

CITY OF WARRENVILLE
PLAN COMMISSION/ZONING BOARD OF APPEALS
Minutes of Regular Meeting
Held on Thursday, May 4, 2023
At the Warrenville City Hall
28W701 Stafford Place

A. CALL TO ORDER

Chairman Cosgrove called the meeting to order at 7:05 p.m.

B. ROLL CALL

PC Present: Tim Cosgrove, Jessica Tullier, Mark Taylor, Rachael Fawell, Kennedy Hartsfield, Bob Vavra,

Excused/Absent: Byron Miller, Carla Sanfilipp

ZBA Present: Tim Cosgrove, Jessica Tullier, Mark Taylor, Bob Vavra

Excused/Absent: Byron Miller, Carla Sanfilipp

Also Present: Community and Economic Development Director Ron Mentzer, Assistant Community Development Director Consuelo Arguilles, Senior Civil Engineer Kristine Hocking, Planner/GIS Technician Jack Maszka, Permit and Zoning Technician Chris Santos

Not in Attendance: Mayor Brummel

Note: PC/ZBA Commissioner Erin Schultz resigned on 4/24/23

(Informational note: A detailed report of the proceedings and transcript of the testimony provided during this public hearing was prepared by Pamela Cosentino of Veritext Legal Solutions. A copy of the transcript is available from the City's Community Development Department. The following meeting minutes reflect the key points presented and discussed during the public hearing.)

C. OLD BUSINESS

1. City of Warrenville Zoning Ordinance Nonconformities Text Amendment
(Continued Public Hearing)

CHAIRMAN COSGROVE MADE A MOTION TO REOPEN THE PUBLIC HEARING FOR THE CITY OF WARRENVILLE ZONING ORDINANCE NONCONFORMITIES TEXT AMENDMENT. SECONDED BY COMMISSIONER FAWELL. CHAIRMAN COSGROVE ASKED FOR A VOICE VOTE. MOTION APPROVED. MOTION CARRIED.

Chairman Cosgrove reviewed with the Plan Commission the previous discussions regarding the proposal to change the requirements of having an applicant go thru the public hearing process if an applicant proposed to add a second story to a legal nonconforming home. The proposed text amendments would permit the second story additions to legal nonconforming front yard or rear yard setbacks. The amendment also stipulates homes that have a nonconforming side yard setback would require a public hearing process

There were no additional questions or comments from the Plan Commissioners.

CHAIRMAN COSGROVE MADE A MOTION THAT THE PLAN COMMISSION RECOMMENDS CITY COUNCIL APPROVAL OF TEXT AMENDMENTS TO THE ZONING ORDINANCE TO REVISE THE NONCONFORMITIES SECTION TO PERMIT VERTICAL ADDITION TO LEGAL NON-CONFORMING FRONT AND REAR YARD SETBACKS. SECONDED BY COMMISSIONER VAVRA. CHAIRMAN COSGROVE ASKED FOR A VOICE VOTE. MOTION APPROVED. MOTION CARRIED.

D. NEW BUSINESS

1. 28W050 Warrenville Road/Casey's Retail Company/Richard McMahon
Located on the northeast corner of Warrenville Road and Winfield Road
Project No. SUP-2022-1004 (*Public Hearing*)

COMMISSIONER VAVRA MADE A MOTION TO OPEN THE PUBLIC HEARING FOR 28W050 WARRENVILLE ROAD. SECONDED BY COMMISSIONER TULLIER. CHAIRMAN COSGROVE ASKED FOR A VOICE VOTE. MOTION APPROVED. MOTION CARRIED.

After being sworn in, Eric Tracy, who is the Kimley-Horn engineer for this Casey's Retail Store, project, presented their proposal to revamp the existing Good Stop gas station. The proposed plans include removing the existing car wash, build a larger store front under the existing canopy, improve the landscape around the property, and maintain the existing detention area. Mr. Tracy also showed renderings of what the proposed site would look like after completion to the Plan Commission.

Chairman Cosgrove asked Mr. Tracy if the light poles and light bulbs will be updated.

Mr. Tracy confirmed that the light bulbs will be changed to energy efficient LED bulbs and the light poles will be replaced with new ones as well.

Chairman Cosgrove asked Mr. Tracy to confirm if the entire area will be surrounded by asphalt or if it will be half asphalt and concrete that surrounds the building.

