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Community Development Department

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Village of Westmont Planning & Zoning Commission March 8, 2023 - Approved Minutes

The Village of Westmont Planning and Zoning Commission held its regular meeting on Wednesday, **March 8, 2023 at 7:00 p.m.**, at the Westmont Village Hall located at 31 W. Quincy Street, Westmont, Illinois 60559.

Chair Doug Carmichael led in the following:

- 1. Call to Order**
- 2. Roll Call**

In Attendance: Chair Doug Carmichael, Commissioners Wallace Van Buren, Craig Thomas, Chris Lavoie, Harold Barry III, Jill Peterson, Village Attorney John Zemenak, and Planner I Scott Williams.

Absent: Commissioner Matthew Scales, Deputy Director of Community Development - Planning, Joe Hennerfeind

- 3. Pledge of Allegiance**
- 4. Swearing-in of testifying attendees**
- 5. Reminder to silence all electronic devices**
- 6. Reminder to sign-in for any public testimony**
- 7. Approval of the Minutes of the January 11, 2023 regular meeting.**

MOTION to approve the regular meeting minutes on January 11, 2023

Motion by: Lavoie

Second by: Barry

VOTING

Van Buren: Yes

Carmichael: Yes

Thomas: Yes

Lavoie: Yes

Barry: Yes

Scales: Absent

Peterson: Yes

- 8. Open Forum - No one spoke during Open Forum.**
- 9. Review of Public Hearing Procedures**
- 10. Open Hearing**

New Business

PZC 002-2023 Requests from Full Circle Partners, LLC, d/b/a NEAT Kitchen and Bar (Petitioner) and Mike Higgins (Owner) regarding the property located at 246 North Cass Avenue, Westmont, IL 60559, for the following:

- (A) Zoning Ordinance Variance requests to allow a covered patio within a required supplemental setback line to Cass Avenue and within a required front yard setback in the B-1 Limited Business District.



- (B) Preliminary Plat of Subdivision to consolidate four (4) lots into one (1) lot.
- (C) Site and Landscaping Plan approval.

Presentation: Matt Verde, part owner of NEAT Kitchen and Bar, provided the Commission with an overview of the requests, a brief history of their business, and their vision of the proposed outdoor patio.

Staff Comment: Planner Scott Williams provided the Commission with a staff report and discussed the petitioner's requests. Williams indicated that there are three requests being sought by the petitioner which includes a consolidation of four underlying lots, a site and landscape plan approval, and a variance to allow the proposed patio to encroach in the front yard and supplemental setback line.

Public Comment: There were no public comments.

Commissioner Comments:

Lavoie : Commissioner Lavoie asked the petitioner and staff clarifying questions regarding ADA compliance, lighting, and fencing. Williams indicated that ADA compliance and the lighting standards will be met at permitting but the total number of parking spaces should not change. The petitioner confirmed that there will be an iron fence around the patio.

Peterson : Commissioner Peterson clarified with the petitioner that there will be a barrier and plantings along the patio. The petitioner indicated that there would be a variety of plantings. Village Attorney John Zemenak added that if outdoor alcohol is being consumed there are requirements through the liquor licensing.

Thomas : Commissioner Thomas asked the petitioner to clarify the types of plantings that will be around the patio.

Van Buren : Commissioner Van Buren indicated support for the requests.

Barry : Commissioner Barry indicated support for the requests.

Carmichael : Commissioner Carmichael indicated support for the requests.

Scales : Absent

MOTION A

Motion to recommend to the Village Board of Trustees to approve request from Full Circle Partners, LLC, d/b/a NEAT Kitchen and Bar (Petitioner) and Mike Higgins (Owner) regarding the property located at 246 North Cass Avenue, Westmont, IL 60559, for a Zoning Ordinance Variance request to allow a covered patio within a required supplemental setback line to Cass Avenue and within a required front yard setback in the B-1 Limited Business District.

Motion by: Van Buren

Second by: Peterson

VOTING A

Van Buren: Yes

Carmichael: Yes

Thomas: Yes

Lavoie: Yes

Barry: Yes

Scales: Absent

Peterson: Yes

Motion Passed



MOTION B

Motion to recommend to the Village Board of Trustees to approve request from Full Circle Partners, LLC, d/b/a NEAT Kitchen and Bar (Petitioner) and Mike Higgins (Owner) regarding the property located at 246 North Cass Avenue, Westmont, IL 60559, for a Preliminary Plat of Subdivision to consolidate four (4) lots into one (1) lot.

