole in the parking lot; however, the plan reveals poor lighting overall. The applicant has indicated that improved lighting will be proposed through the permitting process. Per code, lighting is not required, yet the Planning and Zoning Commission indicated the preference that lighting be provided given the night operations of the restaurant and perceived safety concerns.

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**BACKGROUND OF ITEM - General Legal and Location:**

The subject site is located on the northwest corner of Cass Avenue and Naperville Road, and comprises seven underlying lots. The total area of the lots is approximately 24,225 square feet or .56 acres of land.



**Aerial Map - 2 West Naperville Road**



**Zoning Map - 2 West Naperville Road**

**Zoning Designations:**

- SUBJECT PROPERTY** B-1 Limited Business District
- NORTH** R-4 General Residence District
- SOUTH** B-1 Limited Business District - Mobile
- EAST** B-1 Limited Business District - 7-Eleven
- WEST** B-1 Limited Business District - Reliance Insurance

### **Neighborhood Characteristics:**

The site consists of an existing mixed-use structure with a commercial restaurant space on the ground floor and an apartment above. The site is improved with an existing parking lot to the west of the building that has access to both Naperville Road and the gravel alley that is adjacent. In general, the intersection and area signify the entry to the downtown, with a mix of commercial and office uses.



**Street View - 2 West Naperville Road (source: Google)**

### **Petitioner Request:**

The petitioner proposes the renovation of the existing restaurant space with the addition of a covered outdoor porch on the south and west sides to both relocate the entry, and to provide additional outdoor seating. The parking lot will be reconfigured for better traffic flow, and new landscape will be installed adjacent to the new entry features. The remainder of the building will receive complimentary facade improvements.

The requests include a site and landscape plan approval for the exterior work, and variances to setbacks along both Naperville Road and Cass Avenue for the new addition.

A Plat of Subdivision(consolidation) accompanies the request to rectify the construction on the seven underlying lots by creating one lot for unified development.

## **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 northside of Westmont's downtown in the Central Business District TIF District. Also located within the Comprehensive Plan and designated in the Commercial Node of the Naperville and Cass Subarea, the area is denoted to target local retail, restaurant, or service uses that benefit from the visibility of the intersection. The plan indicates that goals include the retrofitting of existing development or incremental redevelopment, and enhancements are needed to ensure compatibility between differing uses and create a more unified appearance within the subarea. The restaurant is considered a preferred retail use.

Bulk and Development Standards

As a minor improvement to an existing site, efforts are made to bring the property into closer compliance with the standards for the zoning district when possible. Incremental improvements to the site plan are being proposed; however, the addition of the covered porch does not meet required setbacks. The petitioner requests variances for encroachments into setbacks on both Cass Avenue and Naperville Road, which are discussed later in this report.

A summary of the Bulk Standards (Sec 7.05), provided below:

- Minimum lot area:  
Required: N/A      Provided: *24,225 square feet - minimum met*
- Minimum lot width:  
Required: N/A      Provided: *114.27 feet - minimum met*
- Maximum floor area ratio:  
Required: 0.80      Provided: *~.18 - maximum met*
- Maximum height of buildings and structures:  
Required: 40 feet      Provided: *23 feet - maximum met*
- Minimum yards:
  - Cass Avenue supplemental setback line (Sec. 4.16):  
Required: 30 feet (Supplemental)  
Building Existing: *6 feet 8 inches- minimum not met (legal nonconforming encroachment)*  
Building Proposed (porch cover): *25 feet - **minimum not met - 5 foot encroachment***
  - Naperville Road supplemental setback line (Sec. 4.16):  
Required: 30 feet (Supplemental)  
Building Existing: *5 feet - minimum not met (legal nonconforming encroachment)*  
Building Proposed (porch cover): *5 feet - **minimum not met - 25 foot encroachment***  
Parking Lot Existing: *5 feet - minimum not met (legal nonconforming encroachment)*
  - Interior side:  
Required: 5 feet each  
Building Existing: *~60 feet - minimum met*
  - Rear:  
Required: 20 feet  
Building Proposed (porch cover): *~135 feet - minimum met*

### 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. Therefore, parking is in compliance for the current building and uses.

Section 10.06(B)(2)(e) permits expansions of up to 400 square feet for existing buildings with no additional requirement for additional parking spaces. The covered porch area attributed to expansion of the dining area has been kept to 400 square feet to avoid the need for additional parking spaces.

The number of spaces is being reduced from 32 to 29 due to the reconfiguration of the drive aisles; however, the reduction can be permitted as authorized by Section 10.06(B)(2)(g), which permits the reduction in spaces when approved concurrent with site plan approval. Approval of this request would satisfy the code for the reduction. For reference, if the project were to request approval today, it would not be exempt from minimum parking requirements, and 7 parking spaces would be required based on a B-1 District requirement of 1 space for every 400 square feet of commercial area and 1.25 spaces for each dwelling unit.

