

MINUTES CITY OF DARIEN
PLANNING & ZONING COMMISSION MEETING

Wednesday, October 4, 2023

PRESENT: Lou Mallers – Chairperson, Robert Erickson, Shari Gillespie, Hilda Gonzalez (7:27 p.m.) Chris Jackson, Chris Green, John Johnson, Julie Kasprovicz

ABSENT: Bryan Gay

OTHERS: Dan Gombac – Director of Municipal Services, Jordan Yanke - City Planner

Chairperson Lou Mallers called the meeting to order at 7:00 p.m. at the Darien City Hall, Council Chambers, 1702 Plainfield Road, Darien, Illinois. Chairperson Mallers declared a quorum present and swore in the audience members wishing to present public testimony.

Commissioner Erickson made a motion, and it was seconded by Commissioner Gillespie to move the agenda order.

Upon voice vote, the MOTION CARRIED UNANIMOUSLY 7-0.

Regular Meeting – New Business

b. Public Hearing – PZC2023-08 8325 Lemont Road – Gerber Collision Special Use request pursuant to Section 5A-8-3-4 of the Zoning Ordinance. The petition specifically requests to allow conversion of a vacant building (former CVS Pharmacy) to an auto collision, repair, and service center. Property is located within the B-2 Community Shopping Center Business District.

Mr. Jordan Yanke, City Planner reported that the subject property is located at the southeastern corner of the Lemont Road and 83rd Street/Plainfield Road intersection. He reported that the property's existing structure is the former CVS pharmacy.

Mr. Yanke reported that the petitioner is proposing a "garage for storage, repair, and servicing of motor vehicles, including body repair, painting, and engine rebuilding" which deems it as a special use within the property's zoning designation. He reported the proposal involves minimal site work, as there are no proposed changes to the building footprint or the access drives to the site.

Mr. Yanke reported that the most notable change is a new 6' wall/fence to enclose an existing paved area on the west side of the property between Lemont Road and the building and that the enclosure is proposed so vehicles dropped off in need of repair can be parked in an area not visible to the public eye. He further reported that such

vehicles would be parked in newly designated spaces temporarily before being repaired inside the building.

Mr. Yanke reported that the wall/fence proposed within the front yard does not comply with zoning district standards. He reported that the existing drive-through located on the west side of the building will be removed and that the petitioner proposes to include the addition of two overhead doors on the west side of the building and one on the north side of the building, along with alterations to a couple curbed areas near the building to allow for better ingress/egress.

Mr. Yanke reported that the petitioner will be required to submit a building permit if the case is approved, with architect stamped and signed plans for the interior remodel. He reported that the required amount of parking spaces (4 spaces/1,000 square feet gross floor area) are proposed to serve the site and based on the building's square footage, 56 parking spaces are required.

Mr. Yanke reported that the petitioner submitted a Justification Narrative with a detailed description of Gerber Collision and project summary, in addition to Findings of Fact that would support the application request. He reported that they are in the agenda memo along with the proposed site plan, floor plan, building elevations, and other documents including public comment.

Mr. Dan Gombac, Director clarified some of the social chatter stating that the City looked at the site for sporting venues, restaurants, dollar store, hardware store and that financially, physically and after looking at incentives was not possible and the proposed use fits the property.

Mr. Tim Schwartz, Storebuild LLC introduced his team. He provided an overview of the proposal noting that they will be adding three new doors and that the interior operation will be air conditioned with minimal outside noise. He stated \$1.5 million will go to the community and that Gerber will have high paying positions with some paying over six figures.

Mr. Schwartz stated that Gerber has over 700 stores in Illinois with state-of-the-art equipment and that they are held in high regard on how they operate which is over 80 years. He reported that the paint shed will be self-contained with its own ventilation system. He further reported that they will use waterborne products making no environmental issues. He displayed a photograph of the plat.

Mr. Gombac reported that it was very important that the petitioner provide details on if there would be any odor released toxins. He referenced Sterogenics and reported that the paint will be contained.

Mr. Schwartz reported that there are 29,000 cars that travel per day and that this area is beyond a neighborhood location and that it will be nothing compared to the existing

traffic. He reported that the proposed location will be 13,000 square feet versus their usual store sites of 20,000 square feet. He further reported that the hours of operation will be 8:00 a.m. – 5:00 p.m. in a solid brick building.

Mr. Schwartz reported that they will build an architectural wall enclosure for cars coming in to hide the front from public view.

Commissioner John Johnson questioned if the wall would block sound.

Mr. Schwartz reported that he did not anticipate it would block sound, but it is a backup.

Mr. Ryan Murphy, Storebuild, LLC reported that Gerber does not repair totaled vehicles. He stated that he is very familiar with restaurants and parking and that they looked at all options for the site and considered the noise. He reported that car repairs will be done inside only, and most car repairs are scheduled through an insurance company. He further reported that 80% of all cars are not towed in.

Mr. Jim Brady, Gerber stated that all the local locations work together should there be an overflow for work to get the vehicle done quicker.

Commissioner Chris Jackson questioned how damaged parts are disposed.

Mr. Brady reported that the damaged parts are stored indoors, and trash picked up two times per week as needed by local providers.

