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## Community Development Department

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### Village of Westmont Planning & Zoning Commission April 13, 2022 - Approved Minutes

The Village of Westmont Planning and Zoning Commission held its regular meeting on Wednesday, **April 13, 2022 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, Thomas Sharp, Chris Lavoie, Matt Scales, Alison Clemens, Village Attorney John Zemenak, and Deputy Director of Community Development - Planning Joseph 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 March 09, 2022 regular meeting.**

**MOTION to approve the regular meeting minutes on March 09, 2022.**

Motion by: Clemens

Second by: Lavoie

The motion passed on a voice vote. All in favor.

8. **Open Forum** - Tom Christenson with Mcgrath complimented the Westmont Police Department for their handling of the BMW car thefts.
9. **Review of Public Hearing Procedures**
10. **Open Hearing**

#### New Business

Mayor Ron Gunter complimented the Planning and Zoning Commissioner members for all their hard work, and recognized two Commissioners, Thomas Sharp and Alison Clemens for their service as they are both leaving the Commission. Both Commissioners were presented with a Plaque for their service.



**PZC 128-2020** Request from Walter Veselinovic and Rose Development Corporation, regarding the property at 413 North Cass Avenue, Westmont, Illinois, 60559 for the following:

- A) Site and Landscaping Plan approval for the construction of a 2-unit single-family semi-detached dwelling in the R-4 General Residence District.

**Presentation:** Walter Veselinovic with Rose Development provided the Commission with the background of the property, and what has transpired since his purchase of the property in 2004. Veselinovic commented that they made efforts to acquire surrounding properties but were unsuccessful. Veselinovic noted they decided to proceed with two townhomes (attached) which would be set further back from the street and have parking that exceeds code requirements.

**Staff Comment:** Deputy Director of Community Development Joseph Hennerfeind provided an overview of the request and the uniqueness of the lot. Hennerfeind stated that the property is zoned R-4 which indicates that multi-family is appropriate on the lot. However, the Comprehensive Plan shows that stretch of area as business or commercial. Hennerfeind noted that Veselinovic has been very amenable to what staff has been giving him in terms of feedback and there's been a lot of design and redesign to try to make setbacks, density, FAR, and stormwater to comply with codes.

**Public Comment:** None.

**Commissioner Comments:**

**Van Buren :** Commissioner Van Buren commented that he felt the building frontage was very small and had concerns with parking and garage size, but did recognize that they met minimal requirements and did not require any variances.

**Sharp :** Commissioner Sharp initially did not understand why the developer was looking to put a residence between two commercial spaces but appreciated that background that Veselinovic provided. Sharp stated that in looking at the site plan, there were consequences of the limited frontage, but felt that prospective buyers would be aware of the restrictions. Sharp asked Veselinovic if the backyard would be a common area to which he replied that it would be shared. Sharp also asked about the dumpster location and wanted to make sure the applicant corresponds with waste management.

**Scales :** Commissioner Scales asked if the units would be for sale or for rent. Veselinovic replied that the units would be for sale. There was some discussion regarding the common area maintenance and Veselinovic commented that it would be between the two owners but there would likely be an association of some kind. Scales asked staff if variances had ever been considered in order to reconfigure the lot. Hennerfeind replied that the development had already been in progress at the time he was hired, but he did relay that the Village had initially considered a three unit proposal but it was determined that it would not be appropriate. Hennerfeind stated that to some degree, the Village reacts to the designs that are given to them and then provide comments to try to make them the best they can be, but village staff does not create the designs for the developers.



**Lavoie** : Commissioner Lavoie had questions and concerns related to the condo plat and shared easements for ingress and egress.

Village Attorney John Zemenak suggested that a condition of approval could be added to the motion that the developer, Walter Veselinovic, should be the one to create the covenant conditions, restrictions, and the homeowners association. Zemenak believed the developer should be the declarant which will give rights to the owners to enforce those provisions once sold.

Lavoie also had concerns regarding the location of the fire main, and the size of the water service. Hennerfeind added that the preliminary review typically verifies that there is a main nearby to serve the property. During the permit stage they would review for more detail and specifics.

Hennerfeind and Zemenak discussed plat requirements and the sufficiency of the covenant and how that will be addressed at the time of permitting. Zemenak noted that the language in the ordinance can outline specifics to the parking.

Veselinovic expressed frustration with the process and staff turnover over the last couple years, and wanted to be sure that the Commissioners were focused on the agenda item before them, and not technical details that would be handled at the time of permitting.

**Clemens** : Commissioner Clemens concern regarding the parking had already been addressed. Clemens was in favor of the request given it met zoning requirements.

**Thomas** : Commissioner Thomas's questions and concerns had mostly been answered, he felt that the developer had adapted to the site and complied with codes.

**Carmichael** : Commissioner Carmichael felt that the petitioner did the best they could with the size of the lot.

**MOTION A**

Motion to recommend to the Village Board of Trustees to approve a Site and Landscaping Plan approval for the construction of a 2-unit single-family semi-detached dwelling in the R-4 General Residence District.

