

CITY OF WEST CHICAGO

WHERE HISTORY & PROGRESS MEET

Plan Commission/Zoning Board of Appeals

Tuesday, May 3, 2022

7:00 p.m.

West Chicago City Hall
Council Chambers
475 Main Street
West Chicago, IL 60185

A G E N D A

1. **Call to Order, Roll Call and Determination of a Quorum**
2. **Chairman's Comments**
3. **Public Comment**
4. **Approval of Draft Meeting Minutes – April 5, 2022**
5. **Public Hearing of Case PC 22-01 – Zoning Map Amendment (*Continued from April 5, 2022*)**

1300 Roosevelt Investors, LLC, is requesting approval of a Zoning Map Amendment for a portion of the property located at 31W255 Roosevelt Road to rezone approximately 51 acres from ORI (Office Research and Industrial) to M (Manufacturing).
6. **Review and Recommendation of Case PC 22-01 – Zoning Map Amendment**
7. **Public Hearing of Case PC 22-08 – Zoning Text Amendment**

Proposed amendment to Sections 10.2-1, 10.3-1, and 10.4-1 of Article X (Business Districts) of Appendix A (the Zoning Code) of the City of West Chicago Code of Ordinances to allow outside seating on a sidewalk within the public right-of-way as an ancillary use.
6. **Review and Recommendation of Case PC 22-08 – Zoning Text Amendment**
7. **Other Business**
 - a. Plan Commission/Zoning Board of Appeals Bylaws – To be discussed in June
8. **Next Meeting – Tuesday, June 7, 2022 at 7:00 p.m.**
9. **Adjournment**

cc: Plan Commission Members
Mayor
City Council
M. Guttman
T. Dabareiner
M. Patel
J. Sterrett

475 Main Street
West Chicago, Illinois
60185

School Districts #25, #33, #94, #303
West Chicago Fire Protection District
West Chicago Park District
West Chicago Public Library District
DuPage County Building & Zoning
Warrenville Plan Commission

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Ruben Pineda
MAYOR
Nancy M. Smith
CITY CLERK

Michael L. Guttman
CITY ADMINISTRATOR

**Draft
MEETING MINUTES**

**PLAN COMMISSION/ZONING BOARD OF APPEALS
April 5, 2022 7:00 P.M.**

1. Call to Order, Roll Call and Establishment of a Quorum

Vice Chair Hale called the meeting to order at 7:00 p.m. Roll call found Vice Chair Hale, Commissioners Banasiak, Billingsley, Kasprak, and Slattery present. Chairperson Laimins and Commissioner Henkin were absent. With five members present, a quorum was established.

Staff in attendance was City Planner John Sterrett.

2. Chairman's Comments – Vice Chair Hale stated that ex-officio member Slattery has been appointed to a full Plan Commission member.

3. Public Comment - None

4. Approval of the Draft Minutes of the March 22, 2022 Plan Commission Meeting

Commissioner Billingsley made a motion, seconded by Commissioner Banasiak, to approve the March 22, 2022 Plan Commission meeting minutes as presented. With a voice vote of all ayes the motion carried.

5. Public Hearing of Case PC 22-01 – Zoning Map Amendment

Commissioner Kasprak made a motion, seconded by Commissioner Billingsley, to open the public hearing. With a voice vote of all ayes the motion carried and the Plan Commission opened the public hearing.

Vice Chair Hale stated that 1300 Roosevelt Investors, LLC has requested that the Plan Commission/Zoning Board of Appeals continue the public hearing for their case to the Tuesday, May 3, 2022 Plan Commission/Zoning Board of Appeals meeting.

Commissioner Banasiak made a motion, seconded by Commissioner Kasprak, to continue the public hearing to May 3, 2022. With a voice vote of all ayes the motion carried and the Plan Commission continued the public hearing to the May 3, 2022 meeting.

6. Other Business

Mr. Sterrett stated that staff will begin preparing Plan Commission bylaws for review and comment by the Plan Commission.

7. Adjournment

Commissioner Slattery made a motion, seconded by Commissioner Kasprak to adjourn the meeting. With a voice vote of all aye the motion carried and the Plan Commission, at 7:18 p.m., adjourned.