Chairperson Mellers asked for Gerber's philosophy.

Mr. Brady stated that Gerber is always welcoming, and that they will open Monday – Friday from 8:00 a.m. – 5:00 p.m.

Chairperson Mellers questioned the 4' fence backing the residents.

Mr. Brady stated that the fence will be fixed and repaired. He stated that there is a problem with the concrete that will also need repair.

Chairperson Mellers opened the meeting to anyone wishing to present public comment.

Ms. Susan Dorian, Downers Grove stated that Darien will not have to deal with this, but the residents will. She stated that the vehicles in and out will be a trick and that a 4' fence is no help, and that she would have to see what it looked like if updated to Trex as suggested by the City.

Mr. Gary Koche, representing the Brookeridge Homeowners Association stated that 400 residents were surveyed and against the proposal. He stated that the location is next to apartments, senior living, single family residences and inharmonious with the surrounding neighborhood. He further stated that this is "not a neighborhood location" even if a busy intersection is ours and our neighborhood.

Mr. Rich Jepsen, Oswego stated that he operates a collision center in Darien and less than 1/8 mile from the area on Lemont Road and that this will impact his business and Haraldson's Garage. He questioned if three body shops are needed within a mile radius and beneficial to the City of Darien.

Mr. Vic Patton, Darien stated that he is a chemical engineer with background in biochemistry. He reported that he provided data to the PZC on what goes on in a body shop. He stated that there are references to waterborne paints and hazardous toxins released and that it is not safe. He questioned the paint booth and exhausting it into the environment.

A Brookeridge resident (illegible signature) stated that she was concerned for the children walking and riding their bikes. She stated that she was concerned with the tow trucks and theft issues.

Mr. Trip Burton, Woodridge, stated that he lives less than a mile from the location and that this is competition with the local businesses. He stated that the third door that faces 83rd Street was not addresses.

Mr. Jim Brady stated that the third door is where the finished vehicles will be washed and cleaned and where the customer can pick up their vehicle.

Mr. Jon Fey, unincorporated Darien stated that he was three blocks from the facility. He stated that this is the worst B-2 option. He stated that this proposal will devalue the property and that he is concerned that all 32 spots will be filled with vehicles.

Ms. Judy Restivo, stated that there is childcare located across the street and questioned where the workers will go. She stated that there are already issues going into the area and this will create more problems.

Ms. Anjali Glowacz, Darien stated that this is a residential area, and that this proposal will not add value to the community. She stated that it does not make sense where kids walk and ride bikes and asked that the City to look at this long term.

Mr. Brandon Esparza, Brookeridge stated that he is two blocks away and that he would not have purchased if the Gerber was there. He further stated that the zoning is in place to protect the residents and he encouraged the PZC to not grant the special use.

Mr. Ed Cervenka, Downers Grove stated that he owns property that borders the area and wants to build but that this will not help with the value of his property.

Ms. Elizabeth Uribe, Downers Grove stated that she is concerned about safety of the children and that she is not interested in the neighborhood becoming industrial.

Ms. Nikki Giancola – Shanks, Darien stated that she was shocked that the City considered this with two local small businesses. She stated that this will have a

negative impact on them. She further stated that there are plenty of other businesses with smaller parking requirements. She urged the PZC to listen to the constituents.

Mr. Phil L., Downers Grove stated that he is an environmental enthusiast and that he heard nothing about the bike paths. He questioned the huge wall and the aesthetics and safety.

Mr. Todd S., representing Bruce Lake challenged Darien to think bigger. He stated that Speedway is a mess and that he is completely offended that the petitioner stated that the area is not residential. He further stated that ACE Hardware or produce is a better choice, but that Darien continues to put in vape shops, gambling, etc. for an easy grab.

Mr. Mike Nichaulou, asked if anyone on the PZC would like to live behind this proposal.

Mr. Dave Phillips, representing Bruce Lake stated that he was concerned with water discharge and industrial release and the water quality.

Chairperson Mellers stated that the City tried to get produce in but they all require a stand alone building. He also stated that they tried to get other operations into Darien, but it has been challenging.

Mr. Tim Schwartz addressed some of the questions. He stated that 4-5 vehicles will be repaired per day and that the operation will have minimal impact to traffic. He further stated that the wall along Lemont was a recommendation because of safety and noise for the two garage doors which ends 100 feet from 83rd Street.

Mr. Schwartz addressed the chemical questions and stated that everything is self-contained in recycled environmental containers. He stated that they must conform with the State regulations which are very stringent.

Commissioner Bob Erickson questioned how frequently they inspect. He stated that Speedway had a gas leak issue, and it was discovered too late.

Mr. Gombac questioned the VOC's and how they are contained.

Mr. Brady stated that the filters are changed monthly and that the air goes through filters which are consistently cleaned before they go out. He stated that he was not sure about the VOC's but would provide to the City.

Mr. Murphy stated that Gerber will bring a lot to the community. He stated that there will not be another business open 8-5 and that CVS had semi-trucks and there was far worse traffic generated. Mr. Murphy stated that Gerber is a publicly traded company and obviously doing things right.

