

**VILLAGE OF ITASCA
PLAN COMMISSION REGULAR MEETING
DRAFT MINUTES
May 15, 2019**

CALL TO ORDER

The Village of Itasca Plan Commission Meeting was called to order by Chairman Kischner at 7:00 p.m.

ROLL CALL

Present: Commissioners Frank Carello, Eric Swets, Jeffrey Holmes, Lori Drummond, and Krista Ray; Chairmain Mark Kischner

Absent: Commissioner Brendan Daly

Also Present: Shannon Malik Jarmusz, Director of Community Development; Konstantine Savoy, Senior Planning Consultant; Yordana Wysocki, Village Attorney; Nicole Espedido, Recording Secretary

PUBLIC HEARING

Case #PC 18-008
Petitioner: Mark Houser of Bridge Industrial Acquisition, LLC
Owner: CBS Radio East, LLC
Location: Southeast corner of Route 53 (Rohlwing Rd.) and Devon Ave.
Zoning: B-3 Service Business District and M Limited Manufacturing District
Request: Requests for a final planned development by special use, final plat of subdivision, and final class I site plan approval for the purpose of constructing a mixed-use retail and industrial development

Petitioner Presentation:

Ms. Malik Jarmusz mentioned that the property closed since last meeting and the ownership entity is now Bridge as opposed to CBS. Mark Houser was stuck in traffic so his attorney, Jerry Callaghan, and project engineer Brett Duffy from Spaceco, presented on Mr. Houser's behalf. Mr. Callaghan explained that rezoning was granted by the Village Board last July and that this request is to finalize the project. The final development plan has to be in substantial conformance with the preliminary plan. The only modifications made were requested by the County Highway Department and Village Staff in that the middle building was moved more south for truck space. The lots along Rohlwing Rd. will remain commercial zoning and the three

east lots are light industrial. Mr. Callaghan requested to consider the final development plan and mentioned that the entire site is up for final plat approval. All site work for both commercial and industrial will be done at the same time with applying for building permits for one building at a time.

Plan Commission Discussion:

Chairman Kischner asked which of the buildings will be first. Mr. Callaghan called and confirmed with Mr. Houser that the east building number 3 will go up first. Commissioner Drummond asked if the commercial buildings will be designed to look similar but not necessarily like the hotel. Ms. Malik Jarmusz commented that they will have to go through an individual site plan approval process. Commissioner Drummond wants the look to be cohesive like the Prospect Courtyard while Commissioner Holmes added that it is a single site. Ms. Malik Jarmusz is viewing it as a comprehensive development and materials and compatibility will be discussed as individual site plans are submitted for the commercial lots. Commissioner Holmes clarified Drummond's comment in that the commercial buildings should be cohesive as a group. Mr. Callaghan affirmed that they will be and when the commercial comes in then staff can review the architecture. He also stated that the industrial buildings will create a demand for retail usage and since Bridge is not a retail developer, there has already been a retail developer in discussion with their team.

Commissioner Drummond was wondering about the contribution comment in lieu of an interior circulation path and asked if this was agreed upon. Ms. Malik Jarmusz explained that a development agreement was negotiated between Bridge and the Village Board. The Village Board reviewed the original recommendation from Plan Commission. They were aware of the desire for circulation within the site, and took into consideration certain constraints. With this, they agreed upon using the existing system with making improvements and providing funding. Chairman Kischner asked if there is a preliminary plan. Ms. Malik Jarmusz answered that the intention is to go around the entire perimeter of the site and connect further east at Park to Hamilton Lakes. This will require the Village's involvement because of easement needed for the path. Chairman Kischner asked if that is where the widening of the sidewalk from 5' to 10' will take place. Ms. Malik Jarmusz explained that this is where it will be a 10' multi-use sidewalk from the normal 5'.