Respectfully Submitted,
John Sterrett, City Planner

City of West Chicago
Community Development Department
Report for the Plan Commission/Zoning Board of Appeals
May 3, 2022



Case: PC 22-01
Petitioner: 1300 Investors, LLC
Address: 31W255 Roosevelt Road
Zoning: ORI (Office, Research, and Light Industrial)
Comp Plan: Industrial
Request: The petitioner is requesting approval of a Zoning Map Amendment to rezone the subject property from ORI to M Manufacturing.
Summary: The proposed Zoning Map Amendment is consistent with the City's Comprehensive Plan which designates Industrial for this area.

Staff Recommendation: APPROVAL

Staff recommends the Plan Commission/Zoning Board of Appeals pass a motion recommending **approval** of a Zoning Map Amendment from ORI to M.

Public Notice.

All public notice requirements were completed including a notice of public hearing published in the Daily Herald on March 21, 2022, notification to all property owners within 250 feet of the subject property, and placement of a hearing sign on the property.

Adjacent Property Zoning and Land Use Information.

<i>Location</i>	<i>Adjacent Zoning</i>	<i>Adjacent Land Use</i>	<i>Comprehensive Plan</i>
North	ORI	Farmland	Corridor Commercial
South	Fermi National Laboratory	Fermi National Laboratory	Fermi National Laboratory
East	ORI	Farmland	Industrial/Corridor Commercial
West	ORI	Farmland	Industrial

Existing Conditions.

The subject property consists of approximately 64 acres on the east side of Fabyan Parkway and the south side of Roosevelt Road and is vacant farmland. While the property is not located at the hard corner of Fabyan Parkway and Roosevelt Road, it has frontage on both roadways. The property is unimproved without any existing utilities.

Proposal.

The petitioner is under contract to purchase the southern portion of the property, consisting of approximately 51 acres, and is proposing a Zoning Map Amendment to rezone this portion from ORI (Office Research and Industrial) to M (Manufacturing). The northern portion of the property

that will remain with the current owner will retain its current zoning of ORI. The petitioner intends to subdivide and develop the southern portion of the property with two industrial buildings. A new roadway will be constructed by the petitioner from Fabyan Parkway to serve the future proposed development. The roadway will connect to Roosevelt Road with a stoplight anticipated to serve future development along Roosevelt Road.

Findings of Fact.

In evaluating the appropriateness of the rezoning request, the PC/ZBA should consider the uses and bulk requirements of the requested zoning, its compatibility with the zoning and uses of surrounding properties and also the compatibility of the permitted uses with that designated on the Comprehensive Plan. The PC/ZBA may not place any conditions on the approval of a rezoning.

Per Section 5.6-3, the Plan Commission shall recommend findings of fact concerning each of the following matters for proposals involving amendments or alterations of district boundaries:

1. The existing uses and zoning of the property in question.

The property is undeveloped farmland with a zoning designation of ORI.

2. The existing uses and zoning of other lots in the vicinity.

The immediate surrounding area is undeveloped farmland with zoning districts consisting of ORI and the Airport district. Other uses along Roosevelt Road in the vicinity are primarily industrial consisting of ORI and M zoning with some small commercial at the intersection of Roosevelt Road and Fabyan Parkway.

3. Suitability of the property in question for uses already permitted under the existing regulations.

The conditions of the property itself do not prevent ORI uses from occurring but it will have no frontage along Roosevelt Road which limits its potential for future commercial or office uses within the ORI District. Furthermore, the trend in development in the vicinity has been industrial, which is favorable to the current market.

4. Suitability of the property in question for the proposed use.

The large size of the property is suitable for the construction of two industrial buildings. Preliminary engineering has been reviewed by staff to determine the feasibility of utility connections and stormwater detention and found to be acceptable. Additional engineering will need to be reviewed at the time when the property comes in for development. As previously mentioned, a roadway will be constructed by the petitioner between Fabyan Parkway and Roosevelt Road to serve the proposed industrial uses on the property as well as future commercial uses on the adjacent properties along Roosevelt Road.

