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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 August 14, 2019 - Approved Minutes

The Village of Westmont Planning and Zoning Commission held its regular meeting on Wednesday, **August 14th, 2019 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, Doug Carmichael, Craig Thomas, Thomas Sharp, Chris Lavoie, Janis Bartel, Village Attorney John Zemenak, Community Development Director Bruce Sylvester, and Village Planner Nalini Johnson

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 June 26th, 2019 special meeting**

MOTION to approve the special meeting minutes on June 26th, 2019.

Motion by: Van Buren
Second by: Thomas

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

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

MOTION to revise the agenda and move PZ 19-020 up following PZ 19-017.

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

New Business

PZ 19-017 Request from Oxford Bank, applicant, regarding the property located at 6495 South Cass Avenue, for the following:

- A) Special use permit to operate a bank including accessory drive-in facilities and bank ATM;
- B) Landscape Plan.



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Presentation: Senior Vice President Robert Anderson of Oxford Bank and Trust gave the commission some background information about the bank, including their history and success with their Westmont branch location.

Staff Comment: Westmont's Planner Nalini Johnson stated it was discovered that a special use permit was not granted to this business. The previous bank at that location--LaSalle Bank--had been granted the special use and it did not transfer to Oxford when they moved into the property. Johnson stated this request is to have that Zoning requirement rectified. Johnson had no objections to the request.

Public Comment: None

Commissioner Comments:

Lavoie : In favor of approval, no questions or comments.

Carmichael : Asked if the petitioner has made any improvements to the property. Anderson replied that there have been minimal exterior changes since opening.

Thomas : In favor of approval, no questions or comments.

Sharp : In favor of approval, no questions or comments.

Bartel : In favor of approval, no questions or comments.

Van Buren : Asked for clarification regarding the landscape fencing along the Eastern boundary of the property. Johnson replied that the comprehensive plan requires a buffer and that existing evergreen trees along that property line make the site compliant with that requirement.

MOTION A

Motion to recommend to the Village Board of Trustees to approve a request from Oxford Bank for a Special use permit to operate a bank including accessory drive-in facilities and bank ATM located at 6495 South Cass Avenue.

Motion by: Bartel

Second by: Sharp

VOTING A

Van Buren: Yes

Carmichael: Yes

Thomas: Yes

Lavoie: Yes

Sharp: Yes

Bartel: Yes

Motion Passed



MOTION B

Motion to recommend to the Village Board of Trustees to approve a Landscape Plan located at 6495 South Cass Avenue.

Motion by: Sharp
Second by: Bartel

VOTING B

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

Motion Passed

PZ 19-020 Request from Raising Cane's Chicken Fingers regarding the restaurant located at 60 West 63rd Street, Westmont, IL 60559 for the following, all in the C-1 Commercial Business District:

(A) Zoning Code Variance Request to increase the number and size of allowable signs on the premises.

Presentation: Sarah Holmes of AGI, Raising Cane's sign representative, gave the Commission some background information about Raising Cane's and their standard of displaying artwork and signage on their buildings. Holmes stated the company is proposing art work and additional signage on their building in Westmont which is currently under construction. Holmes stated that these art pieces are symbolic and meaningful for what the business tries to give to the community. Holmes stated that during the early stages of construction permits for Raising Cane's, the Village's interim planning consultant, Kon Savoy, had encouraged Raising Cane's to apply for a sign variance.

Staff Comment: Community Development Director Bruce Sylvester stated that four separate signs have met code requirements and are currently in the permitting process. Sylvester stated that the issue is all the other signage is above and beyond what the Village's ordinances allow. Although the petitioner claims these signs are art work, the Village is classifying them as signage. Village Attorney John Zemenek stated to the Commission that although there may be a question as to whether or not the proposal is artwork or signage, they would need to defer to staff's interpretation. Staff did not have a recommendation as to whether or not the requested variances should be approved or denied. Sylvester stated that decision was up to the Commission and should be based on what they were comfortable allowing for this particular business. He also reminded the Commission to consider what kind of precedent might set for other businesses if the request is approved.

Public Comment: None

Commissioner Comments:

Carmichael : Was in favor of a continuance.



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Van Buren : Appreciated their efforts to establish identity but was unsure if he was supportive.

Thomas : Felt as though not enough information was given to make a complete judgment and confident decision.

Sharp : Had concerns with the substantial request and felt this presentation and case was unique. Sharp did not feel that there was a hardship warranting the variance.

Bartel : Asked if the other locations have the same signage. Holmes replied that about 85% of the other locations are consistent with the Westmont locations proposed signage. Bartel also had concerns with the precedent that might be set for that developing area. Bartel suggested a continuance and for the petitioner to scale back the signage and return with a more detailed plan.

Lavoie : Had concerns related to the planned development agreement with the master developer as well as the amount of additional sign square footage they are requesting. Lavoie stated that he was not in favor as it stands because of the lack of detail, argument, and hardship.

MOTION to continue PZ 19-020 to next month's meeting, September 11th, 2019.

