

CITY OF WARRENVILLE
PLAN COMMISSION/ZONING BOARD OF APPEALS
Draft Minutes of Regular Meeting (*via Zoom*)
Held on Thursday, August 6, 2020

A. CALL TO ORDER

Plan Commission Chairman Davis called the meeting to order at 7:00 p.m. and explained the opportunity interested parties would have to provide remarks during the Citizens' Comments item of the agenda.

Per Ch. Davis's request, Pl. Domovessova explained the Citizens' Comments portion of the virtual meeting protocol, including how public comment would be accepted via Zoom and call in, which would include:

1. Public comment from anyone at City Hall;
2. Public comment from anyone participating in the meeting via Zoom with camera; and
3. Public comment from anyone participating in the meeting via phone.

Pl. Domovessova explained all meeting participants should stay muted until they are asked to provide their comment, and start their comment by announcing their name and address. Emailed public comments received prior to the meeting would be read aloud following verbal comments. Individual Commissioner comment would follow. Commissioners and staff members wishing to speak were asked to use the raise hand feature on Zoom, and wait for their name to be called. Presentation materials are available on the City's website.

B. ROLL CALL

PC Present: John Davis, Tim Cosgrove, Robert Pepple, John Lockett, Elizabeth Chapman, Shannon Burns, Byron Miller, Jessica Tullier, Amit Thaker

PC Excused/Absent: None

ZBA Present: John Davis, Tim Cosgrove, Robert Pepple, Jonathan Lockett, Elizabeth Chapman, Shannon Burns, Byron Miller

ZBA Excused/Absent: None

Also Present: Community and Economic Development Director Ron Mentzer, Sr. Planner Natalia Domovessova, Planner/GIS Technician Lauren Whetstone, Recording Secretary Marie Lupo

C. NEW BUSINESS

1. 2S781 Route 59, Unit A / To The Next Level, Inc.
Located east of Route 59, north of Meadow Avenue
Project No. 2020-0470
Request for approval of a Temporary Use Permit for an Other Temporary Use, per Section 1.D.5 of Warrenville Zoning Ordinance #1018. If approved, the petition would allow the use of a food cart operation at the property.

Tailgate Caterers' owner Mike Dusek addressed the Commission and stated he was asked by To The Next Level owner Tony Gallagher if he could station his compact food cart at such facility, because he suspected there may be a demand for his style of food in the area. To The Next Level is an instructional facility that trains boys and girls between the ages of K-12 in basketball and baseball.

Recently, Governor Pritzker reinstated his approval for utilization of food carts. Mr. Dusek would offer four food items for sale in his food cart, including award-winning brats, hot dogs, brisket and burgers, accompanied by his homemade mustard. He suspects this type of common food would not present competition to nearby restaurants, as they do not offer it in their menu selections.

Mr. Dusek has owned the subject food cart for four years and has used it in the past for large catering events, such as car shows at Naperville's Iron Gate Motor Condominiums. The food cart would operate out of the parking lot, and would utilize two spaces. An existing patio is nearby. The DuPage County Health Department (DCHD) has permitted the cart, and it has fire extinguishers and complies with all fire and sanitation requirements. The cart would operate entirely on electricity for food production, except for propane use if hot water is necessary. In the event of inclement weather, the cart could be moved inside the nearby garage; otherwise, it would be stored in a hangar at DuPage County Airport. If the request is approved, Mr. Dusek will report to the DCHD that the subject location would be more permanent for said cart, and in return, the DCHD and Fire District will inspect the site.

Besides the digital menu board, Mr. Dusek plans to display professionally manufactured triangular stand-up signs at the street for advertising purposes, because Route 59's 45-mph speed limit allows for limited visibility. Ch. Davis and Pl. Domovessova reminded him that temporary signage would require a permit.

Mr. Dusek acknowledged receipt of the staff report and Fire District review memo.

Com. Cosgrove inquired as to bathroom access if the current business owner moves out of the building. Mr. Dusek responded he would attempt to enter into another agreement with the new owner. Planner Domovessova replied bathrooms would not be a condition of the approval.

In answer to Com. Miller's concern about use of a propane tank, although Pl. Domovessova did not see a problem with its use, but would defer to the Code Official for potential safety issues.

Mr. Dusek stated he typically operates from 10:00 a.m. through 2:00 p.m., when he is often sold out. If at any time he requires additional product, he accesses his commissary. He typically sells 150 sandwiches, chips, and beverage per day, and utilizes recyclable materials. A normal wait time is 2-3 minutes. At the onset, he would be the operator of the cart; if he requires employees at a later date, he would hire them. Although his food truck menu offers more items, he only uses it for 5,000-people events.