5. The trend of development in the vicinity of the property in question, including any recent zoning activity.

Over the last several years, there has been a significant amount of development consistent with uses permitted in the M District within the DuPage Business Center. As the DuPage Business

Center becomes fully built-out, development is moving towards Fabyan Parkway. This trend is reflected in the Comprehensive Plan which designates these areas as Industrial.

6. The effect the proposed rezoning would have on implementation of the Comprehensive Plan.

The City's Comprehensive Plan designates this property as Industrial, which is consistent with the Manufacturing zoning designation the petitioner is seeking.

7. Impact on surrounding properties.

Properties to the east and west of the subject property, as well as properties further south on Fabyan Parkway, are anticipated to be developed with industrial uses. The DuPage Business Center to the west has a significant amount of existing industrial buildings that have had a positive impact on the community by diversifying the City's economic base.

8. Impact on health, safety, or welfare of the community.

The proposed rezoning should not have an adverse impact on the health, safety, or welfare of the community. The area in question is anticipated to be developed with uses consistent with the City's M Manufacturing District and will be harmonious with the previous development that has occurred at DuPage Business Center to the west that is now trending in the area.

Exhibits

- Exhibit A – Location Map
- Exhibit B – Aerial Map
- Exhibit C – Zoning Map
- Exhibit D – Plat of Survey

For questions, please contact John H. Sterrett, City Planner (630) 293-2200 ext. 158 or at jsterrett@westchicago.org

