

WHEATON PLANNING AND ZONING BOARD

I. CALL TO ORDER AND ROLL CALL VOTE

Chair Aranas called the Tuesday, July 13, 2021 Wheaton Planning and Zoning Board meeting to order at 7:00 p.m. in-person and via Zoom. Upon roll call, the following were:

Roll Call Vote

Present: Nicole Aranas  
Christopher Dabovich  
Chris Derrick  
Bob Gudmundson  
Cecilia Horejs  
Mark Plunkett

Absent: Dan Wanzung

City Staff Present: Tracy Jones, Staff Planner  
Jim Kozik, Director of Planning and Economic  
Development  
Joe Tebrugge, Director of Engineering

II. APPROVAL OF MINUTES - JUNE 8, 2021

The minutes were approved as presented.

III. PUBLIC COMMENT

There was none.

IV. NEW BUSINESS

ZA 21-17/ REAR YARD SETBACK VARIATIONS/ 199 LONGFELLOW DRIVE/ BARABAS

Pursuant to notice duly published on June 26, 2021, and letters mailed to neighboring property owners on June 24, 2021, Chair Aranas called to order the July 13, 2021 public hearing requesting variations to Article 3.4A.6 and Article 24.5.4 of the Wheaton Zoning Ordinance to allow the construction of a patio with a rear yard setback of 3.0 feet in lieu of the required 25.0 feet and the construction of an outdoor fireplace with a rear yard setback of 7.5 feet in lieu of the required 10.0 feet, all on property located at the northwest corner of Longfellow and Gamon Roads and commonly known as 199 Longfellow Drive.

Margaret Barabas, 199 Longfellow Drive, Wheaton was sworn in. Ms. Barabas stated that the subject property is located on the northwest corner of Longfellow Drive and Gamon Road. The property is 17,608 square feet in size with a lot width of 110.0 feet and a lot depth of 140.0 feet. The property is improved with a ranch style home and attached garage that was constructed in 1967. A kitchen/ family room addition was added to the north side of the home in 2019 with an administrative zoning variation for the rear yard setback.

Ms. Barabas stated that they are requesting variations to Article 3.4A.6 and Article 24.5.4 of the Wheaton Zoning Ordinance to allow the construction of a patio with a rear yard setback of 3.0 feet in lieu of the required 25.0 feet and the construction of an outdoor fireplace with a rear yard setback of 7.5 feet in lieu of the required 10.0 feet. The proposed setbacks from the north (interior side) property line are fully compliant.

There are two existing exterior doors on the west side of the house that would provide access to the new patio space with the outdoor fireplace. A wood privacy fence exists along the west property line that would remain to screen the proposed patio area.

Engineering Director Tebrugge stated that the preliminary plans show a portable fountain located in the drainage easement area and the fountain is not permitted in this area.

Chair Aranas questioned whether the applicant was comfortable with the condition that the portable fountain is not permitted in the drainage easement area.

Ms. Barabas stated that she was agreeable to this condition.

Ms. Barabas stated that since the existing house has a setback ranging between 19.08 and 24.76 feet from the rear (west) property line, there is no ability to construct a patio space without a variation on this side of the property. A kitchen/ family room addition was added to the north side of the home in 2019 with an administrative zoning variation for the rear yard setback. With the construction of this addition, they unknowingly limited their ability to add a patio space to the property without a variation. While there is still some open yard space on the north side of the house for a patio, there are no existing exterior doors on that side of the house and there are two existing window wells and an AC condenser located in the general area.

Staff Planner Jones stated that the outdoor fireplace appears to meet the required clearance from both the existing house and privacy fence. However, building staff will review this information in more detail when a building permit is submitted, assuming the variations are approved.

Ms. Barabas addressed the variation evidence standards as required by the Wheaton Zoning Ordinance. She stated that the proposed variations would not be detrimental to the public health, safety, morals, comfort, convenience, or general welfare of the neighboring property owners.

The Board questioned whether Ms. Barabas had spoken to any of her neighbors about the request.

Ms. Barabas stated that her husband had spoken with two of their neighbors and they did not have any concerns with the variation request.

Mr. Gudmundson questioned whether the patio would be kept at existing grade within the drainage easement.

Ms. Barabas stated that the patio would be kept at existing grade within the drainage easement.

Mr. Derrick moved and then Ms. Horejs seconded the motion to close the public hearing. On a voice vote, all voted aye.

Mr. Plunkett moved and then Mr. Derrick seconded the motion to waive their normal rules and vote this evening. On a voice vote, all voted aye.

Ms. Horejs moved and then Mr. Gudmundson seconded the motion to recommend approval of ZA #21-17, requesting variations to Article 3.4A.6 and Article 24.5.4 of the Wheaton Zoning Ordinance to allow the construction of a patio with a rear yard setback of 3.0 feet in lieu of the required 25.0 feet and the construction of an outdoor fireplace with a rear yard setback of 7.5 feet in lieu of the required 10.0 feet, with the condition that the proposed free-standing portable fountain shall not be placed in the easement area along the rear property line.

