

CITY OF DARIEN

NOTICE OF SPECIAL MEETING

PLEASE TAKE NOTICE THAT THE MUNICIPAL SERVICES COMMITTEE HAS SCHEDULED A SPECIAL MEETING TO BE HELD ON MONDAY, OCTOBER 30, 2023, 6:00 PM IN THE CITY COUNCIL CHAMBERS AT CITY HALL, 1702 PLAINFIELD ROAD, DARIEN, ILLINOIS. AGENDA IS AS FOLLOWS:

1. Call to Order & Roll Call
2. Establishment of Quorum
3. New Business
 - a. **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
4. Adjournment

THIS NOTICE IS GIVEN PURSUANT TO CHAPTER 5, SECTION 120/2.02 OF THE ILLINOIS COMPILED STATUTES (5 ILCS 120/2.01).

**JOANNE E. RAGONA
CITY CLERK
OCTOBER 26, 2023**

AGENDA MEMO
MUNICIPAL SERVICES COMMITTEE
****SPECIAL MEETING****
OCTOBER 30, 2023

CASE

PZC2023-08

Gerber Special Use – 8325 Lemont Road

ISSUE STATEMENT

Petitioner (Storebuild LLC c/o Gerber Collision) seeks approval of a 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. The petitioner relies on variations granted in Ordinance No. O-08-99 and seeks additional variations as deemed necessary.

Applicable Regulations: Ordinance No. O-07-99 and O-08-99
 Zoning Section 5A-8-3, B-2 District Standards

GENERAL INFORMATION

Petitioner: Storebuild LLC c/o Gerber Collision
 Property Owner: SB 83 LLC; MJP 8325 LLC;
 D&D Capital Investments Darien LLC
 Property Location: 8325 Lemont Road
 PIN Number: 09-32-301-039
 Existing Zoning: Community Shopping Center Business District (B-2)
 Existing Land Use: Vacant (Former CVS Pharmacy)
 Comprehensive Plan: Commercial (Existing); Commercial (Future)
 Surrounding Zoning & Uses
 North: General Business District (B-3); Gas Station
 East: Multi Family Residence District (R-3); Senior Housing
 South: Unincorporated Single Family (R-2); Single Family
 West: Community Shopping Center Business District (B-2);
 Pharmacy
 History: The subject property was approved and developed as a retail and drive-through pharmacy per Ordinance No. O-07-99 and O-08-99. The property remains in essentially the same condition since construction.
 Size of Property: 2.01 Acres
 Floodplain: N/A
 Natural Features: N/A
 Transportation: The petition site gains access from both Lemont Road and 83RD Street/Plainfield Road.

PETITIONER DOCUMENTS (ATTACHED TO MEMO)

- 1) **APPLICATION**
- 2) **NARRATIVE, FINDINGS OF FACT, & SUPPLEMENTALS**
- 3) **PLAT OF SURVEY (EXISTING)**
- 4) **SITE PLAN (PROPOSED)**
- 5) **FLOOR PLAN**
- 6) **ELEVATIONS**

CITY STAFF DOCUMENTS (ATTACHED TO MEMO)

- 7) **LOCATION MAP & AERIAL IMAGES**
- 8) **SITE PHOTOS**
- 9) **TRAFFIC IMPACT/CRASH SUMMARY**
- 10) **PUBLIC COMMENT**
- 11) **PZC MINUTES (DRAFT) – OCTOBER 4, 2023**

PLANNING OVERVIEW/DISCUSSION

The subject property is located at the southeastern corner of the Lemont Road and 83RD Street/Plainfield Road intersection. The property is 2.01 acres in size and is zoned Community Shopping Center Business District (B-2). The property's existing structure (former CVS pharmacy) and site development were approved in 1999 and constructed per city ordinances (O-07-99 and O-08-99). The site remains in essentially the same condition today since construction.

The petitioner has proposed a conversion of the existing, vacant building to an auto collision, repair, and service center. The city's zoning ordinance lists the proposed use as a "garage for storage, repair, and servicing of motor vehicles, including body repair, painting, and engine rebuilding" and deems it as a special use within the property's zoning designation.