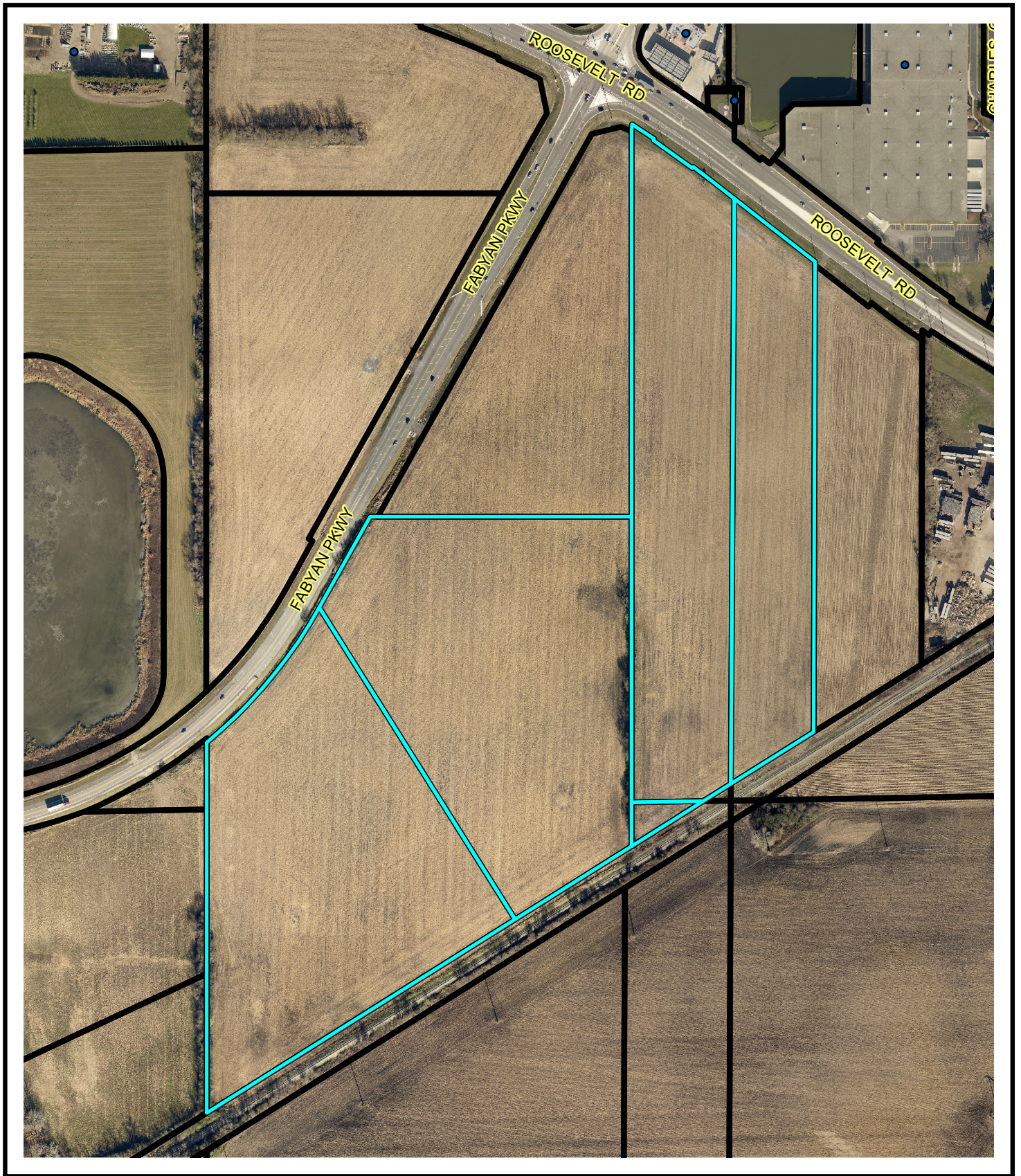


Exhibit "B" - Aerial Map



1 inch = 417 feet