Mr. Tracy mentioned that the site plans that were submitted show a typical new development Casey's store however, due to the unique existing conditions of the store with the canopy directly in the middle of the lot there will be concrete walkways surrounding the store with bollards. Mr. Tracy mentioned there will be additional parking spaces towards the north end of the lot as well as some ADA parking spaces at the front end of the store.

Chairman Cosgrove stated he does not support having the bollards surrounding the entire store and suggest putting bollards only at the front and rear entrances of the store. Chairman Cosgrove also mentioned his concern to the lack of support from Casey's Retail Stores consultant for not endorsing the use of solar panels on top of the canopy.

Senior Civil Engineer Hocking stated that the dumpster onsite is intruding into the detention pond and that will have to be adjusted and mentioned minor adjustments need to be improved as to their site plans but overall supported the proposed plans.

Planner Maszka stated that there were comments from staff sent to the applicant to add some shrubs around the proposed signage, plant evergreen trees around the lot and add minor landscape improvements around the lot. Planner Maszka mentioned Casey's Retail Company was in agreement to the comments from staff and will make those adjustments to make the landscape more appealing.

Assistant Community Development Director Arguilles stated that Casey's Retail Company will send an updated landscape plan to staff and will review it before the next meeting.

Commissioner Hartsfield suggested adding a window to the convenience store to give it less of a flat design and also asked for a detailed report with calculations supporting the consultant's findings for not adding solar panels to the canopy.

Commissioner Fawell asked Mr. Tracy why are they applying for a Landscape Variance and also asked if there was an entrance to the back end of the store for customers to get into from parking on the north end of the parking lot. Commissioner Fawell also supported Casey's Retail Store landscape plan and encouraged maximizing the use of native plants.

Mr. Tracy confirmed that there is an entrance on the north end of the store for customers to enter the store as well as the main entrance on the south end of the building. Mr. Tracy stated the reason for the landscape variance application (landscaping surrounding the building) is due the existing site conditions and practical considerations like the salt that will be accumulated and used in the winter which will not be ideal for landscaping to be put there. Mr. Tracy mentioned having the landscape variance will help the flow of traffic around the lot.

Commissioner Vavra questioned why the store is not being built to the North of the canopy like most Casey's Retail Stores. This would allow a better presentation of the storefront. He also shared his concerns about the safety of the customers that walk from the north end parking lot to the north entrance of the store and mentioned that there is too much asphalt and not enough concrete to make the area around the building appealing. Commissioner Vavra mentioned he also supports Chairman Cosgrove's suggestion to add solar panels on the canopy.

Commissioner Taylor supports the redevelopment of the existing gas station and also suggested adding solar panels to the canopy.

After being sworn in, Richard McMahon who is the Senior Site Development Manager for Casey's Retail Company, explained that the current gas tank positions at the existing gas station are why the site plans are more unique than a new build out. Mr. McMahon reported that he had discussions with their company's engineers regarding the addition of solar panels and they suggested not to

add them to this site due to the fact that the existing canopy was built in the 1980's which would not be structurally sufficient from the wind load and the weight of the panels on the canopy. Mr. McMahon stated this item was not calculated in the design and the cost of the build out. Mr. McMahon mentioned if an official analysis from the engineer was needed then all operations at the gas station would have to shut down for two weeks in order for the engineers to conduct their thorough evaluation and submit a formal report.

Chairman Cosgrove suggested to Mr. McMahon to possibly have the engineer perform the analysis at the same time during construction since the store will be closed. Chairman Cosgrove asked Mr. McMahon if the rear elevation for north end entrance is for a full glass door.

Mr. McMahon stated that the north entrance door is a fire rated door and not the main access point to the store. Mr. McMahon mentioned they would prefer to have their customers go to the south main entrance when they enter the store.

ACDD Arguilles stated that staff is working with the applicant on getting an updated elevation plan to address the addition of adding a full window to break up the brick wall along with reviewing an updated landscape plan.

No questions from the public.

CHAIRMAN COSGROVE MADE A MOTION TO CONTINUE THE PUBLIC HEARING TO THE MAY 18, 2023 PUBLIC MEETING. SECONDED BY COMMISSIONER TAYLOR. CHAIRMAN COSGROVE ASKED FOR A VOICE VOTE. MOTION APPROVED. MOTION CARRIED.