Commissioner Carello asked if Bridge had more information on the future of the commercial portion of the development. Mr. Callaghan said that the development agreement states it to be done within three years. Commissioner Swets asked if the infrastructure will be all going at the same time and Mr. Callaghan said yes. Mr. Duffy added that the landscape will be along the perimeter of the commercial paths filled with grass so that no mud is exposed. Commissioner Swets asked about maintenance to which Mr. Duffy said there will be a maintenance plan and no overgrowth. Commissioner Carello asked about construction timing for the industrial buildings. Mr. Callaghan believes that it will be quick based on past building experiences. Ms. Malik Jarmusz noted that both Bridge and Premier are both located in Itasca. Commissioner Swets asked if that in three years they cannot find anyone to develop the commercial, then what happens. Mr. Callaghan answered that they will have to pay a penalty of \$3,000/month so there

is a need to develop the commercial. Commissioner Carello had a site plan question on how certain is the multi-tenant restaurant hotel or could it change. Mr. Callaghan stated that is the plan if the commercial developer closes on the property. If not, they will have to come back in front of the Plan Commission to change it.

Chairman Kischner asked if Bridge was in agreement with the recommendations in the Robinson Engineering Review such as the loading dock pavement. Mr. Duffy requests depth of 7" rather than 8" or 10" of the industry standard. Chairman Kischer asked if that would be sufficient to carry the same load. Mr. Duffy believes that 10" exceeds the normal industry standard. Mr. Savoy asked if 10" is the requirement then would they still build to which Mr. Callaghan was unsure. Chairman Kischner is okay with it if 7" is strong enough and can carry the load. Ms. Malik Jarmusz stated that staff is comfortable with developer and Village engineer coming to an agreement. Chairman Kischner asked aside from the Village recommendations was there anything else they were aware of. Mr. Duffy stated that Mr. Houser reviewed it and will work with the Village.

Chairman Kischner asked clarification of all water mains, fire hydrants, storm, sanitary, if it will be maintained by the association. Ms. Wysocki stated that it has all been negotiated in great detail in the development agreement. Chairman Kischner was uncomfortable with the proposed drive thru restaurant receiving a reduction in the amount of stacking space for the drive thru lanes because they have not seen the plans yet. Ms. Malik Jarmusz stated that the requirements are high, but a conceptual agreement has been made. Mr. Callaghan said that it has been previously approved in the preliminary review. Chairman Kischner asked of Condition #4 as to why it is three years when it is normally one year. Ms. Malik Jarmusz explained that it is a large scale development that would take longer than a normal one. Chairman Kischner is on board with the development in that it will bring a lot to the community and Village. He is also comfortable with staff reviewing the retaining wall with the engineer.

Public Comment

An unidentified male audience member asked when they will be taking down the WBBM Tower. Mr. Callaghan stated that under the sale agreement to Bridge, the company previously said they had one year to take it down. Bridge thought it would take six months but ran into problems on the other site but it has to be done in July which is one year from the closing. Ms. Malik Jarmusz said that the complications are still ongoing. Chairman Kischner encourages native species be used in landscaping.

Chairman Kischner closed public comments

Staff Recommended Conditions of Approval:

1. The project must comply with all Village Ordinances, Building Codes, Subdivision Regulations, Standards Specifications, and the DuPage County Stormwater Ordinance in place at the time of permit application.
2. Any favorable recommendation is subject to final building permit approval.

