

AGENDA
Municipal Services Committee Meeting
February 26, 2024
6:00 P.M. – Council Chambers

1. **Call to Order & Roll Call**
2. **Establishment of Quorum**
3. **Old Business**
4. **New Business**
 - a. **Resolution** - Approving the 2024 City of Darien Zoning Map for publication.
 - b. **Motion** - Recommend an ordinance creating Section 1-4-5 of Title 1, Chapter 4 of the Darien City Code regarding administrative citations for violations of Property Maintenance Code and Zoning Regulations
 - c. **PZC2023-06** – Mixed-Use District Zoning Text Amendment
 - d. **PZC2024-01** – Indvestia Darien, LLC (7409 Cass Avenue)
 - e. **Resolution** - Authorizing the Mayor to execute a contract for the 2024 Landscape Maintenance Services within the 75th Street Right of Ways, Clock Tower and 8 Entrance Way Planting Beds in an amount not to exceed \$38,200.00 between the City of Darien and JC Landscaping & Tree Services.
 - f. **Motion** - Authorizing a contingency with JC Landscaping & Tree Services in the amount of \$5,500 for replacement of plant materials and plant enhancements for the 2024 Landscape Maintenance Services, pending budget approval.
 - g. **Resolution** – Authorizing the Mayor to enter into a contract with Brothers Asphalt Paving, Inc., for the 2024 Street Program as per the following schedule of pricing, pending 2024/25 Budget approval; Base bid - \$1,807,793.12; alternate 1 - patching - \$90,000.00; for a total of \$1,897,793.12.
 - h. **Minutes** – **January 22, 2024** Municipal Services Committee
5. **Director’s Report**
6. **Next scheduled meeting – March 25, 2024**
7. **Adjournment**

AGENDA MEMO
MUNICIPAL SERVICES COMMITTEE
FEBRUARY 26, 2024

ISSUE STATEMENT

A Resolution to approve the 2024 City of Darien Zoning Map for publication.

RESOLUTION

DISCUSSION

Every year the City updates the Zoning Map to show all the properties approved during the previous calendar year. **ATTACHMENT A** is a listing of the nine (9) approvals in 2023, including five (5) special use and three (3) variation cases, in addition to one (1) annexation.

Our practice has been to show on the attached Zoning Map the ordinance or resolution number corresponding to the map key number for each approval. State Statute requires that zoning maps be published every year. Approved maps are posted in City Hall and on the City website. Paper copies are made available for sale.

DECISION MODE

This item will be placed on the March 4, 2024 City Council agenda for formal consideration.

MEMO

ZONING MAP CHANGES - CALENDAR YEAR 2023						
NAME	TYPE OF APPROVAL	ADDRESS/LOCATION	ORDINANCE NO.	MAP KEY	NOTES	
NOE	VARIATION	6805 SCOTCH PINE TRAIL	O-05-23	39	--	
CITY OF DARIEN	VARIATIONS	7702 CASS AVENUE	O-08-23	198	NEW MAP KEY NUMBER	
O'BRIEN	SPECIAL USE	8408 WILMETTE AVENUE, UNITS B & C	O-15-23	42	--	
HAIDER (ANNEXATION)	ANNEXATION (R-1 ZONE DISTRICT)	10S360 KEARNEY ROAD (PIN 10-05-204-005)	O-19-23	115	--	
GERBER COLLISION	SPECIAL USE	8325 LEMONT ROAD	O-20-23	125	--	
JONES	VARIATION	8413 CREEKSIDE LANE	O-27-23	12	--	
USAGAIN, LLC	SPECIAL USE	2019 75TH STREET	O-28-23	152	--	
USAGAIN, LLC	SPECIAL USE	7906 CASS AVENUE	O-29-23	157	--	
USAGAIN, LLC	SPECIAL USE	8226 CASS AVENUE	O-30-23	199	NEW MAP KEY NUMBER	
OTHER UPDATES/CORRECTIONS - NONE						



RESOLUTION NO. _____

**A RESOLUTION APPROVING THE
2024 CITY OF DARIEN ZONING MAP**

WHEREAS, pursuant to the Illinois Municipal Code, 65 ILCS 5/11-13-19, a municipality is required to publish a zoning map no later than March 31st of each year; and

WHEREAS, the zoning map attached hereto as “[Exhibit A](#)” and made a part thereof, is a current zoning map showing zoning districts, boundaries, and special uses within the City; and

WHEREAS, the Corporate Authorities find the zoning map, attached hereto as Exhibit “A,” correctly reflects zoning actions approved by the Corporate Authorities within the last calendar year.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DUPAGE COUNTY, as follows:

SECTION 1: That the City hereby approves the zoning map, attached as “Exhibit A”.

SECTION 2: This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DUPAGE COUNTY, ILLINOIS, this _____ day of March, 2024.

AYES: _____

NAYS: _____

ABSENT: _____

RESOLUTION NO. _____

**APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DUPAGE COUNTY,
ILLINOIS, this _____ of March, 2024.**

JOSEPH A. MARCHESE, MAYOR

ATTEST:

JOANNE E. RAGONA, CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

AGENDA MEMO
MUNICIPAL SERVICES COMMITTEE
FEBRUARY 26, 2024

ISSUE STATEMENT

Motion to recommend an ordinance creating Section 1-4-5 of Title 1, Chapter 4 of the Darien City Code regarding administrative citations for violations of Property Maintenance Code and Zoning Regulations.

PURPOSE

The purpose of this ordinance is to expand our current use of administrative citations. These types of citations, often referred to as “P-Tickets” are currently utilized by the Police Department to enforce various violations of city code.

BACKGROUND & DISCUSSION

When the International Property Maintenance Code was adopted in its entirety, there were no standard time frames specified for compliance of various types of violations, making enforcement challenging as more violation types have been created over the years. This challenge has increased the need for city staff to utilize administrative citations across a wider array of violation types. This method will have a positive impact throughout the City as it will increase staff efficiency by reducing the number of necessary re-inspections for the same habitual violators of the code. It will also provide residents the opportunity to abate violations without having to go through DuPage County Court proceedings.

The proposed ordinance ([ATTACHMENT A](#)) was drafted after research on the use of administrative citations by other municipalities ([ATTACHMENT B](#)). Under the ordinance, appropriate staff would be able to efficiently cite and abate nuisance violations, without having the violations remain uncured until they reach DuPage County Court, improving the quality of life for the community.

ALTERNATE CONSIDERATION

As recommended/directed by the Municipal Services Committee.

DECISION MODE

This item will be placed on the March 4, 2024 City Council agenda for formal consideration.

AN ORDINANCE CREATING SECTION 1-4-5 OF TITLE 1, CHAPTER 4 OF THE DARIEN CITY CODE REGARDING ADMINISTRATIVE CITATIONS FOR VIOLATIONS OF PROPERTY MAINTENANCE CODE AND ZONING REGULATIONS

1-4-5: ADMINISTRATIVE CITATIONS:

- (A) Whenever any city officer or official is authorized to charge a person or arrest a person without a warrant for a violation of the law in respect to any of the subjects enumerated in Subsection B of this section, the city officer or official may, in lieu of filing a complaint in court, issue the alleged violator a citation which shall comply with the provisions of this section.
- (B) Any responsible person allowing, causing, committing, continuing to permit or maintain a violation pertaining to any property maintenance, zoning, building, plumbing, electrical or other similar matters regulated may be issued an administration citation.
- (C) The citation provided for in Subsection B of this section shall have printed thereon statements which in substance:
1. Advise the person that he has violated a specific ordinance;
 2. Request him to make payment in an amount applicable to the alleged violation as set forth in Subsection G of this section as settlement of the violation claim; and
 3. Inform him that upon failure to so settle, a complaint will be filed in the circuit court of DuPage County, charging him with the violation.
- (D) Pursuant to the citation specified in this section, the person accused of the violation may settle the violation claim by paying to the city the applicable amount as shown in the schedule set forth in this section within a period to be specified in the citation, which period shall be not more than fifteen (15) days from the time the alleged offense was committed. The settlement payment shall be made in accordance with the instructions contained in the citation at the office of the police department or city hall which shall issue a receipt for the money so received and promptly remit the amount to the finance department which shall in turn credit it to the proper city fund.
- (E) In the event that the person to whom the citation is issued fails to settle and pay the violation claim within fifteen (15) days of issuance of the citation, a final notice shall be issued. If payment of the prescribed amount plus twenty dollars (\$20.00) is not made within fifteen (15) days of issuance of the final notice, then an additional fine shall be assessed. If payment of the prescribed amount plus an additional forty-dollar (\$40.00) fine is not made within thirty (30) days of issuance of the final notice, then an additional fine shall be assessed. If payment of the prescribed amount plus an additional seventy-five dollars (\$75.00) is not made within forty-five (45) days of issuance of the final notice then the city officer or official is authorized to cause a notice to appear to be served upon the alleged violator and the city officer or official is authorized to file a complaint in the circuit court of DuPage County.
- (F) Settlement of a violation claim established by citation may be made prior to issuance of the final notice by payment of the appropriate settlement fee as provided in the following schedule in Subsection G.

(G) In the event that payment is not made within the time prescribed in the final notice, and a notice to appear has been served and a complaint filed in the circuit court of DuPage County, payment of any fine and costs shall be in such amounts as may be determined and established by the court, but in no case shall the fine be less than the amount prescribed in the following schedule:

1. Rubbish, Junk, and Trash – \$50.00
2. Noxious Weeds and Long Grass – \$50.00
3. Inoperable Vehicle – \$50.00
4. Unlicensed Vehicle – \$50.00
5. Refuse Containers – \$25.00
6. House Numbers – \$50.00
7. Garage Sales – \$50.00
8. RV, Boat, and Trailers – \$50.00
9. Commercial Vehicle – \$50.00
10. Landscaping Violation – \$50.00
11. Sign Violation – \$50.00
12. Dumpsters and Storage Containers – \$50.00
13. Right-of-Way (ROW) Violation – \$50.00
14. Fence – \$25.00

(H) Except as otherwise provided for in this section, the sum of fifteen dollars (\$15.00) shall be added to the amount necessary to settle any violation committed for a second time within the previous twelve (12) calendar months and the sum of thirty dollars (\$30.00) shall be added to the amount necessary to settle any violation committed for a third time within the previous twelve (12) calendar months.

(I) Any individual authorized to issue compliance violation notices shall, instead of issuing said violation notice, file a complaint in court or, in lieu thereof, issue a citation as otherwise provided in this Code.

12-XII ADMINISTRATIVE CITATIONSSec 12-600 DefinitionsSec 12-601 Alternative Method Of EnforcementSec 12-602 Authority To Issue Administrative CitationsSec 12-603 Issuance Of Administrative CitationSec 12-604 Service Of Administrative CitationSec 12-605 Compliance With Administrative CitationSec 12-606 Administrative Citation Fines; PaymentSec 12-607 Administrative HearingSec 12-608 Reserved**AURORA, IL****Sec 12-600 Definitions**

Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article the most reasonable application.

Administrative citation shall mean an official notification of a violation of a provision within this chapter. Said citations shall require correction of the violation and impose a fine.

Enforcement officer shall mean any city personnel authorized to issue an administrative citation pursuant to this article.

Issue means to provide an administrative citation by (i) personally serving it on a responsible person, (ii) mailing it, via first class mail, to the last known address of a responsible person, or (iii) posting it in a conspicuous place on the property to which it relates and mailing a copy of it to a responsible person at their last known address.

Person means any natural person, agent, association, firm, partnership, corporation, or other entity capable of owning, occupying, managing or otherwise using real property in the City of Aurora.

Property means any property, whether residential or commercial, including land, and that which is affixed, incidental, or appurtenant to land, including, without limitation, any business or residence, parking area, loading area, landscaping, common areas, building or structure or any separate unit, or portion thereof, or any business equipment, whether or not permanent. For real property consisting of more than one (1) unit, property may be limited to the unit or portion of the property on which the code violation exists.

Responsible person means any person recognized by law as having control over, right to use, management rights and/or right of possession of property, including, without limitation, legal title holders, lessees, contract purchasers, contract sellers, property managers or other occupants of property.

(Ord. No. O17-017, § 1, 4-11-17)

HISTORY

Amended by Ord. [O20-032](#) on 5/26/2020

Sec 12-601 Alternative Method Of Enforcement

An administrative citation issued pursuant to this article is one (1) method of enforcing the ordinances contained within chapter 12 and is intended to be in addition to any and all other legal or equitable remedies available to the city for such ordinance violations.

(Ord. No. O17-017, § 1, 4-11-17)

Sec 12-602 Authority To Issue Administrative Citations

The following city personnel are deemed enforcement officers for purposes of this article and are authorized to issue administrative citations for ordinance violations:

- (a) Neighborhood standards director or designees;
- (b) Property maintenance compliance officer;
- (c) Director of building and permits or designees;
- (d) Zoning administrator or designees;
- (e) Zoning inspection officer;
- (f) Development services director or designees.

(Ord. No. O17-017, § 1, 4-11-17)

Sec 12-603 Issuance Of Administrative Citation

- (a) Any responsible person allowing, causing, committing, continuing to permit or maintain a violation pertaining to any property maintenance, zoning, building, plumbing, electrical or other similar matters regulated within chapter 12 may be issued an administration citation.
- (b) In lieu of a notice of violation set forth in section 3-105, an enforcement officer may initiate an administrative complaint under chapter 3, by issuing an administrative citation which shall contain the following information:
 - (1) The date of the violation;
 - (2) The address or description of the location where the violation occurred;
 - (3) The specific section of the code or ordinance violated and a description of the nature of the violation;
 - (4) The amount of the fine for said violation;
 - (5) A description of the fine payment process, including a description of the time within which and the place to which the fine shall be paid;
 - (6) A statement that the violation must be corrected and the time within which it must be corrected and that failure to correct will result in further legal proceedings/fines;
 - (7) A description of the administrative hearing process, including the time within which the administrative citation may be contested and the place to which to submit a written request for hearing;
 - (8) The name and signature of the citing enforcement officer;
 - (9) Other such information as may be deemed necessary from time to time.

(Ord. No. O17-017, § 1, 4-11-17)

HISTORY

Amended by Ord. [O20-032](#) on 5/26/2020

Sec 12-604 Service Of Administrative Citation

Administrative citations issued pursuant to this article may be served in the manner set forth in chapter 3.

(Ord. No. O17-017, § 1, 4-11-17)

HISTORY

Amended by Ord. [O20-032](#) on 5/26/2020

Sec 12-605 Compliance With Administrative Citation

Upon receipt of an administrative citation, the responsible person must immediately do the following:

- (a) Remedy the violation(s) on or before the correction date noted on the administrative citation;
- (b) Schedule an appointment with the enforcement officer to verify violation(s) have been corrected;
- (c) Pay the fine to the city within the allotted time. All fines assessed shall be payable to the "City of Aurora." Payment of the fine will not excuse or discharge the cited violation(s) nor shall it bar further enforcement by the city.

(Ord. No. O17-017, § 1, 4-11-17)

Sec 12-606 Administrative Citation Fines; Payment

(a) The administrative citation fine for a first violation shall be as follows:

- (1) Junk and Trash\$ 100.00
- (2) Weeds and Grass\$ 50.00
- (3) Inoperable Vehicle\$ 100.00
- (4) Unregistered Vehicle\$ 50.00
- (5) Garbage Cart\$ 25.00
- (6) House Numbers\$ 100.00
- (7) Garage Sales\$ 50.00
- (8) RV and Boats\$ 50.00
- (9) Commercial Vehicle\$ 100.00
- (10) Carport\$ 100.00
- (11) Improper landscaping\$ 250.00
- (12) Signs in ROW\$ 50.00
- (13) Storage containers\$ 100.00
- (14) Garbage & Recycling Service failure\$ 100.00
- (15) ROW violation\$ 100.00
- (16) Fence\$ 50.00

- (b) All fines shall be deemed progressive in nature, and shall increase by fifty (50) percent for each subsequent violation, provided however, that after twelve (12) months of no violations at a property, then in that event the progressive fine shall be reset to the lower fine amount designated for a violation.
- (c) Each and every day that a violation continues after an administrative citation has been issued shall be deemed a separate offense.
- (d) Nothing in this article shall be interpreted to mean that payment of the fine shall excuse a responsible person from correcting the violation. If a responsible person pays the fine but the violation(s) are not corrected, the city may pursue any available legal remedy in addition to those cited herein.
- (e) Any responsible person who both fails to correct the violation and pay the fine imposed on or before the due date shall be subject to any available legal remedy the Corporation Counsel may choose to bring. Any fees or costs incurred by the city, including but not limited to, staff costs, hearing costs, attorney costs and/or private collection agent fees shall be charged to all responsible persons involved.

(Ord. No. O17-017, § 1, 4-11-17)

Sec 12-607 Administrative Hearing

- (a) A recipient of an administrative citation may request a hearing by completing the "Request for Hearing" portion of the administrative citation and returning it to the city, either in person or by mail, within fourteen (14) calendar days of the date the citation was issued.
- (b) The person requesting a hearing shall be notified of the time and place for the hearing at least ten (10) calendar days prior to the date of hearing.
- (c) All administrative citations shall be adjudicated in accordance with the provisions of chapter 3 of this code.

(Ord. No. O17-017, § 1, 4-11-17)

HISTORY

Amended by Ord. [O20-032](#) on 5/26/2020

Sec 12-608 Reserved

(Ord. No. O17-017, § 1, 4-11-17)

HISTORY

Repealed by Ord. [O20-032](#) Sec. 12-608 repealed in its entirety on 5/26/2020

CHAPTER 4

GENERAL PENALTY

SECTION:

1-4-1 General Penalty

1-4-2 License Revocation

1-4-3 Application Of Provisions

1-4-4 Liability Of Officers

1-4-5 Administrative Compliance Tickets

1-4-6 Fine Payment Schedule

1-4-7: Third-Party Collections; Fees And Penalties

1-4-8: Persons And Entities Indebted To The Village

MINOOKA, IL

1-4-1: GENERAL PENALTY:

A. Whenever in this code or in any ordinance of the village any act is prohibited or is made or declared to be unlawful or an offense or whenever in such code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no other specific penalty is provided or not listed in section 1-4-5 of this chapter, the violation of such provision of this code or any ordinance shall be punished by a fine of not more than seven hundred fifty dollars (\$750.00), or such other amount as provided by law/ordinance, for any one offense. The revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced. Every day that a violation occurs shall constitute a separate offense.

B. In addition, a penalty imposed for may include, or consist of, a requirement that the subject accused perform some reasonable public service work such as, but not limited to, the picking up of litter in public parks or along public highways or the maintenance of public facilities.

C. No imprisonment as authorized by 65 Illinois Compiled Statutes 5/1-2-9 for failure to pay any fine, penalty or cost shall exceed six (6) months for one offense. (Ord. 2011-29, 12-20-2011)

1-4-2: LICENSE REVOCATION:

When a person is convicted of a violation of any section of this code any license previously issued him by the village may be revoked by the court or by the board of trustees, after allowing such licensee to be heard in his own defense. (1977 Code; amd. 1997 Code)

1-4-3: APPLICATION OF PROVISIONS:

The penalty provided in this chapter shall be applicable to every section of this code the same as though it were a part of each and every separate section. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this code.

In all cases where the same offense may be made punishable or shall be created by different clauses or sections of the ordinances of the village, the prosecuting officer may elect under which to proceed; but no more than one recovery shall be had against the same person for the same offense. (Ord. 2011-29, 12-20-2011)

1-4-4: LIABILITY OF OFFICERS:

No provision of this code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the board of trustees to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty. (1977 Code)

1-4-5: ADMINISTRATIVE COMPLIANCE TICKETS:

A. Definition: "Administrative compliance ticket", hereinafter referred to as ACT, is defined as a courtesy ticket used in the case of ordinance violations in lieu of arrest or penalty as provided in this code.

B. Issuance Of ACT: An ACT may be issued by village police officers and village code enforcement officers or such other persons as authorized by the board of trustees.

C. Procedure: Any person accused of violating a provision of this code, except traffic offenses that must be reported to the secretary of state in accordance with 625 Illinois Compiled Statutes 5/6-204, may be issued an ACT in lieu of arrest or penalty as provided in this code, which requires the violator to:

1. Pay the administrative fee as set forth in subsection E of this section to the Village within thirty (30) days of the issuance of an ACT as a settlement and compromise of the claims against the violator.

2. Correct, repair or rectify any condition which constitutes a continuing violation of this Code within the period specified in the ACT.

D. Compliance With ACT: If any person to whom ACT has been issued fails to:

1. Settle and pay the claim within the period specified in subsection C of this section; and/or
2. Correct, repair or rectify the violation within the period specified in the ACT,

then a hearing date shall be issued to said person for the violation, and that person shall be subject to fines and penalties as authorized by law/ordinance, with the maximum amount as set forth in section 1-4-1 of this chapter and all other applicable provisions of this Code.