2. 4S120 IL. Route 59 /NuMed Partners LLC./NuEra/Laura Jaramillo Bernal
Located within City of Warrenville corporate boundaries, at the northwest corner of Route 59 and Ferry Road
Project No. SUP-2023-0003 (*Public Hearing*)

COMMISSIONER TULLIER MADE A MOTION TO OPEN THE PUBLIC HEARING FOR 4S120 IL. ROUTE 59. SECONDED BY COMMISSIONER VAVRA. CHAIRMAN COSGROVE ASKED FOR A VOICE VOTE. MOTION APPROVED. MOTION CARRIED.

After being sworn in, Laura Jaramillo Bernal who is the Director of Special Projects at NuEra Cannabis and Jim Hughes who also represents NuEra Cannabis gave a brief summary on their journey to open an adult use cannabis dispensary here in the City of Warrenville and the delays with the State of Illinois license process.

Ms. Bernal stated they received a Special Use Permit (SUP) from the City of Warrenville back on September 9, 2020 and is seeking a new SUP because the current proposal conflicts with the conditions attached to the current SUP and site plan approval. Ms. Bernal stated they want to

remove the Reserve Online Pick-Up Express (ROPE) system exclusively and keep the existing drive-thru lanes with the canopy attached. Ms. Bernal explained there is pending state legislation to authorize drive-thru service and by keeping the existing drive-thru lanes this would help with their business and there would not be a need to tear down the drive-thru lanes and canopy. Ms. Bernal mentioned they do not intend to use the drive thru lanes now, instead they will use the space for employee parking for now. Ms. Bernal mentioned they intend to submit a new request to use the drive-thru lanes with the City if the pending drive-thru use legislation passes.

Ms. Bernal presented data of customer traffic from their Aurora and Chicago dispensary locations and stated she is confident that the Warrenville store will be successful as these other two locations. Ms. Bernal showed renderings of the site plans to the Plan Commission that include expanding the current vault, adding a showroom for the products, and keeping the bank teller desk inside for customers to pay and checkout.

Chairman Cosgrove asked Ms. Bernal if they made any progress with discussions to the neighboring lot owner to see if they would allow cross access on their easement to allow cars the ability to exit and turn left onto Ferry Road rather than just turn right and have to force cars to do a U-turn to get to the traffic lights on the corner of Route 59 and Ferry Road.

Ms. Bernal mentioned they have not reengaged in discussions with that lot owner since they first asked back in 2020 in which the lot owner would not support that cross easement access.

Commissioner Taylor supports the continuing use of the ROPE system and would not like to see it eliminated from this store and stated he is concerned with the amount of traffic in the parking lot during normal business hours.

Ms. Bernal stated that they will continue to keep using the ROPE system for now to help minimize traffic. Ms. Bernal explained the ROPE system is regulated and has scheduled time frames to limit the number of orders which helps minimize traffic when they pick up the order.

Commissioner Fawell asked Ms. Bernal if the five recommendations made by Public Works calling for improvements to the parking lot, be ADA compliant, and add right turn signs be followed as mentioned in the staff report.

Ms. Bernal stated they agree with the recommendations and ensured they will be done when construction starts.

Chairman Cosgrove asked Mr. Hughes if they would add solar panels to the building.

Mr. Hughes stated they did not factor in solar panels into the building plans, but is open to the idea down the line. Mr. Hughes mentioned their main focus is remodeling the building and keeping it from being in disrepair and open the store after years of delay. Ms. Bernal supports the idea of

adding alternative energy toward the building and mentioned that they work with a solar farm factory for their grow operations.

Commissioner Hartsfield asked Ms. Bernal if they do any sort of growing operation at these dispensaries.

Ms. Bernal mentioned that state regulations does not allow grow operations and dispensaries at the same location in Illinois so all products are pre-packaged and sealed at the store.

ACDD Arguilles stated staff is comfortable with the application request and supports the lot and building modifications. ACDD Arguilles mentioned there was no issues that were brought up from the public and staff will work on the recommendations to give to the Plan Commission to vote on for the next meeting.

No questions or comments from the public.

CHAIRMAN COSGROVE MADE A MOTION TO CONTINUE THE PUBLIC HEARING TO THE MAY 18, 2023 PUBLIC MEETING. SECONDED BY COMMISSIONER VAVRA. CHAIRMAN COSGROVE ASKED FOR A VOICE VOTE. MOTION APPROVED. MOTION CARRIED.