Motion by: Thomas  
Second by: Van Buren

**VOTING A**

Van Buren: Yes  
Carmichael: Yes  
Thomas: Yes  
Lavoie: No  
Sharp: Yes  
Scales: Yes  
Clemens: Yes

**Motion Passed**



**PZC 015-2022** Request from McGrath Auto Body Shop and 720 Kingery, LLC, regarding the property at 725 Pasquinelli Drive, Westmont, Illinois, 60559 for the following:

- A) Special Use Permit amendment to perform painting, body and fender work in addition to other authorized automobile dealership activities in the B-2 General Business District.

**Presentation:** Thomas Christenson with McGrath provided the Commission with background information for why they initially acquired the property, and how it was used for their service center while the other location was undergoing construction. Christenson stated they had opted to fix up the lot, and are now looking to use the lot for body repair in order to take care of their own customers and make use of the vacant lot.

Architect Simon Yu, who has worked on several projects for McGrath, discussed their intentions to uphold the landscape requirements from prior site plan approvals and they also will be making improvements to the building. Yu also discussed the parking usage and their intention to use some of the area for overflow parking in less visual places.

**Staff Comment:** Deputy Director of Community Development Joseph Hennerfeind discussed the previously approved special use conditions and landscape plan which included screening vehicles awaiting service. McGrath would be expected to bring the landscaping back to what it once was.

Village Attorney John Zemenak pointed out that the 2006 ordinance did require the applicant to continuously maintain the landscaping which they haven't done so even if they didn't agree to add the new landscaping, the Village could enforce that requirement of the ordinance.

Hennerfeind commented that this is an amendment to an already approved special use permit. The amendment would include adding an auto body service. Staff advised the Commission that they recommend there be language added to the ordinance stating indoor outdoor storage of personal vehicles, boats, trailers, equipment etc. not related to the approved business operations shall be prohibited.

**Public Comment:** None.

**Commissioner Comments:**

**Sharp :** Commissioner Sharp asked the petitioner about some discrepancies in the plans provided. Architect Yu replied that they have not yet settled on an interior layout yet. Sharp also asked the petitioner to elaborate on the exterior improvements. Yu replied that they would be punching a few holes in the building to make the lifts work and they will also be painting and cleaning up the lot. Christenson also noted they would need to replace the exterior light fixtures.

**Scales :** Commissioner Scales asked the petitioner about environmental safety, specifically referring to the painting to which the petitioner replied that currently, what is in place would not meet code requirements and that they would be installing the necessary items to ensure proper ventilation and comply with current codes.



**Lavoie** : Commissioner Lavoie asked the petitioner about hours of operation and noted he was supportive of the proposal. The petitioner replied that hours of operation would likely be 7am to 5pm.

Lavoie mentioned that it appears there is an easement along Kingery that would allow access to the site. Hennerfeind added that the address was at one point 720 Kingery but has since been addressed on Pasquinelli.

**Clemens** : Commissioner Clemens only concerns were odor and noise but her concerns had been addressed. Clemens asked if there had been any surrounding properties that were against the proposal, Hennerfeind replied that there had only been one inquiry from the forest preserve on the other side of 83, but they were just looking for information.

**Thomas** : Commissioner Thomas was supportive of the request and business.

**Van Buren** : Commissioner Van Buren had no questions.

**Carmichael** : Commissioner Carmichael had no questions.

**MOTION A**

Motion to recommend to the Village Board of Trustees to approve a Special Use Permit amendment to perform painting, body and fender work in addition to other authorized automobile dealership activities in the B-2 General Business District.

Motion by: Scales  
Second by: Clemens

**VOTING A**

Van Buren: Yes  
Carmichael: Yes  
Thomas: Yes  
Lavoie: Yes  
Sharp: Yes  
Scales: Yes  
Clemens: Yes

**Motion Passed**

**MOTION B**

Motion to recommend to the Village Board of Trustees to approve conditions to a Special Use Permit amendment that include the following three conditions.

1. A prohibition on the storage of personal or third party vehicles on the property
2. The applicant must add or restore the landscaping as shown on the approved 2006 landscaping plan and continuously maintain, repair, and replace such landscaping as necessary.
3. All conditions contained in the 2006 special use ordinance shall remain in full force and effect



Motion by: Van Buren

Second by: Sharp

**VOTING B**

Van Buren: Yes

Carmichael: Yes

Thomas: Yes

Lavoie: Yes

Sharp: Yes

Scales: Yes

Clemens: Yes

**Motion Passed**

**PZC 016-2022** Request from the Village of Westmont, regarding the following:

- A) Zoning Ordinance text amendments to define and provide zoning regulations and prohibitions for firearm sales in various zoning districts.

**Presentation:** Deputy Director of Community Development Joseph Hennerfeind presented a village initiated text amendment and provided history and background for why the text amendment was before them. Hennerfeind stated that recently there have been a few licenses for firearm sales out of residential properties, and when staff examined the permissions and prohibitions of what home occupations could do, it did not prohibit firearm sales from a single family residence. Hennerfeind went on to say that in looking further into the zoning code, firearm sales aren't permitted in any zoning district however the village typically has to accommodate all uses in the community somewhere. This prompted the Village to research surrounding communities for their firearm sales regulations, and to initiate a proposed text amendment. Staff referenced the rules and regulations from the adopted cannabis sales model and came up with a hybrid of that discussion and language for the commissioners to consider.