3. The proposal is subject to adherence to previously issued review comments.
4. Ordinarily, project approvals of this nature are conditioned to be valid for one year. Staff recommends that the phasing schedule and timeline of the proposed development be determined within the Development Agreement. Staff also recommends that if the project does not commence within three years of Village Board approval, the requests should go back before the Board for reauthorization. Further, staff recommends that if for any reason, Bridge Development or Shorewood Development is not able to complete this project, any future assignees will be required to obtain Village Board approval to amend the approvals for the new ownership entity.
5. The commercial portion of the project will require separate review and approval on a lot by lot basis as tenants are determined.
6. All business shall be conducted and material shall be stored within a completely enclosed building pursuant to the Zoning Ordinance.
7. All business conducted on the portion of the development zoned M Limited Manufacturing District is subject to the Performance Standards for M District properties as described in Section 11.02 of the Zoning Ordinance.
8. Public sidewalks measuring 5' in width are required where they are not provided, and in addition to Village acceptance of the site plan, the approval for this work of IDOT on Rohlwing Rd. and the Cook County Department of Transportation on Devon Ave. is required.
9. Compliance with Staff comments in the landscaping plan section of this report. Street trees in the right-of-way require the approval of IDOT and Cook county Department of Transportation.
10. The commercial portion of the development shall be developed at the same time and in concern with the industrial portion.
11. An architectural elevation/perspective exhibit is required for the proposed retaining wall along east property line adjacent to I-290 showing proposed height, color, materials, and design.
12. Proposed site signage was not provided at the time of the Final Planned Development application, and will be submitted as a separate application subject to Village approval.
13. Provide fixture cut-sheets for each type of light. The Village require full cut-off fixture types.
14. Extended stay class hotels are a prohibited use within this Planned Development.
15. Conformance with the Zoning Ordinance parking and bicycle requirements for all commercial uses and hotels shall be approved and reviewed by the Plan Commission and Village Board once the final design is known.
16. Provide architectural designs for all elevations for all three industrial buildings with building permit application.
17. Submit Kane DuPage Soil & Water Conservation District report with building permit application.
18. Submit IDNR EcoCAT report with building permit application
19. The Village is in the process of updating adopted building codes and will require conformance with the 2015 International Codes. The developer should anticipate that current local amendments will be maintained and amended.

20. The planned easement for Village of Itasca gateway signage at the northwest corner of the site should be clearly indicated with dimensions called on the site plan.

Findings of Fact

1. Final planned development by special use
2. Final plat of subdivision
3. Final Class I Site Plan approval for the purpose of constructing mixed-use retail and industrial development

ROLL CALL VOTE

AYES - Commissioners Carello, Swets, Holmes, Drummond, and Ray

NAYS - None.

ABSENT - Commissioner Daly

Motion

Commissioner Drummond made motion to recommend certifying the final development plan submitted in PC 18-008 is in conformity with the preliminary development plan per review of the staff recommendations, seconded by Commissioner Carello.

ROLL CALL VOTE

AYES - Commissioners Carello, Swets, Holmes, Drummond, and Ray

NAYS - None.

ABSENT - Commissioner Daly

Motion

Commissioner Drummond made a motion to recommend approval of the Final Plat of Subdivision and the Final Class I Site Plan as submitted by the petitioner in PC 18-008, seconded by Commissioner Carello.

ROLL CALL VOTE

AYES - Commissioners Carello, Swets, Holmes, Drummond, and Ray

NAYS - None.

ABSENT - Commissioner Daly

Chairman Kischner motioned to close

Motion

Commissioner Swets made motion to close, seconded by Commissioner Carello.

Case #PC 19-002
Petitioner: Mark Dudek of Gullo International Development Corporation
Owner: Itasca Centro LLC
Location: 360 N. Rohlwing Rd., 1215 and 1251 W. Irving Park Rd.
Request: Special use and variances for off-site semi truck and trailer parking and screening in the B-2 Community Business District and B-3 Service Business District

NOTE: *This item has been withdrawn and no further action is pending.*

Case #PC 19-010
Petitioner: Village of Itasca
Location: Business and ROC Zoning Districts
Request: Amendments to the Zoning Code regarding Video Gaming cafes to consider them as a Special Use in Itasca Business Districts, Sections 8.03 (2); 8.04 (2); 8.05 (2); 8.06 (2); 8.07 (2); 8.08 (2); and the Regional Office Center District – Section 10.05; and adding Video Gaming Café and Video Gaming Establishment definitions to Section 3: Rules and Definitions

ROLL CALL

Present: Commissioners, Frank Carello, Eric Swets, Jeffery Holmes, Lori Drummond, and Krista Ray; Chairman Mark Kischner

Absent: Commissioner Brendan Daly.

Petitioner Presentation:

Ms. Malik Jarmusz explained that there have been a number of video gaming café requests in the Village these past several years. With this, the Plan Commission and Village Board requested that staff look into putting a special use process into place for individual video gaming establishments. There is also a request for an option to add video gaming to already existing establishments such as hotels and taverns with liquor licenses. Mr. Savoy further explained that establishments requesting video gaming must have a liquor license in place. He provided an example of Westmont where additional conditions exist, one being a distance requirement; however, this condition was withdrawn at Westmont. Mr. Savoy discussed the proposed definitions of a café vs. establishment, and revisiting separation of zoning lots.