### Site and Landscape

The existing building is proposed to have substantial renovation to the interior dining areas in addition to the relocation of the entry and addition of the porch on the southwest side. Elevations will be improved on all four sides of the building with new siding, windows, stone veneer, and a standing-seam metal roof. Interior floor plans have been submitted to show anticipated interior layout, subject to review during the permitting process.

Existing accessible spaces in the parking lot will be removed, relocated and reinstalled in front of the entry and utilize permeable pavers. This includes reconfiguration of the parking lot stalls into a better pattern, and removes existing parallel spaces adjacent the Naperville Road frontage. Although drive aisles will be widened to exceed current engineering standards, the parking spaces will remain a smaller dimension of 9 feet by 19 feet, which does not meet the code requirement of 10 feet by 20 feet, and represents one of the constraints of working within the dimensions of the existing lot. Overall an improvement, the petitioner has requested a waiver to parking stall requirements to be considered by the Board.

Landscaping related to the expansion meets all required minimum standards, and modifications have been made from initial comments to meet staff concerns. Overall the improvements reduce impervious area on the lot by 98 square feet, which does not require any stormwater mitigation.

### Variance Requests

#### **Building Encroachments in the 30 foot Supplemental Setbacks**

The applicant is requesting variances for the new porch covering to encroach into the supplemental setbacks adjacent to both Cass Avenue and Naperville Road. The variances are needed as the new construction exceeds the original footprint of the building, but does not encroach any further into the supplemental setbacks than the existing building itself.

To Cass Avenue, a small portion of the porch encroaches 5 feet, yet remains further away from Cass Avenue than the building itself, which sits 6 feet 8 inches from the property line. To Naperville Road, the porch covering is similar to the 5 foot setback already established by the current building at the street intersection.

The petitioner indicates that hardships include the irregular lot configuration, building location, tenant space configuration, and the need for outdoor dining due to the current pandemic. Staff notes that landscape adjacent to the new construction greatly enhances the current conditions and will soften and screen the encroachments, which would be consistent with the character of the neighborhood in this immediate vicinity.

#### 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.*

### Plat of Subdivision

Staff had requested that the applicant properly consolidate the underlying lots into one lot of record as required by code, and a Plat of Subdivision (also includes consolidation) request has been submitted for approval. No typical requirements of a subdivision such as stormwater detention or right-of-way improvements are needed for this consolidation.

### **STAFF COMMENTS**

***Engineering Synopsis*** - All initial engineering comments have been addressed and the project is recommended for approval. It is noted that the permeable pavers being installed are considered PCBMPs, although they are not required.

***Landscape/Forestry Synopsis*** - All requests for tree protection and required landscaping including plant types have been addressed, with no additional comments.

### **SUMMARY**

The petitioner seeks to renovate an existing commercial building with associated architectural and site improvements. A site and landscape plan and preliminary plat of consolidation has been submitted, which complies substantially with the requirements of the Zoning and Municipal codes and the Commercial District Guidelines of the Village of Westmont, subject to approval of the requested variances.

### **DOCUMENTS ATTACHED:**

1. Publication notice appearing in the November 18, 2021 Westmont Suburban Life.
2. Petitioner Attachments:
  - a. Planning and Zoning Development Application and supporting documents.
  - b. Site Plan, 1st Floor Plan and Elevations, prepared by ArchAmerica, sheets A-1 thru A-4, dated November 10 and December 17, 2021.
  - c. Final Engineering Plans, including Landscape Plan, prepared by WMA, sheets C-0 thru C-4 and L-1, dated November 10, 2021.
  - d. Plat of Consolidation, prepared by WMA, dated November 10, 2021.
  - e. Photometric Plan, prepared by PG enlighten, dated December 20, 2021.
3. Findings of Fact for Variances

Certificate of the Publisher

Westmont Suburban Life

Description: 2 W NAPERVILLE - MRS T'S  
1936407  
PZC 146-2021

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 \$290.22

**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 CD 2A, Inc. (d/b/a Mrs. T's Pizza and Pub), and 2 W. Naperville Road, LLC, for the following:

(A) Preliminary Plat of Subdivision to consolidate multiple lots in the B-1 Limited Business District.

(B) Zoning Code Variance request to allow a building addition to encroach into the Cass Avenue Supplemental Setback Line.

(C) Zoning Code Variance request to allow a building addition to encroach into the Naperville Road Supplemental Setback Line.

(D) Site and Landscaping Plan approval.