The project involves minimal site work, as there are no proposed changes to the building footprint or the access drives to the site. 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. The enclosure is proposed per staff recommendation so vehicles dropped off in need of repair can be parked in an area not visible to the public eye. Such vehicles would be parked in newly designated spaces temporarily before being repaired inside the building.

Other changes to the site include removal of the drive-through that served the prior pharmacy. The existing drive-through is located on the west side of the building and its removal is key to implementation of the enclosed area mentioned above. Finally, the petition includes the addition of two (2) overhead doors on the west side of the building and one (1) on the north side of the building, along with alterations to a couple curbed areas near the building to allow for better ingress/egress.

As noted above, in 1999 the City Council adopted Ordinances O-07-99 and O-08-99 authorizing the site to be developed and granting certain variations for the subject property. The property was developed in conformance with the 1999 ordinances and remains in essentially the same condition since construction. Given these approvals, the applicant/developer is not required to obtain what are commonly referred to as "existing condition variations" as part of its application.

CASE UPDATES & REVIEW COMMENTS

City staff has reviewed the petitioner submitted documents. The proposed project meets applicable zoning standards outside of the recommended 6' wall/fence enclosure in the front yard, as the code permits "open" fences to a height of 4' in the front yard. Given the fact the wall/fence was originally recommended to the applicant by staff, construction of the wall/fence should be specified as a *condition of approval* for the special use instead of a traditional variance request. Although the project scope has not changed, this is an update to the public hearing dialogue and will be presented to the Municipal Services Committee by staff and the city attorney. The code section applicable to this discussion is listed here:

- **5A-2-2-3(B) Initiation:** An application for a variation may be made by any person, firm, or corporation, being the owner, lessee, or contract purchaser of the subject property. In this case, the petitioner did not apply for a variation to allow a 6' wall/fence. Therefore, the recommended condition falls outside the definition of a variation.

Parking

The required amount of parking spaces (*4 spaces/1,000 square feet gross floor area*) are proposed to serve the site. Based on the building's square footage, which is 13,681 square feet, 56 parking spaces are required. The proposal includes 60 parking spaces with the required three (3) ADA spaces.

Traffic Impact Comparison & Crash Summary

Based on feedback from the city's traffic consultant and in accordance with the *ITE Trip Generation Manual*, 11th Edition:

- A "Pharmacy/Drug Store with Drive-Through" generates on average 3.74 trips per 1,000 square feet during the morning peak hour and 10.25 trips per thousand square feet during the weekday evening peak hour.
- An "Automobile Parts and Service Center" generates on average 1.91 trips per 1,000 square feet during the morning peak hour and 2.06 trips per thousand square feet during the weekday evening peak hour.

If the two facilities are approximately the same size, the automobile parts and service center will generate less peak hour trips than the pharmacy/drug store.

Per the Police Department, a geographic search pertaining to site related crashes was performed and dates back to June 2019. The geographic area covered northbound Lemont Road, eastbound 83RD Street/Plainfield Road, and the CVS parking lot itself. There were three (3) reported accidents for the criteria entered. Details on these accidents are included in the memo attachments.

Environmental Discussion & Findings of Fact

The petitioner has submitted updated documents including *findings of fact* to supplement the narrative and project summary for Gerber Collision. Those items are attached to this memo along with the proposed site plan, floor plan, elevations, and other documents including public comment. The updated documents contain responses addressing the environmental concerns and other comments raised during the public hearing. Note that the set of criteria the Planning and Zoning Commission and City Council votes on for the special use is 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.*

PZC MEETING – 10/04/2023

The Planning and Zoning Commission reviewed this petition at its October 4, 2023 meeting. The petitioner was present and provided an overview on the proposal after staff's introduction of the case. There was a large audience for the meeting and several people provided public comment in opposition. The public comments pertained to environmental concerns, aesthetics of the site, noise and odor concerns, and traffic impacts, among other things. Due to the number of comments and lengthy discussion, please refer to the meeting minutes (draft) from the public hearing that are attached to this memo.

Based on testimony and discussion at the meeting, the Planning and Zoning Commission forwarded the case with a non-favorable recommendation to the Municipal Services Committee by a vote of 7-1.

