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## Community Development Department

31 West Quincy Street • Westmont, Illinois 60559  
Tel: 630-981-6250 Fax: 630-968-8610

### Village of Westmont Planning & Zoning Commission June 26, 2019 - Approved Minutes

The Village of Westmont Planning and Zoning Commission held its regular meeting on Wednesday, **June 26th, 2019 at 7:00 p.m.**, at the Westmont Village Hall located at 31 W. Quincy Street, Westmont, Illinois 60559.

Interim-Chair Wallace VanBuren led in the following:

1. **Announcement regarding the recent passing of Chairman Gregg Pill**
2. **Call to Order**
3. **Roll Call**

**In Attendance:** Commissioners Wallace Van Buren, Doug Carmichael, Craig Thomas, Thomas Sharp, Chris Lavoie, Janis Bartel, Village Attorney John Zemenak, Community Development Director Bruce Sylvester, Planner Nalini Johnson

4. **Pledge of Allegiance**
5. **Swearing-in of testifying attendees**
6. **Reminder to silence all electronic devices**
7. **Reminder to sign-in for any public testimony**
8. **Approval of the Minutes of the May 8th, 2019 regular meeting**

**MOTION to approve the May 8th, 2019 minutes.**

Motion by: Thomas

Second by: Carmichael

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

9. **Open Forum - None**
10. **Review of Public Hearing Procedures**
11. **Open Hearing**

#### New Business

**PZ 19-015** Request from Sevan Multi-Site Solutions, applicant, regarding the property located at 140 West 63rd Street, for the following:

- A) A Plat of Subdivision to subdivide an existing lot into two to allow the creation of a second outparcel;
- B) A Special Use permit to allow the construction of a gasoline service station; and,
- C) A Site and Landscape Plan review of a proposed gasoline service station.

**Presentation:** Mariano's representative Tim Kratz of Sevan Multi-Site Solutions shared Mariano's background information with the Commission and its efforts to stay consistent with other popular grocery stores by providing



a retail fuel center. Kratz discussed the proposed fuel station's site and utility plan, including access points, landscaping and how they plan to maintain the existing stormwater bioswales. Village Attorney John Zemenek asked the petitioner to address additional items including why a gasoline service station is appropriate in the area, how much traffic the station will generate, location of off street parking, and the grading plan and flow direction in case of a gas leak. Kratz stated that the special use was appropriate considering the commercial developments in the area as well as the reports generated by Kroger that there is a need for this type of fuel station in the area and it will benefit and support that particular Mariano's location. With regard to generated traffic, Kratz stated that based on the prepared traffic study, it was determined that there would be no adverse effects by the addition of the fuel center, especially since many of the customers are likely to already be on site from shopping. In reference to off street parking, Kratz stated there would be three oversize parallel spaces located on the East side of the lot for Employees generally. Two other accessible spaces would remain, one located at the Southwest corner and the other on the Southeast side. Kratz stated the various preventive steps and measures would be taken in the event of a gas leak. Kratz shared the hours of operation being the same as the Mariano's store, 6:00 a.m. to 10:00 p.m. as well as their photometric plan and efforts to prevent the spreading of light.

**Staff Comment:** Community Development Director Bruce Sylvester shared with the Committee that the intention of the petitioner originally was to operate a 24 hour fuel station. Since the station would need to be manned all 24 hours, they reconsidered and changed the hours to coincide with the Mariano's grocery store. Sylvester also suggested that as far as the vending materials, the commissioners could set approval conditions for what can and cannot be sold. Planner Nalini Johnson believed the zoning and special use was appropriate from a planning perspective for this location.

**Public Comment:**

Suffield Gardens resident Donna Dahlstrom had environmental concerns including how the fuel station could affect their drinking water, sewer pipes, and stormwater runoff. Dahlstrom also had security and safety concerns but was pleased to hear that the station would be attended during all hours of operation.

John Vacha, Owner of a Suffield Gardens unit, was not supportive of the proposal and felt other locations would be more appropriate.