Staff is first proposing to amend section 6.01 which is the residence district provisions, that's what defines home occupations. A line item would be added that says any future firearms sales in any of the residential districts is prohibited. Second, staff is proposing to allow exclusive firearm sales in the M district, however it has to be 100ft away from a residential property, 300ft away from a park, and 1000ft away from a school. A special use permit would also be required. Thirdly, when in the B-2 and C1 district, firearm sales would only be permitted as an accessory use to a large user such as Walmart or Dicks Sporting Goods.

**Staff Comment:** See above.

**Public Comment:** None.

**Commissioner Comments:**

**Lavoie :** Commissioner Lavoie asked staff if the existing firearms licenses for residential properties carry with the property or owner.



Zemenak replied that any new individual that occupies the property would not only have to get their own home occupation business license, but also have to get their own firearms license, and at that time, the Village would be asked if the zoning is allowed by the entity issuing the license. Zemenak stated that if the person or business that currently holds the license moves to another residence, that home occupation would no longer be legal and the non conforming use would stay unique to the property. However Zemenak believed if a new person moved into the residence and continued the non conforming use within a less than 90 day period, they may continue. Zemenak stated he would need to give it more thought to confirm. Zemenak said that in certain circumstances, where there's a more of an urgent life safety need, the Village can make codes and ordinances applicable immediately and to all properties regardless of their conforming or non-conforming status, but the Village would need a specific legislative finding to that point. The ordinance would need to state that existing uses cannot continue if there's a change of ownership

Lavoie also asked if paintball guns were considered a firearm. Zemenak replied that they are excluded from the definition of firearms.

Zemenak reiterated that the Village is proactively addressing these types of sales since it's a lawful use and the Village needs to regulate the use so that it is not exclusionary.

Lavoie then asked if the police had weighed in, Zemenak replied that they were supportive of the amendment. Lavoie asked if there would be any language addressing security. Zemenak replied that there are certain conditions related to security under the definition for firearm sales. Scales asked if security was addressed under federal or state regulations. Zemenak was not aware if that was the case. Hennerfeind added that the special use permit could include safety and security conditions and measures.

Lavoie asked if there were discussions on including firing ranges along with this text amendment. Hennerfeind replied that it was included in the discussions, however it was decided that it would be a separate item to address at another time due to the differences and separate concerns. Hennerfeind commented that currently, firing ranges are not a permitted use in Westmont. Zemenak added that if staff receive direction from the Mayor or Village manager to address at a future time whether or not to allow during ranges, they will do so.

**Clemens** : Commissioner Clemens had no questions or concerns.

**Thomas** : Commissioner Thomas had no questions or concerns.

**Van Buren** : Commissioner Van Buren had no questions or concerns.

**Carmichael** : Commissioner Carmichael had no questions or concerns.

**Sharp** : Commissioner Sharp had asked for clarification on the definition for firearms, specifically when mentioning paintball guns. Sharp had concerns that the available spaces may be too limiting. Hennerfeind replied that in his opinion, the Village went from not allowing it anywhere to allowing it in many different places and creating opportunities.



**Scales** : Commissioner Scales had no questions or concerns. Scales did ask for more detail on what types of businesses would be permitted in the M district.

Hennerfeind stated there is a clause in Chapter 22 which states there is a prohibition of gun sales in the Village which says that no gun sales in the village of concealed weapons which implies you could sell shotguns but not handguns. Hennerfeind commented that it's not discussed at this level because it's not a zoning code but he wanted to verify that there would be a paired text amendment to alter or delete that language. Zemenak replied that it would be deleted.

Zemenak added that the text amendment has nothing to do with regulations on the type of firearms that can be sold, and that the Village is not instituting bans on certain types of weapons.

**MOTION A**

Motion to recommend to the Village Board of Trustees to approve a Zoning Ordinance text amendments to define and provide zoning regulations and prohibitions for firearm sales in various zoning districts.

Motion by: Clemens

Second by: Thomas

**VOTING A**

Van Buren: Yes

Carmichael: Yes

Thomas: Yes

Lavoie: Yes

Sharp: Yes

Scales: Yes

Clemens: Yes

**Motion Passed**

**Old Business**

**11. Miscellaneous Items -**

- A) General Updates - Next PZC on May 11, 2022
- B) The commissioners and staff thanked both Alison Clemens and Thomas Sharp for their time and effort on the commission.
- C) Hennerfeind updated the commission on the golf course development stating that they asked for a postponement in order to solidify some terms of the conservation easement. Zemenak added that since then, they have shared a draft of the conservation easement and it is currently being reviewed by other parties including residences of oak brook hills and the park district.

**12. Adjourn**

Motion by: Sharp

Second by: Clemens

**Meeting adjourned at 9:12pm**