E. Fee Schedule: The administrative fee shall be fifty dollars (\$50.00) unless as otherwise specified. (Ord. 2011-29, 12-20-2011)

Description	Code No.	Fee
Description	Code No.	Fee
Insufficient funds	1-12-1	\$25.00 plus bank fees
Licensing	Title 3, chapter 1	\$100.00
Solicitors	Title 3, chapter 2	50.00
Liquor Control Act	Title 3, chapter 4	250.00
Sale of alcohol to a minor	3-4-17A	250.00
Possession/consumption of alcohol by a minor	3-4-17B	100.00
Consumption of alcohol in public	3-4-20A	75.00
Public intoxication	3-4-20D	75.00
Underage use of video gaming terminal	3-5-8A	100.00
Permitting underage person (<21) to use video gaming terminal	3-5-8B	500.00
Violations of Video Gaming Act or Village Code provisions related to the licensure of video gaming terminals, except violations related to underage use of a video gaming terminal (includes, but is not limited to, violations of the Act's requirements regarding: 1) maintenance of a valid liquor license, 2) hours of operation, and 3) the location of each video gaming terminal)	3-5-8C	150.00
Contractors	Title 3, chapter 7	100.00
Tobacco:	Title 3, chapter 11	
First violation in a 24- month period	Section 3-11-2 (A-F)	200.00
Second violation in a 24-month period	Section 3-11-2 (A-F)	400.00
Third violation in a 24-month period	Section 3-11-2 (A-F)	600.00
Fourth or subsequent violation in a 24-month period	Section 3-11-2 (A-F)	800.00
Possession or use of tobacco by a person under twenty-one (21) years of age	3-11-2 (I)	50.00
Failure to obtain a tobacco retailer's license; selling, or offering for sale at retail, giving away, delivering to or keeping with the intention of selling at retail, tobacco, alternative nicotine, or electronic cigarette products with a suspended or revoked tobacco retailer's license	3-11-5 (E)	\$100.00 per day
Business registration:	Title 3, chapter 15	100.00
Failure to cure within 14 days		\$100.00 plus fee
After 14 days, amount per day		\$25.00 plus fee
Building Code and Code regulations	Title 4, chapter 2	See section 4-2-12 of this Code
Swimming pool	Title 4, chapter 6	\$100.00
Trailer coach and trailer coach parks	Title 4, chapter 11	25.00
Failure to register	4-15-3	\$100.00 plus cost of ownership search
Zoning	Title 5	See section 5-11-10 of this Code
Parking restrictions for trailers, mobile homes, boats, recreational vehicles, and motor vehicles	5-3-10	\$ 50.00
Signs	Title 5, chapter 13	50.00

Subdivisions	Title 6	25.00
Nuisance	7-1-1	100.00
Burning of waste materials	7-1-4	100.00
Garbage and refuse	Title 7, chapter 2	100.00
Littering	7-2-4	100.00
Weeds	Title 7, chapter 3	\$200.00 plus cost of mowing
Disorderly conduct:	8-2-1	
First violation		\$100.00
Second violation in a calendar year		200.00
Third violation in a calendar year		400.00
Damaging property	8-2-2	200.00
Posting handbills/injuring property	8-2-5	200.00
Public indecency	8-2-6	750.00
Fireworks:	8-2-7	
First violation		200.00
Second violation in a calendar year		400.00
Third violation in a calendar year		600.00
Trespass	8-2-8	100.00
Truancy	8-3-3	50.00
Animal control	Title 8, chapter 4	50.00
Abandoned vehicles	Title 8, chapter 5	\$200.00 plus cost of towing and storage
False alarm systems	8-6-7B	See subsection 8-6-7B of this Code
Burglar alarm systems	8-6-7C	See subsection 8-6-7C of this Code
Administrative tow fee	8-7-3	\$400.00 plus cost of towing and storage
Disabled person	Title 9, chapter 1	See section 9-1-27 of this Code
Parking at the curb	Title 9, chapter 1	\$30.00
Traffic violations, except moving violations	Title 9, chapter 1	60.00
Distracted driving	9-1-19	60.00
Prohibited parking	9-1-20	30.00
Overweight	9-1-21	See section 9-1-27 of this Code
Exhibition driving	9-1-22	\$60.00
Snowfall parking	9-1-24	\$50.00 plus cost of tow
Engine braking	9-1-25	\$250.00
Connection of water without permit	10-3-9	\$100.00 plus estimated cost of water usage
Water meter required	10-3-17	\$100.00
Emergency water conservation	10-3-18	100.00
Water cross connection	Title 10, chapter 4	100.00
Village parks	Title 10, chapter 5	100.00

(Ord. 2011-29, 12-20-2011; amd. Ord. 2012-09, 4-24-2012; Ord. 2013-04, 1-22-2013; Ord. 2014-24, 7-22-2014; Ord. 2015-23, 9-22-2015; Ord. 2016-23, 7-26-2016; Ord. 2017-11, 5-2-2017; Ord. 2019-08, 2-26-2019; Ord. 2023-18, 4-25-2023)

1-4-6: FINE PAYMENT SCHEDULE:

The fine payment schedule shall read as follows:

FINE PAYMENT SCHEDULE

	Standing And Parking Violations (Except Handicap), Condition And Use Of Vehicle Equipment, And Display Of Wheel Tax License	Handicapped Parking
Step 1: If you are served with a "violation notice" and pay before the first hearing, or appear at the first hearing and found liable, the fine shall be:	Amount of the fine per village ordinance	Amount of the fine per state statute
Step 2: If you fail to appear at the first hearing, the fine must be paid before the second hearing and shall be:	Double the amount of the fine	Double the amount of the fine; maximum amount \$1,000.00
Step 3: If you fail to appear at the second hearing, the fine must be paid before the third hearing and shall be:	Double the amount due; maximum amount \$250.00	Double the amount due; maximum amount \$1,000.00
Step 4: If you fail to appear at the third hearing, or upon a final determination of liability, the fine shall be:	Double the amount due; maximum amount \$250.00	Double the amount due; maximum amount \$1,000.00

(Ord. 2011-29, 12-20-2011)

1-4-7: THIRD-PARTY COLLECTIONS; FEES AND PENALTIES:

A. In the event that any fine, charge, fee, penalty, or payment, however described, due and owing to the Village pursuant to any provision of the Village Code (a "Debt") goes unpaid for more than thirty (30) days (unless another timeframe is specified elsewhere in this Code) after the person responsible for such payment (the "Responsible Person") has been notified of the existence of such outstanding Debt as set forth in the various provisions of this Code, or if none is stated by written notice personally delivered or mailed by certified mail, return receipt requested, to the Responsible Person at their last known address on file with the Village (or if none then at their last known address as determined by the Village after a diligent search), the Village may transfer or assign said Debt to a private collection agency or attorney of the Village's choosing for collection purposes. Any such collection agency or attorney shall, for the purposes of collecting any Debt so transferred or assigned, be deemed an agent of the Village. Nothing in this Section is intended or shall be deemed to limit or restrict the Village's ability to pursue any and all rights, remedies, and causes of action as may be available to it at law or in equity in the normal course of its business.

B. In the event that the Village transfers or assigns any Debt to a private collection agency or attorney for collection, a collection fee equal to thirty-five percent (35%) of the outstanding Debt will be assessed against the Responsible Person and added to the balance of the Debt in order to offset the Village's costs, expenses, and fees associated with collection.

C. In the event that the Village pursues collection of any Debt by any other means, the Responsible Person shall be held liable to the Village for any and all costs, expenses, and fees, including without limitation a reasonable attorney's fee, incurred by the Village for the collection of such Debt, which shall be added to the balance of the Debt as an additional fine, charge, fee, penalty, or payment, as the case may be, subject to any applicable statutory limitations. (Ord. 2022-12, 3-22-2022; amd. Ord. 2023-10, 2-28-2023)

1-4-8: PERSONS AND ENTITIES INDEBTED TO THE VILLAGE:

A. Delinquent Debts. No license, permit, inspection, approval, professional service, or other Village service or benefit required or permitted by this Code and necessary for the engaging in any business or the sale of any article shall be issued to or renewed, granted, performed, or otherwise approved for any person or entity indebted to the Village or any department thereof where such indebtedness is due and owing in excess of thirty (30) days, unless such indebtedness is first paid in full, unconditionally, and without protest.

B. Delinquent Fines and Penalties. No license, permit, inspection, approval, professional service, or other Village service or benefit required or permitted by this Code and necessary for the engaging in any business or the sale of any article shall be issued to or renewed, granted, performed, or otherwise approved for any person or entity indebted to the Village for any fine or penalty adjudged against such person or entity for the violation of any ordinance or ordinances of the Village where such fine or penalty is due and owing in excess of thirty (30) days, unless such fine or penalty is first paid in full, unconditionally, and without protest.

C. Village Staff to Determine Indebtedness. Before any Village official or employee considers any application or request for the issuance, renewal, granting, performance, or approval of any license, permit, inspection, approval, professional service, or other Village service or benefit required or permitted by this Code, such official or employee shall first determine whether the applicant is indebted to the Village for any amount due and owing in excess of thirty (30) days. If any monies are found to be due and owing to the Village in excess of thirty (30) days, said official or employee shall refuse to consider the application or request until such a time as all monies due and owing to the Village have been paid in full and without protest.

D. Appeals. Any person or entity, however described, desiring to challenge any bill, fee, or expense issued by the Village under any provision of this Code shall have the right to appeal such bill, fee, or expense to the finance committee of the

Village Board within fourteen (14) days after the receipt of the invoice. The appeal must be in writing and shall contain a specific request for a hearing. If a hearing is requested, a hearing before the finance committee shall take place at the next regular meeting of the finance committee, but not earlier than fourteen (14) days after the written appeal is submitted. The finance committee shall issue a written decision within fourteen (14) days of the hearing. Where a hearing is not requested, the appealing party shall submit all supporting documentation with the written appeal and the finance committee shall issue a written decision within fourteen (14) days after the consideration of the appeal at a regular meeting of the finance committee. The failure of any such person or entity to file a written appeal shall be deemed to constitute acceptance and approval of the amount(s) owed and/or services performed.

E. Non-exclusivity of Remedy. Notwithstanding any provision of this section, the Village shall have all other rights and remedies as may be available to it at law or equity for the collection of outstanding debts. (Ord. 2023-9, 2-28-2023)

AGENDA MEMO
MUNICIPAL SERVICES COMMITTEE
FEBRUARY 26, 2024

CASE

PZC2023-06

Mixed-Use District – Zoning Text Amendment

ISSUE STATEMENT

Petition from the City of Darien to amend the zoning ordinance (i.e. text amendment) to create a mixed-use zoning district.

ATTACHMENTS

- 1) **ORDINANCE REVISIONS (MIXED-USE DISTRICT)**
- 2) **EXAMPLE MUNICIPAL ORDINANCES**
- 3) **ZONING SECTION 5A-2-2-5(G): STANDARDS FOR AMENDMENTS**

BACKGROUND/OVERVIEW

On November 14, 2022, the City Council held an annual goal-setting session. Part of the meeting focused on the City's zoning ordinance and its current list of permitted/special uses in the business, office, and industrial districts. During the focus session Council pointed to the fact the zoning ordinance does not include a mixed-use district. After discussion, Council directed staff to review the list of uses and create a mixed-use zoning district.

Staff developed the recommended ordinance revisions (attached) creating a mixed-use district. After Municipal Services Committee review, the City Council made a motion on June 5, 2023, to recommend the ordinance revisions to the Planning and Zoning Commission for public hearing.

PZC MEETINGS

The Planning and Zoning Commission held a number of public hearing readings on the case to allow time for staff to obtain feedback from the Commissioners and make proper edits to the proposed ordinance. The case was most recently presented on December 6, 2023 to the Planning and Zoning Commission. **The Planning and Zoning Commission determined the case met the standards for amendments (attached) and forwarded the case with a favorable recommendation to the Municipal Services Committee with a vote of 5-0.**

ALTERNATE CONSIDERATION

As recommended/directed by the Municipal Services Committee.

DECISION MODE

This item will be placed on the March 4, 2024 City Council agenda for formal consideration.

MIXED-USE (M-U) ZONING DISTRICT

- (A) Intent: The intent of this M-U Mixed Use District is to accommodate development characterized by a mixture of housing types in commercial areas and to facilitate the development and redevelopment of areas suited to a combination of commercial and residential uses within the same building. It is recognized that some mature areas of the City are comprised of a variety of compatible uses and the M-U Mixed Use District is created for the purpose of maintaining the vitality of such areas and encouraging appropriate redevelopment. The focus is to allow a more balanced mix of uses in the siting and design of new developments and redevelopment to anticipate changes in the marketplace and to provide for the diverse needs of the residents of the City. Flexibility will be allowed to accomplish such goals through the utilization of streets as public places that encourage pedestrian and bicycle travel and the encouragement of efficient land use by facilitating compact, high-intensity development, minimizing the amount of land needed for surface parking and, facilitation of development (e.g., land use mix, density, and design) that supports public transit where applicable.
- (B) Purpose: The purposes of the M-U Mixed Use District are to:
1. Accommodate mixed-use buildings with neighborhood-serving retail, service, and other uses on the ground floor and residential units above the non-residential space;
 2. Encourage development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style shopping streets;
 3. Allow for the conversion of dwelling units in older commercial areas of mixed dwelling types in order to extend the economic life of these structures and allow owners to justify expenditures for repairs and modernization; and
 4. Serve as a zone of transition between commercially dense districts and residential districts by permitting residential occupancy in the units above the non-residential space.
- (C) Definition: Mixed-Use Building: A building that contains at least one floor devoted to allowed non-residential uses and at least one devoted to allowed residential uses.
- (D) **Permitted Uses:** No building, structure, or land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended or designed for other than one of the following uses:
- Accessory structures.
 - Barbershops.
 - Beauty shops.
 - Clinics, medical and dental.
 - Drinking establishments.
 - Eating establishments.
 - General retail.
 - Hotels and motels.
 - Multi-family dwellings (upper levels only).
 - Nail salons.
 - Offices.
 - Outdoor dining.
 - Printing shops.
 - Recreational activities, commercial types.

Schools, music and dance.
Single-family dwellings (upper levels only).
Theatres, other than drive-ins.

(E) **Special Uses:** The following special uses may be permitted in specific situations in accordance with the procedures outlined in section 5A-2-2-6 of this title, as appropriate:

Amusement establishments.
Banks.
Banquet halls.
Community centers.
Consignment shops.

(F) **Prohibited Uses:** No lot, parcel, or tract of land, shall be used, and no building or structure shall be erected, altered, or remodeled, for any of the following uses or uses similar thereto:

Adult-entertainment establishments.
Cannabis business establishments.
Currency exchange.
Kennels.
Package liquor stores.
Pawn shops.
Tobacco shops.

(G) **Building Height:** No principal structure shall exceed six (6) stories or seventy-five feet (75') in height. No accessory structure shall exceed one (1) story or fifteen feet (15') in height.

(H) **Lot Requirements:** The following minimum lot requirements shall be observed:

1. Lot Area: Two thousand five hundred (2,500) square feet for all mixed use.
2. Lot Width: Twenty feet (20').
3. Floor Area Ratio (FAR): 1.5 Maximum.

(I) **Yard Requirements:**

1. Minimum Depths: Yards of the following minimum depths shall be provided:
 - a. Front Yards: No minimum.
 - b. Side Yards: No minimum.
 - c. Rear Yards: Not less than ten feet (10').
 - d. If the side yard or rear yard abuts a residential district, there shall be a minimum five foot (5') side yard and twenty foot (20') rear yard.
2. Vegetation in Yards: Property owners may plant bushes, trees, flowers or other ornamental plantings; however, for any growth extending over the lot line of an adjoining neighbor, or that any way may reasonably become a danger or nuisance to the community, the vegetation may be required to be abated.

(J) **Off-Street Parking and Loading Requirements:** All off-street parking and loading shall conform to the requirements enumerated in Chapter 11 of this title.

(K) **Fences:**

1. Height Limitations: If a fence is to be constructed at the rear or side yard of an M-U Mixed Use lot that abuts a residential district, it shall be at least six feet (6') in height along the lot line that abuts the residence district.
2. Location: The fence must be at least six inches (6") from the lot line. If there are complaints by an adjoining neighbor and the fence is determined to be closer than

six inches (6") from the lot line, the responsibility is upon the fence owner to remove it at his own expense.

3. Jointly Owned Fences: If adjoining property owners agree in writing and file an acknowledgment with the City Clerk, a fence may be built on the precise lot line between the properties. The agreement must specify that neither owner may remove the fence without the permission of the other owner. Both parties are responsible for the maintenance of the fence.

(L) Indoor/Outdoor Operations: All permitted uses in the M-U Mixed Use District must be conducted completely within the enclosed buildings on the lot unless expressly authorized otherwise by the City Council. This requirement does not apply to off-street parking or load areas and outdoor dining areas.

(M) Signs: All signs shall conform to the requirements enumerated in Chapter 3 of Title 4.

(N) Zoning Map Amendment Guidelines: In making its legislative determination to zone or rezone property to the M-U Mixed Use District zoning classification, the Planning and Zoning Commission and City Council may apply the following guidelines to the proposal under consideration:

1. The capacity of existing and proposed community facilities and utilities including water, sewer, and transportation systems to serve the permitted uses which might lawfully occur on the property so zoned;
2. The relationship of the subject property to the various aspects of the City's transportation system including pedestrian ways, bicycle paths, major and collector streets, and public transit;
3. The adequacy of public services including schools, police and fire protection, and solid waste collection serving the property and the impact the permitted uses would have upon these services;
4. The potential impact existing or permitted uses in the vicinity would have upon the land uses authorized in the M-U Mixed Use District and the impact such uses, if developed, would have upon existing uses in the vicinity;
5. The extent to which the proposal will promote balanced growth in the community and will be consistent with the City's goals for equal housing opportunity and a variety of housing types;
6. The impact any natural disasters, including flooding, would have upon the permitted uses;
7. The impact the proposal would have upon the environment including noise, air and water pollution;
8. The conformance of the proposal to the overall comprehensive plan and map for the City.

11-7-10: MX MIXED USE ZONING DISTRICT:

A. Intent: The intent of this MX Mixed Use District is to accommodate development characterized by a mixture of housing types in commercial areas and to facilitate the development and redevelopment of areas suited to a combination of commercial and residential uses within the same building. It is recognized that some mature areas of the Village are comprised of a variety of compatible uses and the MX Mixed Use District is created for the purpose of maintaining the vitality of such areas and encouraging appropriate redevelopment.

B. Purpose: The purposes of the MX Mixed Use District are to:

1. Accommodate mixed-use buildings with neighborhood-serving retail, service, and other uses on the ground floor and residential units above the non-residential space;
2. Encourage development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style shopping streets;
3. Allow for the conversion of dwelling units in older commercial areas of mixed dwelling types in order to extend the economic life of these structures and allow owners to justify expenditures for repairs and modernization; and
4. Serve as a zone of transition between commercially dense districts and residential districts by permitting residential occupancy in the units above the non-residential space.

C. Definition:

MIXED-USE BUILDING:	A building that contains at least one floor devoted to allowed non-residential uses and at least one devoted to allowed residential uses.
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D. Permitted Uses: The following uses are permitted in the MX Mixed Use District:

- Banks.
- Barbershops.
- Fire stations.
- Hotels and motels.
- Laundromats.
- Offices.
- Printing shops.
- Recreational activities, commercial types.
- Restaurants.
- Retail stores.
- Single-family residential (upper level only).
- Theaters, other than drive-ins.
- Other uses of the same general character as above.

E. Building Height: No principal structure shall exceed three (3) stories or thirty five feet (35') in height. No accessory structure shall exceed one story or fifteen feet (15') in height.

F. Lot Requirements: The following minimum lot requirements shall be observed:

1. Lot Area: Two thousand five hundred (2,500) square feet for all mixed use.
2. Lot Width: No minimum.

G. Yard Requirements:

1. Minimum Depths: Yards of the following minimum depths shall be provided:
 - a. Front Yards: No minimum.
 - b. Side Yards: No minimum.
 - c. Rear Yard: Not less than ten feet (10').
 - d. If the side yard or rear yard abuts a residential district, there shall be a minimum five foot (5') side yard and twenty foot (20') rear yard.
2. Vegetation In Yards: Property owners may plant bushes, trees, flowers or other ornamental plantings; however, for

any growth extending over the lot line of an adjoining neighbor, or that any way may reasonably become a danger or nuisance to the community, the vegetation may be required to be abated.

H. Off-Street Parking And Loading Requirements: All off-street parking and loading shall conform to the requirements enumerated in chapter 11 of this title.

I. Fences:

1. Height Limitations: If a fence is to be constructed at the rear or side yard of a MX Mixed Use lot that abuts a residential district, it shall be at least six feet (6') in height along the lot line that abuts the residence district.

2. Location: The fence must be at least six inches (6") from the lot line. If there are complaints by an adjoining neighbor and the fence is determined to be closer than six inches (6") from the lot line, the responsibility is upon the fence owner to remove it at his own expense.

3. Jointly Owned Fences: If adjoining property owners agree in writing and file an acknowledgment with the village clerk, a fence may be built on the precise lot line between the properties. The agreement must specify that neither owner may remove the fence without the permission of the other owner. Both parties are responsible for the maintenance of the fence.

J. Indoor/Outdoor Operations: All permitted uses, including commercial and residential purposes, in the MX Mixed Use District must be conducted completely within the enclosed buildings on the lot unless expressly authorized otherwise by the Village Board. This requirement does not apply to off-street parking or load areas, outdoor seating areas, or other specifically allowed outdoor activities in a C Commercial zoning district.

K. Signs: All signs shall conform to the requirements enumerated in chapter 10 of this title.

L. Zoning Map Amendment Guidelines: In making its legislative determination to zone or rezone property to the MX Mixed Use District zoning classification, the Zoning Committee, Zoning Board of Appeals and/or Planning Commission may apply the following guidelines to the proposal under consideration:

1. The capacity of existing and proposed community facilities and utilities including water, sewer, and transportation systems to serve the permitted uses which might lawfully occur on the property so zoned;

2. The relationship of the subject property to the various aspects of the village's transportation system including pedestrian ways, bicycle paths, major and collector streets, and public transit;

3. The adequacy of public services including schools, police and fire protection, and solid waste collection serving the property and the impact the permitted uses would have upon these services;

4. The potential impact existing or permitted uses in the vicinity would have upon the land uses authorized in the MX Mixed Use District and the impact such uses, if developed, would have upon existing uses in the vicinity;

5. The extent to which the proposal will promote balanced growth in the community and will be consistent with the village's goals for equal housing opportunity and a variety of housing types;

6. The impact any natural disasters, including flooding, would have upon the permitted uses;

7. The impact the proposal would have upon the environment including noise, air and water pollution;

8. The conformance of the proposal to the overall comprehensive plan and map for the village. (Ord. 2013-48, 11-7-2013)

SECTION 19-153 – DEVELOPMENT DISTRICTS

(3) MIXED USE DISTRICT: MXD

(A) Definition. A development consisting of one or more lots developed as a cohesive project and designed with a blend of various compatible uses such as commercial, residential and institutional. The uses may be located in the same building or in separate buildings.

