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Community Development Department

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Village of Westmont Planning & Zoning Commission March 13th, 2019 - Minutes

The Village of Westmont Planning and Zoning Commission held its regular meeting on Wednesday, March 13th, 2019 at 7:00 p.m., at the Westmont Village Hall located at 31 W. Quincy Street, Westmont, Illinois 60559.

Chair Gregg Pill led in the following:

1. Call to Order
2. Roll Call

In Attendance: Chair Gregg Pill, Commissioners Wallace Van Buren, Doug Carmichael, Craig Thomas, Thomas Sharp, Chris Lavoie, Janis Bartel, Village Attorney John Zemenak, Community Development Director Bruce Sylvester, Interim Village Planner Kon Savoy, Village Planner Nalini Johnson, Director of Economic Development Larry Forssberg

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 February 13th, 2019 regular meeting

MOTION to approve February 13th, 2019 minutes.

Motion by: Van Buren

Second by: Carmichael

Voting A

Van Buren: Yes

Carmichael: Yes

Thomas: YesYes

Lavoie: Yes

Pill: Yes

Sharp: Yes

Bartel: Yes

Motion Passed

8. Open Forum
9. Review of Public Hearing Procedures
10. Open Hearing



New Business

PZ 19-007 Request from Lauren Wahl regarding property located at 401 Whipple Lane, Westmont, Illinois for the following:

(A) Variance request for a proposed 6 foot tall vinyl fence in the a side yard abutting a street.

Presentation: Director of Community Development Bruce Sylvester reported that this request had been withdrawn.

MOTION A

Motion to revise the agenda and begin with PZ 19-006

Motion by: Bartel
Second by: Sharp

VOTING A

Van Buren: Yes
Carmichael: Yes
Thomas: Yes
Lavoie: Yes
Pill: Yes
Sharp: Yes
Bartel: Yes

Motion Passed

PZ 19-006 Request from Laura Swartz of Hanson Landscaping, on behalf of Eagle Creek Apartments, regarding property located at 1128 South Williams Street, Westmont, Illinois for the following:

(A) Landscape Plan for proposed site and landscape revisions.

Presentation: Phil Rausch from Hanson Landscape represented Marquette Management Company who is the owner of the property. Rausch proposed site amenities and entertainment areas for Eagle Creek Apartment residents. Some of the amenities included outdoor grilling, paver patios, paths, and landscape planting improvements.

Staff Comment: Interim Village Planning Consultant Kon Savoy noted that this project is a part of a previously approved landscape plan. Savoy stated that due to the size of the land disturbance it was necessary to have a planning review and approval by the Planning and Zoning Commission. Staff is recommending approval of the project.



Public Comment: None

Commissioner Comments:

Van Buren : Stated he was favorable of the landscape plan however questioned the retention area nearby and weather it is part of the property since it could use significant improvement. Rausch stated that although not part of the scope of work, he did not believe the area in question was within the properties jurisdiction.

Sharp : Recommended that the grill station areas be more accessible for wheelchairs.

Bartel : Since the landscape consultants requirements seemed to have been met, she was supportive.

Lavoie : Recommended staff focus on stormwater and easements during permitting process. The petitioner replied that since they are using pavers, accessibility wouldn't be difficult since the pavers could be broken up and it would be at the expense of the owner. Lavoie was supportive.

Carmichael - Impressed with the improvement over the last year, he was supportive.

Pill : Asked staff to look into the items that Lavoie had mentioned as well as the detention area during the permitting process. Pill was in favor of the landscape plan.

MOTION A

Motion to recommend to the Village Board of Trustees to approve the Landscape Plan for proposed site and landscape revisions.

Motion by: Carmichael

Second by: Sharp

VOTING A

Van Buren: Yes

Carmichael: Yes

Thomas: Yes

Lavoie: Yes

Pill: Yes

Sharp: Yes

Bartel: Yes

Motion Passed



PZ 19-005 Request from Bill Debbs of GSP Development regarding the properties located at 301-315 West Ogden Avenue and 530 North Park Street, Westmont, Illinois for the following:

- (A) Zoning Map Amendment to rezone the property at 530 North Park Avenue from the current R-3 zoning to the proposed B-2 zoning; and
- (B) Plat of Consolidation to combine the properties at 301-315 West Ogden Avenue and 530 North Park Street into one lot; and
- (C) Site and Landscape Plan for a proposed new medical office building.