ALTERNATE CONSIDERATION

As recommended/directed by the Municipal Services Committee.

MEETING SCHEDULE
Municipal Services Committee
City Council

October 30, 2023
TBD

MEMO



ZONING APPLICATION

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

CONTACT INFORMATION

Storebuild LLC
Applicant's Name
1900 E Golf Rd, Ste 950, Schaumburg IL 60173
Address, City, State, Zip Code
630-290-7021
Telephone
RMURPHY@STOREBUILD.COM
Email

SB 81 LLC; MJP 8325 LLC;
D&D Capital Investments Darien LLC
Owner's Name
900 E Golf Rd, Ste 950, Schaumburg IL 60173
Address, City, State, Zip Code
630-290-7021
Telephone
RMURPHY@STOREBUILD.COM
Email

PROPERTY INFORMATION

8325 Lemont Road
Property address
B-2
Zoning District

09-32-301-039
PIN Number(s)
Retail / Pharmacy
Current Land Use(s)

RECEIVED
SEP 13 2023
Community Development
City of Darien

(Attach additional information per the Submittal Checklist.)

REQUEST

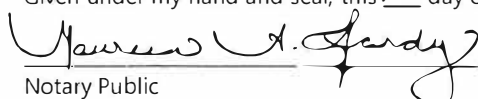
Brief description of the zoning approval requested. (Contact the City Planner for guidance.)

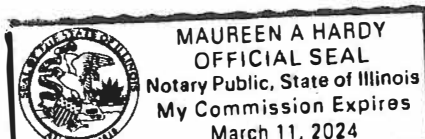
The owner is seeking special use to operate a auto collision and windshield auto glass service center.


Applicant Signature

As Notary Public, in and for DuPage County in Illinois, I do hereby certify that Ryan Murphy 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 13th day of September 2023.

For office use only	
Date Received:	09/13/2023
Case Number:	PZC 2023-08
Fee Paid:	\$585.00
Hearing Date:	10/04/2023


Notary Public





MEMO

September 27, 2023

Jordan Yanke
Senior Planner
1702 Plainfield Road
Darien, IL 60561

Re: Gerber Daily Operations, 8325 Lemont Rd, Darien, IL

Dear Jordan,

In follow up to our discussions and as required for the special use permit for the above referenced property, below is a summary of the operations / day to day for the facility.

Gerber Overview:

Founded in 1937 by Phil Gerber, Gerber Collision & Glass has provided quality auto collision and glass repair service for more than 80 years. What started as a single auto glass and trim shop in Chicago has grown to one of the largest auto collision and glass repair companies in North America.

Gerber Collision & Glass has over 700 repair center locations.

Gerber Collision & Glass repairs each vehicle to the highest standards in the industry. We use computerized estimating systems to calculate the damages on each vehicle. We have frame machines that straighten a **vehicle's frame to manufacturer standards**. Our shops are equipped with computerized paint systems that offer superior color-matching capabilities. We use diagnostic repair scanning technology to ensure the highest quality in all our shops. Our I-CAR- and ASE-certified technicians refinish each vehicle in paint booths that use advanced ventilation systems to ensure a flawless finish. Lifetime Guarantee: We stand behind every repair **we complete. That's why Gerber Collision & Glass is proud to offer a Lifetime Guarantee on all of our work.** For as long as you own the vehicle, you can rest assured that should anything happen to the repair we complete **we'll make it right.**

Hours of Operation:

Darien would be standard hours of Monday thru Friday 8 AM to 5 PM. Closed on Saturdays and Sundays. Some locations do expand hours to include Saturday's from 8 AM to Noon, but Darien will open as Monday thru Friday only. Almost all of the traffic into the facility is done by appointment.

Number of Employees:

Darien location will employ +/- 25 with 8 – 12 working onsite during peak hours.



Site Circulation and Functionality:

The access will remain unchanged which includes two cuts off Lemont Rd and one cut off 83rd Street. Vehicles drop off and estimating will occur on the north side of the building via a new garage door to be installed. Two additional doors will be added on the west side of the building (off the screened parking area) for cars in need of repair to enter and exit the building.