(B) Intent. The intent of this district is to encourage and promote well planned, suitable and appropriate mixed use developments with residential, civic uses, and commercial components within identified areas. The focus is to allow a more balanced mix of uses in the siting and design of new developments and redevelopment to anticipate changes in the marketplace and to provide for the diverse needs of the residents of the City. Flexibility will be allowed to accomplish such goals through the utilization of streets as public places that encourage pedestrian and bicycle travel and the encouragement of efficient land use by facilitating compact, high-intensity development, minimizing the amount of land needed for surface parking and, facilitation of development (e.g., land use mix, density, and design) that supports public transit where applicable.

(C) Pre-Application Conference. Before submitting an application for MXD zoning, pre-application consultation between the applicant and the Planning and Development Manager is encouraged to obtain information and guidance prior to entering binding commitments or incurring substantial expense in the preparation of plans, surveys, impact assessments and other data.

(D) Master Development Plan. A Master Plan for the entire Mixed Use District shall be submitted. The proposed Plan shall be prepared by a licensed engineer, surveyor, architect or planner. It shall be drawn to scale and include the following:

- (1) An insert map at a scale of not less than one inch to one mile, showing the property in relation to surrounding roads, subdivisions, or major landmarks;
- (2) A north arrow;
- (3) Topography of the district showing 10 foot contour lines for the site;
- (4) Land uses for the district and proposed density (in a single building of vertical mixed uses the gross area floor ratio must be provided);
- (5) Approximate location of existing buildings, structures and uses on the properties adjacent to the district;
- (6) Natural features of the site including, but not limited to, drainage patterns, riparian areas, water bodies, wetlands, steep slopes or ravines;
- (7) Type, size, and location of any proposed signs;
- (8) Approximate location of proposed streets, driveways, alleys, and rights-of-way with an indication of whether public or private;
- (9) Location of pedestrian access such as sidewalks or trails to key areas of attraction within the district;

- (10) The proposed lot pattern, lot standards, and lot coverage requirements;
- (11) Schematic plans which shall indicate the phasing of the development;
- (12) A landscaping and tree planting plan, including the location of street trees, with a notation indicating the location and retention of existing trees;
- (13) The location, layout, and the surfacing of all vehicle parking and loading areas;
- (14) The location and layout of mass transit stations if applicable;
- (15) A written statement satisfactory to the City of Tega Cay on the guarantees and assurances to be provided for the maintenance of common areas, open space, recreation areas, sidewalks, parking, private streets, driveways or alleys and other privately owned but common facilities serving the district.

(E) Specific Development Standards and Requirements. Each MXD must ensure that the following development standards are met.

- (1) Elevations for all buildings and structures, other than single family dwellings, shall be provided and include architectural treatments that create visual interest and community character and promote a sense of pedestrian scale and shall contain the following:
 - (a) Where applicable, cornices (e.g., building tops or first-story cornices) shall be aligned to generally match the height(s) of those on adjacent buildings. Building height limitations shall be governed by the applicable Building Codes.
 - (b) Maximum Building height for Mixed Use Buildings shall be 4 stories/55 feet including roof design and profile. Building height is limited to 65 feet when locating mechanical equipment on the roof. Mechanical area can contain no living space and must be accessible by elevator. In addition, all mechanical equipment must be screened from other rooftop uses. Building height “transitions” or step-downs shall be provided where the MXD district abuts adjacent residential properties where the maximum building height is three stories/45 feet.
 - (c) Mixed use buildings shall have a minimum Ground floor height, floor to ceiling, of 12 feet and Upper story height, floor to ceiling, of 10 feet with a minimum of 9 feet.
 - (d) Any building façade oriented to the public view shall provide ground floor transparent windows to allow visual access into and out of the building;
 - (e) Primary entrances shall open on to a street or interior courtyard.
 - (f) Building frontages along streets shall break any flat, monolithic façade by including architectural features such as, but not limited to, bay windows, recessed entrances, fluted masonry, fenestration, cornices, or other articulation so as to provide visual interest and a pedestrian scale to the first floor.
 - (g) Multi-story buildings shall extend the same architectural features above the ground floor level through variations in design, detail, and proportion, and by avoiding designs featuring a monolithic street façade.
- (2) To encourage the use of design to minimize opportunities for crime and to increase public safety the following should be utilized:

- (a) Building entrances, parking areas, private and public open spaces, and pathways should be accentuated with appropriate features such as landscaping, pavement treatment, art and signs which draw attention to the area. Such features should be placed or designed in such a manner that the view into the area is not obscured.
- (b) The proposed layout, building, and landscape design should promote natural surveillance. Physical features and activities should be oriented and designed in ways that maximize the ability to see throughout the site.
- (c) The proposed site layout and building design should encourage activity in public spaces.
- (d) The development should control access wherever possible by properly siting and designing entrances and exits (i.e., clear view from the store) and through the appropriate use of lighting, signs and/or other features.
- (3) To encourage buildings to be designed to a human scale for pedestrian access, safety and comfort and to promote a design which would provide direct and safe access between the site and adjacent land uses that is convenient and pleasant for the pedestrian the following should be utilized:
 - (a) The site layout should cluster buildings on the site to promote linked trips via interconnected pedestrian promenades (such that a pedestrian need not cross more than 64 lineal feet of parking or driveway area, or one double loaded row of parking (not inclusive of sidewalks, pathways, landscaping, plazas, and other pedestrian facilities), whichever is less, between buildings).
 - (b) The development should provide internal and/or public pedestrian connections that are direct, convenient and pleasant with appropriate amenities.
- (4) Residential uses may be located in a separate building or in mixed configuration with commercial in the same structure. When in a mixed configuration, residential uses should be located on the upper stories; or, on ground floors when they do not use storefront space. In no case shall residential uses be located on the ground floor of a building located on commercial street frontage.
- (5) Live/Work should incorporate the following criteria:
 - (a) May not be converted to purely residential use.
 - (b) May be converted to an all commercial use, with the review and approval of the City.
 - (c) May constitute all or part of the residential percentage of the mixed-use development. A mixed-use development should not consist exclusively of live/work units.
 - (d) Shall be located near the commercial portion of the mixed-use development.
- (6) Units of various sizes (e.g., studios, one and two bedroom units) are encouraged.
- (7) On-site parking areas:
 - (a) Parking areas shall be located where residents and businesses have easy and convenient access. Opportunities for shared parking shall be utilized. However, the project may consider dedicating a certain portion of the parking for each use.
 - (b) Surface parking should be oriented behind buildings when possible.
 - (c) Surface Parking shall not be located on street corners.

- (d) Surface parking shall not exceed 110% of the minimum parking requirement for the subject land use(s) as identified in the Section 19-301 of the Zoning Code. Exemptions to the standard can be approved through site/design review for developments that provide parking structures, shared parking, valet parking spaces, market rate parking, or similarly managed parking facilities;
- (e) Parking Structures with frontages on commercial corridors must allocate space for commercial use on the first floor.
- (f) Parking Structures located adjacent to a residential use shall have a side and rear setback of 20 feet and be landscaped and screened. Should the Parking Structure be located on a corner adjacent to residential uses, the first floor commercial use must wrap the corner and the landscaped setback may be reduced to 10 feet.
- (g) The Parking Structure must be screened or wrapped with the Mixed Use Structure with a minimum of 25 feet of either hard or softscape design or an approved mixture of both.
- (8) The area covered by impervious surfaces (i.e., area covered by buildings and pavement) shall be minimized to the greatest extent practicable; best practices for surface water management shall be required.
- (9) Building setbacks shall be as follows:
 - (a) Front setback along a primary or major street shall utilize a Build-to Zone of 0 feet minimum and 10 feet maximum.
 - (b) Front setback along a secondary or minor street shall utilize a Build-to Zone of 0 feet minimum to 10 feet maximum.
 - (c) Side setback along a primary or major street shall utilize a Build-to Zone of 0 feet minimum and 10 feet maximum.
 - (d) Side setback along a secondary or interior street shall utilize a Build-to Zone of 0 feet minimum and 10 feet maximum.
 - (e) Rear setback shall utilize a Build-to Zone of 0 feet minimum and 10 feet maximum to other properties within the MXD.
 - (f) Side and Rear setbacks abutting residential districts shall be 20 feet.
- (10) Side and Rear setbacks abutting other commercial properties shall be 10 feet. The maximum Floor Area Ratio (FAR) shall be [2.0] for mixed-use buildings and [1.25] for all other buildings.

(F) Permitted Uses. The following are the principal uses permitted in this district:

- (1) Single Family Residential detached and attached.
- (2) Live/Work Space located above the ground floor of commercial buildings.
- (3) Multi-Family Residential (for-lease apartments, condominiums).
- (4) Commercial recreation establishments, including movie theaters, pool and video game rooms, bowling and skating rinks.
- (5) Primary retail establishments such as department stores, general mercantile stores, clothing, variety, and similar low bulk items.
- (6) Secondary retail establishments such as those selling principally one-stop items, usually high-bulk, including furniture, appliance, home furnishings, floor coverings,

- business machines, heating and air conditioning sales and service, bicycle sales and services, and similar establishments.
- (7) Social retail uses such as coffee shops, brew pubs, bookstores, art galleries, bakeries, and florists.
 - (8) Convenience retail establishments such as small scale grocery and beverage stores.
 - (9) Restaurants, including those with or without on premise alcohol sales.
 - (10) Personal service establishments such as barber and beauty shops; laundromats; laundry pick-up; tailor; dressmaker; shoe shops; photo studio
 - (11) Business Services (printing, copying, parcel services).
 - (12) Medical offices, clinics, and pharmacies.
 - (13) Educational institutions, primary through graduate, public and private.
 - (14) Commercial adult and child care facilities as a Conditional Use.
 - (15) Churches and places of worship or religious institutions.
 - (16) Financial institutions, banks, credit unions, CDA & Accounting and Brokerage.
 - (17) Professional Office such as legal services, architectural and engineering services.
 - (18) Fresh Farm/Open Air Markets.
 - (19) Public and private transportation service and facilities, including bus terminals, bus stops and taxi stands.
 - (20) Animal Services, including kennels, veterinary clinics and grooming facilities.
 - (21) Hotels and Bed and Breakfast Establishments.
 - (22) Assisted Living facilities as a Special Use.
 - (23) Instructional studios, art, music, dance and drama studios.

(G) Approval Process

- (1) **Public Hearing:** The procedures for public hearing and consideration by the Planning Commission and the City Council shall be as set forth in Article XV of Ordinance #77 Zoning. The Planning Commission and City Council shall conduct a joint public hearing to consider the Mixed Use District application.
- (2) **Planning Commission Recommendation:** After the public hearing is closed the Planning Commission shall consider the Mixed Use District Master Plan to determine a) the need for the proposed amendment; b) the effect of the amendment on the property and the surrounding properties; and, c) the relationship of the proposed amendment with the Comprehensive Plan, and the general planning programs of the city. Within thirty days, the Planning Commission shall submit its recommendation to City Council.
- (3) **City Council Action:** The City Council shall consider the Planning Commission recommendation and make a decision on the matter. The City Council may also approve additions, deletions and/or changes to the Mixed Use District Master Plan prior to final approval. Upon approval of the Mixed Use District Master Plan by the City Council, the Mixed Use District is deemed established. The Mixed Use District shall be designated on the Zoning Map as MXD.

5A-2-2-5: AMENDMENTS:MEMO

(G) Standards: The Plan Commission shall consider the following factors and other pertinent factors in developing a recommendation for the City Council:

1. Existing uses of property within the general area of the property in question, and the resulting character of the general area;
2. The zoning classifications of property within the general area of the property in question;
3. The suitability of the property in question to the uses permitted under the existing zoning classification including consideration of the length of time the property has been vacant as zoned;
4. The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classifications and the impact to surrounding property likely to result from the proposed use;
5. The reduction in value of the subject property resulting from the particular zoning restriction as compared to the gain to the public if the property remains restricted; and
6. The policies of all current official plans or plan elements of the City.

**AGENDA MEMO
MUNICIPAL SERVICES COMMITTEE
FEBRUARY 26, 2024**

CASE

PZC2024-01 Final Plat of Subdivision, Special Use, & Variations
(Indvestia Darien, LLC – 7409 Cass Avenue)

ISSUE STATEMENT

Petition from Indvestia Darien LLC for a special use request pursuant to Section 5A-8-3-4 of the zoning ordinance, final plat of subdivision, and variations as deemed necessary. The petition specifically requests to allow 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.

GENERAL INFORMATION

Petitioner:	Indvestia Darien, LLC c/o Vick Mehta
Property Owner:	Indvestia Darien, LLC
Property Location:	7409 Cass Avenue
PIN Numbers:	09-27-108-029; 09-27-108-033
Existing Zoning:	Community Shopping Center Business District (B-2)
Existing Land Use:	Shopping Center
Comprehensive Plan:	Commercial (Existing); Commercial (Future)
	<u>Key Development Area #3:</u> Recommended for infill development, including additional retail and shopping uses, pedestrian-oriented and mixed-use design, and outdoor dining.
 Surrounding Zoning & Uses	
North:	Community Shopping Center Business District (B-2); Jewel-Osco Center
East:	Single Family Residence District (R-2); Single Family
South:	Multi-Family Residence District (R-3); Colonial Manor Apartments
West:	Community Shopping Center Business District (B-2); Taco Bell and Buona Beef
Size of Property:	4.74 Acres
Floodplain:	N/A
Natural Features:	N/A
Transportation:	The petition site gains access from 75 TH Street via multiple ingress/egress points and from Cass Avenue via one ingress/egress point.

PETITIONER DOCUMENTS (ATTACHED TO MEMO)

- 1) **APPLICATION**
- 2) **JUSTIFICATION NARRATIVE**
- 3) **TOPOGRAPHIC & BOUNDARY SURVEY**
- 4) **SITE PLAN**
- 5) **FINAL PLAT OF SUBDIVISION**
- 6) **BUILDING RENDERINGS**
- 7) **TRAFFIC IMPACT STUDY**

CITY STAFF DOCUMENTS (ATTACHED TO MEMO)

- 8) **LOCATION MAP & AERIAL IMAGE**
- 9) **SITE PHOTOS**
- 10) **CITY ENGINEER LETTER**
- 11) **PZC MINUTES (DRAFT) – FEBRUARY 7, 2024**

PLANNING OVERVIEW/DISCUSSION

The subject property is located off the northeastern corner of the 75TH Street and Cass Avenue intersection. The petition site totals 4.74 acres in size and is zoned Community Shopping Center Business District (B-2). It is part of an overall larger shopping center with outlots which is commonly known as the Jewel-Osco Center. While the overall center is comprised of several parcels and businesses, note that the petition site for this case is the property including Chuck E. Cheese, American Freight Appliance, World Star Nails, and Concentra Immediate Care.

The petitioner has proposed a resubdivision for the purpose of new lot line configuration within the center. With the plat of subdivision, the proposal includes a special use request for a new quick service drive-through eating establishment offering retail items for consumption. Per applicant’s submittal package, the proposed building is speculative (without a tenant) and an end user has not been finalized. Note that outdoor seating is incorporated as part of the proposal.

Given the project layout with new lot lines and building construction, the petitioner has requested variations as part of the entitlement application. Below is a list of reference code sections applicable:

- Zoning Section 5A-5-5(A): Principal Buildings/Uses on Any Lot
Variation to allow more than one principal building/use on a lot (New Lot 1)
- Zoning Section 5A-8-3-6: Minimum Lot Area
Variation to reduce minimum lot area from 2 acres to 1.30 acres (New Lot 1)
- Zoning Section 5A-8-3-8: Yard Requirements
 - o Variation to reduce front yard setback from 50’ to 47.6’ (New Lot 1)
 - o Variation to reduce side yard setback from 30’ to 0’ (Parcel 1 of Lot One)
 - o Variation to reduce rear yard setback from 30’ to 0’ (New Lot 1)
- Zoning Section 5A-8-3-9: Lot Coverage (Existing Conditions)

- Zoning Section 5A-11-2-2: Minimum Off-Street Parking Requirements
Variation to reduce off-street parking from 176 spaces to 134 spaces (Parcel 1 of Lot 1)
- Zoning Section 5A-11-5: Drive-Through Stacking Spaces
Variation to reduce the number of drive-through stacking spaces from 15 to 7 (New Lot 1)

For a summary on parking counts, setbacks, and other ordinance standards, please refer to the applicant submittals attached to this memo. The narrative letter describes the project and entitlements requested, while the site plan includes a code compliance table. The site plan also illustrates the building with drive-through circulation including the stacking spaces. The plat of subdivision details the new lot layout, and the renderings show the speculative building's appearance.

Site Plan Review & Findings of Fact

City staff has reviewed the petitioner submitted documents. A review letter with comments from the City Engineer is included as an attachment to this memo. The petitioner will be required to submit engineering plans and a building permit if the case is approved, with architect stamped and signed plans.

The petitioner submitted a *Justification Narrative* with a detailed description of the project and requested relief, in addition to *Findings of Fact* that would support the application request. As mentioned above, those items are attached to this memo along with the proposed plat, site plan, building renderings, and traffic impact study. For reference, the sets of criteria the Planning and Zoning Commission and City Council votes on for the special use and variation requests are included below.

Special Use Criteria:

No special use shall be recommended to the City Council by the Plan Commission, nor approved by the City Council, unless findings of fact have been made on those of the following factors which relate to the special use being sought:

- 1. That the special use is deemed necessary for the public convenience at the location specified.*
- 2. That the establishment, maintenance, or operation of the special use will not be detrimental to, or endanger the public health, safety, or general welfare.*
- 3. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.*
- 4. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*
- 5. That the exterior architectural design, landscape treatment, and functional plan of any proposed structure will not be at variation with either the exterior architectural design, landscape treatment, and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood.*
- 6. That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.*
- 7. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.*
- 8. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the City Council pursuant to the recommendations of the Plan Commission*

and Planning and Development Committee.

Variation Criteria:

The City may grant variations based on the finding-of-fact that supports the following criteria outlined below by the City to be the most relevant to the subject property situation.

- a) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the zone.*
- b) The plight of the owner is due to unique circumstances.*
- c) The variation if granted will not alter the essential character of the locality.*
- d) Essential Need: The owner would suffer substantial difficulty or hardship and not mere inconvenience or a decrease in financial gain if the variation is not granted.*
- e) Problem with Property: There is a feature of the property such as slope or shape or change made to the property, which does not exist on neighboring properties, which makes it unreasonable for the owner to make the proposed improvement in compliance with this title. Such feature or change was not made by the current owner and was not known to the current buyer at the time of purchase.*
- f) Smallest Solution: There is no suitable or reasonable way to redesign the proposed improvements without incurring substantial difficulty or hardship or reduce the amount of variation required to make such improvements.*
- g) Create Neighbor Problem: The variation, if granted, will not cause a substantial difficulty, undue hardship, unreasonable burden, or loss of value to the neighboring properties.*
- h) Create Community Problem: The variation, if granted, may result in the same or similar requests from other property owners within the community, but will not cause an unreasonable burden or undesirable result within the community.*
- i) Net Benefit: The positive impacts to the community outweigh the negative impacts.*
- j) Sacrifice Basic Protections: The variation, if granted, will comply with the purposes and intent of this title set forth in subsection 5A-1-2(A) of this title and summarized as follows: to lessen congestion, to avoid overcrowding, to prevent blight, to facilitate public services, to conserve land values, to protect from incompatible uses, to avoid nuisances, to enhance aesthetic values, to ensure an adequate supply of light and air, and to protect public health, safety, and welfare.*

PZC MEETING – 02/07/2024

The Planning and Zoning Commission reviewed this petition at its February 7, 2024 meeting. The petitioner and petitioner’s representative were present and provided an overview on the proposal after staff’s introduction of the case. Two members of the public were present.

The meeting discussion centered on the new building’s drive-through and how it would function in terms of access and circulation within the shopping center. Through meeting dialogue, conditions of approval were generated by the Commission to address site circulation by requiring proper wayfinding signage for customers. The conditions also include a requirement that the proposed facility (building and drive-through) shall only be used as an eating establishment. **The Planning and Zoning Commission made a motion to forward the case with a favorable recommendation to the Municipal Services Committee. The motion passed by a vote of 7-0**

vote, subject to the following conditions:

- 1) Proper signage is placed for customers to enter and exit the establishment.**
- 2) The building shall only be used as an eating establishment in conjunction with drive-through facility.**

ALTERNATE CONSIDERATION

As recommended/directed by the Municipal Services Committee.

DECISION MODE

This item will be placed on the March 4, 2024 City Council agenda for formal consideration.



ZONING APPLICATION

CITY OF DARIEN
1702 Plainfield Road, Darien, IL 60561
www.darienil.us 630-852-5000

CONTACT INFORMATION

Vick Mehta
Applicant's Name
718 Ogden Ave. - Downers Grove, IL - 60515
Address, City, State, Zip Code
630-850-0500
Telephone
vm@investia.com
Email

Investia Darien, LLC
Owner's Name
Same as applicant
Address, City, State, Zip Code
Same as applicant
Telephone
Same as applicant
Email

PROPERTY INFORMATION

7409 S. Cass Ave.
Property address
B-2, Community Shopping Center Business Dist.
Zoning District

09-27-108-033
09-27-108-029
PIN Number(s)
Pizza Restaurant and Arcade, Nail Salon,
Retail, and Medical Office (Immediate Care)
Current Land Use(s)

(Attach additional information per the Submittal Checklist.)

REQUEST

Brief description of the zoning approval requested. (Contact the City Planner for guidance.)

Special Use for Drive-Thru Establishment
Variances for lot area, lot coverage, impervious surface, front and side setbacks, and parking

As Notary Public, in and for DuPage County in Illinois, I do hereby certify that Vick Mehta is personally known by me to be the same person whose name is subscribed above and has appeared before me this day in person and acknowledged that they have signed this document as their own free and voluntary act, for the purposes therein set forth. Given under my hand and seal, this 18 day of January 2024.

[Signature]
Notary Public



Table with 2 columns: Field and Value. Fields include Date Received (01/18/24), Case Number (P222024-01), Fee Paid (\$1,325.00), and Hearing Date (02/07/24).

