

MEETING AGENDA

ZONING BOARD OF APPEALS/PLAN COMMISSION

**Thursday, March 16, 2023 at 7:00 pm
Village Hall, 1 N Prospect Avenue**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES – February 16, 2023**
- 4. NEW BUSINESS**
Case Z511 / ZBA/PC-initiated text amendment to various Section 20.8.2 (Use Matrix) of the Zoning Regulations [PUBLIC HEARING – continued from February 16, 2023]
- 5. OLD BUSINESS**
- 6. COMMENTS FROM THE AUDIENCE**
- 7. DISCUSSION ITEMS**
- 8. ADJOURNMENT**

**ZONING BOARD OF APPEALS/PLAN COMMISSION
MEETING MINUTES**

Draft

**February 16, 2023 at 7:00 pm
Village Hall, 1 N. Prospect Avenue, Clarendon Hills, Illinois**

I. CALL TO ORDER

Chair Freve called the Zoning Board of Appeals/Plan Commission meeting to order at 7:06 pm.

II. ROLL CALL

Present: Acting Chair Peter Jablonski, Jeff Keiner, Anthony DeLongis, Krista Casper

Late Arrival: Karin Hanke (arrived at 7:26p)

Absent: Chair Wil Freve and Andriy Striltschuk

Others Present: Jonathan Mendel, Community Development Director

III. APPROVAL OF MINUTES

The November 17, 2022 minutes were approved by a vote of 4-0.

IV. NEW BUSINESS

- **Case Z511** – ZBA/PC-initiated text amendment to Section 20.8.2 (Use Matrix) of the Zoning Regulations

Mr. Mendel outlined the staff report and the proposed text amendment's intent, design and methodology regarding where certain non-retail/restaurant uses could be permitted on the ground floor of the B-1 zoned buildings and properties as well as making *Specialty Food Service* a permitted use in the B-1 and B-2 districts as this land use is currently only a permitted use in the B-3 district and a conditional use in the B-2 district.

Commissioner Jablonski asked about the how these text amendments would affect the dry cleaner on Railroad Ave. specifically what would happen if the dry cleaner closed under the current regulations. Mr. Mendel stated that the current dry cleaner is an existing nonconforming use and, if closed, that nonconforming status would expire after 6 months per the zoning code. This proposed text amendment would make the current dry cleaner a permitted use, while also expanding the development rights beyond the current regulatory framework.

Commissioner Jablonski also asked if the Specialty Food Service use changes would make it easier for the empty space at 5-7 S. Prospect Ave. to be occupied. Mr. Mendel stated that it would. Commissioner DeLongis asked whether the proposed 40 foot use setback would affect all buildings in the B-1 district. Mr. Mendel stated that it would.

Commissioner Casper asked how the 40 foot setback was determined. Mr. Mendel stated that it is calibrated to the existing built environment of the B-1 district and then reduced a bit to provide internal flexibility, while also maintaining a balance of pragmatic usability.

Commissioner Casper questioned whether the 100 Park Ave building (at the southwest corner of Park Ave and S. Prospect Ave) should be treated differently in regards to the 40 foot setback's

relation to S. Prospect Ave versus Park Ave. She believes the Park Ave frontage is the primary active frontage and the 40 foot setback should be from the Park Ave frontage instead of the proposed S. Prospect Ave frontage.

There was extensive discussion between Mr. Mendel and the Commissioners regarding the proposed versus further refining the proposed setback rules to apply to 100 Park Ave. in uniquely applicable manner. The Commissioners and Mr. Mendel decided to further refine the proposed text amendments for certain non-retail/restaurant uses' setback to accommodate the unique building/site orientation of the 100 Park Ave. property.

Commissioner DeLongis asked whether the proposed setback would be a property rights imposition and whether the State Farm office in the 100 Park Ave building is a nonconforming use. Mr. Mendel stated that the proposed text amendments would be definite increase to the property rights of the owners in the B-1 district as currently the certain non-retail/restaurant uses proposed to be permitted with the setback are currently completely prohibited. As for the State Farm office, Mr. Mendel stated it is currently an existing nonconforming use.