The employee parking and finished cars parking lot will be in front of the store facing 83rd Street (main parking lot in front of storefront).

The screened in cars that need repair will be on the west side of the building (by the old CVS drive thru) screened by both the existing evergreens and other landscaped areas, berm, and a fence to be installed. In addition, this area will be gated.

Note: there will be no addition/expansion of the building but the drive thru will be removed.

Proposed Changes to the Site (Indoor or Outdoor):

- As referenced above, the fence to enclose and screen a parking area on the west side of the building for cars in need of repair.
- A designated drop off area will be identified too should there be any vehicle drop offs outside operating hours.
- Existing drive thru will be removed
- 2 garage doors added to the west side of building facing Lemont Rd and one to the north elevation.
- Additional parking stalls will be added to the enclosed parking area within existing asphalt areas.

Indoor changes will be consistent with other Gerber locations which includes the “box inside the box” for the paint work which includes high tech systems to minimize waste and advanced ventilation system. Paints are all water based, low or non VOC, and eco-friendly.

Note: there is no long term storage of vehicles. Gerber looks to repair all vehicles in as timely of a manner as possible.

Additional materials will be provided including a draft floor plan and elevation, survey, legal description and site plan.

Thank you,

A handwritten signature in black ink, appearing to read 'Michael J Peirce'.

Michael J Peirce
Storebuild LLC

8325 Lemont Road – Gerber Collision
Response to Special Use Standards

In support of its request for the granting of a special use permit to allow an auto collision, repair, and service center at 8325 Lemont Road (“Special Use”), the Petitioner hereby submits the following responses to the City of Darien special use standards:

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

Response: Illinois law has determined that the term “necessary,” as used in a zoning ordinance, does not mean absolutely necessary, but simply “reasonably convenient.” The proposed Special Use offers collision repair services. Accidents and vehicle damage can occur at any time and having a nearby, reliable repair facility, which adheres to the high standards of a nationally recognized company, is essential to address these unexpected situations promptly and conveniently. It was even noted as being an “Essential Business” by the State of Illinois during the Covid-19 pandemic. Having national recognition, Gerber is an approved repair facility by most major insurance companies, eliminating a key worry of customers. Insurance companies and customers alike appreciate Gerber’s well-maintained facilities that enhance public safety by ensuring that vehicles are repaired properly and safely. This, in turn, contributes to safer road conditions and the well-being of the community.

In addition to repair facilities being a public convenience in general, careful consideration was made before selecting this site. Gerber and the developer will be making a multi-million-dollar investment in the property. Before doing so, Gerber and the developer performed an internal market analysis and determined that there was a market demand in this area. Population, cars per household, income demographics, business competition (there are currently no nationally recognized repair facilities in the area), insurance coverage information, and other factors were carefully reviewed using a proprietary software algorithm. This was then reviewed by Gerber’s site selection committee, comprised of industry veterans. The conclusion was that there is a sufficient and sustainable need in the community for Gerber’s services and that this location will best serve that demand.

Finally, the proposed Special Use will occupy a building that has been vacant for almost two years. It will create high-wage employment opportunities (several of which will be in the six-figure range), support local businesses, and generate long-term sales tax and real estate tax revenues. This contributes to the overall economic vitality of the community.

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;

Response: The proposed Special Use will not be detrimental to, or endanger the public health, safety, or general welfare. The proposed Special Use will adhere to all required life-safety, environmental, and Performance Standards established by the City or other governmental agency having jurisdiction. No variations are requested.

Additional details regarding key development criteria are:

Traffic: The traffic generated by the proposed special use will be significantly less than the traffic generated by the prior CVS use. We expect approximately seven (7) customer trips per day (combined drop-off and pick-up). Almost all traffic to the site will be done by appointment.

Noise: All repair work will be performed in the interior of the building. Unlike many repair facilities, the building will be fully air-conditioned. Consequently, the bay doors will remain closed, even during the summer months. This will contain any noise generated within the insulated brick building which is excellent at attenuating sound. Gerber's third-party auditing consultant has not measured levels above 65 decibels outside of its buildings. In addition, sound dissipates over distance and the building is situated a considerable distance from any nearby buildings (approximately 124' to the nearest building). Consequently, the Special Use will comply with the City's noise regulations. We expect that the noise generated by the traffic on Lemont Road and 83rd Street (unofficial readings noted road noise in excess of 80 decibels) will exceed that of the Special Use as measured at the property line.