CITY OF DARIEN, ILLINOIS, Community Development Department

Staff Use Only	
Case No.:	PZC2024-01
Date Received:	01/18/24
Fee Paid:	\$1,325.00
Check No.:	1506
Hearing Date:	02/07/24

Plat of Subdivision petition to the Mayor and City Council of the City of Darien:

PETITIONER INFORMATION

Indvestia Darien, LLC
 Petitioner's Name

Vick Mehta
 Contact Name

718 Ogden Ave. - Downers Grove, IL - 60515
 Address, City, State, Zip Code

630-850-0500
 Phone #

Fax #

vm@indvestia.com
 Email

Indvestia Darien, LLC
 Owner's Name

Same as Petitioner

Address, City, State, Zip Code

Same as Petitioner

Phone #

Same as Petitioner

Email

PROPERTY INFORMATION

7409 S. Cass Ave.
 Property address

09-27-108-033
 09-27-108-029
 PIN(s)

4.74 (3.44 + 1.30)
 Acreage

B-2, Community Shopping Center Business Dist.
 Zoning

REQUEST

Check the following: Preliminary Plat Final Plat

Indvestia Subdivision
 Subdivision Name

Number of Lots: 1

Right-of-way (in miles): 0.0921

Minimum Lot Size: 56,692.89 sq ft

Average Lot Size: 56,692.89 sq ft

Public or other open space: 0.0

I, Vick Mehta do hereby certify that I am the owner of record (or one of the owners of record or the attorney for the owners of record of the aforesaid described property) and I hereby make application as such.

Vick Mehta
Signature

Subscribed and sworn to before this 18 day of January 20 24

Lillie Skowronski
Notary Public





To: City of Darien, IL
Community Development Dept. - Planning and Zoning Division
1702 Plainfield Road - Darien, IL 60561
ATTN: Mr. Jordan Yanke, Senior Planner

RE: 7409 S. Cass Ave.
Variations, Special Use, and Plat of Re-subdivision review petition

DATE: 18 January 2024

INTRODUCTION and PROJECT DESCRIPTION:

The intent of this project is to subdivide an existing property to split off one large parcel with two buildings into two parcels, and then to improve an underutilized area of parking lot with a small, quick-service, outbuilding with a drive-thru and pickup window. The property is currently zoned in the B-2, Community Shopping Center Business District.

The original property was two parcels that were consolidated previously in the past, and this would provide to reverse that. The larger north parcel would contain an existing 43,842sf mixed-use building with a pizza restaurant and arcade, a nail salon, and a retail appliance store. After subdivision, this parcel would be left with 134 parking spaces, with two previous spaces being converted to accessible space and side aisle. The south parcel to be subdivided contains a 6,934sf urgent-care facility. The proposed drive-thru facility would convert 30 original parking spaces (striped asphalt only, no curbs or other improvements) into a 1,000sf building with an 8-car drive-thru lane, outdoor patio, raised curb landscape areas, curb ramp, and 5 parking spaces, including one accessible space. The remaining lot would stay as-is, and in all this parcel would contain 46 parking spaces, with 3 being accessible.

While the 1,000sf outbuilding is currently speculative (without a tenant), it is intended to be a pre-order pick-up concept in the quick-service, fast-casual restaurant space; however, on-site ordering will be available. Parking and a walk-up window will be provided; therefore, some outdoor seating will be available. The interior of the building is not intended to be occupied by customers or the public. The space would be used solely for the operation and function of order preparation and servicing to the drive-thru and walk-up windows. There would be no actual food prep or cooking involved in this facility, as it would be done off-site and delivered to the building regularly. The exterior design of the building is intended to be contextual to the fabric of the surrounding architecture in materials, scale, and proportion, but not to emulate exactly any one other building style in the entire development.

In order to provide this facility, there are some administrative entitlements that are being requested here within. First, the Plat of Re-Subdivision seeks to remove the Concentra Building from the main parcel as it once was. This new outbuilding will then be part of that parcel, and when combined as such, these two newer buildings will then be able to be serviced better to existing tenants and marketed better to prospective tenants regarding management and leases. Second, both the re-subdivision and the new development trigger a few minor variances that are being requested, in order to maximize lot use with the least disturbances. Findings of fact for each are provided here within, as follows.



SPECIAL USE CRITERIA:

1. That the special use is deemed necessary for the public convenience at the location specified.

This development is being proposed expressly as a matter of public convenience, to allow a small business to provide a desirable service in a post-pandemic society. It is intended to convert one strip of under-utilized surface parking into functional use.

2. That the establishment, maintenance, or operation of the special use will not be detrimental to, or endanger the public health, safety, or general welfare.

The proposed use will not cause a nuisance to the general public, to its users, nor to those of the current surrounding uses. It is designed to provide the safest routing and traffic flow as possible with marked, curbed drive aisles and immediately adjacent on-site parking with accessible aisle and curb ramp.

3. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

This use will not lessen nor diminish the uses of the surrounding properties or neighbors. In fact, it will provide an additional service and convenience for users to patronize and support the surrounding businesses and vice-versa.

4. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

This proposed use in and of itself is contiguous with allowed uses in this district. The special use request for a drive-thru facility is being designed to seamlessly flow with the current flow of traffic and circulation, so as not to disrupt the uses or future development of the surrounding properties. This area of the parking lot is currently under-utilized and rarely has any parked cars for the current businesses.

5. That the exterior architectural design, landscape treatment, and functional plan of any proposed structure will not be a variation with either the exterior architectural design, landscape treatment, and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood.

The exterior design of the building will seek to harmonize with the surrounding development, without replicating or emulating any one style. With the building being slightly smaller in scale than its surroundings, the details will be proportioned accordingly, with a mix of materials, fenestration, and undulation to correlate. The proposed location of the improvements as similar to an out-lot are easy to segregate from the day-to-day operations of other businesses, such that construction will not adversely impact them other than a minor inconvenience.



6. That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.

The development is being proposed inside an existing improved property with adequate access and utilities. No right-of-way revisions will be necessary. Utilities will be pulled from sources adjacent to and running through this property. The existing surface lot will be re-graded and paved as needed to provide proper storm drainage.

7. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

Ingress and egress are being provided through existing improvements to the right-of-way, and thus no right-of-way modifications are necessary. Traffic flow into and through this out-building and the drive-thru have been designed to maximize stacking, circulation, and decongestion, while keeping intact existing circulation patterns within the existing parking lot. A traffic memo has been prepared to substantiate this design proposal.

8. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the City Council pursuant to the recommendations of the planning and Zoning Commission and the Planning and Development Committee.

This proposed use in and of itself is contiguous with allowed uses in this district. The special use request for a drive-thru facility will seek to meet all applicable regulations to the nearest extent possible. Any variations will be described here within, with support by an enclosed traffic memo. Similar drive-thru facilities currently exist nearby to serve the neighboring properties at the Taco Bell and Buona Beef locations to the west. These special uses are of similar scale and function as this proposed use, but of even higher intensity, and appear to work seamlessly with their main uses, and have not appeared to cause any nuisance or undesirable affects to date.

ZONING VARIATIONS - JUSTIFICATION NARRATIVE:

2a. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the zone.

The current area of the proposed redevelopment is a surface parking lot with no curb islands or other improvements, and otherwise no usable space. This project will substantially increase the value and marketability of this property.

2b. The plight of the owner is due to unique circumstances.

In an effort to integrate this project so seamlessly into the existing parking lot, some unique circumstances have presented themselves that require a minor amount of relief.



2c. The variation if granted will not alter the essential character of the locality.

Due to its relatively smaller size and scale, the impact of these variations on the overall character of the area and comparison to surrounding lots and buildings would be hardly noticeable. In fact, this type of infill is in the very spirit of the City's Comprehensive Plan and Key Development Areas.

3a. Essential Need? The owner would suffer substantial difficulty or hardship and not mere inconvenience or a decrease in financial gain if the variation is not granted.

The proposal seeks to leave intact several existing lanes of parking and curbing, while only converting one row of striped parking with no curbs, landscaping, or lighting. This is an effort to minimally impact the surrounding businesses and parking, and not "snowball" into more areas of required relief. If strict conformance to the ordinances was required or upheld, then the project would need to be constructed in a location that would have too much impact on that surrounding area, and thus would not be viable.

3b. Problem with Property? There is a feature of the property such as slope or shape or change made to the property, which does not exist on neighboring properties, which makes it unreasonable for the owner to make the proposed improvement in compliance with the Zoning Code. Such feature or change was not made by the current owner and was not known to the current buyer at the time of purchase.

As noted above, the proposal seeks to leave intact several existing lanes of parking and curbing, while only converting one row of striped parking with no curbs, landscaping, or lighting. Additionally, the applicant would not need to change any existing improvements to the right-of-way with this proposal, as adequate ingress and egress already exists. Therefore, in order to work around these existing conditions, the requested variations from the ordinance are necessary.

3c. Smallest Solution? There is no suitable or reasonable way to redesign the proposed improvements without incurring substantial difficulty or hardship or reduce the amount of variation required to make such improvements.

As noted above, the proposal seeks to leave intact several existing lanes of parking and curbing, and ingress/egress at the right-of-way. In doing so, the proposed development location requires a lesser amount of relief than may otherwise be required if shifted elsewhere. Regarding the drive-thru stack space specifically, this is novel use and its efficiency no longer aligns with current City standards in the ordinance.

3d. Create Neighbor Problem? The variation, if granted, will not cause a substantial difficulty, undue hardship, unreasonable burden, or loss of value to the neighboring properties.

The granting of these variations will have no financial or physical impact on the surrounding properties. If anything, this will be an added value to those businesses and the residential neighborhood alike.



3e. Create Community Problem? The variation, if granted, may result in the same or similar requests from other property owners within the community, but will not cause an unreasonable burden or undesirable result within the community.

Due to its unique nature, this proposed development would be an asset to the community, and could be used as a model for similar future development once proof of concept is established.

3f. Net Benefit? The positive impacts to the community outweigh the negative impacts.

With no notable negative impact and the aforementioned benefits to the community, this use and acceptance of its ordinance variations would be a positive improvement for this location.

3g. Sacrifice Basic Protections? The variation, if granted, will comply with the purposes and intent of the Zoning Code set forth in Section 5A-1-2(A) and summarized as follows; to lessen congestion, to avoid overcrowding, to prevent blight, to facilitate public services, to conserve land values, to protect from incompatible uses, to avoid nuisances, to enhance aesthetic values, to ensure an adequate supply of light and air, and to protect public health, safety, and welfare.

This proposal seeks to integrate this redevelopment into the existing nature of the property as seamlessly as possible. As such, it is necessary to request some relief so as not to disrupt the current use and value of the property, but rather to convert something unsightly and under-used into something very positive, useful, and gainful for the property owner and the City of Darien, its residents, and visitors.



CONCLUSION:

As discussed, the re-subdivision and the new drive-thru establishment will make this property more energized and seek to infill a vacancy to continue the development fabric along the central corridor of 75th street at Cass Ave, the City of Darien's unofficial "downtown" and a Key Development Area. Provided the evidence supplied in these findings of fact that fully support the use and the need for administrative relief, the applicant respectfully requests a favorable recommendation from Staff and its recommending bodies to the City Council for the project as proposed here within.

Respectfully Submitted-

Christopher A Jackson, Architect - NCARB, LEED-AP
President and Principal - CJ Architects, Inc.

CC: Vick Mehta

Attachments:

Boundary Survey with Topo and Utilities
Plat of Re-subdivision
Proposed Architectural Site Plan
Proposed Exterior Design Sketches
Traffic Memorandum
Kane-DuPage SWCD Application and Receipt
IDNR Consultation Review

PARCEL 2

LOT TWO
(DOC. R2016-69588)
OWNER: MILE HIGH PROPERTIES LLC
PIN: 09-27-108-031

LINE	BEARING	DISTANCE
L1	N 01°50'02" W	16.70'
L2	N 88°12'53" E	32.00'
L3	N 01°50'02" W	32.00'
L4	S 88°12'53" W	10.26'

PARCEL 2
OWNER: MC GUE FAMILY LLC
PIN: 09-27-108-032

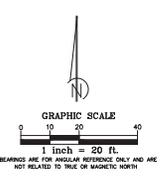
PARCEL 1
PART OF LOT ONE
(DOC. R2016-69588)

PARCEL 3
PART OF LOT 192
(DOC. R66-6422)

1 STORY BRICK & CONCRETE
43,842 S.F.
#7409, 7411, 7415

1 STORY BRICK
6,934 S.F.
#7421

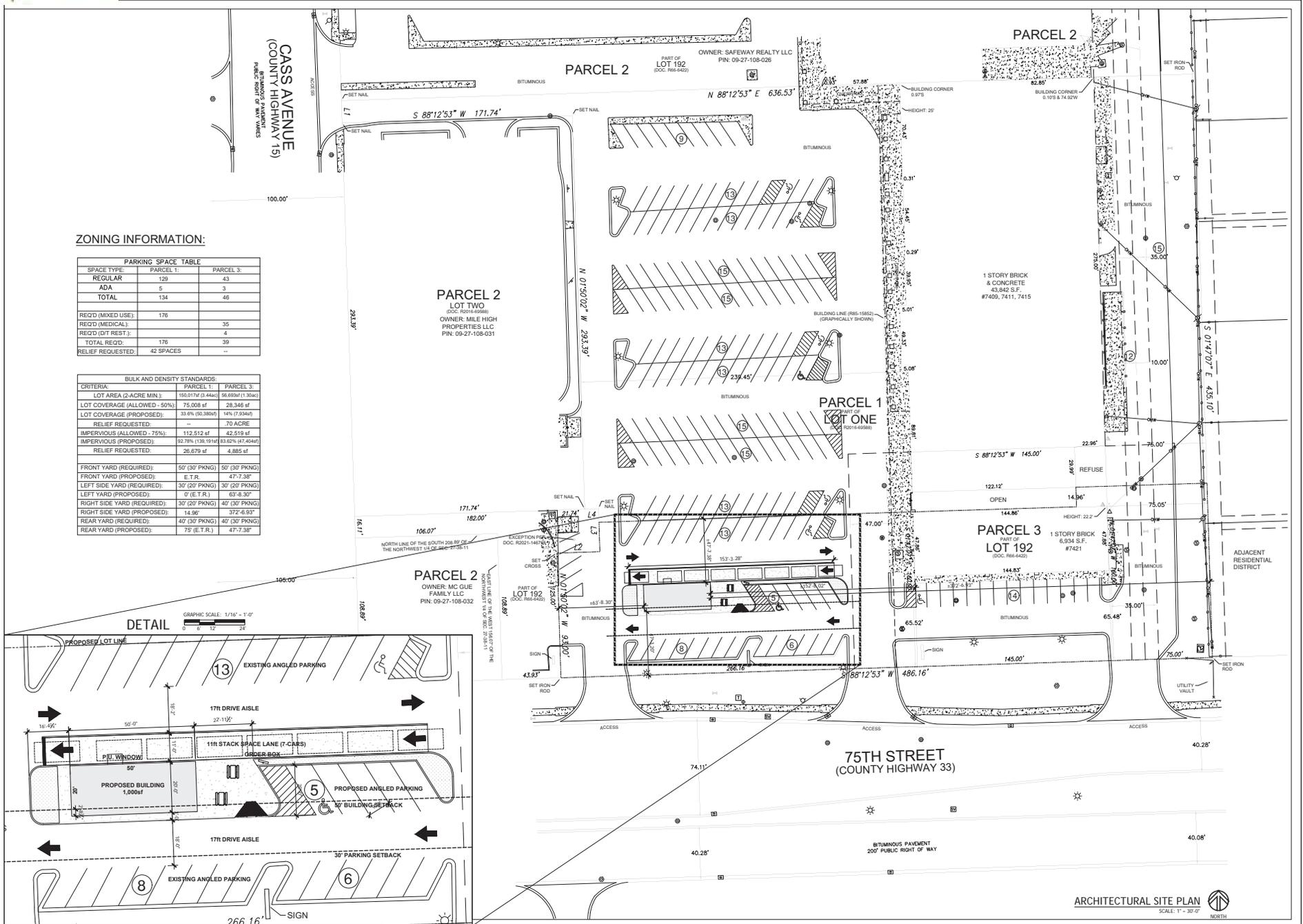
75TH STREET
(COUNTY HIGHWAY 33)



JLH LAND SURVEYING INC.
Illinois Professional Design Firm No. 184.007.20
910 Geneva Street, Shorewood, Illinois 60404
615.229.8000 www.jlhw.com

TOPOGRAPHIC AND BOUNDARY SURVEY
7409 CASS AVENUE
DARIEN, ILLINOIS 60561

SHEET
2 OF 2
23-1239-100



ZONING INFORMATION:

PARKING SPACE TABLE		
SPACE TYPE:	PARCEL 1:	PARCEL 3:
REGULAR	129	43
ADA	5	3
TOTAL	134	46
REQ'D (MIXED USE):	176	
REQ'D (MEDICAL):		35
REQ'D (D/T REST.):		4
TOTAL REQ'D:	176	39
RELIEF REQUESTED:	42 SPACES	--

BULK AND DENSITY STANDARDS		
CRITERIA:	PARCEL 1:	PARCEL 3:
LOT AREA (2-ACRE MIN.):	150,017.72 (3.44ac)	96,693.72 (1.30ac)
LOT COVERAGE (ALLOWED - 50%):	75,008 sf	28,340 sf
LOT COVERAGE (PROPOSED):	33.6% (50,380sf)	14% (7,934sf)
RELIEF REQUESTED:	--	70 ACRE
IMPERVIOUS (ALLOWED - 75%):	112,512 sf	42,519 sf
IMPERVIOUS (PROPOSED):	92,796 (138,191sf)	63,226 (47,454sf)
RELIEF REQUESTED:	28,679 sf	4,885 sf
FRONT YARD (REQUIRED):	50' (30' PKNG)	50' (30' PKNG)
FRONT YARD (PROPOSED):	E.T.R.	47'-7.38"
LEFT SIDE YARD (REQUIRED):	30' (20' PKNG)	30' (20' PKNG)
LEFT YARD (PROPOSED):	0' (E.T.R.)	63'-8.30"
RIGHT SIDE YARD (REQUIRED):	30' (20' PKNG)	40' (30' PKNG)
RIGHT YARD (PROPOSED):	14.96'	37'-6.93"
REAR YARD (REQUIRED):	40' (30' PKNG)	40' (30' PKNG)
REAR YARD (PROPOSED):	75' (E.T.R.)	47'-7.38"



SUBMITTAL HISTORY:	
DATE	REV.
JAN 19, 2024	P&C SUBMITTAL

cj architects, inc.
 Darien, IL
 773.383.6556
 DESIGN FIRM PROF. REG. #: 184.005807

NEW SPECULATIVE BUILDING
 O.S.R. WITH DRIVE-THRU
 7407 CASS AVE.
 DARIEN, IL 60551
 PROJECT CODE: NC-23.02

SHEET NAME
 ARCHITECTURAL
 SITE PLAN

ISSUED FOR REVIEW
SA-1.1
 1.18.2024

FINAL PLAT OF
INDVESTIA SUBDIVISION

BEING A RESUBDIVISION OF PART OF LOT ONE IN DARIEN ASSOCIATES SUBDIVISION, ACCORDING TO THE PLAT THEREOF
RECORDED JULY 8, 2016 AS DOCUMENT R2016-69588, IN DUPAGE COUNTY, ILLINOIS AND A PART OF LOT 192 IN HINSBROOK, UNIT #2,
A SUBDIVISION OF PART OF THE NORTH WEST QUARTER OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD
PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

SANITARY DISTRICT CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) S.S.
I, _____, DO HEREBY CERTIFY THAT THE REQUIRED
LETTER OF CREDIT IS POSTED FOR THE COMPLETION OF THE IMPROVEMENT COVERING
SANITARY SEWERAGE SYSTEM AND/OR SEWER LINES AND DOMESTIC WATER SUPPLY
SYSTEM AND/OR DISTRIBUTION LINES UNDER MY JURISDICTION BASED ON APPROVED
ENGINEER'S PLAN AND SPECIFICATIONS PREPARED BY A REGISTERED ENGINEER.

COUNTY SUPERINTENDENT OF PUBLIC WORKS DEPARTMENT

PLAN COMMISSION CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) S.S.
APPROVED BY THE PLAN COMMISSION OF THE CITY OF DARIEN, DUPAGE COUNTY,
ILLINOIS THIS ____ DAY OF _____, 20__.

CHAIRMAN

CITY ENGINEER'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DU PAGE) S.S.
I, _____, CITY ENGINEER OF THE CITY OF DARIEN,
ILLINOIS, HEREBY CERTIFY THAT THE LAND IMPROVEMENTS DESCRIBED IN THE
ANNEXED PLAT AND THE PLANS AND SPECIFICATIONS THEREFOR MEET THE MINIMUM
REQUIREMENTS OF SAID CITY AND HAVE BEEN APPROVED BY ALL PUBLIC AUTHORITIES
HAVING JURISDICTION THEREIN.

OWNER'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DU PAGE) S.S.
THIS IS TO CERTIFY THAT THE UNDERSIGNED IS THE OWNER OF THE LAND DESCRIBED IN
THE ANNEXED PLAT AND HAS CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED,
AS INDICATED THEREON, FOR THE USES AND PURPOSES THEREIN SET FORTH, AND
DOES HEREBY KNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE
THEREON INDICATED.

ADDRESS
DATED THIS ____ DAY OF _____, A.D., 20__.

NOTARY'S CERTIFICATE

STATE OF _____) S.S.
COUNTY OF _____)
I, _____, A NOTARY PUBLIC IN AND FOR THE SAID COUNTY
IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT _____
PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED
TO THE FOREGOING INSTRUMENT AS SUCH OWNERS, APPEARED BEFORE ME THIS DAY IN
PERSON AND JOINTLY AND SEVERALLY ACKNOWLEDGED THAT THEY SIGNED THE ANNEXED
PLAT AS THEIR OWN FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN
SET FORTH.

NOTARY PUBLIC SIGNATURE
MY COMMISSION EXPIRES ON ____ MONTH ____ DATE, A.D., 20__.