Mr. Murphy stated that they are investing \$1.5 million and that other uses were researched and that restaurants have a whole lot of issues, rodents, trash, etc., and that this use is the least impact to traffic, hours, etc. He stated that the wall is a

massive expense and that they would prefer to do a fence but that they are not opposed to a larger fence and landscaping and want to be a good neighbor.

Mr. Yanke reported the traffic engineer confirmed there would be 1/2 the amount of traffic generated by Gerber during morning peak hours and 1/5 the amount of traffic generated by Gerber during evening peak hours when compared to the prior CVS.

Commissioner Julie Kasprovicz questioned the other two businesses.

Mr. Brady stated that there is plenty of competition and that the location is a good fit for their purposes.

Commissioner Chris Green questioned the east and south end changes and if the dumpster will be removed.

Mr. Gombac stated that the dumpster will remain but with additional screening.

Commissioner Green also asked if the finished vehicles will be stored inside or outside.

Mr. Brady stated that once the vehicles are completed, they will be outdoors.

Commissioner Erickson questioned the rental cars.

Mr. Brady stated that the insurance companies work with Enterprise on pick up and delivery.

Commissioner Green stated that it would be useful to get more information on traffic.

There was no one else wishing to present public comment.

Commissioner Johnson made a motion, and it was seconded by Commissioner Gillespie to continue PZC2023-08 8325 Lemont Road – Gerber Collision Special Use request pursuant to Section 5A-8-3-4 of the Zoning Ordinance. The petition specifically requests to allow conversion of a vacant building (former CVS Pharmacy) to an auto collision, repair, and service center. Property is located within the B-2 Community Shopping Center Business District.

Upon roll call vote the MOTION FAILED 5-3.

AYES: Gonzalez, Green, Johnson

NAY: Erickson, Gillespie, Jackson, Kasprovicz, Mallers

Commissioner Jackson stated that this request does not meet the needs of a shopping district and that the petitioner did not address specific criteria.

Commissioner Kasprovicz make a motion seconded by Commissioner Jackson to recommend approval of PZC2023-08 8325 Lemont Road – Gerber

Collision Special Use request pursuant to Section 5A-8-3-4 of the Zoning Ordinance. The petition specifically requests to allow conversion of a vacant building (former CVS Pharmacy) to an auto collision, repair, and service center. Property is located within the B-2 Community Shopping Center Business District.

Upon roll call vote the MOTION FAILED 7-1.

AYES: Green

NAY: Erickson, Gillespie, Johnson, Jackson, Gonzalez, Kasprowicz, Mallers

Mr. Yanke stated that the non-favorable motion would be forwarded to the Municipal Services Committee on October 23rd.

a. Public Hearing – PZC2023-07 Electric Vehicle (EV) Charging Stations Text Amendment Petition from the City of Darien to amend the Zoning Ordinance (i.e., Text Amendment) to create a section regulating Electric Vehicle (EV) charging stations.

Mr. Jordan Yanke, City Planner reported that in 2022, ComEd and the Metropolitan Mayors Caucus announced an inaugural cohort of communities participating in an EV Readiness Program, a unique initiative launched to help local governments prepare to meet the growing demand for Electric Vehicles (EVs) and charging infrastructure.

Mr. Dan Gombac, Director reported that with the City being an inaugural cohort community, a focus on policy development related to EV infrastructure, permitting/zoning, safety, and community engagement is paramount and staff developed revisions to the zoning ordinance pertaining to EV charging stations in order to streamline implementation and regulate infrastructure throughout the City.

Mr. Gombac reported that the Planning and Zoning Commission is to review and recommend on the proposed ordinance for EV charging stations and consider recommending on the case.

Chairperson Mallers opened the meeting to anyone wishing to present public comment.

A resident in the audience stated that she had a hybrid vehicle, and that Level 1 takes four days to charge and that she has Level 2 in her garage. She questioned if the Fire Department is trained for electrical fires.

Mr. Gombac reported that the Fire Department is aware of electric cars in Darien and that the City records all known electric cars in a registry. He stated that the City would like to see Level 3 put in for patrons in the City of Darien.

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

Mr. Gombac asked the PZC to provide any recommendations.

Commissioner Jackson made a motion and it was seconded by Commissioner Johnson to authorize City Staff to continue the work and move forward with PZC2023-07 Electric Vehicle (EV) Charging Stations Text Amendment Petition from the City of Darien to amend the Zoning Ordinance (i.e., Text Amendment) to create a section regulating Electric Vehicle (EV) charging stations.

Upon voice vote, the MOTION CARRIED UNANIMOUSLY 8-0.

Regular Meeting – Old Business

There was no old business to discuss.

Staff Updates & Correspondence

There were no staff updates and correspondence to discuss.

Next Meeting October 18, 2023

Mr. Yanke announced that the next meeting will be held on Wednesday, October 18, 2023, at 7:00 p.m.

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 Jackson made a motion, and it was seconded by Commissioner Johnson. Upon voice vote, THE MOTION CARRIED unanimously, and the meeting adjourned at 9:45 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

Elizabeth Lahey
Secretary

Lou Mallers
Chairperson