Environmental: As a large national company, Gerber has established robust environmental protocols that adhere to all applicable environmental regulations. Consequently, it will not endanger the health and safety of the community.

All Gerber facilities throughout the US and Canada use water-based paint systems. A very small percentage of the coating material used, which is not entirely water-based, contains low solvent and low VOC content. This differentiates Gerber as an environmental leader from small local operators who may still use high solvent, high VOC products.

All spraying of paint is done inside the building and within a controlled paint spray booth that is strictly regulated by the State of Illinois. The paint booth has a 99.7% capture efficiency and operates with filters that remove large particles. Paint booth filters are changed regularly and a log of these changes is maintained in accordance with regulatory requirements. Gerber utilizes top-of-the-line, best-in-class high-tech paint spray guns that minimize overspray. This further minimizes airborne particulates. As a result, a recent study of isocyanate levels outside of our spray booths (immediately outside and in the adjacent office area) were noted to be at non-detectable levels. All equipment maintenance and reporting are performed in accordance with State of Illinois permit requirements.

Gerber utilizes a third-party environmental audit partner, GMG EnviroSAFE, to conduct a shop walk-through every 90 days at all of our locations in North America to ensure that all environmental protocols are being maintained. Any deviations from requirements are reported and escalated immediately to a shared dashboard visible by all levels of management and action is taken to correct them.

Odor: Using water-based paint systems, low solvent, and low VOC content materials results in a process that is also low odor. This differentiates Gerber from small local operators who may still use high solvent, high VOC, and high odor products. In the 2 years Kim Miller, Gerber's current Director of Environmental, Health and Safety, has been in charge of North American operations, she is unaware of any neighborhood

odor complaints at any of Gerber's 950 locations. Consequently, the proposed Special Use will comply with the City's odor limitation regulations.

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;

Response: The proposed Special Use will not be injurious to the use and enjoyment of other property in the vicinity, nor substantially diminish and impair property values in within the neighborhood. It is important to note that the Special Use is proposed on an already developed commercial site with an existing building. Furthermore, the proposed Special Use is significantly less intensive than the original, previously approved, pharmacy use.

Additional detail regarding key considerations is as follows:

Traffic: The traffic generated by the proposed Special Use will be significantly less than the traffic generated by the prior CVS use. We expect approximately seven (7) customer trips per day (combined drop-off and pick-up). Almost all customer traffic to the site will be done by appointment. There is no direct access from the site to 83rd Court. Consequently, there will be no traffic impact to the residential uses to the south.

Noise: The hours of operation of the proposed Special Use are Monday through Friday from 8:00 A.M. to 5:00 P.M. and will be closed during the weekend. The delivery of automobiles by tow trucks will be limited to business hours only. This is in stark contrast to the hours of operation of the prior use which had extensive evening and weekend hours.

All repair work will be performed in the interior of the building. Unlike many repair facilities, the building will be fully air-conditioned. Consequently, the bay doors will remain closed, even during the summer months. This will contain any noise generated within the insulated brick building which is excellent at attenuating sound. Gerber's third-party auditing consultant has not measured levels above 65 decibels outside of its buildings. In addition, sound dissipates over distance and the building is situated a considerable distance from any nearby buildings (approximately 124' to the nearest building). Consequently, the Special Use will comply with the City's noise regulations. We expect that the noise generated by the traffic on Lemont Road and 83rd Street (unofficial readings noted road noise in excess of 80 decibels) will exceed that of the Special Use as measured at the property line. Once again, this differs from the prior use which had a drive-through operation resulting in greater outdoor noise generation.

Odor: Using water-based paint systems, low solvent, and low VOC content materials results in a process that is also low odor. This differentiates Gerber from small local operators who may still use high solvent, high VOC, and high odor products. In the 2 years Kim Miller, Gerber's current Director of Environmental, Health and Safety, has been in charge of North American operations, she is unaware of any neighborhood odor complaints at any of Gerber's 950 locations. Consequently, the proposed Special Use will comply with the City's odor limitation regulations.