STATE LETTER REQUIREMENT

STATE OF ILLINOIS)
COUNTY OF DUPAGE) S.S.
TO THE BEST OF OUR KNOWLEDGE AND BELIEF THE DRAINAGE OF SURFACE WATERS
WILL NOT BE CHANGED BY THE CONSTRUCTION OF SUCH SUBDIVISION OR ANY PART
THEREOF, OR THAT IF SUCH SURFACE WATER DRAINAGE WILL BE CHANGED, ADEQUATE
PROVISION HAS BEEN MADE FOR COLLECTION AND DIVERSION OF SUCH SURFACE
WATERS INTO PUBLIC AREAS OR DRAINS WHICH THE SUBDIVIDER HAS A RIGHT TO USE,
AND THAT SUCH SURFACE WATERS WILL NOT BE DEPOSITED ON THE PROPERTY OF
ADJOINING LAND OWNERS IN SUCH CONCENTRATIONS AS MAY CAUSE DAMAGE TO THE
ADJOINING PROPERTY BECAUSE OF THE CONSTRUCTION OF THE SUBDIVISION.

DATED THIS ____ DAY OF _____, 20__.

OWNER OR ATTORNEY

REGISTERED PROFESSIONAL ENGINEER

CERTIFICATE AS TO SPECIAL ASSESSMENTS

STATE OF ILLINOIS)
COUNTY OF DUPAGE) S.S.
I, _____, CITY TREASURER OF THE CITY OF DARIEN, DO
HEREBY CERTIFY THAT THERE ARE NO DELINQUENT OR UNPAID CURRENT OR
FORFEITED SPECIAL ASSESSMENTS OF ANY DEFERRED INSTALLMENTS THEREOF THAT
HAVE BEEN APPORTIONED AGAINST THE TRACT OF LAND INCLUDED IN THE PLAT.

DATED AT DARIEN, DUPAGE COUNTY, ILLINOIS THIS ____ DAY OF _____, 20__.

CITY TREASURER

RECORDER'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF WINNEBAGO) S.S.
FILED FOR RECORD THIS ____ DAY OF _____, AT ____ O'CLOCK
____ M., RECORDED IN BOOK ____ OF PLATS, PAGE ____ AND EXAMINED.

LORI GUMMOW, WINNEBAGO COUNTY RECORDER

COUNTY CLERK CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) S.S.
I, _____, COUNTY CLERK OF DUPAGE COUNTY, ILLINOIS,
DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID
FORFEITED TAXES, AND NO REDEEMABLE TAX SALES AGAINST ANY OF THE LAND
INCLUDED IN THE ANNEXED PLAT.

COUNTY CLERK

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF WILL) S.S.
THIS IS TO CERTIFY THAT I, JAMES L. HARPOLE, REGISTERED ILLINOIS LAND SURVEYOR
NO. 3190, HAVE SURVEYED AND SUBDIVIDED THE FOLLOWING PROPERTY:

LOT ONE IN DARIEN ASSOCIATES SUBDIVISION OF PART OF THE NORTHWEST QUARTER
OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN,
ACCORDING TO THE PLAT THEREOF RECORDED JULY 8, 2016 AS DOCUMENT
R2016-69588, IN DUPAGE COUNTY, ILLINOIS.

AND
THE WEST 145.0 FEET OF THE EAST 220.0 FEET OF THE SOUTH 160.0 FEET OF LOT 192 IN
HINSBROOK, UNIT #2, A SUBDIVISION OF PART OF THE NORTH WEST QUARTER OF
SECTION 27, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN,
IN DUPAGE COUNTY, ILLINOIS.

EXCLUDING THAT PORTION FALLING WITHIN THE FOLLOWING PROPERTY CONVEYED TO
MCQUEE FAMILY, LLC - FARMS, PURSUANT TO TRUSTEES DEED RECORDED OCTOBER 4,
2021, AS DOCUMENT R2021-146795:

THE WEST 150.0 FEET OF THE SOUTH 208.80 FEET OF THE NORTHWEST 1/4 OF SECTION
27, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN
DUPAGE COUNTY, ILLINOIS, EXCEPTING THEREFROM THAT PART HERETOFORE
DEDICATED FOR PUBLIC ROADWAY BY INSTRUMENT RECORDED OCTOBER 11, 1971 AS
DOCUMENT R71-54639.

AS SHOWN BY THE ANNEXED PLAT, WHICH IS A CORRECT REPRESENTATION OF SAID
SURVEY AND SUBDIVISION, ALL DISTANCES ARE SHOWN IN FEET AND DECIMALS
THEREOF. I FURTHER CERTIFY THAT ALL REGULATIONS ENACTED BY THE MAYOR AND
CITY COUNCIL, OF THE CITY OF DARIEN RELATIVE TO PLATS AND SUBDIVISIONS HAVE
BEEN COMPLIED WITH IN PREPARATION OF THIS PLAT. I FURTHER CERTIFY THAT THE
LAND IS WITHIN THE CITY OF DARIEN (OR WITHIN ONE AND ONE-HALF (1 1/2) MILES OF
THE CORPORATE LIMITS OF THE CITY OF DARIEN WHICH HAS ADOPTED A CITY
COMPREHENSIVE PLAN AND MAP AND IS EXERCISING THE SPECIAL POWERS
AUTHORIZED BY DIVISION 12 OF ARTICLE 11 OF THE ILLINOIS MUNICIPAL CODE AS
AMENDED. I FURTHER CERTIFY THAT THE LANDS SHOWN ON THIS PLAT ARE NOT
SITUATED WITHIN 500 FEET OF ANY SURFACE DRAIN OR WATERCOURSE SERVING A
TRIBUTARY AREA OF 640 ACRES OR MORE AND THIS PLAT HAS BEEN REVIEWED BY THE
DEPARTMENT OF PUBLIC WORKS AND BUILDINGS FOR THE PURPOSE OF DETERMINING,
FOR THE PROTECTION OF PERSONS AND PROPERTY, THE FLOOD HAZARDS INVOLVED
AND A REPORT THEREON FILED BY THAT DEPARTMENT WITH THE RECORDER OF DEEDS.

CONTAINING 56,692.89 SF. FT., OR 1.30 ACRES.
DIMENSIONS ARE GIVEN IN FEET AND DECIMALS OF A FOOT.

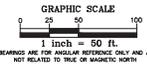
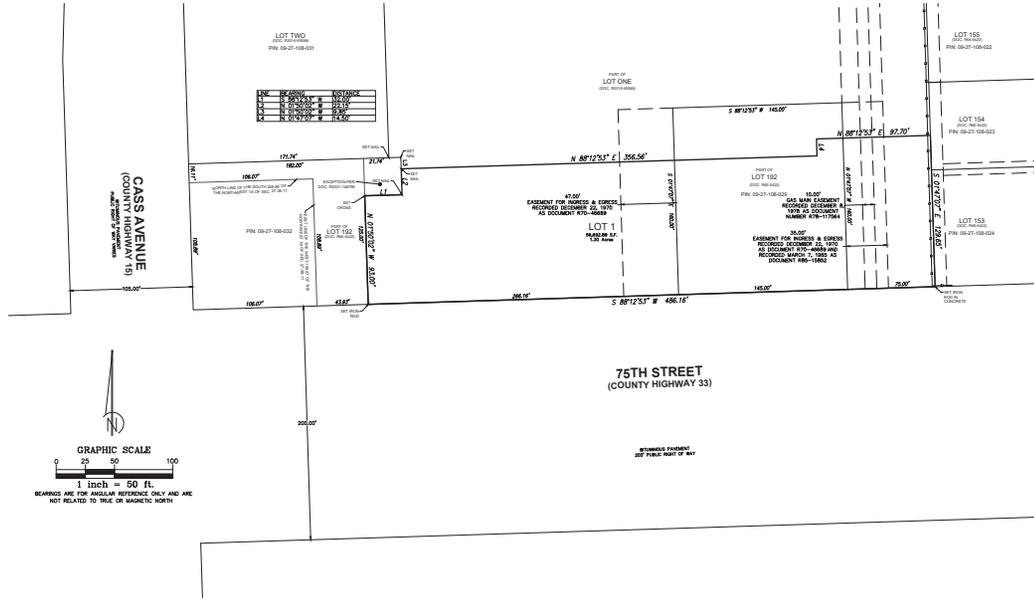
I HEREBY CERTIFY THAT NONE OF THE PROPERTY COVERED BY THIS PLAT IS SITUATED
WITHIN A SPECIAL FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY
MANAGEMENT AGENCY FOR THE CITY OF DARIEN ON PANEL NO. 17043C018AD, DATED
AUGUST 1, 2019.

THE BASIS FOR ALL BEARINGS ARE ILLINOIS STATE PLANE COORDINATE SYSTEM, NORTH
AMERICAN DATUM (NAD) 1983, EAST ZONE.

GIVEN UNDER MY HAND AND SEAL THIS ____ DAY OF _____, 20__
AT SHOREWOOD, IL.

PRELIMINARY

JAMES L. HARPOLE
ILLINOIS PROFESSIONAL LAND SURVEYOR # 035-0406
LICENSE EXPIRES NOVEMBER 30, A.D., 2024.



JLH LAND SURVEYING INC.
Illinois Professional Design Firm No. 08.007.20
910 Geneva Street, Shorewood, Illinois 60404
615.228.8000 www.jlhlansurvey.com



SURVEY PREPARED FOR:
INVESTIA DARIEN LLC
718 OGDEN AVENUE
DOWNERS GROVE, IL 60515

Table with columns for DATE and REVIEWER.

PLAT OF SUBDIVISION
7409 CASS AVENUE
DARIEN, ILLINOIS

PROJ. MGR. JAH
DRAWN BY JAH
CHECK BY JAH
FIELD DATE 03/22/23
SCALE 1"=60'

SHEET
1 of 1
23-1239-100A



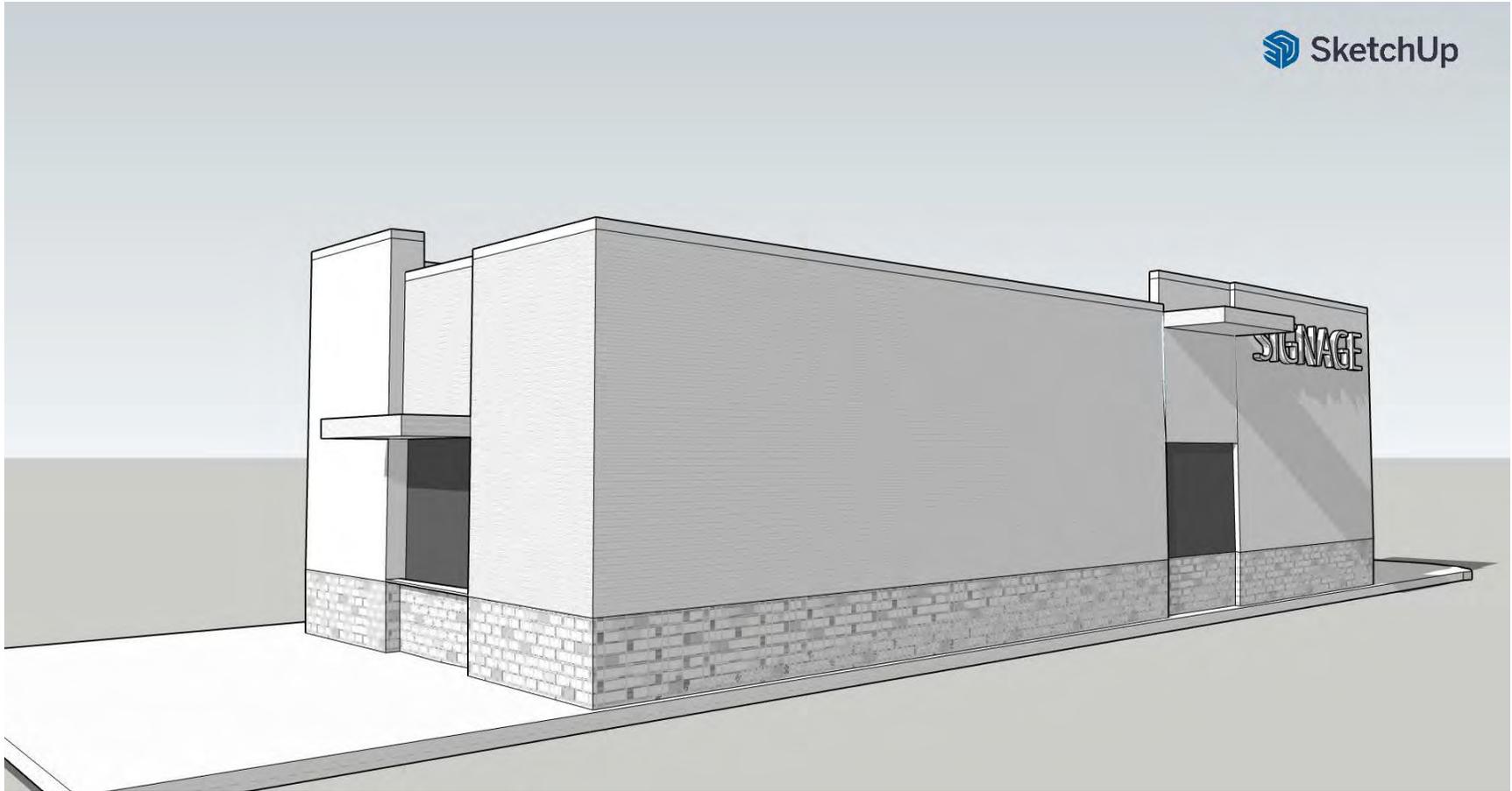
SOUTH / EAST FAÇADES



SOUTH / WEST FAÇADES



NORTH / WEST FAÇADES



NORTH / EAST FAÇADES



TECHNICAL MEMORANDUM

DATE: January 16, 2024

TO: Christopher A. Jackson, CJ Architects, Inc.

FROM: Peter Reinhofer, P.E., V3 Companies

RE: **Proposed Quick-Service Facility Technical Memorandum**
75th Street & Cass Avenue, Darien Illinois

V3 Companies has been retained by CJ Architects to conduct a trip generation study for a proposed quick-service restaurant with a drive-through and no indoor seating located in the existing parking lot at the northeast corner of the intersection of 75th Street and Cass Avenue in Darien, Illinois. The site currently consists of a multiple building retail center with outlots and surface parking lots. The proposed development will replace 30 surface parking stalls with a 1,000 square foot building intended to be a pre-order pick-up concept in the quick service, fast casual restaurant space. A drive through window and an outdoor patio will also be provided with five parking spaces.

There are currently five access driveways to the retail center, two full access driveways and one right in/right out driveway on Cass Avenue and three right in/right out driveways on 75th Street. The proposed building would be accessible from all three driveways. A site location map and conceptual site plan are attached.

The purpose of this Technical Memorandum is to evaluate the potential traffic impacts of the proposed quick-service outbuilding. This Technical Memorandum will evaluate the existing conditions around the site and estimate the number of vehicle trips generated by the proposed development.

Project Conditions

Cass Avenue is a north-south roadway that is classified as a minor arterial and typically provides two travel lanes in each direction with a two-way left turn lanes that provides access to local streets and residential and commercial driveways. Cass Avenue has sidewalks along the east and west side of the roadway and a posted limit of 35 mph. Cass Avenue is under DuPage County jurisdiction.

75th Street is an east-west roadway that is classified as a Strategic Regional Arterial and provides three travel lanes in each direction separated by a raised landscaped median that provides left turn access to other arterials, local streets, and commercial driveways. 75th Street has sidewalks along the north and south side of the roadway, Southern DuPage County Regional Trail is located on south side of 75th Street east of Cass Avenue. 75th Street has a posted speed limit of 45 mph eastbound and a school zone posted speed limit of 20 mph west of Cass Avenue. 75th Street is under DuPage County jurisdiction.

The intersection of *Cass Avenue* and *75th Street* is a signalized intersection. The northbound approach consists of one left turn lane, one through lane, and one shared through/right turn lane while the southbound approach consists of one left turn lane, two through lanes, and one right turn lane. The eastbound and westbound approaches of *75th Street* consist of two left turn lanes, three through lanes, and one right turn lane. There are marked crosswalks along all approaches with sidewalks and pedestrian signals present.

The existing intersection lane configurations are included in the Exhibits.

Since the development proposes to reduce the parking area, parking observations were conducted during the weekday morning, midday, and evening time periods over several days. The parking observations included collecting the number of occupied parking spaces in the vicinity of the proposed development totaling 205 parking spaces. Overall, the observations indicate that the parking area is not well utilized with the exception of the parking area on the south side adjacent to the immediate care facility. A summary of parking counts and data are attached as well.

Proposed Vehicle Trip Generation

The proposed development consists of a quick-service outbuilding totaling 1,000 square feet with a drive-thru window and no indoor seating. Project traffic is estimated using the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 11th Edition*. The following land use categories are used to determine project traffic:

Coffee/Donut Shop with Drive-Through Window and No Indoor Seating (ITE Land Use Code 938) – This land use includes any coffee and donut restaurant that has only drive-through window service. A patron cannot walk into the shop and purchase items. The restaurant sells freshly brewed coffee (along with coffee-related accessories) and a variety of food/drink products such as donuts, bagels, breads, muffins, cakes, sandwiches, wraps, salads, and other hot and cold beverages. The restaurant marketing and sales may emphasize coffee beverages over food (or vice versa). The coffee/donut shops contained in this land use typically hold long store hours (more than 15 hours) with an early morning opening.

The *Trip Generation Manual, 11th Edition* estimates trip generation for each land use based on a peak period and an independent variable. In this case, the applicable variable is drive-through lanes for the quick-service shop. The weekday am and weekday pm peak hour trip generation is calculated using either the average rate or fitted curve equation when available. The am and pm peak hour trip generation equations are selected for weekday, peak hour of adjacent street traffic for one hour from 7:00 am to 9:00 am and 4:00 pm to 6:00 pm.

As documented in the *ITE Trip Generation Manual, 11th Edition*, some land uses do not typically generate all new traffic on the roadway system. The total traffic generation is a combination of pass-by trips, or traffic drawn from the existing traffic flow on the adjacent streets, and primary trips, which represent

new traffic drawn to the roadway network. In order to assess the pass-by trips, the data published in the ITE *Trip Generation Handbook, 3rd Edition* was utilized to estimate the pass-by percentages for the applicable land uses. It should be noted that pass-by trip reductions do not reduce the total number of trips into and out of the site, but decrease the number of new trips on the roadway network.

The total trip generation for the site consists of the ITE trip generation with the pass-by trip reassignment applied. A summary of trip generation for the proposed development is provided in Table 1.

Table 1: Trip Generation

LUC	LAND USE	SIZE	Weekday AM			Weekday PM		
			In	Out	Total	In	Out	Total
938	Coffee/Donut Shop with Drive-Through Window and No Indoor Seating	1 Drive-Through Lanes	18	18	36	8	7	15
	<i>Internal Capture Reduction:</i>		-2	-2	-4	-2	-2	-4
	<i>Pass-By Trips:</i>		-14	-14	-28	-5	-5	-10
Total Trip Generation:			18	18	36	8	7	15
<i>Less Internal Capture:</i>			-2	-2	-4	-2	-2	-4
<i>Internal Capture Rate:</i>			11%			27%		
Total External Trips			16	16	32	6	5	11
<i>Less Pass-by:</i>			-14	-14	-28	-5	-5	-10
Total New Traffic Generated on Network:			2	2	4	1	0	1

It should be noted that the ITE *Trip Generation Handbook* methodology for internal capture is applicable since it is very likely that existing trips to the adjacent developments will also stop by the proposed quick-service development. For the purpose of this analysis, it is assumed that an overall internal capture ranges from 11 percent to 27 percent for the weekday peak hours. This results in the proposed development only adding four trips and one trip during the weekday am peak hour and weekday pm peak hour, respectively.

Access Evaluation

The proposed development will be accessed through the three existing driveways along 75th Street and three driveways along Cass Avenue. The proposed development will replace 30 original parking stalls into a 1,000 square foot facility with an eight vehicle drive-through lane, outdoor patio, raised curb landscape areas, and five parking spaces. It is our understanding that there are no other known planned roadway improvements or developments that will impact the existing traffic patterns in the study area. Based on the development only adding four and one vehicle trips during the weekday peak hours and the multiple access points along 75th Street and Cass Avenue, it is anticipated that this development will have minimal traffic impact on the local roadway network.

Conclusion

The purpose of this study is to evaluate the traffic generated by a proposed development that will replace 30 original parking stalls into a 1,000 square foot facility with an eight vehicle drive-through lane, outdoor patio, raised curb landscape areas, and five parking spaces located in the northeast corner of 75th Street and Cass Avenue. Access to the site will remain in the existing configuration with three access points along 75th Street and three access points on Cass Avenue.

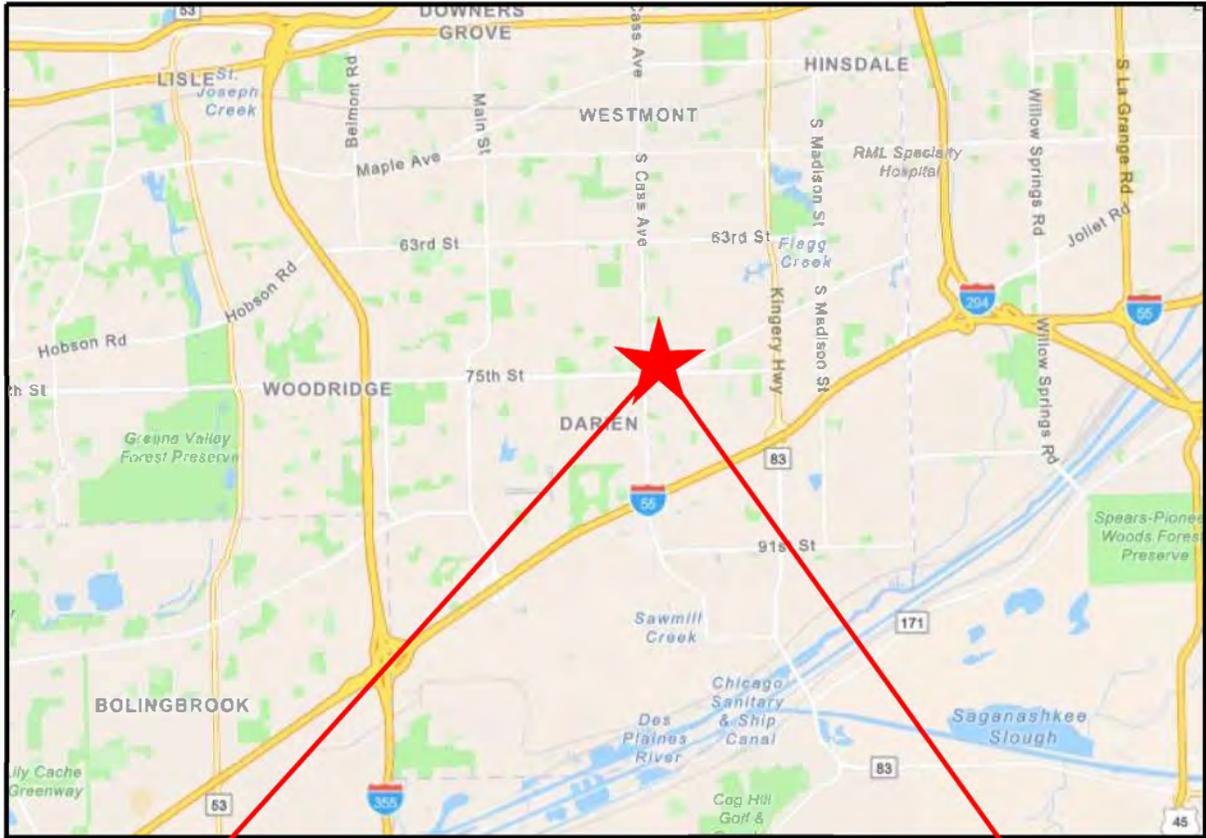
A trip generation evaluation was conducted, and based on the amount of vehicle trips generated by the proposed development, it is our professional opinion that the new traffic generated by the site will have minimal impact to the roadway network.