Presentation: Developer Larry Deb of GSP Development proposed a three story high end medical building. The building will be constructed with glass, metal panel, and precast. Deb described various benefits the development would bring to Westmont including cleaning up an older retail area and easing traffic congestion. Stormwater detention would be added which would be a new feature to the property as well as landscape improvements. Fencing would be included on the South side of the property with landscaping on both sides and Deb reassured there would be no spill over lighting onto the residential neighboring properties. Part of Deb's request included waiving the length and width of some of the parking spaces. Another request includes the rezoning of the residential lot south of the property that is currently vacant and which would primarily be used for parking.

Staff Comment:

Savoy stated the site that is currently zoned R-3 is vacant and has been partially used for parking for commercial uses. Changing this property to B-2 zoning is consistent with many other properties along Ogden Avenue, including the adjacent property to the west of the site. The B-2 zoning currently allows for multi-story medical office uses. Savoy mentioned the adjacent property to the west has a similar commercial lot depth as is proposed for this medical building. Savoy found that most other commercial properties have a greater lot depth than the 301-315 Ogden property currently has, suggesting that over time residential lots may have been acquired to allow for more modern forms of development with higher parking demands and green space requirements, as is proposed for this medical building development. Savoy also mentioned various reasons for requiring the consolidation of the property including eliminating any further zoning conflicts. Savoy found the medical office complied with the zoning and landscape requirements in a B-2 district. Savoy discussed critical issues with the proposed development including the potential impact on the Village tax base given the lack of sales tax that could be generated by a retail use. The petitioner submitted a tax analysis report which Finance Director Spencer Parker reviewed and found to be reasonably sound. Savoy touched on some issues related to the architecture and suggested more masonry and for the commissioners to take that into consideration. Savoy was favorable of the site access changes which limits the turning movements onto Ogden Avenue and would provide safer conditions.

Bruce Sylvester reiterated that the developers traffic study did not raise any conflicts after extensive review from the Village's third party consultant. Sylvester also referred to the site plan referencing the size of the parking stalls and stated the Village Engineer was comfortable with the reduced size that most other communities require. For future reports, Sylvester assured the commissioners that a portion of the staff report would include how a proposal does or does not comply with the Village's comprehensive plan. Sylvester stated this development specifically aligns with the comprehensive plan for Ogden Avenue. Sylvester also discussed the process for Planning and Zoning case notifications.



Zemenek raised a concern regarding the landscaping along Ogden Avenue and pointed-out that proposed parking encroaches into the required front-yard set-back along Ogden Avenue. Sylvester responded that the proposal meets landscape requirements as provided in the Ordinance, and if additional landscaping is required the project would have insufficient parking and so couldn't move forward. The developer designed the site plan to accommodate both landscaping and parking requirements. Zemenek stated there are differences between a setback and landscape requirements. Zemenek stated that specifically along Ogden there is a supplemental setback of 30 feet. Zemenek raised the question of whether parking can encroach into this required setback. Zemenek stated he would look further into this issue to see if a variance would be needed to allow parking in the set-back area. Zemenek also asked the petitioner to elaborate on the market demands of medical spaces. Deb replied that there are currently no vacancies for "A" list medical offices such as the one GSP Development is proposing.

Economic Development Director Larry Forssberg discussed options for the 9 tenants that are currently located within the strip mall. Forssberg's goal is to relocate them within Westmont and keep them in the community.

Public Comment:

Catholic Shop owner Mary Sue Eck stated she has been running the non for profit organization located in the plaza for 27 years. Eck expressed concerns regarding expenses toward moving, decorating, and still having funds to donate toward feeding orphans. Eck stated she did not receive any notice regarding the proposed development until the day prior to the Planning and Zoning Commission meeting. Due to the late notice, Eck expressed grievances relating to various expenses she otherwise wouldn't have spent had she knew about the proposed development. Eck asked if there would be any compensation for the hardships.

Matthew Sawtell accompanied Angela Liu, owner of Nails and Facial. Sawtell expressed frustration in relation to the lack of notice for not only the Planning and Zoning Committee meeting but the Economic Development Committee meeting that had a presentation on the development in January. Sawtell stated the salon has invested over \$200,000 into the facility but Liu is currently experiencing financial troubles given her husbands recent passing.

Joe Sacco who resides on Park Street has lived in Westmont for 55 years. Sacco expressed his appreciation for the town but was not supportive of the development. Sacco expressed concerns related to stormwater and traffic congestion that has increased over the years. Sacco felt the development would only make matters worse.