Aesthetics and General Impact: The proposed Special Use will occupy the existing building. Only minor changes are proposed. The building is of color and material that fits in with the neighborhood. The building is set back a considerable distance from 83rd Street. Consequently, it does not visually impair the senior living apartments located to the east. Additionally, there is extensive mature landscaping and berming along the property line resulting in an excellent landscape buffer area as shown below:



Similarly, there is an extensive landscaping buffer and berming along the southern property line which abuts 83rd Court:



The only single-family residential home on 83rd Court, located in unincorporated DuPage County, is almost 200 feet away from the building (approximately 159' from the building to the residential property line) due to the Special Use site containing an extensive 93.5' setback. Additionally, the residential home has its garage facing the development:



As a result of the generous setbacks, extensive landscaping, and the use of the existing building, the proposed Special Use will have no negative aesthetic impact on the neighborhood or their enjoyment.

Property Value: The property has been vacant for almost two years. The building and site have begun to fall into disrepair. Vacant buildings are always detrimental to the value of nearby properties. Having a quality, national user make a long-term investment in this site will enhance the overall value of the area. Without Gerber, the site is likely to remain vacant due to the site conditions that make commercial development at this location difficult.

In addition, we have demonstrated that the proposed Special Use is significantly less intensive than the prior use in terms of traffic, hours of operation, noise, and other conditions. Reducing the intensity of the use, in particular during the evening and weekend times, can only help enhance the value of the area.

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;

Response: The proposed Special Use will not impede the orderly development and improvement of the surrounding properties. All surrounding properties have already been developed except for one unincorporated DuPage County vacant residential lot located south of 83rd Court. However, the proposed Special Use is using the existing building located on the previously improved lot. No access to 83rd Court currently exists, and none are proposed. Furthermore, the development has an extensive and heavily landscaped setback along 83rd Court. The building is over 159 feet away from

the property line of the vacant lot. Consequently, the proposed Special Use will not impede the vacant lot's development in any manner.

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;

Response: The site and building are already developed and constructed. While minor alterations to the building are proposed, the architectural design will remain consistent with what is currently in place. The primarily red brick building remains in character with the architecture of the senior living apartments located to the east and the commercial developments to the west. The existing landscape treatment is extensive and mature. Nevertheless, additional landscaping enhancements are proposed.

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

Response: The proposed Special Use will use the existing site improvements. The existing curb-cuts on Lemont Road and 83rd Street provide access to the site. All required utilities are present on site. Similarly, all required stormwater improvements are already in place. Consequently, all necessary facilities for the Special Use are present.

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; and

Response: Ingress and egress are provided through the existing and previously approved curb-cuts. Their location and configuration were chosen to minimize traffic congestion. The proposed Special Use generates significantly less traffic than the prior use. Consequently, the existing improvements will continue to adequately manage the traffic generated, much of which is by appointment.

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.

Response: The Special Use as proposed will conform with all City requirements. No variations are requested.

8325 Lemont Road – Gerber Collision
Site Screening Examples

Walgreens - 8300 Lemont Rd, Darien, IL 60561
Landscaping consists of shrubs, deciduous trees, and evergreens.



*Goddard School (Daycare) 8350 Lemont Rd, Darien, IL 60561
– vinyl fencing / white, approximately 6 ft. high*



**8325 Lemont Road – Gerber Collision
Recent Build**

Gerber Huntley, IL – Completed 2023







8325 Lemont Road – Gerber Collision

Affiliations and Community Involvement

Gerber Collision & Glass Affiliations

AGRSS: The Auto Glass Safety Council (formerly the AGRSS® Council) is a not-for-profit organization dedicated to the safe replacement of auto glass. The Auto Glass Safety Council was founded and is supported by companies in the auto glass replacement industry that keep safe installation as their primary goal. The Auto Glass Safety Council has developed the North America’s only auto glass replacement standard, the AGRSS® Standard, which addresses procedures, education and product performance.

