

WHEATON PLANNING AND ZONING BOARD

I. CALL TO ORDER AND ROLL CALL VOTE

Chair Weller called the July 23, 2019 Wheaton Planning and Zoning Board meeting to order at 7:00 p.m. in the Council Chambers of the Wheaton City Hall, 303 W. Wesley Street. Upon roll call, the following were:

Roll Call Vote

Present: Christopher Dabovich
Bob Gudmundson
Cecilia Horejs
Mark Plunkett
Scott Weller

Absent: Nicole Aranas
Dan Wanzung

City Staff Present: Tracy Jones, Staff Planner

II. APPROVAL OF MINUTES - JULY 9, 2019

The minutes were approved as presented.

III. PUBLIC COMMENT

There was none.

IV. NEW BUSINESS

ZA #19-10/ Text Amendment and Special Use/ 126 N. Hale Street/ Baker

Pursuant to notice duly published on July 5, 2019 and letters mailed to neighboring property owners on July 3, 2019, Chair Weller called to order the July 23, 2019 public hearing requesting a text amendment to Article 17.4 of the Wheaton Zoning Ordinance to allow a "Virtual Reality Gaming Arcade" as a special use in the C-2 Retail Core Business District. The application is further requesting a text amendment to Article 2 of the Wheaton Zoning Ordinance to define a "Virtual Reality Gaming Arcade" as "A business with individual booth spaces with virtual reality headsets and related computer equipment available for customers to play virtual reality computer games as set up and monitored by the employees of the Arcade". The application is further requesting a special use permit to allow a Virtual Reality Gaming Arcade to occupy the existing building located at 126 N. Hale Street. This property is zoned C-2 Retail Core Business District.

Chair Weller stated that the subject property is located on the west side of Hale Street between Wesley and Front Streets. The property is zoned C-2 Retail Core Business District. Miroballi Shoes bought the building and divided it into three units in 2016. The Sipping Muse occupies the first unit at 122 N. Hale Street, Miroballi Shoes occupies the second unit at 124 N. Hale Street and the third unit at 126 N. Hale Street has been vacant since it was created.

Chair Weller stated that a letter of support was submitted by the Downtown Wheaton Association and an email of support was also submitted by a Mr. Monma. Both the letter and email were incorporated into the record.

Farris Baker, 126 N. Hale Street, Wheaton was sworn in. Mr. Baker stated that he is requesting zoning approval to allow a Virtual Reality Gaming Arcade at 126 N. Hale Street. He added that he selected this location based on its Downtown location and its proximity to Wheaton College.

Ron LaPage, 951 W. Liberty Drive, Wheaton was sworn in. Mr. LaPage stated that he is the architect working on this project and his client is requesting a text amendment to Article 17.4 of the Wheaton Zoning Ordinance to allow a "Virtual Reality Gaming Arcade" as a special use in the C-2 Retail Core Business District. The C-2 District has three existing uses that require a special use permit: Parking lots and parking garages, as the principal use of the lot; Governmental buildings and uses; and Any use of the main floor of a building for any uses listed in 17.3.

Mr. LaPage stated that his client is also requesting a text amendment to Article 2 of the Wheaton Zoning Ordinance to define a "Virtual Reality Gaming Arcade" as "A business with individual booth spaces with virtual reality headsets and related computer equipment available for customers to play virtual reality computer games as set up and monitored by the employees of the Arcade".

Mr. LaPage stated that his client is also requesting a special use permit to allow a Virtual Reality Gaming Arcade to occupy the existing building located at 126 N. Hale Street. This property is zoned C-2 Retail Core Business District. He addressed the special use standards as required by the Zoning Ordinance. He stated that the proposed special use would not be detrimental to the public health, safety, morals, comfort, convenience or general welfare of the neighboring property owners.