**Legal Description:**

PARCEL 1: LOTS 11, 12, 13, 14, 15, 16 AND 17, IN BLOCK 1 (EXCEPT THAT PART OF LOTS 11, 12 AND 13 BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 11 AND RUNNING THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 11, 73.50 FEET; THENCE WEST 80.75 FEET TO A POINT IN THE WESTLINE OF LOT 13 WHICH IS 46.50 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT; THENCE NORTH 46.50 FEET; THENCE NORTHEASTERLY ALONG THE NORTH LINE OF SAID LOTS 13, 12 AND 11, 85.24 FEET TO THE PLACE OF BEGINNING) (ALSO EXCEPT THAT PART DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEASTERLY CORNER OF SAID LOT 11; THENCE ON AN ASSUMED BEARING OF SOUTH 69 DEGREES 25 MINUTES 15 SECONDS WEST, ALONG THE SOUTHEASTERLY LINE OF SAID LOT 11 A DISTANCE OF 10.77 FEET TO A POINT ON A TANGENTIAL ARC; THENCE NORTHEASTERLY ALONG SAID TANGENTIAL ARC TO THE LEFT HAVING A RADIUS OF 15.00 FEET, AN ARC LENGTH OF 18.68 FEET, A CHORD BEARING OF NORTH 33 DEGREES 46 MINUTES 15 SECONDS EAST, AND A CHORD LENGTH OF 17.49 FEET TO A TANGENTIAL POINT ON THE EASTERLY LINE OF SAID LOT 11; THENCE SOUTH 1 DEGREE 53 MINUTES 45 SECONDS EAST, ALONG SAID EASTERLY LINE A DISTANCE OF 10.77 FEET, TO THE POINT OF BEGINNING WHICH HAS BEEN TAKEN PURSUANT TO CASE 2005ED43) IN THE RESUBDIVISION OF LOTS 8 TO 27 INCLUSIVE, IN BLOCK 8 IN ARTHUR T. MCINTOSH AND COMPANY'S FAIRMONT GARDENS, BEING A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 4, AND THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED SEPTEMBER 7, 1920 AS DOCUMENT 144142, IN DU PAGE COUNTY, ILLINOIS. PARCEL 2: THAT PART OF LOTS 11, 12 AND 13 IN BLOCK 1 DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 11; RUNNING THENCE SOUTH ALONG THE EAST LINE OF SAID LOT, 73.50 FEET; THENCE SOUTH 80.75 FEET TO A POINT IN THE WEST LINE OF LOT 13 WHICH IS 46.50 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT; THENCE NORTH 46.50 FEET; THENCE NORTHEASTERLY ALONG THE NORTH LINE OF LOTS 13, 12 AND 11, 85.24 FEET TO THE POINT OF BEGINNING, IN THE RESUBDIVISION OF LOTS 8 TO 27 INCLUSIVE IN BLOCK 8 IN ARTHUR T. MCINTOSH AND COMPANY'S FAIRMONT GARDENS IN THE SOUTHEAST QUARTER OF SECTION 4 AND THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

PIN: 09-09-204-014  
More Common Location: 2 West Naperville Road, Westmont, IL 60559

Village Code(s) Applicable: Appendix A, Section 4.16(C)  
Appendix A, Section 7.02(E)  
Appendix A, Section 13.07  
Appendix B, Article II

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 Camichael, Chairperson

Publication Date: November 18, 2021

(Published in Westmont Suburban Life November 18, 2021) 1936407



**VILLAGE OF WESTMONT PLANNING AND ZONING COMMISSION**  
**FINDINGS OF FACT**

**PUBLIC HEARING OF DECEMBER 8, 2021**

**PZC 146-2020: CD ZA, Inc., d/b/a Mrs. T's Pizza and Pub, and 2 W. Naperville Road, LLC, regarding 2 W. Naperville Road, Westmont**

Request for variances to allow a building addition to encroach (1) into the required supplemental setback for Cass Avenue, and (2) into the required supplemental setback for Naperville Road.

***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 proposed building addition will not encroach any further into the supplemental setbacks than the existing building. Landscaping improvements will soften the appearance of these encroachments and provide partial shielding. There is no other available space on the property for this needed improvement without developing on the existing parking lot, which would result in the loss of needed off-street parking for the restaurant. Without this variance, the Applicant could not improve and upgrade the property and yield a reasonable return.

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

**FINDINGS OF FACT:** The proposed covered outdoor porch will allow the proposed restaurant to safely serve customers during the COVID-19 pandemic, and the variances will avoid the loss of need off-street parking.

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

**FINDINGS OF FACT:** The proposed improvements will significantly enhance the appearance and functionality of the proposed restaurant and will improve the character of the neighborhood. The setback encroachment is equal to or less than the encroachment of the existing building, and the Applicant will retain and improve the existing off-street parking for the restaurant.