Motion by: Barry
Second by: Thomas

VOTING B

Van Buren: Yes
Carmichael: Yes
Thomas: Yes
Lavoie: Yes
Barry: Yes
Scales: Absent
Peterson: Yes

Motion Passed

MOTION C

Motion to recommend to the Village Board of Trustees to approve request from Full Circle Partners, LLC, d/b/a NEAT Kitchen and Bar (Petitioner) and Mike Higgins (Owner) regarding the property located at 246 North Cass Avenue, Westmont, IL 60559, for a Site and Landscaping Plan approval.

Motion by: Barry
Second by: Van Buren

VOTING C

Van Buren: Yes
Carmichael: Yes
Thomas: Yes
Lavoie: Yes
Barry: Yes
Scales: Absent
Peterson: Yes

Motion Passed

PZC 004-2023 Request from John Burns Construction Co. (Petitioner) and 999 Oakmont Valley Equity Group LLC (Owner), regarding the property located at 999 Oakmont Plaza Drive, Westmont, IL 60559, for the following:

- (A) Zoning Code Variance request to alter the orientation of wall signs.

Presentation: Jim Gilmore of Design Group Signage Corp and Pat Esposito of John Burns Construction Company provided the commission with a brief introduction of the business and the proposed requests of relocating the sign. Esposito indicated that the sign will also have a timer to dim the lighting.



Staff Comment: Planner Scott Williams provided the Commission with background on the proposed requests and the site. Williams explained to the Commission that there will be no increase in the total number of signs permitted on the property. Williams further explained that the petitioner will forgo their rights of signage on the west facade and utilize the allotted signage on the south facade to better face Route 83.

Public Comment: There were no public comments.

Commissioner Comments:

Scales : Absent

Peterson : No comments.

Thomas : Commissioner Thomas clarified that the ground sign would not be altered and welcomed the business to the Village.

Van Buren : No comments.

Barry : Commissioner Barry had no comments and welcomed the business to the Village.

Lavoie : Commissioner Lavoie indicated support for the request.

Carmichael : No comments.

MOTION A

Motion to recommend to the Village Board of Trustees to approve a request from John Burns Construction Co. (Petitioner) and 999 Oakmont Valley Equity Group LLC (Owner), regarding the property located at 999 Oakmont Plaza Drive, Westmont, IL 60559, for a Zoning Code Variance request to alter the orientation of wall signs.

Motion by: Thomas

Second by: Van Buren

VOTING A

Van Buren: Yes

Carmichael: Yes

Thomas: Yes

Lavoie: Yes

Barry: Yes

Scales: Absent

Peterson: Yes

Motion Passed

PZC 007-2023 Request by Ahmad Denah, d/b/a Z Smoke Shop (Petitioner) and Trasyboulos Kostopoulos (Owner), regarding the property at 319 West 63rd Street, Westmont, Illinois, 60559, for the following:

(A) Special Use Permit request for a tobacco and vape retail store in the B-2 General Business District.

Presentation: Ahmad Denah, owner of Z Smoke Shop, provided the commission with an overview of his business and the request. Denah indicated that his business will sell tobacco related products such as cigarettes, vapes, hookah, and CBD products. Denah also indicated that the business would be open from 10am to 9pm with one other employee.



Staff Comment: Planner Scott Williams provided the Commission with an overview of the property and the special use permit request. Williams explained that in the B-2 General Business District, a Special Use Permit is required for tobacco and vape retail stores and that a special condition is required to meet for distance to a school. Williams informed the commission that this location would comply with the special condition as there are no schools within 1,000 feet of the business. Williams clarified that daycares are not considered schools but there is a daycare in the neighboring buildings.

Attorney John Zemenak added that tobacco licensing also has a distance requirement of 100 feet from a school and daycare centers but the petitioner would comply with the tobacco licensing requirements as well. Zemenak also clarified the standards for a special use permit in relation to the Planning & Zoning Commission.

Public Comment: There were no public comments.

Commissioner Comments:

Thomas : No comments.

Van Buren : Commissioner Van Buren clarified with the petitioner that the establishment would only be for retail sale of tobacco and vape products and that no consumption would take place on the site.

Zemenak further clarified that the proposed business would not be allowed to have on site consumption due to State statutes requiring the building be stand alone.

Barry : Commissioner Barry voiced concerns related to the surrounding businesses such as an ice cream shop and a daycare center. Commission Barry indicated opposition to the request.

Scales : Absent

Lavoie : Commissioner Lavoie asked staff to clarify if this property would be able to sell cannabis products. Staff indicated that it was not reviewed for this special use permit request as it is for tobacco and vape sales not cannabis sales.

Peterson : No comments.

Carmichael : Commission Carmichael asked staff clarifying questions regarding the CBD products and cannabis products. Zemenak clarified the difference between the two and that CBD products can be sold without a cannabis license.

