

WHEATON PLANNING AND ZONING BOARD

I. CALL TO ORDER AND ROLL CALL VOTE

Chair Weller called the November 10, 2020 Wheaton Planning and Zoning Board meeting to order at 7:00 p.m. via Zoom. Upon roll call, the following were:

Roll Call Vote

Present: Nicole Aranas
Christopher Dabovich
Bob Gudmundson
Cecilia Horejs
Mark Plunkett
Dan Wanzung
Scott Weller

Absent: None

City Staff Present: Tracy Jones, Staff Planner
Joseph Tebrugge, Director of Engineering

II. APPROVAL OF MINUTES - OCTOBER 27, 2020

The minutes were approved as presented.

III. PUBLIC COMMENT

There was none.

IV. OLD BUSINESS

ZA #20-08/ TEXT AMENDMENT AND SPECIAL USE/ 122 N. MAIN STREET/ THE MOMENT ON MAIN

Chair Weller reconvened the public hearing on Tuesday, November 10, 2020. He stated that the public hearing was called to order on October 27, 2020 but was continued until November 10, 2020 to give the applicant time to provide documentation from the businesses/ property owners willing to consider shared parking agreements with them and proposed traffic flow charts based on the day, time, and type of event. Staff was also directed to revise the draft recommendation in the staff memo to include a condition that there be no valet stand on Main Street.

Mr. Wiley stated that since the last meeting they have received letters from four businesses/ property owners willing to consider shared parking agreements with them. He added that they have also received a letter from the property owner at 124 N. Main Street stating their willingness to consider a shared dumpster arrangement. Copies of these letters were provided to the Board. He added that guests would be directed to park in one of the locations with a shared parking agreement and then walk to the venue unless a valet stand was utilized.

Staff Planner Jones stated that the draft recommendation has been revised in the current staff memo to include a valet stand restriction on Main Street as directed by the Board.

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

The Board decided to vote this evening.

Ms. Aranas moved and then Mr. Gudmundson seconded the motion to approve ZA #20-08 requesting a text amendment to Article 17.4 of the Wheaton Zoning Ordinance to permit a Banquet Facility as a special use in the C-2 Retail Core Business District and a special use permit to allow a Banquet Facility to occupy an existing building located at 122 N. Main Street, subject to the condition that no valet stand be operated on Main Street.

Roll Call Vote

Ayes: Nicole Aranas
Christopher Dabovich
Bob Gudmundson
Cecilia Horejs
Dan Wanzung
Scott Weller

Nays: Mark Plunkett

Absent: None

Motion Passed

The dissenting Board member felt the proposed use of a Banquet Facility was not a good fit at 122 N. Main Street for various reasons, including accessibility and parking.

V. NEW BUSINESS

ZA #20-10/ TEXT AMENDMENT, SUBDIVISION AND VARIATION/ HUMMINGBIRD PLACE - 1764 WIESBROOK ROAD/ MATHIESON HOUSE, LLC

Pursuant to notice duly published on October 23, 2020 and letters mailed to neighboring property owners on October 21, 2020, Chair Weller called to order the November 10, 2020 public hearing requesting a combined text amendment, subdivision, and variation request to allow the subdivision of the property located at 1764 Wiesbrook Road (existing ComEd substation) combined with the adjacent vacant property to the west into a three (3) lot subdivision known as Hummingbird Place.

Chair Weller stated that the subject property is located on the south side of Wiesbrook Road between Water Tower and Burning Trail Courts and is approximately 2.028 acres in size. The northeast corner of the subject property is improved with an existing ComEd substation, while the rest of the property is currently vacant. He added that an email from Richard Busse and a letter from David Archer were received and incorporated into the record.

Caitlin Paloian, 127 Aurora Avenue, Naperville was sworn in. Ms. Paloian stated that she was the attorney representing Mathieson House, LLC who is the Petitioner and Developer of the Petrey Parcel on behalf of the Owners. The Petitioner seeks to subdivide the Petrey Parcel into two (2) buildable single-family lots. To properly subdivide the property within the City of Wheaton, the Petitioner is requesting approval of a three (3) lot subdivision including the ComEd Parcel.

Staff Planner Jones stated that public utility substations are allowed by special use permit in the R-3 Residential District with a minimum lot size of 1.5 acres or 65,340 square feet. Variations are only allowed to reduce a lot size by 25 percent of the required size. Proposed Lot 3 (existing ComEd substation) is only 6,711 square feet or approximately 10 percent of the required lot size, but it was previously authorized by an existing special use permit.

Staff Planner Jones stated that to allow the existing ComEd substation to legally remain on the 6,711 square foot parcel as part of the new subdivision as accommodated for in the previous development applications for the property, staff worked with the Petitioner, ComEd and the City Attorney to draft language for a proposed text amendment. The following language is thus proposed to the text of the Wheaton Zoning Ordinance, Article 3.4B - Zoning Districts and General Regulations:

- “8. Previously improved and currently operating private or public utility substations may remain on a lot existing at the time of a new proposed re-subdivision or new subdivision so long as the dimensions of the existing lot are the same or larger at the time, even if the lot has less than the minimum lot area, minimum lot depth and minimum lot width required by the bulk regulations of the zoning district in which it is located.”