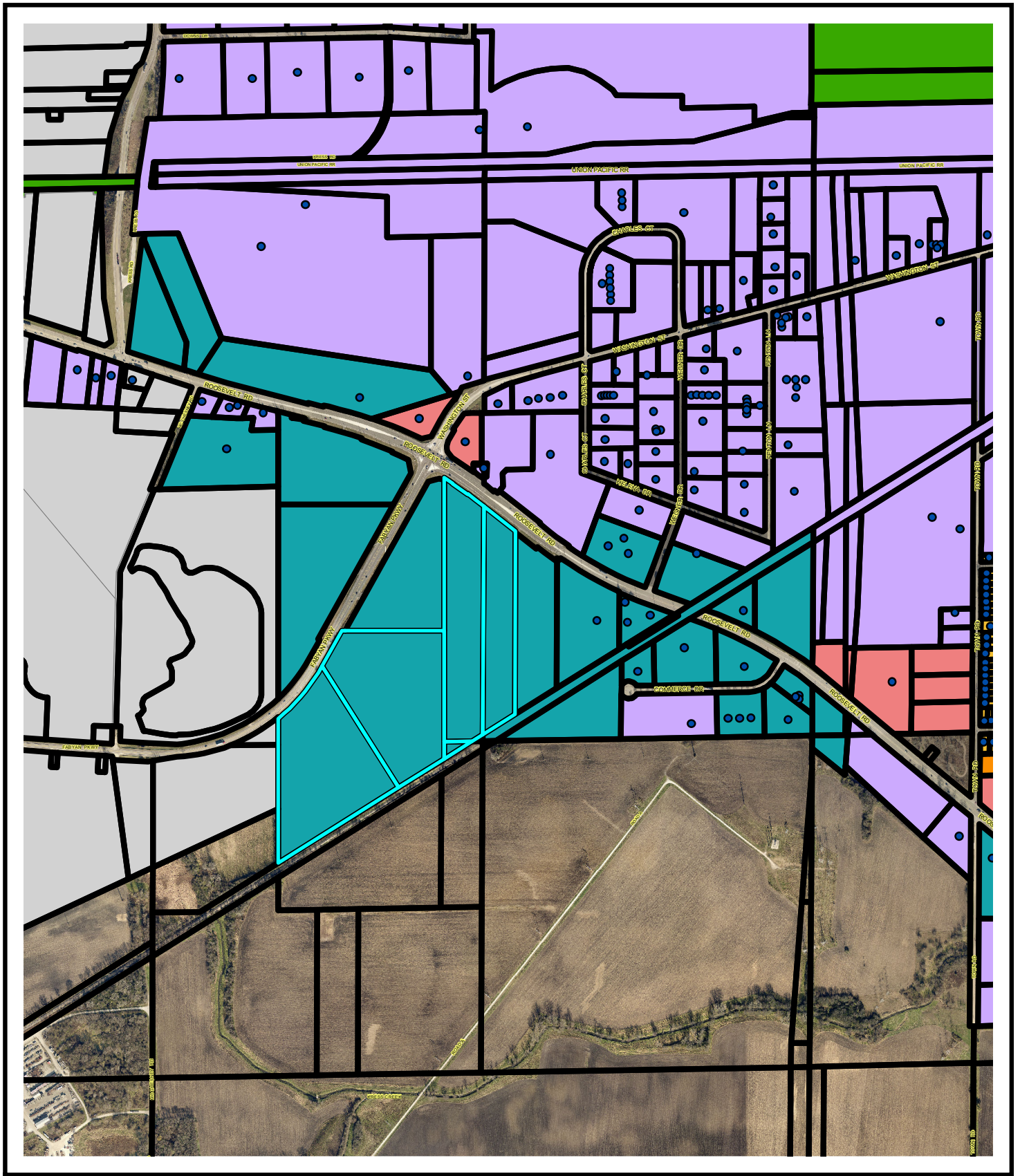
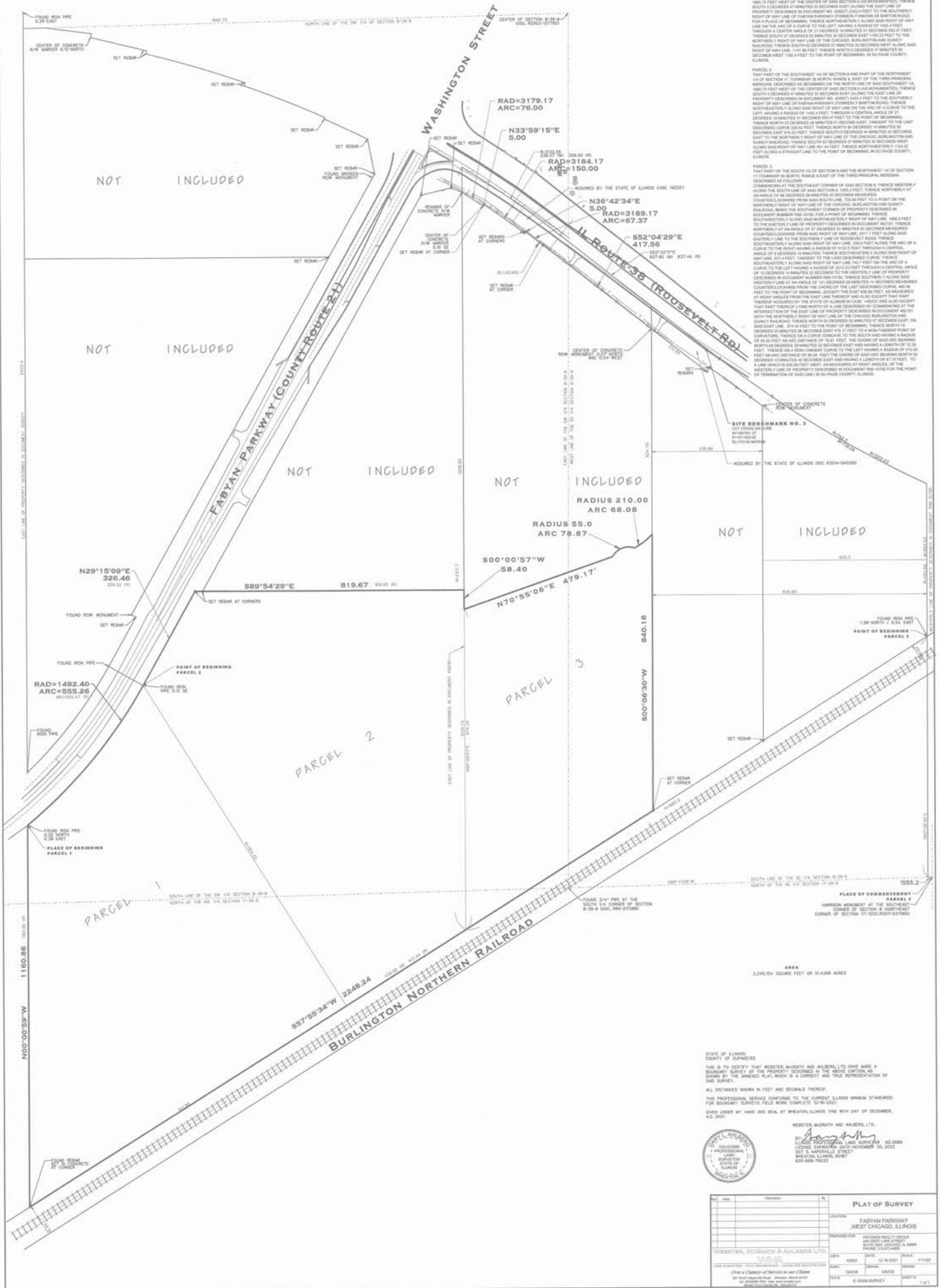