Resident Jess Raja had environmental and safety concerns. Raja felt there were enough gas stations in the area as is. She was not supportive of the fuel station and felt it would cause tenants of Suffield Gardens to move.

Breanna Cotten, assistant real estate manager for Roundy's Markets explained that when Marianos was built and just owned by Roundy's, there were no plans at that point to build a fuel center; however, there were plans for some type of development on this site. Since Mariano's is now with Kroger, their goal is to put fuel centers at all existing stores. Because Marianos employees would be the employees of the station, the location needs to be nearby. With regard to safety and security, Cotten replied that cameras would be installed.

Kratz responded to some of the public's concerns by addressing the environmental concerns and reassuring that everything would be constructed and maintained through standards set by the State, local jurisdiction, Fire Department, and the Federal Government. Kratz assured that the employees on site would be trained appropriately.



**Commissioner Comments:**

**Lavoie** : Asked for clarification on signage and if they would apply for any variations. Lavoie had concerns with the impact on surrounding gas stations. Lavoie made several suggestions including providing more green space, utility relocation, and that there be a crossover access easement West of the site. Lavoie also had concerns related to the turning radius for the tank trucks and delivery times. Kratz replied that they would like to minimize excavation and the impact on the area. As for the deliveries, Kratz stated that it would be during operating hours either very early, or late. Lavoie asked the petitioner to clarify lighting specifics, and fire suppression items.

**Carmichael** : Asked for clarification on security protocols and what specific items would be sold within the Kiosk.

**Thomas** : Recommended that as part of the approval, the hours of operation would be a condition.

**Sharp** : Had concerns related to the appearance of the vending machines, spill cabinet locations, and number of openings to the North. Due to the fact that there are four other gas stations in the immediate area, and the comprehensive plans intent is to increase retail and commercial use in that area, Sharp stated he did not support the request.

**Bartel** : Had questions related to snow removal, landscape maintenance, security, and outside merchandising. Cotten replied that snow removal, masonry aesthetics and landscape maintenance to match with the Mariano's grocery store, and that there were no plans for outside merchandising at this time. Natalie Mouw stated that additional locking mechanisms were added to the dispensers and the appropriate notifications would be sent given any breaches.

**Van Buren** : No questions or comments.

**MOTION A**

Motion to recommend to the Village Board of Trustees to approve a Plat of Subdivision to subdivide an existing lot into two to allow the creation of a second outparcel at 140 West 63rd Street.

Motion by: Lavoie

Second by: Bartel

**VOTING A**

Van Buren: Yes

Carmichael: Yes

Thomas: Yes

Lavoie: Yes

Sharp: No

Bartel: Yes



**Motion Passed**

**MOTION B**

Motion to recommend to the Village Board of Trustees to approve a Special Use permit to allow the construction of a gasoline service station at 140 West 63rd Street with a masonry veneer and aesthetics to match Mariano's Grocery Store.

Motion by: Lavoie  
Second by: Thomas

**VOTING B**

Van Buren: Yes  
Carmichael: Yes  
Thomas: Yes  
Lavoie: Yes  
Sharp: No  
Bartel: Yes

**Motion Passed**

**MOTION C**

Motion to recommend to the Village Board of Trustees to approve a Site and Landscape Plan review of a proposed gasoline service station at 140 West 63rd Street.

Motion by: Carmichael  
Second by: Sharp

**VOTING C**

Van Buren: Yes  
Carmichael: Yes  
Thomas: Yes  
Lavoie: Yes  
Sharp: No  
Bartel: Yes

**Motion Passed**

**Motion D**

Motion to recommend to the Village Board of Trustees to approve that the gas station kiosk at the proposed gasoline service station at 140 West 63rd Street be attended at all times; that the gas station hours of operation be restricted to 6:00 a.m. to 10:00 p.m.; that any fuel delivery trucks would deliver during store hours; and that the middle access point to the North of the site be closed and that the landscape strip be extended.