Roll Call Vote

Ayes: Nicole Aranas  
Chris Dabovich  
Chris Derrick  
Bob Gudmundson  
Cecilia Horejs  
Mark Plunkett

Nays: None

Absent: Dan Wanzung

Motion Passed Unanimously

ZA 21-16/ PUD AMENDMENT/ 600 S. MAIN STREET/ MARIANO'S

Pursuant to notice duly published on June 26, 2021, and letters mailed to neighboring property owners on June 24, 2021, Chair Aranas called to order the July 13, 2021 public hearing requesting an amendment to an existing planned unit development to allow the construction and use of a convenience filling station (gasoline station) in lieu of the existing Mariano's employee parking lot, all on property located at the northwest corner of Roosevelt Road and Main Street and commonly known as 600 S. Main Street.

Chair Aranas stated that a letter had been received from an attorney named Miles Cahill challenging the special use notice sent to property owners within 250 feet of the property subject. In summary the challenge maintains that the 250 feet was miscomputed by the special use applicant. The legal issues presented by this challenge remain unresolved at this point and are being studied. In order to protect anyone who may not have received what could have been a required notice, the public hearing will not be closed tonight but will be continued until Tuesday, August 24, 2021. Chair Aranas stated that they would take testimony until approximately 9:30 pm tonight.

Tim Kratz, 3025 Highland Parkway, Downers Grove was sworn in. Mr. Kratz stated that he was the engineer working on the project and the proposed convenience filling station would consist of seven fuel dispensers, a fuel canopy, parking areas, and a transaction kiosk building. The majority of the site would remain intact making use of the existing full vehicular access to Main Street, a right-in right-out vehicular access to Roosevelt Road, and nearly half (58) of the existing parking spaces, of which a minimum of 9 parking spaces would continue to be dedicated to the Wheaton Park District pickleball courts.

Mr. Kratz stated that the transaction kiosk building would consist of a cashier/ office space, a single occupancy rest room with interior access from the cashier/ office space and a single occupancy restroom with exterior access. He added that the fuel station would be open the same hours as the grocery store. The grocery store is currently open from 6 am to 10 pm, seven days a week. He added that the outdoor sale and storage of products normally purchased at a convenience filling station (windshield washer fluid, oil, etc.) is not proposed.

Mr. Kratz stated that the existing Mariano's grocery store on Lot 1 was approved with 345 parking spaces. The Zoning Ordinance requires 5 parking spaces per 1,000 square feet of net floor area for grocery stores. With 65,320 square feet of net floor area, the Zoning Ordinance would only require 327 parking spaces for this store.

Mr. Kratz stated that the Zoning Ordinance requires 2.75 parking spaces per 1,000 square feet for the transaction kiosk building. With 275 square feet of net floor area, the Zoning Ordinance would only require 1 parking space for the transaction kiosk building plus the 9 parking spaces dedicated to Park District use. A total of 58 parking spaces are proposed on the site. The extra parking spaces would be used as over-flow parking during heavy shopping days.

Javier Millan, 9575 W. Higgins Road, Rosemont was sworn in. Mr. Millan stated that he is the traffic consultant working on the project. He stated that his firm prepared a traffic report for the proposed fuel station and the information contained in the report determined that the traffic increase in the area would be minimal with the proposed fuel station. The existing traffic numbers have been adjusted up for COVID. The fuel station would repurpose the existing curb cut on to Main Street and the right-in right-out curb cut on to Roosevelt Road. No new curb cuts would be added.

Dan Farrell, 875 E. Wisconsin Avenue, Milwaukee, WI was sworn in. Mr. Farrell stated that he was representing Roundy's. He stated that wall signage is proposed on the north, east, and south sides of the fuel canopy with an LED gas price display on the east side of the fuel canopy. In addition, two monument signs are proposed, one on Main Street and one on Roosevelt Road.

Mr. Farrell stated that the transaction kiosk building, and fuel canopy columns would be clad with masonry materials to match the exterior of the existing Mariano's grocery store and would be fully compliant with the masonry requirement of the Zoning Ordinance.

Mr. Dabovich questioned how a leak in a storage fuel tank is detected. He further questioned the safety of traffic moving across Main Street from the grocery store to the fuel center and vice versa.

Natalie Mouw, 875 E. Wisconsin Avenue, Milwaukee, WI was sworn in. Ms. Mouw stated that she was representing Roundy's and she was also a Wheaton resident. She stated that they constantly monitor the fuel and brine levels in the tanks. If the fuel or brine levels drops unexpectedly, an alarm goes off to alert the operator.

Mr. Millan stated that traffic moving across Main Street from the grocery store to the fuel center and vice versa would function at a level of service (LOS) B, with a level of service (LOS) D considered acceptable.

Mr. Gudmundson questioned why the fuel storage tanks were proposed on the south side of the site. He further questioned when fuel deliveries would occur.

Mr. Kratz stated that they had limited location options for the fuel storage tanks, given existing utilities and mature landscaping. He added that fuel deliveries are typically scheduled during off-peak hours.