Commissioner Casper motioned to continue to 3/16/23 meeting date to adjust proposed text to treat 100 Park Ave property in a different orientation manner than the other B-1 zoned properties.

Commissioner Jablonski seconded the motion and the motion passed unanimously 5-0.

V. **OLD BUSINESS**

None

VI. **PUBLIC COMMENTS ON NON-AGENDA ITEMS**

None

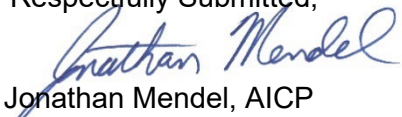
VII. **DISCUSSION ITEMS**

Commissioner Hanke asked about the potential reuse of the drive-through facility at 200 Park Ave (former 5/3 Bank site). Mr. Mendel stated that the zoning code requires a new conditional use permit and review process for any change of use even if there is an existing drive-through facility on site. Additionally, Mr. Mendel stated that he has had no serious inquirers about reusing that property for a use with a drive-through.

Commissioner Hanke also asked about the rumor about the Village denying a drive-through for the Starbucks in the recent past. Mr. Mendel stated that he and current Village staff have no direct knowledge of that having occurred whether formally or informally.

VIII. **ADJOURNMENT** A motion was made to adjourn the meeting at 7:55pm. The motion passed unanimously by a voice vote.

Respectfully Submitted,


Jonathan Mendel, AICP
Community Development Director

MEMORANDUM

TO: Chair and Members of the Zoning Board of Appeals and Plan Commission

FROM: Jonathan Mendel, Community Development Director 

DATE: March 16, 2023

RE: **Case Z511 / ZBA/PC-initiated text amendment to various Section 20.8.2 (Use Matrix) of the Zoning Regulations [PUBLIC HEARING – continued from February 16, 2023]**

Background:

At the February 16, 2023 ZBA/PC meeting, the proposed text amendment was discussed at length and found to be mostly acceptable and a worthy refinement to the B-1 zoning district basket of property rights.

The one area of extensive discussion involved the treatment of one specific property – 100 Park Ave. This discussion concluded that the proposed use setback regulations likely needed to be adjusted to accommodate this property's specific layout in relation to the intent of focusing active uses to the primary frontages of properties in the B-1 zoning district.

The proposed amendment only focused on the S. Prospect Ave frontages for the proposed setback as this is the primary active frontage for the vast majority of the B-1 zoned properties in the downtown area. Through the ZBA/PC discussion, it was determined that 100 Park Ave should permit this setback in relation to the Park Ave frontage instead of it's S. Prospect Ave frontage.

Therefore, ZBA/PC approved a motion to continue the public hearing and directed staff to return with modified proposed text to regulate 100 Park Ave in a manner adhering to the intent of the proposed amendment, but with a regulatory mechanism specific to 100 Park Ave's specific location and orientation.

Proposed Text Amendments – modified per the 2/16/23 meeting discussion:

B-1 District Use Matrix amendments (Section 20.8.2) – specifically for 100 Park Ave property

The modified text (highlighted in green) in Exhibit A accommodates the particular orientation and layout of the 100 Park Ave. property. This text is very specific and directly targeted to the specific need and solution the Village seeks.

Other discussion

Apart from the above modifications to the proposed text amendment, there are no additional changes to the proposed text amendments presented in the 2/16/23 staff report and packet. Additionally, the commentary from the 2/16/23 staff report on the proposed text amendments and the text amendment approval standards in Section 20.14.2E(2) of the code still stands.

Requested Action: Staff recommends **approval** of a motion by the ZBA/PC to recommend approval to the Village Board of the proposed text amendments contained in the attached Exhibit A.