MOTION A

Motion to recommend to the Village Board of Trustees to approve a request by Ahmad Denah, d/b/a Z Smoke Shop (Petitioner) and Trasyboulos Kostopoulos (Owner), regarding the property at 319 West 63rd Street, Westmont, Illinois, 60559, for a Special Use Permit request for a tobacco and vape retail store in the B-2 General Business District.

Motion by: Barry

Second by: Peterson

Commissioner Lavoie opened a discussion related to Commissioner Barry's comments. Lavoie indicated that doesn't foresee issues related to the proposed location because the patrons would not be consuming on site.

Village Attorney John Zemenak also indicated that the tobacco licensing allows officers to perform routine checks for compliance.



VOTING A

Van Buren: Yes

Carmichael: Yes

Thomas: Yes

Lavoie: Yes

Barry: No

Scales: Absent

Peterson: Yes

Motion Passed

PZC 009-2023 Request 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 in Westmont, IL 60559 for the following:

(A) Amended Site and Landscaping Plan approval for a restaurant in the B-1 Limited Business District.

Presentation: Larry Buchanan, owner of Mrs. T's Pizza and Pub, and Property owner; George Kazantzis provided the Commission with a description of the proposed changes to the approved landscaping plan. Buchanan indicated that the proposed changes are to create a softer look around the mechanical equipment.

Staff Comment: Planner Scott Williams provided the Commission with an update on the proposed project and an overview of the proposed changes. Williams explained to the Commission that the proposed request is for an amendment to the approved landscaping plans from 2021. Williams also clarified to the Commissioners that the amendment was requested by staff after multiple on site changes were made.

Public Comment: There were no public comments.

Commissioner Comments:

Barry : Commissioner Barry indicated support of the request.

Scales : Absent

Lavoie : Commissioner Lavoie expressed concerns related to the retention wall, lighting, and the construction of the HVAC equipment. Lavoie clarified with staff the type of fence being proposed.

Peterson : Commissioner Peterson confirmed with staff that the signage has yet to be approved. Peterson asked for the petitioner's reasoning for changing the roof material and color. The petitioner cited cost overruns and availability of materials.

Thomas : Commissioner Thomas indicated support related to the petitioner's request.

Van Buren : Commissioner Van Buren indicated support related to the petitioner's request.

Carmichael : Commissioner Carmichael indicated support related to the petitioner's request.

MOTION A

Motion to recommend to the Village Board of Trustees to approve a request 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 in Westmont, IL 60559 for an amended Site and Landscaping Plan approval for a restaurant in the B-1 Limited Business District.

Motion by: Van Buren

Second by: Barry



VOTING A

Van Buren: Yes

Carmichael: Yes

Thomas: Yes

Lavoie: Yes

Barry: Yes

Scales: Absent

Peterson: Yes

Motion Passed

PZC 008-2023 Request from Village of Westmont for the following:

(A) Text amendments to Article XII, Nonconforming Structures and Uses, of the Zoning Ordinance.

Presentation: Village Attorney John Zemenak provided the commission with an overview of the proposed changes to the code and the Village's reasoning. Zemenak cited issues interpreting the existing language in Section 12 for enforcement. Zemenak indicated that the amended language will provide clearer guidelines in regards to non-conforming structures and uses.

Staff Comment: No comments were made as the Village Attorney presented.

Public Comment: There were no public comments.

Commissioner Comments:

Van Buren : Commissioner Van Buren had a clarifying question regarding, setbacks in residential neighborhoods and the proposed text amendment.

Barry : Commissioner Barry had clarifying questions regarding the natural events and non-conforming structures.

Scales : Absent

Lavoie : Commissioner Lavoie had questions regarding the changes to the Special Use Permits and non-conforming uses.

Peterson : No comments.

Thomas : No comments.

Carmichael : Commissioner Carmichael clarified with staff that the proposed amendment would not change the home occupation regulations.

MOTION A

Motion to recommend to the Village Board of Trustees to approve a request from the Village of Westmont for text amendments to Article XII, Nonconforming Structures and Uses, of the Zoning Ordinance.

Motion by: Peterson

Second by: Lavoie

VOTING A

Van Buren: Yes

Carmichael: Yes

Thomas: Yes

Lavoie: Yes



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Barry: Yes

Scales: Absent

Peterson: Yes

Motion Passed

Old Business: None.

11. Miscellaneous Items -

1) General Updates

a) Next regularly scheduled PZC on April 12, 2023

12. Adjourn

Motion by: Thomas

Second by: Peterson

Meeting adjourned at 8:26 p.m.