Com. Pepple inquired as to taxes. Mr. Dusek stated he does not charge tax, but rather rounds up because it is time consuming to provide change. He assured that if taxes are due, he would pay them. He obtained a business license from the City. Com. Pepple expressed the potential need to consider food truck taxes as a future text amendment.

Dir. Mentzer referenced concerns voiced from a City Council member in the past regarding vehicles, such as trailers and boats, which are stored along Route 59 frontage near the subject location. Although no code enforcement action was taken, a special use permit is required for such storage. Dir. Mentzer encouraged Mr. Dusek and Mr. Gallagher to work with the property

owner of the adjacent business to park such vehicles elsewhere, so as to not obscure the view of this business from the street. Mr. Dusek replied he would ask the owner to clean up the property.

No comments were voiced from the public.

COM. PEPPLER MOVED, SECONDED BY COM. COSGROVE, THAT THE PLAN COMMISSION RECOMMENDS CITY COUNCIL GRANT CONDITIONAL APPROVAL OF THE REQUESTED TEMPORARY USE PERMIT TO ALLOW TO THE NEXT LEVEL TO CONDUCT A TEMPORARY USE OUTLINED AND DETAILED IN EXHIBIT B EACH YEAR FROM 2020 THROUGH 2022, SUBJECT TO THE CONDITIONS IN NOS. 1-9 OUTLINED IN THE STAFF REPORT DATED AUGUST 6, 2020.

ROLL CALL VOTE:

Aye: Davis, Cosgrove, Pepple, Chapman, Lockett, Miller, Tullier, Thaker, Burns
Nay: None
Absent/Excused: None

MOTION ADOPTED UNANIMOUSLY.

Pl. Domovessova stated the item would be placed on the August 17, 2020, City Council agenda.

D. OTHER BUSINESS

1. DuPage County Zoning Board of Appeals
28W574 Garys Mill Road, Winfield, IL 60190 / William A. Brauer Trust
Zoning Petition Z20-036
Request for review of rezoning from O-Office to R-1 Single Family Residence.

Upon discussion and no Commissioner opposition, Ch. Davis directed staff to reply accordingly.

ROLL CALL VOTE:

Aye: Davis, Cosgrove, Pepple, Chapman, Lockett, Miller, Tullier, Thaker, Burns
Nay: None
Absent/Excused: None

MOTION ADOPTED UNANIMOUSLY.

E. CITIZENS' COMMENTS

No comments.

F. APPROVAL OF MINUTES

1. Regular Meeting of July 23, 2020

COM. COSGROVE MOVED, SECONDED BY COM. BURNS, TO APPROVE THE JULY 23, 2020, MINUTES, WITH THE FOLLOWING CHANGES:

- Page 14, Paragraph 3, Line 1 – Delete “should” and insert “do not.”
- Page 14, Paragraph 3, Line 2 – Delete “I” and insert “J.”

ROLL CALL VOTE:

Aye: Davis, Cosgrove, Pepple, Chapman, Lockett, Miller, Tullier, Thaker, Burns
Nay: None
Absent/Excused: None

MOTION ADOPTED UNANIMOUSLY.

G. CHAIRMAN’S REPORT

No report.

Com. Pepple requested access to the video or audio recording of the July 23, 2020, NuMed public hearing; Pl. Domovessova replied the link would be shared with the Commission.

Com. Pepple requested a status update on Calamos’ apartments/entertainment venue project. Dir. Mentzer replied the City of Naperville approved such project in March 2018. Com. Lockett added that McShane will be the contractor for this future development, which is in the works now, and includes an ice area.

Com. Cosgrove reported on CityGate West concept plans for development of the 100 acres on the southwest corner of Ferry Road and Route 59, which was recently before Naperville’s City Council.

H. COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR’S REPORT

No report.

I. SENIOR PLANNER’S REPORT

Pl. Domovessova reported the August 20, 2020, meeting will include the continuation of the NuMed public hearing, along with a potential request for minor amendment to a previously approved PUD for Waldorf Four Winds School on Calumet Avenue, which plans to build shelters north of the building to accommodate outdoor classrooms, weather permitting.

J. ADJOURN

COM. COSGROVE MOVED, SECONDED BY COM. LOCKETT, TO ADJOURN THE MEETING AT 7:43 P.M.

ROLL CALL VOTE:

Aye: Davis, Cosgrove, Pepple, Chapman, Lockett, Miller, Tullier, Thaker, Burns
Nay: None
Absent/Excused: None

MOTION ADOPTED UNANIMOUSLY.

Approved: _____

Marie Lupo, Recording Secretary