Mr. Gudmundson questioned the frequency of fuel deliveries. He further questioned the size of the tanks and how deep the tanks were buried underground.

Shaun Nelson, 875 E. Wisconsin Avenue, Milwaukee, WI was sworn in. Mr. Nelson stated that he was representing Roundy's. He added that fuel deliveries typically occur once per day.

Ms. Mouw stated that the fuel tanks are 10 feet in diameter and buried 6 feet underground.

Ms. Horejs questioned whether customers could enter the transaction kiosk building.

Mr. Kratz stated that customers could only enter the restrooms, not the transaction kiosk building.

Mr. Plunkett stated that the Mariano's grocery store has been a nice addition to Wheaton but that he is concerned with the aesthetics of having a gas station at the entryway into Downtown.

Steve Johnson, 720 S. Hale Street, Wheaton was sworn in. Mr. Johnson stated that there is an existing gas station just to the north, the existing flooding problem needs to be addressed, traffic would be a concern, and a gas station would not be a welcoming entrance into Downtown. Then he spoke on behalf of his neighbor Jeremy Lederhouse at 207 W. Park Avenue, Wheaton who could not attend the meeting. According to Mr. Lederhouse, Warrenville has a vacant gas station on Roosevelt Road that is also located in the floodplain and is currently abandoned due to leaking fuel tanks.

Kate Reinhart, 618 Frasier Court, Wheaton was sworn in. Ms. Reinhart stated that she started the neighborhood petition on change.org opposing this request and to date the petition has 1,800 signatures. She added that a gas station is not the gateway entrance that we want into Downtown.

Larry Palmisano, 1515 Gainsboro Drive, Wheaton was sworn in. Mr. Palmisano stated that the existing park use requires more parking than they have currently, and the City should not have sold the property to the Mariano's developer.

Harry Mueller, 2276 Hiram Drive, Wheaton was sworn in. Mr. Mueller stated that he plays pickleball on the adjacent park district courts. He added that there are 6 courts that can accommodate 24 players at one time. He stated that the existing 9 parking spaces reserved for the pickleball courts is not adequate.

Jackie Schackmann, 615 S. Hale Street, Wheaton was sworn in. Ms. Schackmann stated that the request would increase traffic, noise, and light pollution in the area. She added that the homeless population would frequent the establishment and fuel deliveries would be disruptive to the adjacent residential neighbors during the early morning hours.

Phil Luetkehans, 105 E. Irving Park Road, Itasca was sworn in. Mr. Luetkehans stated that he was representing the Park District and they did not receive proper notice of this public hearing. He further stated that given the time restriction for the evening, he would defer his cross examination of the applicant's witnesses until August 24, 2021. For clarification, he stated that the Park District sold the subject property to the Mariano's developer, not the City.

Susan Botts, 614 S. Hale Street, Wheaton was sworn in. Ms. Botts stated that she was concerned about increased flooding and light pollution if the request is approved. She added that she would rather support the existing gas station to the north, then see a new one built.

Kristine Trieglaff, 503 S. Hale Street, Wheaton was sworn in. Ms. Trieglaff stated that she was concerned about increased flooding if the request is approved. She added that approving this request, would be detrimental to the residential neighbors and the City.

Doug Weglarz, 225 S. Chase Street, Wheaton was sworn in. Mr. Weglarz stated that there is no shortage of gas stations in the area. He added that the gas station that the North Main Street Jewel-Osco constructed didn't work out.

Andrew Bregman, 1212 N. Cross Street, Wheaton was sworn in. Mr. Bregman stated that he likes Mariano's and they have been a good neighbor. However, he added that the fuel station would worsen the existing flooding problem.

Elizabeth Hain, 724 Warrenville Road, Wheaton was sworn in. Ms. Hain stated that she currently walks to the French Market on Saturdays. If the fuel station is approved, she doesn't envision this being feasible in the future with the fuel trucks and additional traffic in the area.

Tony Alivito, 240 E. Park Avenue, Wheaton was sworn in. Mr. Alivito stated that the adjacent property is prone to flooding and this development would make the situation worse. He added that this is not the gateway entrance we want into Downtown.

The Board decided to continue further discussion of the request until Tuesday, August 24, 2021. The Board requested the following information for the next meeting: A written response to the conditions provided in the staff report dated July 8, 2021 that had not already been addressed, a lighting plan and a sign plan. The Board also requested that for the next meeting, the applicant should be prepared to answer how the proposed fuel center fits the character of the community and how the proposed fuel center would enhance Downtown Wheaton.

Mr. Gudmundson moved and then Mr. Horejs seconded the motion to continue the public hearing until Tuesday, August 24, 2021. On a voice vote, all voted aye.

V. MISCELLANEOUS

There was none.

VI. ADJOURNMENT

Mr. Dabovich moved and then Mr. Derrick seconded the motion to adjourn the meeting at 9:28 p.m. On a voice vote, all voted aye.

Respectfully submitted,  
Tracy L. Jones, Staff Planner