Mr. LaPage stated that his client is proposing to provide a space for up to 8 booths for the use of equipment capable of providing a customer with the ability to play a virtual reality game. The items provided for customer use will be the computers to run the gaming programs and the related virtual reality headsets worn by the customer. The booths are provided to allow the customers their own personal space to move while playing a virtual reality game and to separate other customers from the active gaming customer to ensure the safety of all customers and employees while games are in use. The games to be available will be rated per the Entertainment Software Rating Board (ESRB) ratings and will be monitored by the employees to provide age appropriate games to all customers. No video game content will be available that is not currently available for consumers at retail outlets.

Mr. Farris stated that there are existing virtual reality gaming arcades in Chicago and New Lenox, the average client age is typically 10 – 45 years of age, noise will be limited, wired headsets will be used, play area will be calibrated, hours of operation will tentatively be 11:00 am - 9:30 pm, Monday - Thursday and 11:00 am -10:00 pm, Saturday and Sunday.

Chair Weller questioned where the definition of a Virtual Reality Gaming Arcade came from.

Staff Planner Jones stated that it was provided by the applicant.

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

The Board decided to vote this evening.

Mr. Gudmundson moved and then Mr. Plunkett seconded the motion to approve the portion of ZA #19-10 requesting a text amendment to Article 17.4 of the Wheaton Zoning Ordinance to allow a "Virtual Reality Gaming Arcade" as a special use in the C-2 Retail Core Business District and a text amendment to Article 2 of the Wheaton Zoning Ordinance to define a "Virtual Reality Gaming Arcade" as "A business with individual

booth spaces with virtual reality headsets and related computer equipment available for customers to play virtual reality computer games as set up and monitored by the employees of the Arcade.

Roll Call Vote on Text Amendment

Ayes: Christopher Dabovich
Bob Gudmundson
Cecilia Horejs
Mark Plunkett
Scott Weller

Nays: None

Absent: Nicole Aranas
Dan Wanzung

Motion Passed Unanimously

Mr. Dabovich moved and then Ms. Horejs seconded the motion to approve the portion of ZA #19-10 requesting a special use permit to allow a Virtual Reality Gaming Arcade to occupy the existing building located at 126 N. Hale Street.

Roll Call Vote on Special Use

Ayes: Christopher Dabovich
Bob Gudmundson
Cecilia Horejs
Mark Plunkett
Scott Weller

Nays: None

Absent: Nicole Aranas
Dan Wanzung

Motion Passed Unanimously

ZA #19-11/ Text Amendment and Special Use/ 525 W. Roosevelt Road/ St. Sophia's Forgotten Felines

Pursuant to notice duly published on July 5, 2019 and letters mailed to neighboring property owners on July 3, 2019, Chair Weller called to order the July 23, 2019 public hearing requesting a text amendment to Article 15.1 of the Wheaton Zoning Ordinance to allow a "Cat Adoption Agency" as a special use in the O-R Office and Research District. The application is further requesting a text amendment to Article 2 of the Wheaton Zoning Ordinance to define a "Cat Adoption Agency" as "A limited-admission, public 501(c)(3) non-profit organization, licensed and subject to inspection by the Illinois Department of Agriculture, registered with the Illinois Charity Bureau, and in accordance with the Animal Welfare Act and Humane Animal Care Act, that provides a community service to reduce the overpopulation of cats through the offering of rescue, rehabilitation, rehoming, behavioral assessment/ training, and pet ownership education services (not to include the boarding or veterinary care of the public's cats), by temporarily providing housing for cats in need at the facility, at partnering pet store locations, and in foster homes". The application is further requesting a special use permit

to allow a Cat Adoption Agency to occupy the existing building located at 525 W. Roosevelt Road. This property is zoned O-R Office and Research District.

Chair Weller stated that the subject property is located on the north side of Roosevelt Road between Carlton Avenue and West Street. The property was rezoned from the R-4 Residential District to the O-R Office and Research District in 1987 and is improved with a 1.5 story frame building and two non-illuminated parking areas with a total of five on-site parking spaces. The property, which is currently vacant, was previously occupied by a business and professional office and is now for sale.