Exhibits

Site Location Map

Conceptual Site Plan

Existing Lane Configuration



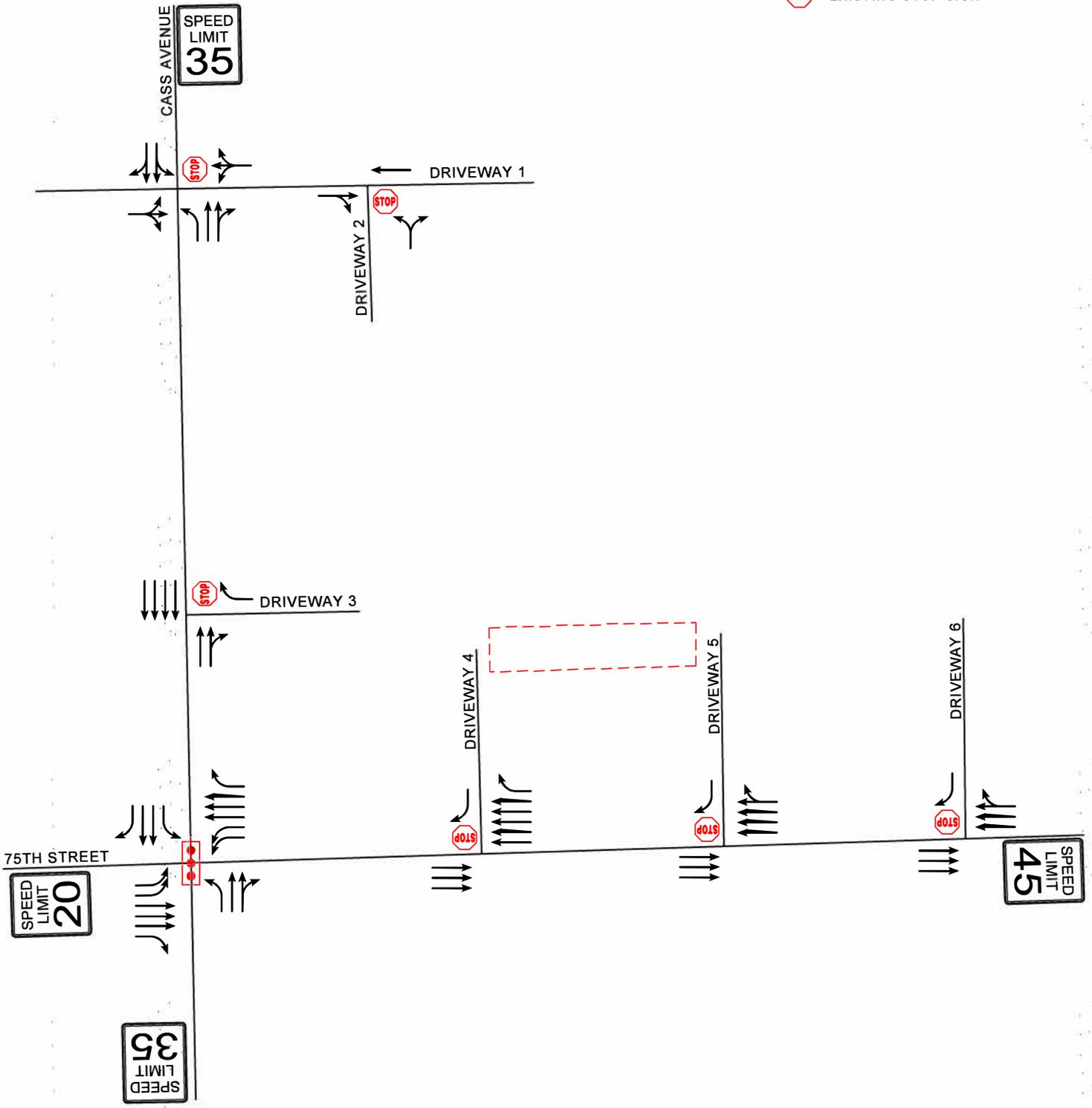
PROPOSED COFFEE SHOP

**FIGURE 1
SITE LOCATION MAP**



LEGEND

-  - EXISTING TRAFFIC SIGNAL
-  - EXISTING STOP SIGN



PROPOSED COFFEE SHOP

FIGURE 3
EXISTING LANE CONFIGURATION



Proposed Quick-Service Facility
 Parking Count Summary at 7409 S. Cass Ave.

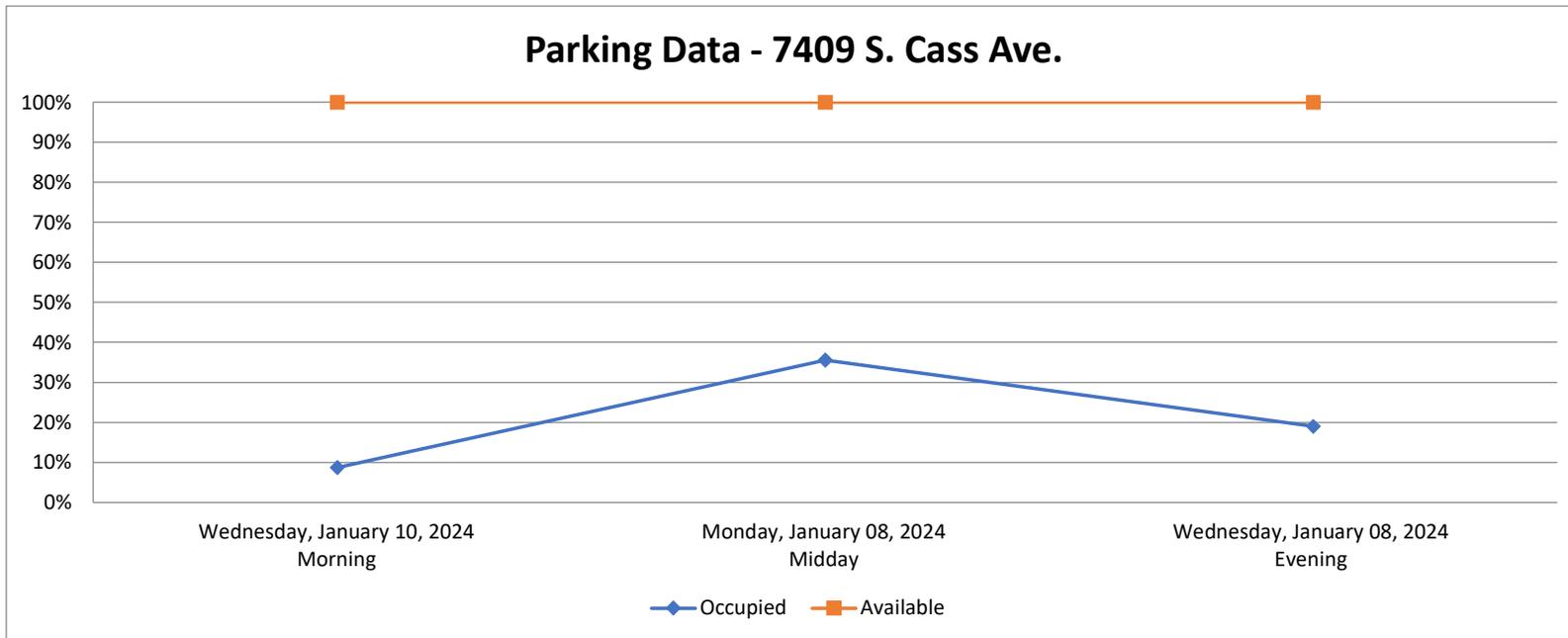


Zone	Total Spaces		Morning	Midday	Afternoon
1	14	Occupied	6	13	3
		Available	8	1	11
2	29	Occupied	4	12	4
		Available	25	17	25
3	28	Occupied	4	5	2
		Available	24	23	26
4	28	Occupied	2	7	4
		Available	26	21	24
5	28	Occupied	0	4	3
		Available	28	24	25
6	28	Occupied	0	6	4
		Available	28	22	24
7	28	Occupied	1	10	7
		Available	27	18	21
8	22	Occupied	1	16	12
		Available	21	6	10

Wednesday, January 10, 2024 Morning	Occupied	18
	Available	187

Monday, January 08, 2024 Midday	Occupied	73
	Available	132

Wednesday, January 08, 2024 Evening	Occupied	39
	Available	166





Cass Avenue

75th Street

Zone 8

Zone 7

Zone 6

Zone 5

Zone 4

Zone 3

Zone 2

Zone 1

9

22

13

13

28

15

15

28

13

13

28

15

15

28

13

13

28

15

15

29

6

6

14









CHRISTOPHER B. BURKE ENGINEERING, LTD.

9575 W Higgins Road, Suite 600 Rosemont, Illinois 60018-4920 Tel (847) 823-0500 Fax (847) 823-0520

January 31, 2024

City of Darian
1702 Plainfield Road
Darien, Illinois

Attention: Jordan Yanke

Subject: Cass and 75th – Indvestia Subdivision
(CBBEL Project No. 950323.H0257)

Dear: Jordan

As requested on January 23, 2024, we have reviewed the Final Plat of Indvestia Subdivision as prepared by JLH Land Surveying Inc. and dated March 22, 2023. Supporting documents such as previous plats, a topographic survey, and architect's site plan were also provided. The following comments shall be addressed before we can recommend approval:

Code Compliance Comments

1. We presume that no Preliminary Plat will be required.
2. Section 5B-1-6.B.3.d provides that ties are required to municipal, township or section lines of the subdivision by distance and angle.
3. Section 5B-1-6.B.4.h requires a City Treasurer Certificate (Exhibit H) on the plat.

General Comments

1. The proposed Lot 1 encompasses the existing urgent care building (7409 Cass Ave.) which would result in two buildings on the lot if the proposed building is constructed. We understand that the applicant will apply for zoning relief to allow the proposed configuration.
2. While there is an existing access easement for the service drive behind the buildings and the primary driveway in front of the main existing buildings, there is no access easement for the existing driveway west of the proposed building. It would seem appropriate to grant such an easement as part of this plat.
3. It does not appear that there are existing easements for any watermain which may (or may not) be on this lot.
4. We note that engineering plans for the proposed development have not been submitted for review.
5. There is currently a dead-end watermain serving the two restaurants with frontage on Cass Avenue. It may be necessary to loop this watermain for appropriate water supply and fire protection. If doing so, an easement would be required for the main.

6. The applicant should verify with Du Page County Public Works that there is a sanitary sewer available, or if one needs to be extended to the subject site.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Daniel L. Lynch, PE, CFM
Head, Municipal Engineering Department

Cc Dan Gombac, City of Darien

DRAFT

MINUTES CITY OF DARIEN
PLANNING & ZONING COMMISSION MEETING

Wednesday, February 7, 2024

PRESENT: Bryan Gay, Shari Gillespie, Hilda Gonzalez, Chris Green, Chris Jackson, Jonathan Johnson, Julie Kasprovicz

ABSENT: Robert Erickson, Lou Mallers - Chairperson

OTHER: Jordan Yanke – City Planner

Mr. Jordan Yanke, City Planner called the meeting to order at 7:00 p.m. at the Darien City Hall, Council Chambers, 1702 Plainfield Road, Darien, Illinois. Mr. Yanke declared a quorum present and called on Commissioner Bryan Gay to step in as Acting Chairperson in Chairperson Lou Maller's absence.

Commissioner Gillespie made a motion, seconded by Commissioner Gonzalez, to appoint Commissioner Gay as Acting Chairperson. Upon voice vote, THE MOTION CARRIED unanimously, and Commissioner Gay stepped in as Acting Chairperson.

Mr. Yanke reported that a Commissioner would be recusing himself from Commission discussion and voting on the public hearing petition on the agenda. Commissioner Chris Jackson stood up and formally recused himself and sat down in the public seating area of the Council Chambers.

Regular Meeting – New Business

- a. **Public Hearing – PZC2024-01 – 7409 Cass Avenue – Indvestia Darien LLC – Petition from Indvestia Darien LLC for a special use request pursuant to Section 5A-8-3-4 of the zoning ordinance, plat of resubdivision, and variations as deemed necessary. The petition specifically requests to allow for the construction of a quick service drive-through eating establishment offering retail food or drink items for consumption. The Property is located within the B-2 Community Shopping Center Business District.**

Mr. Jordan Yanke, City Planner reported that the subject property is a special use request, more commonly known as the location of Jewel-Osco, Chuck E Cheese and Concentra, specifically located behind Taco Bell and Buona Beef. He noted that there are a number of parcels in this case, and that the petitioner is the owner of the Southern half of the overall center where the subject property is located. Mr. Yanke reported that the subject property is located off the Northeastern corner of 75th Street and Cass Avenue, and further reported that the petitioner took ownership control of the area last year.

Mr. Yanke reported that the proposal is for a 1,000 square foot new construct building with a special use request for a drive-through in the B-2 district. He reported that the applicant does not have an end user at this time but intends to use the space as a quick-service food establishment with a drive-through. Mr. Yanke further reported that the subject property will require a resubdivision with new lot lines to subdivide the existing parcels.

Mr. Yanke reported that there are variances with the application request and noted that there is a stacking space requirement with the code, that being a 15 stacking space requirement, while the proposal has 7 stacking spaces. He further noted that there will be minimum parking variance as well and setback variations for the proposed new lot line.

Acting Chairperson Bryan Gay swore in the audience members wishing to present public testimony.

The petitioner and petitioner representative, Vick Mehta and Chris Jackson, respectively, were present.

Mr. Vick Mehta introduced himself as the owner of Investia Capital, a local real estate investment firm primarily focused on retail shopping centers. Mr. Mehta reported that his firm purchased the subject property in May of 2023.

Mr. Chris Jackson introduced himself as the owner of CJ Architects, a Darien-based architecture firm that has worked with the petitioner for several years.

Commissioner Sharie Gillespie questioned if the storefront will be facing 75th Street.

Mr. Jackson stated that the intention is to have the drive-through stacking spaces on the back side of the building and the storefront facing 75th Street.

Commissioner Jonathan Johnson questioned where the drive-through would be if pulling into the lot from 75th Street.

Mr. Jackson stated there are 3 ingress/egress points along 75th Street, 2 of which would take one to the East side of the drive-through entrance. He stated one would travel West and would have the option of exiting onto 75th Street or Cass Avenue.

Acting Chairperson Bryan Gay questioned if the item in figure 2 was a call-box from the middle of the aisle facing South.

Mr. Jackson confirmed that the item is an order box.

Acting Chairperson Gay questioned if the expectation is to have customers enter the site from the West entrance and follow through around the drive-through.

Mr. Jackson stated one can enter the lot from Cass Avenue and make a right into the drive-through entrance or can enter the lot from 75th Street and make a left into the drive-through

entrance. He stated that there are enough stacking spaces to have an order be taken and cars can move through systematically.

Commissioner Johnson questioned how far off 75th Street the building will be.

Mr. Jackson stated the building will be about 47.5' with the ask being a 2.5' encroachment and 50' is the setback.

Commissioner Hilda Gonzalez questioned if the restaurant will be placed behind Buona Beef.

Mr. Jackson stated it will be between Taco Bell and Concentra, more prominent on 75th Street.

There was some conversation regarding the specific placement of the proposed building.

Commissioner Gonzalez questioned if the drive-through would have an enter/exit on the same side one would enter Buona Beef.

Mr. Jackson stated that there is an ingress/egress off Cass Avenue.

There was some conversation regarding entering and exiting the Buona Beef area.

Acting Chairperson Gay questioned if the petitioner had control over the islands in Zone 8 per traffic study and suggested there be proper signage for clear direction to the drive-through.

There was some conversation clarifying the location of Zone 8 and the use of signage in that area.

Commissioner Julie Kasprovicz questioned if there was intention to receive a liquor license.

Mr. Vick Mehta stated there is no intention to have indoor seating in the building, it will strictly be a drive-through and a walk-up window for summertime.

Acting Chairperson Gay opened the meeting to anyone wishing to present public comment.

Mr. Charlie Tucker questioned whether studies had been conducted as pertaining to anticipated traffic levels daily.

Mr. Yanke stated there was a traffic memo submitted and reported that the trip generation on a weekday morning would be 36 and, in the evening, would be 15. He noted an overall internal capture ranged from 11-27% for weekday peak hours, only adding 4 trips and 1 trip during weekday a.m. and p.m. peak hours, respectively.

Mr. Jackson clarified that the net traffic added to already existing traffic in that location would be 5.

Mr. Anthony Ramos stated that he lived in the Hinsbrook area. He stated it is exciting to see some economic development in the area and to see more people contributing to the local economy and bringing more people to Darien. He further stated that he has lived in the area for about 10 years and is excited to see a development fulfill that part of the lot.

There was no one else wishing to present public comment.

Acting Chairperson Gay turned it back to the Commission for comment.

Commissioner Kasprowicz questioned if there should be concern as to what will occupy the proposed building.

Mr. Yanke stated that the subject property is only proposed as an eating establishment with drive-through and that the Commission could condition the case to only allow that type of use, meaning it could not change to other underlying uses unless petitioned for through public hearing.

Acting Chairperson Gay questioned whether there would be outdoor seating at the proposed establishment.

Mr. Mehta stated there is intention to set up picnic tables during summertime.

There was some conversation surrounding the use of the outdoor space and parking spaces.

There was further conversation pertaining to conditions of the proposed petition.

Commissioner Gonzalez made a motion, and it was seconded by Commissioner Johnson to approve – PZC2024-01 – 7409 Cass Avenue – Indvestia Darien LLC – Petition from Indvestia Darien LLC for a special use request pursuant to Section 5A-8-3-4 of the zoning ordinance, plat of resubdivision, and variations as deemed necessary. The petition specifically requests to allow for the construction of a quick service drive-through eating establishment offering retail food or drink items for consumption. The Property is located within the B-2 Community Shopping Center Business District with the following conditions:

- 1. Proper signage is placed for customers to enter and exit the establishment.**
- 2. The building shall only be used as an eating establishment in conjunction with drive-through facility.**

Upon roll call vote the MOTION CARRIED 7-0.

Mr. Yanke reported that the petition would be forwarded to the Municipal Services Committee on February 26, 2024 at 6:00 p.m.

Staff Updates & Correspondence

Mr. Yanke reported that the autobody shop to fulfill the vacant CVS lot has withdrawn their plans.

Approval of Minutes

Commissioner Kasprowicz made a motion, and it was seconded by Commissioner Jackson to approve the November 15, 2023 and the December 6, 2023 Regular Meeting Minutes.

Upon roll call vote, THE MOTION CARRIED 7-0.

Next Meeting

Mr. Yanke that the next meeting is to be announced at a future date.

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, Commissioner Gillespie made a motion, and it was seconded by Commissioner Kasprovicz. Upon voice vote, THE MOTION CARRIED unanimously, and the meeting adjourned at 7:40 p.m.

Respectfully Submitted:

Approved:

X

Jessica Plzak
Secretary

X

Lou Mallers
Chairperson

AGENDA MEMO
Municipal Services Committee
February 26, 2024

ISSUE STATEMENT

A **resolution** authorizing the Mayor to execute a contract for the 2024 Landscape Maintenance Services within the 75th Street Right of Ways, Clock Tower and 8 Entrance Way Planting Beds in an amount not to exceed \$38,200.00 between the City of Darien and JC Landscaping & Tree Services for the following locations:

75th Street Planting Beds
Clock Tower
City Hall Complex
Entrance Way Planting Beds

AND

A **motion** authorizing a contingency with JC Landscaping & Tree Services in the amount of \$5,500 for replacement of plant materials and plant enhancements for the 2024 Landscape Maintenance Services, pending budget approval.

BACKGROUND

Over the last several years the City has added beautification landscape projects that include various types of planting beds. The planting beds require ongoing maintenance to maintain an aesthetically pleasing site throughout town. The locations are identified as follows:

Roadside Rights of Way-75th Street

1. 75th Street and Plainfield Road-East
2. 75th Street and Plainfield Road-West
3. 75th Street and Plainfield Road-Berm
4. 75th Street and Cass Ave-East
5. 75th Street and Cass Ave-West
6. 75th Street and Adams Street-East
7. 75th Street and Adams Street-West
8. 75th Street and Williams Ave-East (Park Ave.)