Ms. Paloian stated that the Petitioner is requesting subdivision of the property located at 1764 Wiesbrook Road (existing ComEd substation) combined with the adjacent vacant property to the west into a three (3) lot subdivision. Proposed Lot 1 would be a buildable single-family lot of 57,012 square feet, proposed Lot 2 would be a buildable single-family lot of 24,479 square feet and proposed Lot 3 (existing ComEd substation) would remain as a public utility substation (which was previously authorized by a special use permit) with a lot size of 6,711 square feet.

Ms. Paloian stated that there is an existing wetland on the subject property that grew from .07 acres in 2006 to .14 acres in 2020. The Petitioner is proposing a less intense subdivision than was previously approved (2 buildable lots instead of 4) with a shared driveway (instead of a public street) which minimizes the impact on the wetland and reduces development costs. While the Petitioner has configured the lots to minimize the impact on the existing wetland and has maintained the required 70 foot frontage on Wiesbrook Road for both buildable lots, it results in an odd “L” shaped configuration for proposed Lot 1.

Staff Planner Jones stated that the subject property backs up to the Illinois Prairie Path. All previous developments approved for the subject property included a public access and sidewalk easement to the Illinois Prairie Path. The next closest connections to the Prairie Path are just over a mile away on Orchard Road or at the intersection of Durfee and Wiesbrook Roads. An access point to the Prairie Path is an important component to the neighbors, as it provides a safe and convenient connection to the Prairie Path.

Ms. Paloian stated that given the expanded wetland on the property, there is nowhere to put a public access and sidewalk easement on the subject property to provide a connection to the Illinois Prairie Path.

Ms. Paloian stated that the Petitioner is requesting a variation to Article 3.4A.6 of the Wheaton Zoning Ordinance to allow rear yard setbacks of 10.0 feet in lieu of the required 25.0 feet for proposed Lot 1 and proposed Lot 2. The proposed southern boundary of both lots is considered the rear property line since they are directly opposite the front property line. The proposed orientation of the residences does not change this determination.

Staff Planner Jones stated that if the petitioner utilized a more traditional style lot configuration or constructed one single-family residence instead of two on the subject property, a rear yard setback variation would not be

necessary. The Petitioner's desire to minimize the impact on the existing wetland to reduce development costs and have a second buildable single-family lot is creating the potential rear yard setback issue.

Lisa Betts, 1657 Water Tower Court, Wheaton was sworn in. Ms. Betts stated that her basement has flooded twice already and that she is concerned the proposed development on the subject property would increase the risk of her basement flooding again in the future. She questioned how emergency vehicles would access proposed Lot 1.

Badar Zulgarni, 1650 Burning Trail Court, Wheaton was sworn in. Mr. Zulgarni stated that he is concerned that the proposed development on the subject property would increase his risk of flooding. He stated that the ComEd substation property is unkept with an existing fence that is in very poor condition. He added that he would be vehemently opposed to an Illinois Prairie Path connection from the Burning Trail Court cul-de-sac.

John Witte, 116 W. Main Street, St. Charles was sworn in. Mr. Witte stated that he was the engineer working on the project and that the proposed improvements on the subject property would either maintain or slightly improve the existing drainage conditions.

Bryon Eagon, 1 S. Dearborn Street, Chicago was sworn in. Mr. Eagon stated that he was an attorney representing ComEd and that his client has submitted a fence permit to the City already, but it cannot be issued until the text amendment is approved. He added that these improvements are tentatively planned for this spring.

The Board felt they needed more information before making a recommendation and requested that the applicant provide the following information at the next meeting: Communication from emergency responders on their ability to access proposed Lot 1 and 2; the western setback dimension of proposed Lot 2; the southern setback dimension of proposed Lot 1; floor plans for both residences; footprint of a deck or patio with setback dimensions on proposed Lot 2; and communication from emergency responders on their ability to access a fire hydrant for proposed Lot 1. The Board also asked staff to research the rear/ side yard setbacks of the existing homes on the southern portion of the Water Tower Court and Burning Trail Court cul-de-sacs from the Prairie Path.

Mr. Eagon questioned whether the Board could make a motion on the text amendment portion of the request.

Staff Planner Jones stated that since the text amendment was noticed as part of the subdivision and variation request, it would be better to make a recommendation on all of them together.

Cynthia Thomas, 3 Lincoln Center, Oakbrook Terrace was sworn in. Ms. Thomas stated that she was with ComEd and she questioned whether they could proceed with the fence permit while the text amendment, subdivision, and variation request was still pending.

Engineering Director Tebrugge stated that they would need to wait until the City Council approves the text amendment, subdivision, and variation request.

Mr. Gudmundson moved and then Mr. Plunkett seconded the motion to continue the public hearing until December 8, 2020 to give the applicant and staff time to provide the additional information requested by the Board. On a voice vote, all voted aye.

VI. MISCELLANEOUS

There was none.

VII. ADJOURNMENT

The Board adjourned the meeting at 9:08 p.m. On a voice vote, all voted aye.

Respectfully submitted,
Tracy L. Jones, Staff Planner