

MINUTES CITY OF DARIEN

PLANNING, ZONING, AND ECONOMIC DEVELOPMENT COMMISSION

Wednesday, February 19, 2025

PRESENT: Lou Mallers – Chairperson, Jonathan Christ, Chris Jackson, Chris Green, Mark Kazich, Jonathan Johnson

ABSENT: Shari Gillespie

OTHERS: Ryan Murphy - City Planner

Chairperson Lou Mallers called the meeting to order at 7:01 p.m. at the Darien Police Department Training Room, 1710 Plainfield Road, Darien, Illinois. Chairperson Mallers declared a quorum present.

Regular Meeting – New Business

- a. PZC2025-01 – 7409 Cass Avenue – Indvestia Darien, LLC – A petition for a one-year extension of time for a special use permit and variations for the construction of a quick service drive-through eating establishment offering retail food items for consumption. The Property is located within the B-2 Community Shopping Center Business District.**

Mr. Ryan Murphy, City Planner reported that the petitioner was requesting one-year time extension for a drive through eating establishment located at 7409 Cass Avenue that was approved in 2024. He reported that the plat of subdivision that was approved did not expire but that the special use and variations would expire if a time extension is not granted. He reported that the building would be located next to the Jewel-Osco shopping center. He reported the Planning and Zoning Commission would need to evaluate whether or not site conditions have changed and that there are various criteria for a time extension that would have to be met.

Commissioner Christopher Jackson recused himself from the meeting, stating that he was representing the petitioner for this application. Chairperson Lou Mallers swore in Christopher Jackson as a member of the public wishing to present public testimony.

The Petitioner's representative, architect Christopher Jackson, stated that application was an extension of time for a previously approved project. He described the property being separate from the Jewel shopping center. He described the two actions the petitioner previously got approved, a lot line revision, and a special use permit for the drive-through with zoning variations necessitated by the parcel lines and site plan.

Mr. Murphy confirmed the variations were included with the current application.

Mr. Jackson stated that the petitioner intended for a future tenant to build the building to-suit, and that while there is interest in the site, more time is needed to secure a tenant. He stated that building it without a tenant would be expensive, and residents wouldn't want it. He shared with the Commission that with the recent closing of the 25,000-square foot American Freight store, filling that space has become the priority. He disclosed that he was a minority owner in the property, and that the owner had Mid-America Real Estate to manage the leasing of the property.

Chairman Mallers asked Mr. Jackson if he said he was a part owner of the property, and questioned if eating inside the establishment will be permitted, or if there were conditions in the approved ordinance that prohibited indoor dining.

Mr. Jackson said he believed that was true and sought clarification from Mr. Murphy.

Mr. Murphy stated that the condition read "the building shall only be used as an eating establishment in conjunction with the drive-through facility" and clarified that it did not appear to restrict indoor dining.

There was some discussion about parking and drive aisle configuration.

Chairman Mallers stated that will be interesting to see what happens with the site now that the American Freight building will see a new tenant. There was some discussion about leasing efforts.

Commissioner Johnson stated that there were plenty of access points throughout the site.

Mr. Jackson described how a traffic report was previously prepared by V3 for the project and found no impacts. He stated that the variation was also approved to reduce the stacking in the drive through lane.

There was some discussion about vehicle ingress/egress and site design.

Mr. Jackson stated that the original application included a traffic memo from V3 which supported the development and analyzed reduced vehicle stacking in the drive-through.

Commissioner Johnson and Mr. Jackson discussed vehicle circulation on site. Mr. Jackson recalled that additional wayfinding was a condition required in the previous approval.

There was discussion about the length of the time extension. Mr. Murphy explained that the project will be granted an extension of one year from the date of the approval, which is anticipated to be heard at Council on March 3, 2025.

Mr. Jackson provided an explanation on how the need for a time extension was identified.

Chairman Mallers asked if starting construction within the next 12 months would eliminate the need for further extensions. Mr. Murphy stated that most commonly, pulling the building permit eliminates the need for further time extensions.

There was discussion regarding timing of plan review and construction.

Commissioner Kazich asked if there were any tenants for the building. He questioned if the City has a role in approving the future tenant. Mr. Jackson and Mr. Murphy stated that as long as they were a food/beverage retailer, they would be by-right occupants. Mr. Murphy also clarified that if there were site plan changes or other land use changes, an amendment to the Special Use would be required.

There was a discussion regarding businesses that might have staff serve food and beverages in scant attire. Mr. Jackson and Mr. Murphy stated that as long as they weren't adult entertainment businesses and operated legally, there would be no separate approval.