ASE: ASE is short for the National Institute for Automotive Service Excellence. Since 1972, ASE has worked to improve the quality of vehicle repair and service by testing and certifying automotive professionals. In order to be ASE certified, automotive technicians must pass an ASE Certification test and must have two years of on the job training or one year of on the job training and a two-year degree in automotive repair.

PPG: PPG Industries is an American global supplier of paints, coatings, optical products, specialty materials, chemicals, glass, and fiberglass. PPG operates in more than 70 countries around the world and is Gerber’s paint supplier.

I-CAR: The I-CAR Gold Class® designation is the highest training level recognized in the collision industry. All Gerber locations have achieved I-CAR Gold Class® recognition.

RECYCLED RIDES: Recycled Rides is a program in which insurers, collision repairers, paint suppliers, parts vendors and others collaborate to repair and donate vehicles to deserving individuals and service organizations in local communities throughout the country. Gerber Collision & Glass is proud to partner with Recycled Rides to refurbish and donate vehicles to needy families and organizations.

COLLISION REPAIR EDUCATION FOUNDATION: The mission of the Collision Repair Education Foundation is simple and straight-forward: “To secure donations that support philanthropic and collision repair education activities that promote and enhance career opportunities in the industry.” Gerber Collision & Glass is proud to support CREF in their

efforts to recruit and educate students as they explore the collision repair industry as a career.

Gerber Collision Gives Back

Gerber Collision & Glass is proud to support the programs and organizations featured on this page and we encourage you to learn more about them.



Job Shadow Day

Gerber Collision & Glass occasionally hosts Job Shadow Day at various locations in Illinois. Job Shadow Day is an initiative that gives students the chance to learn about real workplaces and explore career pathways by “shadowing” people who work in their field of interest.



Clothes for Kids

Gerber Collision & Glass - Lynwood, WA is a proud sponsor of Clothes for Kids annual "Transforming Lives Breakfast". Clothes for Kids is an organization that provides youth with supplemental clothing needs, combined with a unique shopping experience to help foster and boost individual self-esteem.



Chicagoland Toys for Tots

Gerber Collision & Glass repair centers in the Chicagoland area are drop-off locations for Chicagoland Toys for Tots. We invite you to drop-off a new and unwrapped gift for a child in need during this Christmas holiday season at participating Gerber Collision & Glass locations.



CROP Hunger Walk

Gerber Collision & Glass is a sponsor of the annual CROP Hunger Walk in Rockford, IL. CROP Hunger Walks are community-wide events sponsored by Church World Service and organized by religious groups, businesses, schools and others to raise funds to end hunger in the U.S. and around the world.



Wings of Mercy

Gerber Collision & Glass supports Wings of Mercy, West Michigan, through its annual charity golf tournament. Wings of Mercy is a faith based, non-profit volunteer pilot organization dedicated to connecting general aviation pilots with low income patients in need of transportation to distant medical facilities.



Stanwood Soap Box Derby

Gerber Collision & Glass - Stanwood, WA, supports their local Soap Box Derby participants by partnering with PPG to offer free car painting to derby entrants. Volunteers from Gerber Collision & Glass and supply donations from PPG are helping to make this event very memorable!



Peanut Butter Rally

Held annually in support of the Rock River Valley Pantry, the goal of the Rally is to collect enough jars of peanut butter to meet the summertime needs of families that use the RRV Pantry. The program aims to keep children nourished while school is out by providing healthy peanut butter. Gerber Collision & Glass has collected thousands of jars by holding rallies at area shops.



Recycled Rides

This program enlists the help of members of the National Auto Body Council (NABC) to repair and then donate recycled vehicles to families in need in the community. Gerber Collision & Glass participated in the program for the first time in 2010 and has since become even more involved.



Collision Repair Education Foundation

Gerber Collision & Glass is a member of the Collision Repair Education Foundation's Industry Leadership Circle. Gerber donated \$10,000, which will go to support student scholarships, tool/equipment grants, and other initiatives by the organization.



Evergreen Aids Foundation

Gerber Collision & Glass supports the Evergreen Aids Foundation, Concert for a Cause, held in Bellingham, Washington. The mission of Evergreen AIDS Foundation is to foster a healthy and hopeful community response to HIV/AIDS in Northwest Washington through education, prevention and direct client services.