3. City of Warrenville Zoning Ordinance Flag Lots and Lots Without Street Lines Text Amendments (*Public Hearing*)

CHAIRMAN COSGROVE MADE A MOTION TO OPEN THE PUBLIC HEARING FOR THE CITY OF WARRENVILLE ZONING ORDINANCE FLAG LOTS AND LOTS WITHOUT STREET LINES. SECONDED BY COMMISSIONER TULLIER. CHAIRMAN COSGROVE ASKED FOR A VOICE VOTE. MOTION APPROVED. MOTION CARRIED.

Community and Economic Development Director Mentzer stated that staff has identified that flag lots and lots without street lines are subject to the same front yard setback requirements as those non-flag lots with street lines in the Commercial District requirements. Director Mentzer mentioned staff sees this as cause for added constraints to future developments and proposes these text amendments to clear up any confusion and make the zoning ordinance clearer.

Director Mentzer asked the Plan Commission for their feedback on the proposed text amendment and the following suggestions were made:

- Chairman Cosgrove suggested also clearing up the language to make it clear that the size of the flag lot be the same as be the same as a Lot in the R-1 District which is 40,000 square feet. Currently the Zoning Ordinance requires a Flag Lot be an acre, which is 43,560 square feet.

- Director Mentzer stated that, except in one case, the City has historically interpreted the front yard setback for flag lots to be measured from the lot line adjacent to the rear lot line of the abutting lot. Director Mentzer requested feedback from the Plan Commission on where to measure the front yard setback on flag lots and if that setback should be the length of the zoning district's front yard setback or something shorter like an interior side yard setback length.
- Commissioner Hartsfield expressed support for interpreting the front yard setback measurement from the shared lot line rather than the street. Commissioner Hartsfield expressed interest requiring the front yard setback measure of the underlying zoning district to ensure uniformity, but expressed openness to the idea of permitting a shorter measure.
- Chairman Cosgrove reiterated that using the front yard setback requirement of the zoning district for front yard setbacks in flag lots would be consistent with the historical interpretation of the Zoning Ordinance. Chairman Cosgrove mentioned that the front yard setback should be measured from the shared lot lines rather than the start of the "pole."
- Director Mentzer shared an example of a landlocked lot in the City's zoning map to explain staff's proposal of interpreting the front yard setback measure as the interior side yard setback or so that the front yard setback is no closer to the public right-of-way than the zoning district's front yard setback. Director Mentzer stated that the intent would be to always maintain the minimum 40' building setback from the lot line.
- Commissioner Hartsfield questioned the utility in addressing this issue.
- Director Mentzer reiterated that this minor adjustment would be maintaining our ordinance appropriately. Director Mentzer mentioned examples of existing landlocked lots and situations in the future in which this issue would be addressed.

No questions or comments from the Public.

CHAIRMAN COSGROVE MADE A MOTION TO CONTINUE THE PUBLIC HEARING TO THE MAY 18, 2023 PUBLIC MEETING. SECONDED BY COMMISSIONER TULLIER. CHAIRMAN COSGROVE ASKED FOR A VOICE VOTE. MOTION APPROVED. MOTION CARRIED.

4. City of Warrenville Zoning Ordinance Lighting and Automotive Special Use Text Amendments (*Public Hearing*)

CHAIRMAN COSGROVE MADE A MOTION TO OPEN THE PUBLIC HEARING FOR THE CITY OF WARRENVILLE ZONING ORDINANCE LIGHTING AND AUTOMOTIVE SPECIAL USE TEXT AMENDMENTS. SECONDED BY COMMISSIONER TAYLOR. CHAIRMAN COSGROVE ASKED FOR A VOICE VOTE. MOTION APPROVED. MOTION CARRIED.

Planner Maszka stated there are outdated regulations for lighting and automotive special uses that need to be updated. Planner Maszka mentioned that the standards for lighting have changed and more and more automotive specialty business have popped up so it would be appropriate to propose these changes to have a more updated zoning ordinance that relates to this.