Attached to this staff report:

- Exhibit A: Proposed amendments (underlined or struck-through and highlighted) to Section 20.8.2 (Use Matrix) with B-1 district uses
- Aerial photo of downtown with the B-1 district & affected properties

Contractor Office - With Outdoor Equipment Storage										
Conservation Area							C			
Cultural Facility					C	C			P	
Day Care Center					C	C			C	Sec. 20.8.3.D
Day Care Home	P	P	P							Sec. 20.8.3.D
Drive-Through Facility					C	C			C	Sec. 20.8.3.E
Dwelling, Above the Ground Floor				P	P	C				
Dwelling, Detached Single-Family	P	P								Sec. 20.8.3.G
Dwelling, Townhouse		P	P		C					Sec. 20.8.3.F
Dwelling, Two- Family		P								Sec. 20.8.3.G
Dwelling, Multi-Family		P	P	C	C					Sec. 20.8.3.F
Financial Institution					P	P			P	
Funeral Home					C	C			C	
Gas Station					C	P				Sec. 20.8.3.H
Golf Course/Driving Range								P		
Government Facility					P	P	P		P	
Group Home - Small	P	P	P							Sec. 20.8.3.I
Group Home - Large	C	C	C							Sec. 20.8.3.I
Healthcare Facility					C	C			P	
Heavy Retail, Rental & Service						C				
Hotel					P	P			P	
Industrial Design					P	P			P	
Landscape Business						C				
Live Entertainment				C	C	P				

Medical Cannabis Dispensing Organization									C	Sec. 20.8.3.J
Medical/Dental Office or Clinic (in the B-1 District at ground level, setback at least 40 feet from the S. Prospect Ave public right-of-way and with no entrance front the S. Prospect Ave frontage, except for the 100 Park Ave property; for the 100 Park Ave property the ground level setback shall be at least 40 feet from the Park Ave public right-of-way frontage with no entrance from the Park Ave frontage)				P	P	P			P	
Medical/Dental Office or Clinic above the Ground Floor				P	P	P			P	
Micro-Brewery/ Distillery/Winery					C	C			C	
Nursery/Greenhouse - Retail						P				
Office (in the B-1 District at ground level, setback at least 40 feet from the S. Prospect Ave public right-of-way and with no entrance front the S. Prospect Ave frontage, except for the 100 Park Ave property; for the 100 Park Ave property the ground level setback shall be at least 40 feet from the Park Ave public right-of-way frontage with no entrance from the Park Ave frontage)				P	P	P		P	P	
Office above the Ground Floor				P	P	P		P	P	
Outdoor Dining				P	P	P				Sec. 20.8.3.K
Outdoor Storage										
Park							P			
Parking Lot (Principal)						C			C	Article 10
Parking Structure (Principal)					C					Article 10
Personal Service Establishment (in the B-1 District at ground level, setback at least 40 feet from the S. Prospect Ave public right-of-way and with no				P	P	P				

entrance front the S. Prospect Ave frontage, except for the 100 Park Ave property; for the 100 Park Ave property the ground level setback shall be at least 40 feet from the Park Ave public right-of-way frontage with no entrance from the Park Ave frontage)										
Places of Worship							P			
Private Club or Lodge					C	P			P	Sec. 20.8.3.M
Public Safety Facility						P	P		P	
Public Works Facility							P			
Reception/Banquet Facility					C	P			P	Sec. 20.8.3.N
Research & Development									P	
Residential Care Facility						P			P	Sec. 20.8.3.O
Restaurant				P	P	P			P	
Retail Goods Establishment				P	P	P			P	
School - Primary or Secondary							P			
School - College or University							P		P	
School - Trade or Vocational						C	C		P	
Self-Storage										
Specialty Food Service				P	CP	P			P	
Vehicle Dealership						P				Sec. 20.8.3.P
Vehicle Operation Facility										
Vehicle Rental Agency						C			C	
Vehicle Repair						C				Sec. 20.8.3.Q
Wholesale						C				
Temporary Uses	R-1	R-2	R-3	B-1	B-2	B-3	P-I	L-O	O-T	

Aerial photo of downtown with the B-1 district & affected properties