Motion by: Van Buren

Second by: Bartel

Van Buren: Yes

Carmichael: Yes

Thomas: Yes

Lavoie: Yes

Sharp: Yes

Bartel: Yes

Motion Passed

PZ 19-018 Request from the Community Development Department for the following:

- A) Proposed Zoning Ordinance text amendments to the Village of Westmont Code of Ordinance, Appendix "A", Zoning Code, Article XIII, Section 13.09 (Special Uses) to allow special uses to run with the land for the property and use for which it was granted.

Presentation: Sylvester informed the Commission of various reasons why the text amendment recommendation was necessary and provided examples for why it would be beneficial for businesses and the Village.

Staff Comment: Zemenek discussed the initial code which was revised in 2010, which stated that special uses do not run with the land but are unique to the business. Staff believed this rule was too restrictive and suggested amending the code so that the special use runs with the land, but if any approved special use lapses for 12 months, the special use approval would be terminated. Zemenek clarified with staff and the Commission what kind of language they would like drafted in the ordinance in terms of construction and occupancy permits and how they will tie into granting special uses.



Public Comment: None

Commissioner Comments:

Carmichael : In favor of approval, no questions or comments.

Van Buren : In favor of approval, no questions or comments.

Thomas : In favor of approval, no questions or comments.

Sharp : Stated he was comfortable so long as there would be a review when a new business occupies the space.

Bartel : In favor of approval, no questions or comments.

Lavoie : In favor of approval, no questions or comments.

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 Ordinance, Appendix "A", Zoning Code, Article XIII, Section 13.09 (Special Uses) to allow special uses to run with the land for the property and use for which it was granted.

Motion by: Lavoie

Second by: Thomas

VOTING A

Van Buren: Yes

Carmichael: Yes

Thomas: Yes

Lavoie: Yes

Sharp: Yes

Bartel: Yes

Motion Passed

PZ 19-019 Request from the Community Development Department, regarding the following:

- (A) Zoning Ordinance text amendments to the Village of Westmont Code of Ordinance, Appendix "A", Zoning, including 1) Article XIV (Definitions); and 2) Article VII, Section 7.03 (Permitted and Special Uses in Business Districts) to create definitions and regulations for 'microbreweries', 'micro-distilleries', and similar alcohol-related businesses that manufacture and sell products for consumption on the premises



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and for small-scale distribution.

Presentation: Johnson discussed with the Commission new definitions related to micro-distilleries since the current definitions are limiting. The definitions brought before the Commission included craft alcoholic beverages, micro-brewery/micro-distillery, and small-scale distribution. Additionally, Johnson discussed specific zoning district provisions for microbreweries and related businesses.

Staff Comment: There was discussion of whether or not to allow these micro-breweries to sell products from other companies or even other micro-breweries. Zemenek stated that historically, the Village has not favored taverns which strictly sell beer, wine, or liquor, and which do not provide food. Zemenek stated that there are exceptions for some of these micro-breweries because, although some do not provide food, they are making their beer on-site and only selling their product. Zemenek asked staff to consider revising the seating restriction percentages.

Public Comment: None

Commissioner Comments:

Carmichael : In favor of continuing discussion next month.

Van Buren : In favor of continuing discussion next month.

Thomas : In favor of continuing discussion next month.

Sharp : Had several questions related how microbreweries differ from taverns. Sharp also asked for clarification on food requirements. Sharp was favorable of the varying requirements that Johnson had presented in terms of the different levels of micro-breweries/distilleries and incentivising them to choose the most appropriate district.

Bartel : Stated that it would be a good idea to include in the definitions, language that there may be on-site food consumption.

Lavoie : Suggested revising the school distance set back of 1,000 square feet in the B-1 district to the state statute, since that would likely prohibit any microbrewery from conducting business in the downtown business district. Lavoie also suggested being less definitive with the proposed definitions and excluding chemicals. Lavoie was opposed to overregulating, especially in terms of cross marketing and offering outside breweries products.

MOTION to continue PZ 19-019 to next month's meeting, September 11th, 2019.

Motion by: Sharp

Second by: Thomas



VOTING A

Van Buren: Yes

Carmichael: Yes

Thomas: Yes

Lavoie: Yes

Sharp: Yes

Bartel: Yes

Motion Passed

11. Miscellaneous Items -

- A) Sylvester updated the Commission on some of the upcoming topics and cases that will be discussed at the next Planning and Zoning Commission meeting. Staff will be looking for direction on defining and regulating marijuana dispensaries and recreational use, as well as fine tuning micro brewery definitions.
- B) Sylvester stated the next Planning and Zoning Commission meeting will likely be delayed due to the September 11th ceremonies in the community.
- C) Lavoie had suggested staff look into revising the zoning code to allow bifurcated lots within any district so that flood insurance would not be required.
- D) Johnson discussed planning efforts and discussions with the Chamber of Commerce to find a suitable location for the community along the East Quincy Street corridor, between Quincy and the Railroad BNSF railroad tracks to attend a community forum.

12. Motion to Adjourn

Motion by: Thomas

Second by: Sharp

Meeting adjourned at 9:35 p.m.