Planner Maszka stated staff proposes consideration of the following revisions to the Off-Street Parking & Loading, Illumination subchapter and the Performance Standards, Illumination and Glare subchapter:

- Revise the definition of parking lot lighting to increase the number of minimum number of parking spaces which triggers the need for parking lot lighting
- Update *Table 5F: Required Contents of Parking Site Plan* to match the above proposed revision.
- Remove any conflicts between the two subchapters.
- Revise the illumination standards table to current and practical practices to generally reduce light pollution and glare.
- Update the activity level definitions for Vehicle Use Areas in Table 9C from activity level to land use.
- Update the fixture specification definition to add the requirement of fixed horizontal (90 degree) fixtures rather than adjustable arm fixtures, mounted horizontally (90 degrees).
- Revise the illumination standards for gas stations and gas station canopies to decrease the maximum average illumination level (currently twenty times higher than “High” activity level vehicle use areas.
- Create maximum Correlated Color Temperature for LED light fixtures.

Senior Civil Engineer Hocking stated part of her review process includes looking at photo-metric plans and has seen the use of more energy efficient lighting which includes changes to the LED lights and the kelvin temperature of the bulbs. Engineer Hocking mentioned that by updating the zoning ordinance with these particular changes this will help developers to be clear on the City’s requirements for new developments.

Chairman Cosgrove asked Engineer Hocking for clarity on the request to require parking lot lighting to cover more than eight parking spaces.

Engineer Hocking stated that after reviewing other municipality’s requirements it was concluded that parking lot lighting covering only eight spaces was outdated and should cover 12-15 parking spaces.

Chairman Cosgrove asked staff if there can be language in the text amendment that adds timers and motion sensors for over lit places where it is not needed.

Commissioner Fawell supported the idea of adding motion sensors and timers for over lit places where it is not needed.

Engineer Hocking mentioned staff will look into adding that to the zoning ordinance.

Chairman Cosgrove asked Planner Maszka for an update on the proposed changes to the text amendment for automotive special uses.

Planner Maszka stated that the current automotive special uses in the zoning ordinances is broader by definition and the text amendment proposal is intended to simplify it by changing it to be two different categories. One would be for indoor automotive uses such as body shops, detailing shops, aftermarket modification shops, and long term vehicle storage. The other category would be for automotive uses with outdoor elements such as gas stations, car washes, repair shops, etc. This automotive special use would not permit the outdoor storage of vehicles. Another special use permit would be required for outdoor storage or an open sales lot such as mulch, firewood, ice san propane.

Planner Maszka asked for feedback from the Plan Commission on whether we should make this change or modify it a different way. Planner Maszka stated he was concerned particularly for indoor automotive uses that have a business that may end up using outdoor space for their business.

Chairman Cosgrove stated that indoor automotive businesses tend to have vehicles waiting to be worked on which are stored on their lot and that is just the nature of the business.

Commissioner Fawell reaffirmed that these automotive special use business should be kept in the B4 Motorist Service District and not be in the B-2 Community Retail District.

ACDD Arguilles mentioned that a number of request for automotive special uses typically include the use of temporary outdoor storage and the goal for the text amendments would be to make it clear to developers and business owners what is permitted and what is not.

CHAIRMAN COSGROVE MADE A MOTION TO CONTINUE THE PUBLIC HEARING TO THE JUNE 22, 2023 PUBLIC MEETING. SECONDED BY COMMISSIONER FAWELL. CHAIRMAN COSGROVE ASKED FOR A VOICE VOTE. MOTION APPROVED. MOTION CARRIED.

E. PUBLIC COMMENTS*

None.

F. APPROVAL OF MINUTES

1. Regular Meeting April 20, 2023

CHAIRMAN COSGROVE MADE A MOTION TO APPROVE THE MINUTES OF THE APRIL 20, 2023 MEETING, SECONDED BY COMMISSIONER FAWELL. CHAIRMAN COSGROVE ASKED FOR A VOICE VOTE. MOTION PASSED. MOTION CARRIED.

G. CHAIRMAN'S REPORT

Chairman Cosgrove wished all mothers a Happy Mother's Day.

H. COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR'S REPORT
No Report.

I. ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR'S REPORT
ACDD Arguilles mentioned that the Zoning Code Initiative Kick-off day is May 10, 2023 and is expecting a large turnout for the listening sessions.

J. PLANNER'S REPORT
No Report.

K. ADJOURN

CHAIRMAN COSGROVE MOVED, SECONDED BY COMMISSIONER TULLIER TO ADJOURN THE MEETING AT 9:04 P.M. MOTION ADOPTED UNANIMOUSLY VIA VOICE VOTE.

Chris Santos, Permit and Zoning Technician