Exhibit "C" - Zoning Map



1 inch = 1,068 feet

PLAT OF SURVEY



City of West Chicago
Community Development Department
Report to the Plan Commission/Zoning Board of Appeals
May 3, 2022



Case: PC 22-08
Petitioner: City of West Chicago
Summary: A Zoning Text Amendment to Sections 10.2-1, 10.3-1, and 10.4-1 of Article X (Business Districts) of the Zoning Code to allow outside seating on a sidewalk within the public right-of-way as an ancillary use.

Recommendation: Staff recommends the Plan Commission pass a motion recommending **approval** of the proposed Zoning Text Amendment.

Background.

At the beginning of the COVID-19 pandemic, many restaurants established outside seating areas to stay open because indoor dining was not possible at the time. As Illinois began lifting its restrictions on indoor dining, the popularity of outside dining among patrons remained. For some restaurants, specifically those in the downtown, no space exists outside their building where outside dining can occur. The only open space adjacent to some restaurants is the public sidewalk. Although outside seating on the public sidewalk was allowed temporarily during the pandemic restrictions, City Code does not expressly permit it.

Staff has received inquiries from restaurants on the possibility of outside seating on the public sidewalk for this season and in the future. This topic was discussed by the Development Committee in April and members of the Committee instructed staff to prepare code amendments allowing outside seating in the public right-of-way. When regulated properly, outside dining on the public sidewalk can have a positive impact on the downtown to promote a lively and active area. The City's recently adopted Comprehensive Plan envisions this type of practice with an implementation strategy to "Support restaurants' and other vendors' outside offerings during three or four seasons."

Proposal.

Staff is proposing a Zoning Text Amendment, attached as Exhibit "A", that allows outside seating on a public sidewalk as an ancillary use to restaurants in all business districts. A restaurant seeking outside seating on a public sidewalk would be required to obtain a license agreement with the City prior to utilizing the public right-of-way for this use. Because this type of use regulates an activity within the public right-of-way rather than on private property, the specific requirements for outside seating would be located outside of the Zoning Code and within Chapter 9 of the Code of Ordinances (Licenses, Permits, and Business Regulations).

Although the Plan Commission is tasked only with conducting a public hearing and making a recommendation on the proposed Zoning Text Amendment to Article X of the Zoning Code, staff has included the proposed regulations within Chapter 9 for reference. When this matter was discussed at the Development Committee, members of the Committee stressed the importance of finalizing the amendment in May so restaurants can be ready for outside dining before the summer season.

Public Notice.

A notice of public hearing for the proposed Zoning Text Amendment to Sections 10.2-1, 10.3-1, 10.4-1 of Article X – Business Districts, of Appendix A (the Zoning Code), of the City of West Chicago Code of Ordinances, was published in the April 18, 2022 edition of the Daily Herald in accordance with Section 5.6-2(B) of the West Chicago Zoning Code.