Roadside Rights of Way-Specified Facilities-City Entrance Signs

1. Plainfield Road Northern Right of Way-West of Route 83
2. Plainfield Road Northern Right of Way-Evergreen trees-planting bed
3. 83rd Street Southern Right of Way-East of Janes Ave
4. 75th Street Southern Right of Way-East of Lemont Road
5. 75th Street Southern Right of Way-West of Route 83
6. Cass Ave-Eastern Right of Way-North of Frontage Road
7. Cass Ave-Western Right of Way-South of 67th Street
8. Lemont Road-Eastern Right of Way-North of I-55
9. 87th Street-Southern Right of Way-East of Woodward

City of Darien-Clock Tower-Cass Ave / Plainfield Road-North East Corner

City of Darien City Hall Complex 1702 Plainfield Road

The landscape maintenance contract calls out for the following:

1. Spring clean-up
2. Weeding and Cultivating on a Weekly basis
3. Mulching
4. Trimming of plant material
5. Plant material replacement
6. Plant material enhancement

The previous vendor Lakewood Paving costs were in the amount of a base price of \$40,817.90. The cost savings with the proposed vendor is \$2,617.90. While Lakewood did have an additional extension for the 24-25 season, the City chose not to exercise the extension.

Attached and labeled as [Attachment A](#), is the schedule of prices for the various locations. The proposed expenditure would be spent from the following account:

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	FY 24/25 BUDGET	CONTINGENCY FOR PLANTINGS	PROPOSED EXPENDITURE
01-30-4350	Forestry 75 th Street Planters	\$14,000.00	\$1,000	\$15,000.00
01-30-4350	Forestry Entrance Way Signs	\$ 5,350.00	\$1,000	\$ 6,350.00
01-30-4350	Forestry Clock Tower	\$10,850.00	\$1,000	\$11,850.00
01-30-4223	Building Maintenance City Hall Complex	\$ 8,000.00	\$2,500	\$10,500.00
	TOTALS	\$38,200.00	\$5,500	\$43,700.00

STAFF RECOMMENDATION

Staff recommends authorizing the Mayor to execute a contract for the 2024 Landscape Maintenance Services within the 75th Street Right of Ways, Clock Tower and 8 Entrance Way Planting Beds in an amount not to exceed \$38,200.00 between the City of Darien and JC Landscaping & Tree Services.

AND

A motion authorizing a contingency in the amount of \$5,500 for replacement of plant materials and plant enhancements, pending budget approval.

ALTERNATE CONSIDERATION

As directed by the City Council.

DECISION MODE

This item will be placed on the March 4, 2024 City Council agenda for consideration and subject to the FY24-25 Budget approval.

MEMO

CITY OF DARIEN PUBLIC WORKS
1702 PLAINFIELD ROAD
DARIEN, IL 60561

SEALED BID: 2024 Landscape Maintenance Services
 OPENING DATE/TIME: February 21, 2024 @ 9:30 a.m.

2024 Landscape Maintenance Services
Roadside ROW Medians & Specified Facilities

	JC Landscaping & Tree Service
<u>A. 75th Street Median (Section III - AA - A)</u>	
1 - 75th St & Plainfield Rd - East	\$ 1,950.00
2 - 75th St & Plainfield Rd - West	\$ 1,950.00
3 - 75th St & Plainfield Rd - Berm	\$ 2,900.00
4 - 75th St & Cass Ave - East	\$ 900.00
5 - 75th St & Cass Ave - West	\$ 1,100.00
6 - 75th St & Adams St - East	\$ 1,950.00
7 - 75th St & Adams St - West	\$ 2,100.00
8 - 75th St & Williams Ave - East (Park Ave)	\$ 1,150.00
SUB - TOTAL - A	\$ 14,000.00
<u>B. Entrance Way Signs-Specified Facilities (Section III - AA - B)</u>	
1 - Plainfield Rd - Northern ROW - West of Route 83	\$ 400.00
Evergreen tree - planting bed	\$ 2,050.00
2 - 83rd St - Southern ROW - East of Janes Ave	\$ 300.00
3 - 75th St - Southern ROW - East of Lemont Rd	\$ 400.00
4 - 75th St - Southern ROW - West of Route 83	\$ 400.00
5 - Cass Ave - Eastern ROW - North of Frontage Rd	\$ 400.00
6 - Cass Ave - Western ROW - South of 67th St	\$ 300.00
7 - Lemont Rd - Eastern ROW - North of I-55	\$ 450.00
8 - 87th St - Southern ROW East of Woodward	\$ 650.00
SUB - TOTAL - B	\$ 5,350.00
<u>C. City of Darien-Clock Tower-Cass Ave Plainfield Rd-North East Corner</u>	
1 - Cass Ave & Plainfield Rd - North East Corner	\$ 10,850.00
SUB - TOTAL - C	\$ 10,850.00
<u>D. City of Darien City Hall Complex 1702 Plainfield Rd</u>	
1 - City Hall - 1702 Plainfield Rd	\$ 2,000.00
2 - Police Department - 1710 Plainfield Rd	\$ 6,000.00
SUB - TOTAL - D	\$ 8,000.00
TOTAL(SECTIONS A and B and C and D)	\$ 38,200.00

	bid check
2025-2026 optional extension \$	40,110.00
2026-2027 optional extension \$	42,020.00



RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR THE 2024 LANDSCAPE MAINTENANCE SERVICES WITHIN THE 75TH STREET RIGHT OF WAYS, CLOCK TOWER AND 8 ENTRANCE WAY PLANTING BEDS IN AN AMOUNT NOT TO EXCEED \$38,200.00 BETWEEN THE CITY OF DARIEN AND JC LANDSCAPING & TREE SERVICES

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: The City Council of the City of Darien does authorize the Mayor to execute a contract for the 2024 Landscape Maintenance Services within the 75th Street Right of Ways, Clock Tower and 8 Entrance Way Planting Beds in an amount not to exceed \$38,200.00 between the City of Darien and JC Landscaping & Tree Services, attached hereto as “**Exhibit A**” and is by this reference expressly incorporated herein.

SECTION 2: This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this 4th day of March 2024.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this 4th day of March 2024.

JOSEPH MARCHESE, MAYOR

ATTEST:

JOANNE E. RAGONA, CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

CITY OF DARIEN

LANDSCAPE SERVICES SPECIFICATIONS BID FORM – PAGE 1 OF 2

Bidder, in submitting this proposal hereby agrees to comply with all provisions and requirements of the specifications and contract documents attached hereto for the prices as specified below. This proposal shall remain in force and full effect for a twelve (12) month period, from May 1, 2024 through April 30, 2025. **All work is based on a minimum of a 4 man crew, NO EXCEPTIONS.**

Planting Bed Maintenance

A. 75th Street (Section III – AA - A)

	<u>Cost</u>	
1. 75 th Street and Plainfield Road East	\$ <u>1950</u>	} - Monthly
2. 75 th Street and Plainfield Road West	\$ <u>1950</u>	
3. 75 th Street and Plainfield Road Berm	\$ <u>2900</u>	
4. 75 th Street and Cass Ave-East	\$ <u>900</u>	
5. 75 th Street and Cass Ave-West	\$ <u>1100</u>	
6. 75 th Street and Adams Street-East	\$ <u>1950</u>	
7. 75 th Street and Adams Street-West	\$ <u>2100</u>	
8. 75 th Street and Williams Ave-East (Park Ave.)	\$ <u>1150</u>	
SUB-TOTAL A.	\$ <u>14,000</u>	

B. Entrance Way Signs-Specified Facilities (Section III - AA - B)

1. Plainfield Road Northern Right of Way-West of Route 83	\$ <u>400</u>	} - Monthly
2. Plainfield Rd Northern Right of Way-Evergreen trees planting bed	\$ <u>2050</u>	
3. 83 rd Street Southern Right of Way-East of Janes Ave	\$ <u>300</u>	
4. 75th Street Southern Right of Way-East of Lemont Road	\$ <u>400</u>	
5. 75th Street Southern Right of Way-West of Route 83	\$ <u>400</u>	
6. Cass Ave-Eastern Right of Way-North of Frontage Road	\$ <u>400</u>	
7. Cass Ave-Western Right of Way-South of 67 th Street	\$ <u>300</u>	
8. Lemont Road-Eastern Right of Way-North of I-55	\$ <u>450</u>	
9. 87 th Street-Southern Right of Way East of Woodward	\$ <u>650</u>	
SUB-TOTAL B.	\$ <u>5350</u>	

C. City of Darien - Clock Tower-Cass Ave and Plainfield Road-North East Corner

1. Cass Ave and Plainfield Road-North East Corner	\$ <u>10,850</u>	} - Monthly
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CONTRACTOR'S CERTIFICATION - BID PROPOSAL

JC Landscaping, as part of its bid on a
(Name of Contractor)

contract for Landscaping Maintenance to The City of Darien, Illinois, hereby certifies that said contractor is not barred from bidding on the aforementioned contract as a result of a violation of either 720 ILCS 5/33E-3 or 5/33E-4.

By: [Signature]
Authorized Agent of Contractor

SUBSCRIBED AND SWORN BEFORE ME

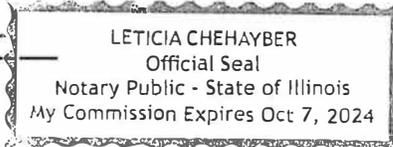
This 14th day of

February, 20 2024.

MY COMMISSION EXPIRES:

10/7/2024

[Signature]
NOTARY PUBLIC



CONTRACT- Page One of Two

1. This agreement, made and entered into this 1st day of February 2024, between the CITY OF DARIEN, acting by and through its Mayor and City Council and JC landscaping
2. That for and in consideration of the payments and agreements mentioned in the Specifications and Contract Document attached hereto, JC landscaping agrees with the CITY OF DARIEN at his/her own proper cost and expense to furnish the equipment, material, labor, supplies and/or services as provided therein in full compliance with all of the terms of such specifications and contract documents attached hereto.
3. It is understood and agreed that the specifications and contract documents hereto attached, prepared by the CITY OF DARIEN, are all essential documents of this contract and are a part hereof.
4. In witness whereof, the said parties have executed these presents on the date above mentioned.

Attest: The _____ of _____
 By: _____ City Clerk Mayor
 (Seal)

IF A CORPORATION

CORPORATE NAME

Attest:
 By: X [Signature]
 Secretary

By: X [Signature]
 President

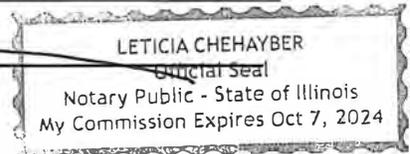
SUBSCRIBED AND SWORN BEFORE ME

This 1st day of February, 2024

MY COMMISSION EXPIRES: 10/7/2024

[Signature]

NOTARY PUBLIC



CONTRACT- Page Two of Two

IF A PARTNERSHIP

(Seal) _____
(Seal) _____
(Seal) _____
(Seal) _____

PARTNERS DOING BUSINESS UNDER THE NAME OF

SUBSCRIBED AND SWORN BEFORE ME

This _____ day of _____, 20 _____.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

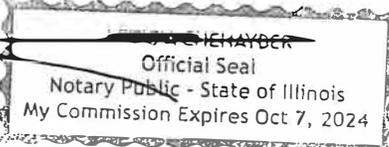
IF AN INDIVIDUAL

_____ *Jc Landscaping* _____ (Seal)

SUBSCRIBED AND SWORN BEFORE ME

This 1st day of February, 20 2024.

MY COMMISSION EXPIRES: 10/7/2024

[Signature]
NOTARY PUBLIC


AGENDA MEMO
Municipal Services Committee
February 26, 2024

ISSUE STATEMENT

Approval of a [resolution](#) authorizing the Mayor to enter into a contract with Brothers Asphalt Paving, Inc., for the 2024 Street Program as per the following schedule of pricing, pending 2024/25 Budget approval

Base Bid -	\$1,807,793.12
<u>Alternate 1 - Patching</u>	<u>\$ 90,000.00</u>
Total Cost	\$1,897,793.12

BACKGROUND/HISTORY

This year’s 2024 Street Maintenance Program includes 5.39 miles to be resurfaced. Typically the City averages approximately 5 miles of resurfacing per year. This year’s program includes the following,

Base Bid - Includes the proposed schedule as listed below:

2024 Road Program Schedule

STREET	SUBDIVISION/LIMIT	ROAD LENGTH (linear ft.)	LAST REHAB	CURRENT RATING
Eleanor Place	69th St. - Holly Ave.	1,050	2013	68
69th Street	Cass Ave. - Clarendon Hills Rd.	5280	2011	68
70th Street	Clarendon Hills Rd. - Richmond Ave.	2,760	2011	69
70th Street CDS	70th St. - Limit	160	2011	70
70th Street CDS 2	70th St. - Limit	160	2011	70
70th Street CDS 3	70th St. - Limit	160	2011	70
Darien Lane	75th St. - Timber Ln.	1,060	2011	67
Tamarack Drive	Richmond Ave. - Beechnut Ln.	2,200	2012	69
Sawyer Court	Sawyer Rd. - Cul-de-sac	200	2008	67
Wittington Court	Portsmouth Dr. - Cul-de-sac	345	2008	67
Emerson Drive	73rd St. - Whittier Dr.	660	2009	68
Whittier Drive	73rd St. - 71st St.	1,460	2009	68
72nd Street	Fairview Ave. - Gold Grove Pl.	800	2011	67
Grant Street	Adams St. - 75th St.	1,000	2008	69
Green Valley Road	Wakefield Dr. - Cul-de-sac	2,900	2011	69
Green Valley Road	Cul-de-sac - Green Valley Rd.	500	2011	68
Woodvale Drive	Beller Dr. - 87th St.	1,270	2013	68
Hillside Lane	Meadow Ln. - Woodvale Dr.	1,625	2012	67
Chicory Court	Beller Dr. - Cul-de-sac	700	2009	68
Fox Hill Place	Carriage Green Dr.- Cul-de-sac	720	2011	68
Gleneyre Road	Coachmans Rd. - Heather Ln.	1,200	2013	68
Sleepy Hollow Lane	Adams St. - Cass Ave.	1,100	2012	69
Sleepy Hollow CDS	Sleepy Hollow Ln. - Cul-de-sac	200	2011	70
Grant Street	Greenbriar Ln. - Sleepy Hollow Ln.	660	2013	68
Grant Street CDS	Grant St. - Cul-de-sac	300	2013	68
ALTERNATE	1,500 square feet of patching			
	MILES 5.39	28,470		

NOTE: In comparison to last year the estimate was \$1,897,642.50 for 5.2 miles. The difference is approximately \$150 more for this year’s program.

Alternate 1 - Patching \$90,000.00 – Includes the removal and replacement of road base throughout the City due to failing base.

Sealed bids were opened on Tuesday, February 20, 2024. A summary of the four (4) bids received is attached and labeled as [Attachment A](#). The lowest responsive bid for the **Base Bid** was Brothers Asphalt Paving, Inc., in the amount of \$1,807,793.12. With the **Base Bid, Alternate 1 and 2** Brothers Asphalt Paving, Inc., is the awarded responsive bidder, pending budget approval: \$1,897,793.12.

The proposed 2024 Road Program would be funded from the following line item:

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	FY 24-25 BUDGET	PROPOSED EXPENDITURE
25-35-4855	Street Reconstruction/Rehab 2024 City Street Maintenance Program	\$589,119.00	\$1,807,793.12
60-4855	MFT – RBI Street Maintenance	\$1,350,000.00	
25-35-4855	Alternate 1 - Patching		\$ 90,000.00
	TOTAL COSTS		\$1,897,793.12

STAFF RECOMMENDATION

Staff and Christopher B. Burke Engineering recommends awarding the base bid and alternates to Brothers Asphalt Paving, Inc., for the 2024 Street Program contract in the amount of \$1,897,793.12. In the past, Brothers Asphalt Paving, Inc., has completed very satisfactory work for the City. Attached and labeled as [Attachment B](#) is a recommendation to award letter from Christopher B. Burke Engineering.

ALTERNATE CONSIDERATION

As directed by the Committee.

DECISION MODE

This item will be placed on an upcoming City Council agenda for formal approval, pending budget consideration.



CHRISTOPHER B. BURKE ENGINEERING, LTD.

9575 West Higgins Road Suite 600 Rosemont, Illinois 60018 TEL (847) 823-0500 FAX (847) 823-0520

February 20, 2024

City of Darien City Hall
1702 Plainfield Rd
Darien, IL 60561

Attention: Dan Gombac

Subject: City of Darien – 2024 Street Program
(CBBEL Project No. 23-0558)

Dear Dan:

On Tuesday, February 20th, 2024, at 10:00 a.m., bids were received at the City of Darien City Hall for the 2024 Street Program. There were four (4) bids received for this project. Below is our engineer’s estimate and bid results. I have attached the complete bid results separately. The low bid is in **bold**.

Company Name	Base Bid (As Read)	Alternate 1 Bid (As Read)	Bid Bond
Engineer’s Estimate	\$1,725,965.25	\$67,500.00	✓
BROTHERS ASPHALT PAVING, INC.	\$1,807,793.12	\$90,000.00	✓
SCHROEDER ASPHALT SERVICES, INC.	\$1,869,078.30	\$85,500.00	✓
LINDAHL BROTHERS, INC.	\$1,974,834.85	\$112,875.00	✓
M&J ASPHALT PAVING COMPANY, INC.	\$2,064,993.40	\$109,875.00	✓

Brothers Asphalt Paving, Inc. was the low qualified bidder for the total project in the amount of \$1,897,793.12. Brothers Asphalt Paving, Inc. has performed satisfactory work with the City in the past and CBBEL believes their bid to be in order. Therefore, based on the City’s budget, the City suggests accepting Brothers Asphalt Paving, Inc.’s bid for the Base Bid and Alternate Bid.

Enclosed for your review are the bid tabulations. If you have any other questions, please do not hesitate to contact me.

Sincerely,

Lee M Fell, PE
Vice President, Assistant Department Head, Civil Engineering Design

Cc: David Fell, PE – City of Darien
Jeff Househ – CBBEL

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH BROTHERS ASPHALT PAVING, INC., FOR THE 2024 STREET PROGRAM AS PER THE FOLLOWING SCHEDULE OF PRICING, PENDING 2024/25 BUDGET APPROVAL: BASE BID - \$1,807,793.12; ALTERNATE 1 – PATCHING - \$90,000.00; TOTAL COST \$1,897,793.12

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: The City Council of the City of Darien hereby authorizes the Mayor to enter into a contract with Brothers Asphalt Paving, Inc., for the 2024 Street Program as per the following schedule of pricing pending 2024/25 Budget approval: Base Bid - \$1,807,793.12; Alternate 1 – Patching - \$90,000.00; Total Cost \$1,897,793.12, a copy of which is attached hereto as “**Exhibit A**” and is by this reference expressly incorporated herein.

SECTION 2: This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this 4th day of March, 2024.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS this 4th day of March, 2024.

JOSEPH MARCHESE, MAYOR

ATTEST:

JOANNE E. RAGONA, CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY



Local Public Agency Formal Contract

Contractor's Name

Brothers Asphalt Paving, Inc.

Contractor's Address

315 S. Stewart Ave.

City

Addison

State

IL

Zip Code

60101

STATE OF ILLINOIS

Local Public Agency

City of Darien

County

DuPage

Section Number

24-00031-00-RS

Street Name/Road Name

2024 Street Program

Type of Funds

MFT/RBI

CONTRACT BOND (when required)

For a County and Road District Project

Submitted/Approved

Highway Commissioner Signature & Date

[Signature & Date Box]

Submitted/Approved

County Engineer/Superintendent of Highways Signature & Date

[Signature & Date Box]

For a Municipal Project

Submitted/Approved/Passed

Signature & Date

[Signature]

Official Title

Director of Municipal Services

Department of Transportation

Concurrence in approval of award

Regional Engineer Signature & Date

[Signature & Date Box]

Local Public Agency City of Darien	Local Street/Road Name 2024 Street Program	County DuPage	Section Number 24-00031-00-RS
---------------------------------------	---	------------------	----------------------------------

1. THIS AGREEMENT, made and concluded the 1st day of April, 2024 between the City of Darien, known as the party of the first part, and Brothers Asphalt Paving, Inc., its successor, and assigns, known as the party of the second part.

2. For and in consideration of the payments and agreements mentioned in the Proposal hereto attached, to be made and performed by the party of the first part, and according to the terms expressed in the Bond referring this contract, the party of the second part agrees with said party of the first part, at its own proper cost and expense, to do all the work, furnish all materials and all labor necessary to complete the work in accordance with the plans and specifications hereinafter described, and in full compliance with all of the terms of this contract.

3. It is also understood and agreed that the LPA Formal Contract Proposal, Special Provisions, Affidavit of Illinois Business Office, Apprenticeship or Training Program Certification, and Contract Bond hereto attached, and the Plans for Section 24-00031-00-RS in City of Darien, approved by the Illinois Department of Transportation on 02/06/24, are essential documents of this contract and are a part hereof.

4. IN WITNESS WHEREOF, the said parties have executed this contract on the date above mentioned.

Attest: The City of Darien

Clerk Signature & Date

(SEAL, if required by the LPA)

Party of the First Part Signature & Date

By:

(If a Corporation)

Corporate Name

President, Party of the Second Part Signature & Date

By:

(If a Limited Liability Corporation)

LLC Name

Manager or Authorized Member, Party of the Second Part

By:

(If a Partnership)

Partner Signature & Date

Partner Signature & Date

Partners doing Business under the firm name of Party of the Second Part

(If an individual)

Party of the Second Part Signature & Date

Attest:

Secretary Signature & Date

(SEAL, if required by the LPA)



Contract Bond

Local Public Agency	County	Street Name/Road Name	Section Number
City of Darien	DuPage	Various	24-00031-00-RS

Bond information to be returned to Local Public Agency at 1702 Plainfield Rd., Darien, IL 60561
Complete Address

We, Brothers Asphalt Paving, Inc, 315 S. Stewart Ave., Addison, IL 60101
Contractor's Name and Address

a/an _____ organized under the laws of the State of _____ as PRINCIPAL, and
State

Surety Name and Address

as SURETY, are held and firmly bound unto the above Local Public Agency (hereafter referred to as "LPA") in the penal sum of

Dollars (_____) lawful money of the United States, to be paid to said LPA, the payment of which we bind ourselves, successors and assigns jointly to pay to the LPA this sum under the conditions of this instrument.