Juanita Rea-Dorn who resides on Park Street just South of the property for the proposed development. Rea-Dorn wanted to see a detailed site plan since it had not been seen prior to the Planning and Zoning Commission meeting. Community Development Director Bruce Sylvester stated that anyone could contact him to obtain the site plans since they are not yet available online. Rea-Dorn had questions about the level of the property and expressed concerns related to flooding since it's been an ongoing issue in that area and the proposed development has limited green space. Rea-Dorn also expressed concerns related to traffic congestion and noise pollution. Sylvester replied that the proposed development would contain a vault that would retain stormwater to prevent any flooding issues for the area. Sylvester stated that the property currently has no stormwater management and this would be an improvement. Deb reiterated that they would comply with Dupage County Stormwater Management requirements and little to no stormwater would run off the property into the residential area.



Claudette Wild who resides on Park Street and has lived in Westmont for 52 years. Wild expressed concerns about the safety of the children in the neighborhood considering the potential increase in traffic. Wild stated that she lives in a flood zone and feared the development would create worse conditions.

Rick Derer, owner of Blue Village Vinyl has been in business for one year. Derer stated that although the proposed development would be disruptive for the business and the move would be daunting, he understood that if this particular project didn't move forward, another likely would in time. Derer stated that he would like to preserve the store, and would like to know more about timelines since he has time on his lease.

Efren Lopez, owner of Las Palmas restaurant has been in Westmont for 26 years. Lopez's only request was for help to relocate and stay within Westmont.

The petitioner stated that there would be some money in their budget to help tenants with leases but further discussion would be dependent on the approval of the case.

Commissioner Comments:

Thomas - Requested further detail about the vault that would hold stormwater. Deb replied that he believed it was based on a 150 year flood and that it would be a significant improvement from what is there now and all the water would be retained on the site. Thomas expressed appreciation for the 13 foot buffer South of the property facing the residential area.

Sharp - Felt that the area on Ogden would be positively affected by the use for the space and would add diversity to that area. Sharp did feel however that it could be better located to an adjacent side street since he felt retail should get the highest visibility for a corridor such as this. Sharp stated that he is supportive of the medical center and the combining of the two parcels. Sharp had comments regarding the architecture of the building and suggested a longer entrance. Deb replied that he had considered a longer entrance but it would need to be much higher so that emergency vehicles could have access; due to this, the entrance had to be shortened. He had concerns with the material of the building and elevations including exposed aggregate concrete. Deb replied that it would look like sandstone going up the building. Sharp was not favorable of the flat elevations that appeared to have no shadow line or relief. Deb replied that for medical buildings, it is most practical to have flat elevations versus wings. Sharp suggested more lighting toward the drop off entrance. Sharp asked staff if the landscaping site plan was finalized. Sylvester replied that the landscaping details would be approved during the permitting process. Sylvester had asked the developer to show the landscape locations, square footage, and setbacks for the Planning and Zoning presentation. Zemenek added that historically, the Village Board approves landscape plans, and prior to Board approval, the Planning and Zoning commission would receive preliminary landscape comments and plans which would include details. Sharp was supportive of the square footage dedicated to landscaping for the development. Sharp stated that he hears the tenants and residents concerns but it is not within the Planning and Zoning Commissions jurisdiction to stop the owner of the property from selling his building. Sharp felt that the medical office building would be a fairly tame compared to other possible uses for that area. Sharp concluded that there are too many unknowns in relation to tenant leases, landscaping, and building architecture and felt a continuance was appropriate.

Bartel - Asked about the hours of operation for the facility. Deb replied that typically medical centers open at



7:00am and close at 7:00pm and that it would not be used for emergency care. Deb described the various office types including an imaging center, orthopedic, and physical therapy. Bartel asked what types of affiliations there would be. Deb replied that he would not be selling the facility to a non for profit hospital but would be happy to have tenants such as Dupage Medical Group. Bartel asked what sort of timeline there would be given approval. Deb replied that they would sit down with the tenants and it would be based on their lease requirements. Bartel asked about bio waste removal management whereas Deb replied that it would be locked, secured and handled internally. Bartel suggested assistance with the relocating of the tenants, as well as the moving process. Bartel was in favor of a continuance so that there was time to speak with the owner, and there would be time to iron out the front yard setback variance.