Lauren Rizzo, 525 W. Roosevelt Road, Wheaton was sworn in. Ms. Rizzo stated that she is the Director of Operations for St. Sophia's Forgotten Felines and they are requesting a text amendment to Article 15.1 of the Wheaton Zoning Ordinance to allow a "Cat Adoption Agency" as a special use in the O-R Office Research District. The O-R District has seven existing uses that require a special use permit: Parking lots; Senior housing developments; Nursery schools, Adult day care facilities; Inns; Mortuaries; and Private or public utility substations.

Ms. Rizzo stated that they are also requesting a text amendment to Article 2 of the Wheaton Zoning Ordinance to define a "Cat Adoption Agency" as "A limited-admission, public 501(c)(3) non-profit organization, licensed and subject to inspection by the Illinois Department of Agriculture, registered with the Illinois Charity Bureau, and in accordance with the Animal Welfare Act and Humane Animal Care Act, that provides a community service to reduce the overpopulation of cats through the offering of rescue, rehabilitation, rehoming, behavioral assessment/ training, and pet ownership education services (not to include the boarding or veterinary care of the public's cats), by temporarily providing housing for cats in need at the facility, at partnering pet store locations, and in foster homes".

Ms. Rizzo stated that they are also requesting a special use permit to allow a Cat Adoption Agency to occupy the existing building located at 525 W. Roosevelt Road. This property is zoned O-R Office and Research District. She addressed the special use standards as required by the Zoning Ordinance. She stated that the proposed special use would not be detrimental to the public health, safety, morals, comfort, convenience or general welfare of the neighboring property owners.

Ms. Rizzo stated the St. Sophia's was founded in 2011 and is currently located in Westmont. They have outgrown their existing location and are interested in moving to 525 W. Roosevelt Road because of its larger size and central location. She added that they are planning to house 15 - 25 cats at any one time, the number of on-site parking spaces was sufficient, garbage would be stored outside in cans and the facility would be open to the public three days a week on Thursdays, Fridays and Saturdays or by appointment.

Chair Weller questioned where the definition of a Cat Adoption Agency came from.

Staff Planner Jones stated that it was provided by the applicant.

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

The Board decided to vote this evening.

Mr. Plunkett moved and then Mr. Dabovich seconded the motion to approve ZA #19-11 requesting a text amendment to Article 15.1 of the Wheaton Zoning Ordinance to allow a "Cat Adoption Agency" as a special use in the O-R Office and Research District and a text amendment to Article 2 of the Wheaton Zoning Ordinance to define a "Cat Adoption Agency" as "A limited-admission, public 501(c)(3) non-profit organization,

licensed and subject to inspection by the Illinois Department of Agriculture, registered with the Illinois Charity Bureau, and in accordance with the Animal Welfare Act and Humane Animal Care Act, that provides a community service to reduce the overpopulation of cats through the offering of rescue, rehabilitation, rehoming, behavioral assessment/ training, and pet ownership education services (not to include the boarding or veterinary care of the public's cats), by temporarily providing housing for cats in need at the facility, at partnering pet store locations, and in foster homes". The application is further requesting a special use permit to allow a Cat Adoption Agency to occupy the existing building located at 525 W. Roosevelt Road. This property is zoned O-R Office and Research District.

Roll Call Vote on Text Amendment

Ayes: Christopher Dabovich
Bob Gudmundson
Cecilia Horejs
Mark Plunkett
Scott Weller

Nays: None

Absent: Nicole Aranas
Dan Wanzung

Motion Passed Unanimously

Roll Call Vote on Special Use

Ayes: Christopher Dabovich
Bob Gudmundson
Cecilia Horejs
Mark Plunkett
Scott Weller

Nays: None

Absent: Nicole Aranas
Dan Wanzung

Motion Passed Unanimously

V. MISCELLANEOUS

There was none.

VI. ADJOURNMENT

Mr. Dabovich moved and then Mr. Gudmundson seconded the motion to adjourn the meeting at 8:42 p.m. On a voice vote, all voted aye.

Respectfully submitted,
Tracy L. Jones, Staff Planner