WHEREAS, THE CONDITION OF THE FOREGOING OBLIGATION IS SUCH that the said Principal has entered into a written contract with the LPA acting through its awarding authority for the construction of work on the above sections, which contract is hereby referred to and made a part hereof, as if written herein at length, and whereby the said Principal has promised and agreed to perform said work in accordance with the terms of said contract, and has promised to pay all sums of money due for any labor, materials, apparatus, fixtures or machinery furnished to such Principal for the purpose of performing such work and has further agreed to pay all direct and indirect damages to any person, firm, company or corporation to whom any money may be due from the Principal, subcontractor or otherwise for any such labor, materials, apparatus, fixtures or machinery so furnished and that suit may be maintained on such bond by any such person, firm, company or corporation for the recovery of any such money.

NOW, THEREFORE, if the said Principal shall perform said work in accordance with the terms of said contract, and shall pay all sums of money due or to become due for any labor, materials, apparatus, fixtures or machinery furnished to it for the purpose of constructing such work, and shall commence and complete the work within the time prescribed in said contract, and shall pay and discharge all damages, direct and indirect, that may be suffered or sustained on account of such work during the time of the performance thereof and until the said work shall have been accepted, and shall hold the LPA and its awarding authority harmless on account of any such damages and shall in all respects fully and faithfully comply with all the provisions, conditions and requirements of said contract, then this obligation shall be void; otherwise it shall remain in full force and effect.

IN TESTIMONY WHEREOF, the said PRINCIPAL and the said SURETY have caused this instrument to be signed by their respective agents this _____ day of _____
Day Month and Year

PRINCIPAL

Company Name

Company Name

By
Signature & Date

By
Signature & Date

Attest
Signature & Date

Attest
Signature & Date

(If PRINCIPAL is a joint venture of two or more contractors, the company names and authorized signature of each contractor must be affixed.)

STATE OF IL
COUNTY OF _____

I, _____, a Notary Public in and for said county, do hereby certify that
Notary Name

Insert name of Individuals signing on behalf of PRINCIPAL

who is/are each personally known to me to be the same person(s) whose name(s) is/are subscribed to the foregoing instrument on behalf of PRINCIPAL, appeared before me this day in person and acknowledged respectively, that he/she/they signed and delivered said instrument freely and voluntarily for the uses and purposes therein set forth.

Given under my hand and notarial seal this _____ day of _____
Day Month, Year

(SEAL)

Notary Public Signature & Date

[Signature box]

Date commission expires _____

SURETY

Name of Surety
[Name box]

Title
By: [Title box]

STATE OF IL
COUNTY OF _____

I, _____, a Notary Public in and for said county, do hereby certify that
Notary Name

Insert name of Individuals signing on behalf of SURETY

who is/are each personally known to me to be the same person(s) whose name(s) is/are subscribed to the foregoing instrument on behalf of SURETY, appeared before me this day in person and acknowledged respectively, that he/she/they signed and delivered said instrument freely and voluntarily for the uses and purposes therein set forth.

Given under my hand and notarial seal this _____ day of _____
Day Month, Year

(SEAL)

Notary Public Signature & Date

[Signature box]

Date commission expires _____

Approved this _____ day of _____
Day Month, Year

Attest:

Local Public Agency Clerk Signature & Date

[Signature box]

[Name box] Clerk
Local Public Agency Type

Awarding Authority

[Signature box]

Awarding Authority Signature & Date

[Signature box]

Local Public Agency	County	Section Number	Route(s) (Street/Road Name)
Darien	DuPage	24-00031-00-RS	2024 Street Program

NOTICE TO BIDDERS

Sealed proposals for the project described below will be received at the office of Darien City Hall

1702 Plainfield Road, Darien, IL 60561	Name of Office	until 10:00 AM	on 02/20/24
Address		Time	Date

Sealed proposals will be opened and read publicly at the office of Darien City Hall

1702 Plainfield Road, Darien, IL 60561	Name of Office	at 10:00 AM	on 02/20/24
Address		Time	Date

DESCRIPTION OF WORK

Location	Project Length
Various locations within the City of Darien	28,460' (5.39 MI)

Proposed Improvement

Description of Improvement

The proposed work is officially known as "2024 Street Program" and further described as hot-mix asphalt surface removal, polymerized HMA binder course, binder course, surface course, pavement markings and patching, all as further described in the contract documents for the said work prepared by Christopher B. Burke Engineering, Ltd. (CBBEL).

Base Bid

The base consists of resurfacing the streets listed in the "Base Bid" section on the following page according to the appropriate scope of work as described in the table below.

Alternate 1 Bid

Miscellaneous Class "D" Patching, 6" of various streets throughout the City.

1. Plans and proposal forms will be available in the office of

for download only from QuestCDN via the Christopher B. Burke Engineering, Ltd. (CBBEL) website <http://cbbel.com/bidding-info/> or at www.questcdn.com under login using QuestCDN# 8901303 for a non-refundable charge of \$30.00.

2. Prequalification

If checked, the 2 apparent as read low bidders must file within 24 hours after the letting an "Affidavit of Availability" (Form BC 57) in triplicate, showing all uncompleted contracts awarded to them and all low bids pending award for Federal, State, County, Municipal and private work. One original shall be filed with the Awarding Authority and two originals with the IDOT District Office.

3. The Awarding Authority reserves the right to waive technicalities and to reject any or all proposals as provided in BLRS Special Provision for Bidding Requirements and Conditions for Contract Proposals.

4. The following BLR Forms shall be returned by the bidder to the Awarding Authority:

- a. Local Public Agency Formal Contract Proposal (BLR 12200)
- b. Schedule of Prices (BLR 12201)
- c. Proposal Bid Bond (BLR 12230) (if applicable)
- d. Apprenticeship or Training Program Certification (BLR 12325) (do not use for project with Federal funds.)
- e. Affidavit of Illinois Business Office (BLR 12326) (do not use for project with Federal funds)

5. The quantities appearing in the bid schedule are approximate and are prepared for the comparison of bids. Payment to the Contractor

will be made only for the actual quantities of work performed and accepted or materials furnished according to the contract. The scheduled quantities of work to be done and materials to be furnished may be increased, decreased or omitted as hereinafter provided.

6. Submission of a bid shall be conclusive assurance and warranty the bidder has examined the plans and understands all requirements for the performance of work. The bidder will be responsible for all errors in the proposal resulting from failure or neglect to conduct an in depth examination. The Awarding Authority will, in no case, be responsible for any costs, expenses, losses or changes in anticipated profits resulting from such failure or neglect of the bidder.
7. The bidder shall take no advantage of any error or omission in the proposal and advertised contract.
8. If a special envelope is supplied by the Awarding Authority, each proposal should be submitted in that envelope furnished by the Awarding Agency and the blank spaces on the envelope shall be filled in correctly to clearly indicate its contents. When an envelope other than the special one furnished by the Awarding Authority is used, it shall be marked to clearly indicate its contents. When sent by mail, the sealed proposal shall be addressed to the Awarding Authority at the address and in care of the official in whose office the bids are to be received. All proposals shall be filed prior to the time and at the place specified in the Notice to Bidders. Proposals received after the time specified will be returned to the bidder unopened.
9. Permission will be given to a bidder to withdraw a proposal if the bidder makes the request in writing or in person before the time for opening proposals.

Local Public Agency	County	Section Number	Route(s) (Street/Road Name)
Darien	Du Page	200031-00-RS	2024 Street Progr am

PROPOSAL

1. Proposal of Brothers Asphalt Paving, Inc.
Contractor's Name
315 S. Stewart Avenue, Addison, IL 60101
Contractor's Address

2. The plans for the proposed work are those prepared by Christopher B. Burke Engineering, Ltd. (CBBEL) and approved by the Department of Transportation on _____.
3. The specifications referred to herein are those prepared by the Department of Transportation and designated as "Standard Specifications for Road and Bridge Construction" and the " Supplemental Specifications and Recurring Special Provisions" thereto, adopted and in effect on the date of invitation for bids.
4. The undersigned agrees to accept, as part of the contract, the applicable Special Provisions indicated on the "Check Sheet for Recurring Special Provisions" contained in this proposal.
5. The undersigned agrees to complete the work within 35 working days unless additional time is granted in accordance with the specifications.
6. The successful bidder at the time of execution of the contract will be required to deposit a contract bond for the full amount of the award. When a contract bond is not required, the proposal guaranty check will be held in lieu thereof. If this proposal is accepted and the undersigned fails to execute a contract and contract bond as required, it is hereby agreed that the Bid Bond of check shall be forfeited to the Awarding Authority.
7. Each pay item should have a unit price and a total price. If no total price is shown or if there is a discrepancy between the products of the unit price multiplied by the quantity, the unit price shall govern. If a unit price is omitted, the total price will be divided by the quantity in order to establish a unit price. A bid may be declared unacceptable if neither a unit price nor a total price is shown.
8. The undersigned submits herewith the schedule of prices on BLR 12201 covering the work to be performed under this contract.
9. The undersigned further agrees that if awarded the contract for the sections contained in the combinations on BLR 12201, the work shall be in accordance with the requirements of each individual proposal for the multiple bid specified in the Schedule for Multiple Bids below.
10. A proposal guaranty in the proper amount, as specified in BLRS Special Provision for Bidding Requirements and Conditions for Contract Proposals, will be required. Bid Bonds will be allowed as a proposal guaranty. Accompanying this proposal is either a bid bond, if allowed, on Department form BLR 12230 or a proposal guaranty check, complying with the specifications, made payable to: Ci ty Treasurer of Dari en
 The amount of the check is 5% of the total bid amount (_____).



Schedule of Prices



Contractor's Name
Brothers Asphalt Paving Inc.

Contractor's Address
315 South Stewart Avenue

City
Addison

State
IL

Zip Code
60101

Local Public Agency
City of Darien

County
DuPage

Section Number
24-00031-00-RS

Various

Schedule for Multiple Bids		
Combination Letter	Section Included in Combinations	Total

Schedule for Base Bid
 (For complete information covering these items, see plans and specifications.)

Item Number	Items	Unit	Quantity	Unit Price	Total
1	PREPARATION OF BASE	SQ YD	5629	\$0.50	\$2,814.50
2	AGGREGATE BASE REPAIR	TON	297	\$30.00	\$8,910.00
3	AGGREGATE FOR TEMPORARY ACCESS	TON	90	\$20.00	\$1,800.00
4	BITUMINOUS MATERIALS (TACK COAT)	POUND	83660	\$0.15	\$14,049.00
5	POLYMERIZED HOT-MIX ASPHALT BINDER COURSE, IL-4.75, N50	TON	4210	\$108.00	\$454,680.00
6	HOT-MIX ASPHALT BINDER COURSE, IL-19.0, N50	TON	880	\$86.00	\$75,680.00
7	HOT MIX ASPHALT SURFACE COURSE, MIX D, N50	TON	8830	\$97.00	\$768,210.00
8	HOT-MIX ASPHALT SURFACE REMOVAL, 2"	SQ YD	93400	\$2.40	\$224,160.00
8	HOT-MIX ASPHALT SURFACE REMOVAL, 4"	SQ YD	5912	\$3.00	\$17,736.00
10	CLASS D PATCHES, TYPE I, 6 INCH	SQ YD	830	\$40.00	\$33,200.00
11	CLASS D PATCHES, TYPE II, 6 INCH	SQ YD	830	\$40.00	\$33,200.00
12	CLASS D PATCHES, TYPE III, 6 INCH	SQ YD	830	\$40.00	\$33,200.00
13	CLASS D PATCHES, TYPE IV, 6 INCH	SQ YD	830	\$40.00	\$33,200.00
14	SHORT TERM PAVEMENT MARKING	FOOT	351	\$2.00	\$702.00
15	SHORT TERM PAVEMENT MARKING REMOVAL	SQ FT	175	\$2.00	\$352.00
16	THERMOPLASTIC PAVEMENT MARKING - LINE 6"	FOOT	126	\$2.87	\$361.62
17	THERMOPLASTIC PAVEMENT MARKING - LINE 12"	FOOT	414	\$5.75	\$2,380.50
18	THERMOPLASTIC PAVEMENT MARKING - LINE 24"	FOOT	205	\$11.50	\$2,357.50
19	STRUCTURES TO BE ADJUSTED	EACH	120	\$840.00	\$100,800.00
Bidder's Total Proposal (Base Bid)					\$1,807,793.12

- Each pay item should have a unit price and a total price.
- If no total price is shown or if there is a discrepancy between the product of the unit price multiplied by the quantity, the unit price shall govern.
- If a unit price is omitted, the total price will be divided by the quantity in order to establish a unit price.
- A bid may be declared unacceptable if neither a unit price or total price is shown.



Schedule of Prices



Contractor's Name
Brothers Asphalt Paving Inc.

Contractor's Address
315 South Stewart Avenue

City
Addison

State
IL

Zip Code
60101

Local Public Agency
City of Darien

County
DuPage

Section Number
24-0003180-RS

Route(s) (Street/Road Name)
Various

Schedule for Multiple Bids

Combination Letter	Section Included in Combinations	Total

Schedule for Alternate 1 Bid

(For complete information covering these items, see plans and specifications.)

Item Number	Items	Unit	Quantity	Unit Price	Total
1	MISCELLANEOUS PATCHING, 6"	SQ YD	1500	\$60.00	\$90,000.00
Bidder's Total Proposal (Alternate 1 Bid)					\$90,000.00

1. Each pay item should have a unit price and a total price.
2. If no total price is shown or if there is a discrepancy between the product of the unit price multiplied by the quantity, the unit price shall govern.
3. If a unit price is omitted, the total price will be divided by the quantity in order to establish a unit price.
4. A bid may be declared unacceptable if neither a unit price or total price is shown.



Local Public Agency	County	Street Name/Road Name	Section Number
City of Darien	DuPage	VARIOUS	24-00031-00-RS

I, Natalia Colella of Addison, Illinois
Name of Affiant City of Affiant State of Affiant

being first duly sworn upon oath, state as follows:

- That I am the President of Brothers Asphalt Paving, Inc.
Officer or Position Bidder
- That I have personal knowledge of the facts herein stated.
- That, if selected under the proposal described above, Brothers Asphalt Paving, Inc., will maintain a business office in the
Bidder
 State of Illinois, which will be located in DuPage County, Illinois.
County
- That this business office will serve as the primary place of employment for any persons employed in the construction contemplated by this proposal.
- That this Affidavit is given as a requirement of state law as provided in Section 30-22(8) of the Illinois Procurement Code.

Signature	Date
	2/20/24
Print Name of Affiant	
Natalia Colella	

Notary Public

State of IL

County DuPage

Signed (or subscribed or attested) before me on 02/20/24 by
(date)

Natalia Colella, authorized agent(s) of
(name/s of person/s)

Brothers Asphalt Paving, Inc.
Bidder



Signature of Notary Public 2/20/24

 My commission expires 05/01/25

MINUTES
CITY OF DARIEN
MUNICIPAL SERVICES COMMITTEE
January 22, 2024

PRESENT: Alderman Thomas Belczak – Chairman, Alderman Ted Schauer, Alderman Ralph Stompanato

ABSENT: None

OTHERS: Mr. Dan Gombac – Director

Establish Quorum

Chairperson Thomas Belczak called the meeting to order at 6:02 p.m. at the City of Darien City Hall, 1702 Plainfield Road, Darien, Illinois. Chairperson Belczak declared a quorum present.

New Business

- a. Resolution – Preliminary approval of the 2024 Sidewalk, Apron and Curb and Gutter Removal and Replacement Program contract with Suburban Concrete, Inc.**

Mr. Dan Gombac, Director reported that this agreement is for the 2024 Sidewalk, Apron and Curb and Gutter Removal and Replacement Program with Suburban Concrete, Inc. He stated that given the approval of the contract, the fee of \$75.00 will be waived for residents, provided they use the proposed vendor, Suburban Concrete, Inc. Mr. Gombac also proposed an earlier start date to the program, being the beginning of March 2024, with the goal to have the work finished by July 4, 2024.

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

Alderman Stompanato made a motion, and it was seconded by Alderman Schauer approval of a Resolution of preliminary approval of the 2024 Sidewalk, Apron and Curb and Gutter Removal and Replacement Program contract with Suburban Concrete, Inc.

Upon voice vote, the MOTION CARRIED UNANIMOUSLY 3-0.

- b. Resolution – Authorizing the Mayor to execute a contract with Rag’s Electric, Inc., per the proposed unit prices, for the 2024 Street Light Maintenance beginning May 1, 2024 through April 30, 2025.**

Mr. Dan Gombac, Director reported the end of a 3-year contract with Rag’s Electric, Inc., to be renewed given certain protocols were being following with the new contract. He reported that new contract protocols stipulated specific equipment be owned by the vendor, and that the city

be in control of light poles. He further reported that two (2) bid openings were presented for the 2024 Street Light Maintenance Program, ultimately siding with Rag's Electric, Inc., who presented the lowest bid, coming to a total of \$40,691.50.

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

Alderman Schauer made a motion, and it was seconded by Alderman Stompanato approval of a Resolution authorizing the Mayor to execute a contract with Rag's Electric, Inc., per the proposed unit prices, for the 2024 Street Light Maintenance beginning May 1, 2024 through April 30, 2025.

Upon voice vote, the MOTION CARRIED UNANIMOUSLY 3-0.

- c. Resolution – Authoring the Mayor to extend a contract with TruGreen Limited Partnership for six (6) various fertilizer applications and (3) three applications for planting beds and weed control, within rip rap areas and tree fertilization for 75th Street, in an amount not to exceed \$76,756.00 for the 2024 Landscape Fertilization Services at the following locations.**

Mr. Dan Gombac, Director provided an overview of the services to be provided by TruGreen through the extension of their contract. He reported that the 3-year contract will cover various locations and is locked in at a price of \$76,756.00.

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

Alderman Stompanato made a motion, and it was seconded by Alderman Schauer approval of a Resolution authoring the Mayor to extend a contract with TruGreen Limited Partnership for six (6) various fertilizer applications and (3) three applications for planting beds and weed control, within rip rap areas and tree fertilizations for 75th Street, in an amount not to exceed \$76,756.00 for the 2024 Landscape Fertilization Services at the following locations.

Upon voice vote, the MOTION CARRIED UNANIMOUSLY 3-0.

- d. Resolution – Accepting the unit prices proposal for analytical soil testing fees from Testing Service Corporation at the proposed unit prices for certain waste for a period of May 1, 2024 through April 30, 2025.**

Mr. Dan Gombac, Director provided an overview of the project, in which the soil must be tested for contaminants which the EPA deemed volatile.

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

Alderman Schauer made a motion, and it was seconded by Alderman Stompanato approval of a Resolution accepting the unit prices proposal for analytical soil testing fees from Testing Service Corporation at the proposed unit prices for certain waste for a period of May 1, 2024 through April 30, 2025.

Upon voice vote, the MOTION CARRIED UNANIMOUSLY 3-0.

- e. Resolution – Accepting a proposal from Water Products Company for General Water Utility Tools and Marking Supplies for the maintenance of the water system.
- f. Resolution – Accepting a proposal from Underground Pipe & Valve Company for General Water Utility Tools and Marking Supplies for the maintenance of the water system.
- g. Resolution – Accepting a proposal from Ziebell Water Services Company for General Water Utility Tools and Marking Supplies for the maintenance of the water system.
- h. Resolution – Accepting a proposal from Core & Main for General Water Utility Tools and Marking Supplies for the maintenance of the water system.
- i. Resolution – Accepting a proposal from Ferguson Waterworks for General Water Utility Tools and Marking Supplies for the maintenance of the water system.

Mr. Dan Gombac, Director reported the need for various individual utility tools and marking supplies to be ordered from each of the vendors, all to be used for the maintenance of the water system.

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

Alderman Stompanato made a motion, and it was seconded by Alderman Schauer approval of Resolutions accepting proposals from Water Products Company, Underground Pipe & Valve Company, Ziebell Water Services Company, Core & Main, and Ferguson Waterworks for General Water Utility Tools and Marking Supplies for the maintenance of the water system.

Upon voice vote, the MOTION CARRIED UNANIMOUSLY 3-0.

- j. Resolution – Accepting a proposal from Underground Pipe & Valve Company for General Water Utility Fixtures for the maintenance of the water system.
- k. Resolution – Accepting a proposal from Ziebell Water Service Products, Inc., for General Water Utility Fixtures for the maintenance of the water system.
- l. Resolution – Accepting a proposal from Core & Main for General Water Utility Fixtures for the maintenance of the water system.
- m. Resolution – Accepting a proposal from Ferguson Waterworks for General Water Utility Fixtures for the maintenance of the water system.

Mr. Dan Gombac, Director reported the need for various individual general water utility tools and marking supplies to be ordered from each of the vendors, all to be used for the maintenance of the water system.

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

Alderman Schauer made a motion, and it was seconded by Alderman Stompanato approval of Resolutions accepting proposals from Underground Pip & Valve Company, Ziebell Water

Service Products, Inc., Core & Main, and Ferguson Waterworks for General Water Utility Fixtures for the maintenance of the water system.

Upon voice vote, the MOTION CARRIED UNANIMOUSLY 3-0.

n. Minutes – December 18, 2023 Municipal Services Committee.

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

Alderman Stompanato made a motion, and it was seconded by Alderman Schauer approval of the December 18, 2023, Municipal Services Committee Meeting Minutes.

Upon voice vote, the MOTION CARRIED UNANIMOUSLY 3-0.

Director’s Report

Mr. Dan Gombac, Director reported that they are moving forward with the electronic sign on Plainfield Road and Cass Avenue. He reported the need for the vendor to raise the height of the sign by about 20 inches to achieve optimal visibility. He proposed to the committee whether they should allow Darien businesses access to advertising through the sign. He further reported that the goal is to have the electronic sign up and running in March 2024.

Next Scheduled Meeting

Chairperson Tom Belczak announced that the next meeting is scheduled for Monday, February 26, 2024.

ADJOURNMENT

With no further business before the Committee, Alderman Schauer made a motion, and it was seconded by Alderman Stompanato to adjourn. Upon voice vote, the MOTION CARRIED UNANIMOUSLY, and the meeting adjourned at 6:43 p.m.

RESPECTFULLY SUBMITTED:

X

Thomas Belczak
Chairman

X

Ted Schauer
Alderman

X

Ralph Stompanato
Alderman