Lavoie - Believed the petitioner had an underdeveloped plan in context to the tenants lease agreement and thought the tenants should have been addressed prior to any Planning and Zoning recommendations. Lavoie stated he was sensitive to the communities thoughts and feelings and although he appreciated the petitioners comments, he thinks there could be a better solution. Lavoie had technical questions relating to the stormwater detention vault. Deb was not able to answer the question but it was designed by code for Dupage County. Lavoie asked staff to review carefully whether the vault was designed based on an assumed release or is there a tail water effect. Lavoie asked the petitioner to address the photometric plan since there seemed to be some dark spots in the parking lot. Deb replied that the code requirements will be met and there would be no building lighting other then the canopy in front. Lavoie had concerns about the entrance and exit from Ogden Avenue and felt that the motions were conflicting. Lavoie asked about the undeveloped area West of the property and if that was taken into consideration for a detention area since it could hold more volume. Deb replied they were unable to pursue the area, and that they are spending the extra money to go underground. Savoy added that the area in question is detention for the adjacent property. Lavoie had concerns with the building itself, including the roof line. Lavoie asked how much time was left in terms of lease agreements with the tenants. Deb replied that although he has not seen any of the leases, he was told the longest is 18 months. Zemenek added that the Village had requested a meeting with the owner of the property to have an understanding of lease agreements but the owner had refused to do so. Zemenek felt this was important information to obtain prior to any Village Board approvals. Zemenek stated that since there may be a variance request for the parking lot setbacks, if approved, the variance would expire within a year of its approval. With that said, lease agreement timeframes could compromise the variance approval. Some of the tenants responded that they have leases in place as long as 10 years. Lavoie stated he was not comfortable making a decision without having all of the facts regarding the leases and tenant displacement. Lavoie requested there be a continuance.

Carmichael commented on the fence and plantings to the South of the property. Carmichael asked for clarification on the ownership of the development and land. Deb replied that he would not own the land but would own the building. Carmichael stated that although it was a good looking building, he felt that the look of the building would be more appropriate on Pasquinelli. Carmichael was satisfied with stormwater resolution. He also suggested that the developer should assist the businesses in relocating.

Van Buren - Stated that if things were handled properly in terms of the communication with the owner, tenants, and neighbors; the same hardship would take place. Although the owners lack in participation is a concern, he did not know if that was something that they, as a commission, should take into consideration. Van Buren stated that the development is within its use and right to be, and the petitioner is meeting the requirements that the commission's recommendation is based on.



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Pill - Commented on the material of the 6 foot fence South of the property, and felt that a pvc fence material would look more aesthetically pleasing. Pill was supportive of the parking stalls at 9 foot. Pill commented on the photometrics and had some concerns with the dark spots and entrance lighting. Pill suggested that based on hours of operation, the lighting South of the property should be shut off at night. Deb stated that he would not be opposed to doing that. Pill asked that the trash enclosure match the building and the petitioner stated that it would. Pill commented on snow removal and asked that the snow not be pushed to the back of the property to avoid stormwater issues for the residents South of the property. Pill commented on the irrigation of the property and asked who would be responsible for the upkeep of the landscaping on the North side of the fence South of the property. Deb replied that they would be responsible for all landscaping and the bushes that will be South of the fence on the outside of the property would not need irrigation regularly. Pill felt that the proposed development was underlandscaped in comparison to other properties along Ogden Avenue. Pill asked staff to consider his suggestion for more landscaping which would align with the Village's comprehensive plan. Pill stated that although the tenant leases are not under the commission's purview, there is also the unknown factor of whether or not a variance is needed for the front yard setback. Due to these unknown facts, Pill asked Village Attorney John Zemenek if he would recommend a continuance. Zemenek stated that it was incumbent on the owner to communicate with the tenants and the developer and continuing the case may not resolve those issues. Zemenek asked the petitioner if he had a written lease subject to zoning contingencies. Deb replied that there is an unexecuted written lease and it's based on the decision of the committee. Zemenek stated even if the site plan was recommended and approved, the variance would not affect the site plan. Deb stated that he would like the commission to give its recommendation so that he could have the opportunity to speak with the tenants since these are the conditions of the owner. Pill suggested that the tenants also try to reach out to their landlord.

The Petitioner asked for a non binding vote so that he could show the owner that the commission is in favor of the development pending various items such as the variance, landscaping, and tenant leases. Zemenek and the commission stated that they were not comfortable making that non binding recommendation.

MOTION A

Motion to continue **PZ 19-005** to the April 10th , 2019 meeting for additional work on the landscaping, looking at the variance, building architecture, and trying to speak with the tenants.

Motion by: Lavoie

Second by: Sharp

VOTING A

Van Buren: Yes

Carmichael: No

Thomas: No

Lavoie: Yes

Pill: Yes

Sharp: Yes

Bartel: Yes



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Motion Passed

- 11. Miscellaneous Items** - Sylvester introduced Nalini Johnson as Westmont's newly hired Village Planner. Sylvester also thanked Kon Savoy for his excellent service as the Village's interim-planner since the departure of Joe Hennerfeind last Fall, and stated that tonight would be Kon's last meeting with the Commission.

12. Adjourn

Motion by: Thomas

Second by: Sharp

Meeting adjourned at 9:56