Plan Commission Discussion:

Commissioner Holmes asked of the process of liquor licenses in the Village of Itasca, how the rules apply to applicants of video gaming licenses, and who controls the granting of these licenses. Ms. Malik Jarmusz answered that the Mayor as Liquor Commissioner has authority. Ms. Wysocki added that the Village Board controls the number of liquor licenses that are available based on classification categories. Commissioner Holmes asked if there is an

obligation to approve a request for a liquor license. Ms. Wysocki said no, however, property owners that have or are applying for liquor licenses have certain property rights and that the Board can control how many are given out. Commissioner Holmes asked if the maximum has been reached. Ms. Wysocki said the maximum has not been reached but if someone comes in to request a liquor license then the Board would have to pass an ordinance to increase the number of liquor licenses. The Mayor would then decide to whether give the license to the applicant. Commissioner Carello asked if existing establishments with a liquor license have to inform the Village that they are turning into a place for video gaming to which the answer was no. Commissioner Holmes believes that there should be a Special Use but wonders if it's redundant since it already exists at the Trustee level. Ms. Wysocki states that the proposal is broader.

Ms. Malik Jarmusz mentioned that the M manufacturing district currently has no special use path for video gaming. Chairman Kischner asked if they could apply for it to which she answered no. Commissioner Holmes asserted that they could if they already have a liquor license. Commissioner Swets suggested taking a closer look into the matter by giving the example of the Starbucks location and inadvertently turning into a place of video gaming. Mr. Mr. Savoy provided an example of a tavern morphing into a video gaming café where the revenue of video gaming exceeds food and beverage. In this scenario, the café is in violation of the code which demonstrates control. Location can also be controlled because parking, adjacent usage, and neighborhoods can be impacted. Commissioner Holmes asked if this could be made retroactive for existing businesses, but Ms. Wysocki said they are grandfathered in. Chairman Kischner would like video gaming to be an accessory to restaurants. Commissioner Swets asked if there is a downside for the Village if applicants are put through a difficult process. He believes that if they are really interested then they will go through the process and the public can also be involved to see if it is a perfect fit for the community.

Ms. Malik Jarmusz asked for feedback on spacing requirements and language requesting a type of kitchen whether full service or convection ovens and microwaves. Commissioner Holmes wanted a stipulation on the percentage of revenue generated. He disagreed with the distance requirement since there are businesses within close proximity of each other. Commissioner Carello asked if there is a location requirement then could they come in for a variance. Chairman Kischner is okay if restaurants and hotels use video gaming as an accessory. Mr. Savoy clarified if a restaurant puts in gaming as an accessory then there is no distance requirement but in a cafe where video gaming is the primary revenue generator, there would be a requirement. Commissioner Swets stated his opinion that they would need to have an established kitchen or bar to have it. Mr. Savoy stated that a café is not a restaurant. Mr. Savoy suggested no freestanding, video gaming cafes in the downtown area which Commissioner Carello and Ray agreed as well.

Commissioner Swets asked who is in favor of standalone cafes as he is against them. Chairman Kischner stated that he does not mind them but does not want them in the downtown area. Commissioner Holmes and Ray stated that they do not object to it. Commissioner Ray does not want to see them in the downtown area but also does not believe in regulating them. Commissioner Holmes suggested the special use and to restrict them from downtown. Mr.

Savoy proposed to make amendments. There was a consensus on no café/freestanding video gaming downtown and to allow it with a special use requirements for existing establishments with 60% or more revenue. Mr. Savoy added that freestanding can take place in districts other than M. Ms. Wysocki stated that the notice that went out concerns the business districts B1-B6. This includes the downtown district of B4-B6 to prohibit freestanding video gaming cafes. She will change the section 3 definition but advised to renotice for adding a special use in manufacturing and residential districts.