There was discussion regarding prohibited signage.

There was discussion reading the land use identified in the traffic study.

Commissioner Christ discussed the location of the property and the site layout.

Chairman Mallers closed the public hearing and opened the discussion for the Commission. There were no further comments.

Commissioner Johnson made a motion, seconded by Commissioner Green, to approve PZC2025-01 – 7409 Cass Avenue – Indvestia Darien, LLC – A petition for a one-year extension of time for a special use permit and variations for the construction of a quick service drive-through eating establishment offering retail food items for consumption.

Upon roll call vote, the MOTION PASSED UNANIMOUSLY 5-0.

AYES: Kazich, Johnson, Green, Christ, Mallers

NAYS: None

Mr. Murphy reported that this item would be heard next at both the Municipal Services Committee and City Council on the evening of March 3, 2025.

The Commission had a short discussion regarding how long it make take to secure a tenant and construct the project.

Regular Meeting – Old Business

a. PZC2024-15

1005 75th Street – Basia Janke c/o Smoke Bank – A request for a Special Use Amendment request pursuant to Section 5A-8-3-4 of the Zoning Ordinance. The petition specifically requests to amend a Special Use Permit for a drive-through Tobacco Shop/Food Store to allow additional signage consisting of a small electronic display/menu sign proposed to be mounted in the drive-through window. The Property is located within the B-2 Community Shopping Center Business District.

Mr. Murphy reported the results of the February 2, 2025 PZC meeting, stating that the application was continued by the Commission to the present meeting in order to give the applicant more time to address questions and concerns raised by the Commission. He reported that on February 3, the applicant withdrew their application and that a withdrawal memo was provided to the Commission in separate correspondence.

Chairman Mallers mentioned that at the last meeting there appeared to be lots of questions the petitioner was unprepared to answer. He reiterated his previous concern that the sign would take up a lot of window space and be very visible from the roadway.

Commissioner Johnson stated that the location is in an area with heavy traffic and appeared to him to be very visible from the roadway.

Commissioner Jackson stated that the concerns were valid under the Special Use Criteria, and that the opportunity to address their concerns was given.

Mr. Murphy stated that the petitioner was informed of the Commission's specified concerns but that the petitioner had no interest in continuing the application.

Staff Updates & Correspondence

Mr. Murphy reported an update regarding the Chestnut Court project and the Council's presentation on tax increment financing. He reported that the City put out an RFP to develop a TIF. He further reported that he would give a Chestnut Court update with a preliminary plat and overview of the proposal, and that learning resources for TIFs would be provided to the Commission.

Mr. Murphy reported that a public hearing will be held at the next meeting to update the short term rental prohibition to include the "offering" of a short term rental. A description of the existing prohibition was reported to the Commission.

Mr. Murphy reported that apartments located at 2305 Sokol Court submitted a request for a Minor Planned Unit Development Amendment to convert the two model units in the building, which will be heard by the Municipal Services Committee and City Council. He clarified that because it was a minor change, it did not need to go to the PZC again. He reported that the building had a high occupancy rate.

Mr. Murphy reported that Westwood Park may be improved with an outdoor concert pavilion, which would require PZC approval. He mentioned that the project was grant funded and the project depended on that funding.

Mr. Murphy reported that at the next meeting, a Special Use Permit amendment will be heard for the Shell Gas Station on South Cass Avenue to demolish the existing carwash and remodel the site with a new mini-mart. He reported that a request for an alcohol license was also submitted that would be considered by the City Council separately.

Mr. Murphy reported that there was legislation being considered at the state level to eliminate single-family zoning to allow for duplexes in all single family zones. He mentioned that staff will track the progress of the any pending legislation and report updates to the Commission.

Approval of Minutes

Commissioner Jackson made a motion, and it was seconded by Commissioner Johnson to approve the February 5, 2025 Regular Meeting Minutes, with a correction to the spelling of KLOA, which was previously spelled CLOA in the draft minutes.

Upon voice vote, the MOTION PASSED UNANIMOUSLY 6-0.

AYES: Kazich, Johnson, Green, Christ, Mallers, Jackson

ABSTAINS: None

Next Meeting

Mr. Ryan Murphy announced that the next meeting is scheduled for Wednesday, March 5, 2025 in the Police Department Training Room at 1710 Plainfield Road.

Public Comments (On Any Topic Related to Planning and Zoning)

There was no one in the audience wishing to present public comment.

Adjournment

With no further business before the Commission, the meeting adjourned at 7:54 p.m.

Respectfully Submitted:

Approved:

X

Jessica Plzak
Secretary

X

Lou Mallers
Chairperson