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Motion by: Bartel  
Second by: Thomas

### VOTING D

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

### Motion Passed

**PZ 19-016** Request from the Community Development Department for the following:

- A) Proposed Zoning Ordinance text amendments to the Village of Westmont Code of Ordinance to create definitions and regulations for businesses that are primarily engaged in the sale or consumption of tobacco, vape, e-cigarettes and similar products.

**Presentation:** Sylvester gave the committee background information related to B-1 Business District Development Permits and whether or not vape businesses should be located in the downtown area. The Village Board denied a request for a vape shop in the downtown area in April and requested that staff prepare a zoning text amendment to limit the location of these and similar businesses. Sylvester stated that staff had drafted new rules which include definitions, regulations, and classifications. Sylvester suggested that both retail stores and smoking and vape lounges should only be allowed in B-2 zoning districts and require a special use permit. Sylvester also recommended that the Village impose a 1,000 foot spacing requirement. Sylvester pointed-out that the draft ordinance provides 2 options for how to define these types of businesses, with one using a 'percentage of sales' definition and the other using 'a business that is primarily engaged in' definition.

**Staff Comment:** Zemenek suggested changing the language for the ordinance from "smoking and vape products" to "tobacco and vape products"

**Public Comment:** None

### Commissioner Comments:

**Carmichael :** Requested clarification that Maruajuana will be regulated separately from these stipulations.

**Van Buren :** No questions or comments.

**Thomas :** No questions or comments.

**Sharp :** Was supportive of the additions, and had no other comments.



**Bartel** : Suggested using the more quantifiable “retail sales percentage” definition option that staff had drafted.

**Lavoie** : Agreed that the definition for this type of retail store should be defined by sales percentage. Lavoie had concerns for underage consumption. Zemenek shared with the committee how the Village currently handles penalties and violations for underage sales and consumption.

## **MOTION A**

Motion to recommend to the Village Board of Trustees to approve Proposed Zoning Ordinance text amendments to the Village of Westmont Code of Ordinances to create definitions and regulations for businesses that are primarily engaged in the sale or consumption of tobacco, vape, e-cigarettes and similar products. Looking at the draft ordinance language, the commissioners agreed that the word “smoking” should be replaced with the word “tobacco”. The commissioners also discussed the two options that were provided for defining these types of businesses which were included in the draft ordinance provided by staff, and agreed that the second one which defined a tobacco and vape retail store as a “business that derives more than 50% of its sales from tobacco and vape products” should be used as the definition.

Motion by: Sharp

Second by: Bartel

## **VOTING A**

Van Buren: Yes

Carmichael: Yes

Thomas: Yes

Lavoie: Yes

Sharp: Yes

Bartel: Yes

## **Motion Passed**

### **11. Miscellaneous Items -**

- A) The Community Development Department requested consideration to proceed with a small area study to provide recommendations for an amendment to the Village’s official Zoning Map for the north side of East Quincy, between Cass and Richmond Avenues. Johnson presented several alternative options to consider. Johnson stated that the land was rezoned to R-5 several years ago to encourage transit-oriented development style high-density residential housing. However, the market for such development on those particular properties has not been strong, and no such buildings have been proposed or constructed. Sylvester asked the committee if there was support for creating a new zoning district for governmental-institutions, and if they would like to treat the remaining properties similarly to other downtown properties and zone them B-1. The other option would be to have a mix of B-2, manufacturing, and then possibly the new governmental-institutional zoning districts. Zemenek discussed regulations and conditions for possible governmental-institutional or light-manufacturing districts. Johnson asked the committee to start by choosing a preferred alternative from which they agreed that a light-manufacturing



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district may be most appropriate with consideration for the residential properties across the street. Sylvester also suggested there be an informal meeting at the site with the current property owners to get their insight prior to a public hearing.

- B) Sylvester and Johnson discussed various text amendment recommendations for portions of the Westmont zoning ordinance. He asked the committee if this was something they would like staff to move forward with and finalize. The committee expressed support for the idea of slowly improving the zoning ordinance through text amendments and indicated support for the initial list of suggested text amendment topics.

### 12. Adjourn

Motion by: Thomas

Second by: Sharp

**Meeting adjourned at 9:33**