Chairman Kischner polled whether the Commissioners wanted individual video gaming establishments with a primary video gaming use in the downtown area and the consensus was that the Commission wants to exclude them from downtown zoning districts. Chairman Kischner asked about the Office District. Ms. Wysocki said since there will be a change in the definition section and there is no special use in the office or manufacturing district then it is prohibited. Commissioner Carello asked about the 500-foot spacing requirement and if it can be changed by variance. It was answered that it can be dealt with by variance if a request is made by an applicant.

Chairman Kischner asked what types of restrictions should be made for districts and places where video gaming is allowed. He suggested one video gaming café per zoning lot. Staff discussed if the 500-foot spacing was sufficient enough.

Ms. Malik Jarmusz summarized of video gaming cafes/individual businesses designed where video gaming is the principal purpose requires special use such in B1-B3. She asked about allowing as accessory use to already existing places such as hotels and taverns. Staff discussed the 60% generated revenue and if this can be reviewed annually. Commissioner Holmes further summarized adherence to 60% food and liquor business and 40% gaming business, and 1000-feet between establishments. Ms. Malik Jarmusz added a special use as an accessory to an existing establishment such as hotel or tavern in the districts previously discussed. Ms. Wysocki made clear on the record: Definitions on video gaming café and video gaming establishments as listed on page 4 of the memorandum remains accurate. There will be special uses for B1, B2, B3 districts for video gaming cafes.

Motion

Ms. Wysocki read aloud the motion on PC 19-010 to amend the Itasca Zoning Ordinance to add two definitions as outlined on page 4 in the 05/15/2019 staff memorandum. Also, to add special use for video gaming cafes in B1, B2, and B3 business districts as well as a spacing limitation of 1000-feet for the special use of those districts.

Commissioner Holmes made motion to agree, seconded by Commissioner Swets.

ROLL CALL VOTE

AYES - Commissioners Carello, Swets, Holmes, Drummond, and Ray

NAYS - None.

ABSENT - Commissioner Daly

Chairman Kischner motioned to close

Motion

Commissioner Drummond made motion to close, seconded by Commissioner Carello.

REGULAR MEETING AGENDA

ROLL CALL

Present: Commissioners Frank Carello, Eric Swets, Jeffrey Holmes, Lori Drummond, and Krista Ray; Chairmain Mark Kischner

Absent: Commissioner Brendan Daly

MINUTES

Chairman Kischner spoke of minor changes made to the meeting minutes of 04/17/2019.

MOTION

Commissioner Swets made motion to approve the amended minutes from April 17, 2019, Commissioner Holmes seconded the motion. Motion carried by unanimous voice vote by the members present.

NEW BUSINESS

Ms. Malik Jarmusz introduced the Community Development intern, Daisy Dose, who is studying her masters in the Urban Planning Program at UIC. Commissioner Ray referred to an e-mail she sent about the signs at Casales and code enforcement. Ms. Malik Jarmusz believes the signs are coming from their vendors for business and the Village is approaching it from a code enforcement perspective. There is a temporary sign permit which allows for one for thirty days and up to two times a year.

PUBLIC COMMENT

No Audience comment.

PROJECT UPDATES AND ANNOUNCEMENTS

Commissioner Carello asked about Gullo. Ms. Malik Jarmusz answered the withdrawal came from feedback received about temporary truck parking. She also added that the Village Board did not approve Tony's special use for the temporary parking and enforcement action has been taken. Ms. Malik Jarmusz has received a call from Raging Wire to which is believed that they will resubmit. Commissioner Ray asked about the grant and how there is an interest on being on the committee. Ms. Malik Jarmusz said that they are awaiting a response from RTA and CMAP. Commissioner Ray asked about being more proactive on developing the Gullo land because people are inquiring about it.

ADJOURNMENT

Commissioner Holmes moved to close the meeting. Commissioner Drummond seconded the motion. The motion carried with unanimous approval and the May 15th, 2019 meeting adjourned at 8:51 p.m.

NEXT SCHEDULED MEETING

The next regular meeting is scheduled for Wednesday, June 19th, 2019 at 7:00 p.m.