EXHIBIT “A”

**Proposed Text Amendments to Appendix A (Zoning Code)
of the Code of Ordinances of the City of West Chicago
Outside Seating on Public Sidewalk as Ancillary Use**

Plan Commission Public Hearing
May 3, 2022

Underline = New Text; ~~Strikethrough~~ = Deleted Text

Amendment to Section 10.2-1 (Use Restrictions) of Article X (Business) of Appendix A (the Zoning Code) of the Code of Ordinances of the City of West Chicago to add the following:

- (D) An outside seating area located entirely on private property is permitted ancillary to a permitted or special use provided the area does not encroach onto any required parking spaces or interfere with vehicle or pedestrian traffic. If located on a walkway, a minimum of ~~four~~-three-foot wide clearance shall be preserved.
- (G) An outside seating area located on a public sidewalk within the public right-of-way is permitted as an ancillary use to a restaurant provided, however, that a license agreement pursuant to Article XXX of Chapter 9 of the Code of Ordinances of the City of West Chicago has been approved by the City prior to implementing the seating area.

Amend Section 10.3-1 (Use Restrictions) of Article X (Business) of Appendix A (the Zoning Code) of the Code of Ordinances of the City of West Chicago to add the following:

- (C) An outside seating area located entirely on private property is permitted ancillary to a permitted or special use provided the area does not encroach onto any required parking spaces or interfere with vehicle or pedestrian traffic. If located on a walkway, a minimum of ~~four~~-three-foot wide clearance shall be preserved.
- (H) An outside seating area located on a public sidewalk within the public right-of-way is permitted as an ancillary use to a restaurant provided, however, that a license agreement pursuant to Article XXX of Chapter 9 of the Code of Ordinances of the City of West Chicago has been approved by the City prior to implementing the seating area.

Amend Section 10.4-1 (Use Restrictions) of Article X (Business) of Appendix A (the Zoning Code) of the Code of Ordinances of the City of West Chicago to add the following:

- (B) An outside seating area located entirely on private property is permitted ancillary to a permitted or special use provided the area does not encroach onto any required parking spaces or interfere with vehicle or pedestrian traffic. If located on a walkway, a minimum of ~~four~~-three-foot wide clearance shall be preserved.
- (E) An outside seating area located on a public sidewalk within the public right-of-way is permitted as an ancillary use to a restaurant provided, however, that a license agreement pursuant to Article XXX of Chapter 9 of the Code of Ordinances of the City of West Chicago has been approved by the City prior to implementing the seating area.

Proposed Regulations for Outside Seating Areas in Public Right-of-Way

FOR REFERENCE ONLY

- An outside seating area located on a public sidewalk within the public right-of-way is permitted as an ancillary use to a restaurant.
- A license agreement is required prior to having outside seating on a public sidewalk within the public right-of-way.
- License agreement is valid from May 1st through October 31st and may be reapplied for each year.
- The seating area must be on the side of the public sidewalk furthest away from a street and all tables and chairs shall be located up against the building. A seating area along the street side of a sidewalk is prohibited.
- A 3-foot wide clearance must be maintained on the sidewalk for pedestrian traffic.
- The following activities are prohibited within the public right-of-way:
 - Food or drink preparation in the seating area or elsewhere on the public sidewalk.
 - The storage of dishes, utensils, menus, or other similar items in the seating area or elsewhere on the public sidewalk.
 - A host/hostess station in the seating area or elsewhere on the public sidewalk.
 - Smoking within fifteen feet of the seating area.
 - Alcohol service within the seating area unless a Class L license has been issued by the City.
 - Video gaming devices in the seating area or elsewhere on the public sidewalk.
 - Speakers or other outdoor amplification, including live entertainment, outside of the building.
 - Speakers or other amplification, including live entertainment, originating from within the building situated or positioned with the intention of being heard from the seating area.
 - Signage, balloons, streamers, pennants, spinners, or any other object with the sole purpose of attracting vehicles or pedestrians to the seating area is permitted within any portion of the public right-of-way.
- Liability insurance subject to the City's minimum requirements.

Class L Liquor License Highlights:

- Liquor service in a licensed seating area shall end by 10:00 p.m. and all consumption by 10:30 p.m.
- Patrons shall be seated within the licensed seating area when consuming alcohol.
- No carryout service of any alcohol is permitted.
- No alcoholic beverages of any kind may be served in bottles.
- The service of alcoholic beverages shall be incidental to food service on the premises and shall only take place for patrons ordering food