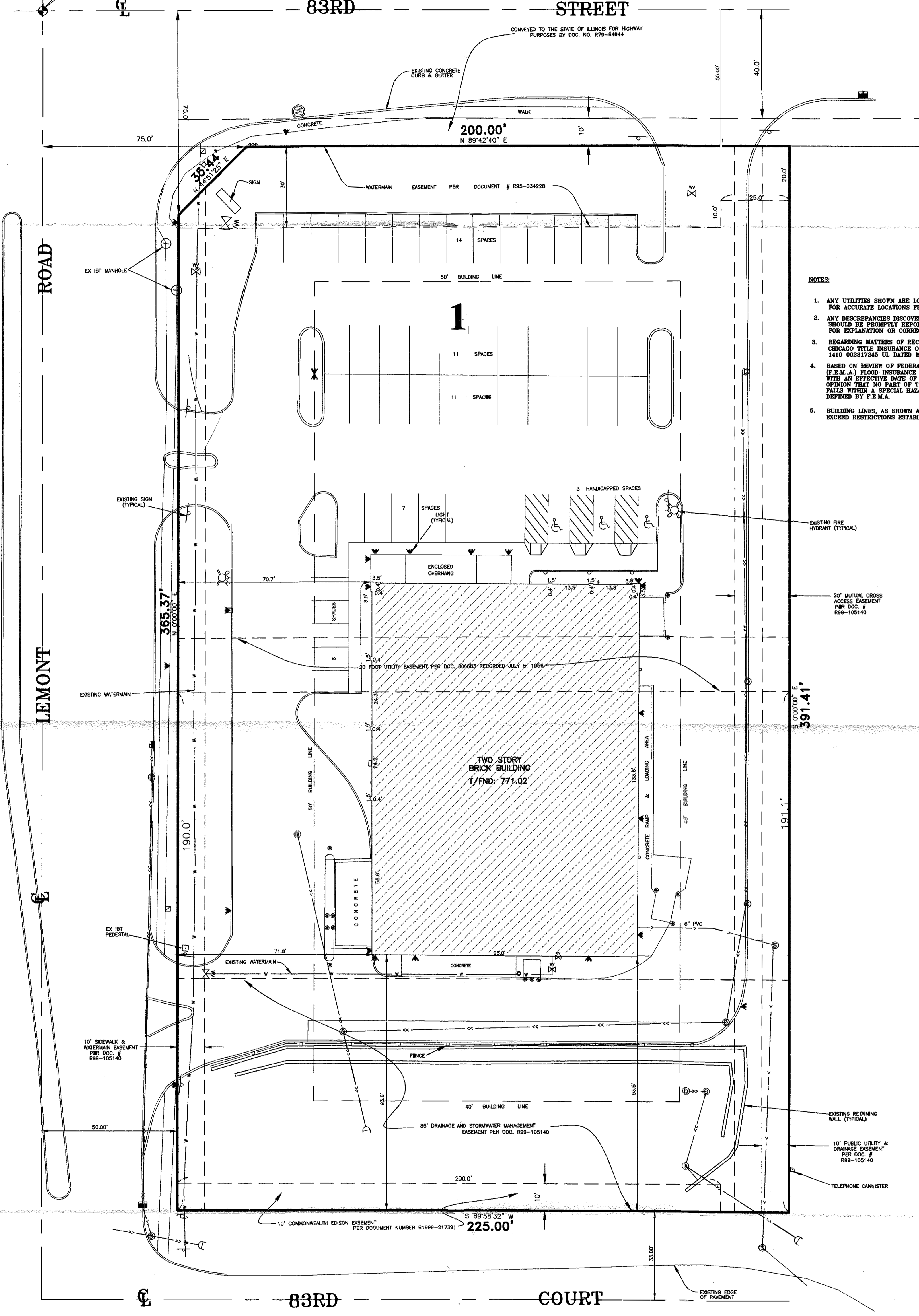
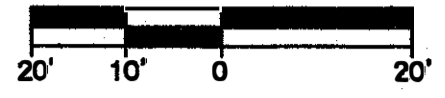
Gerber's Green Initiatives

At Gerber Collision & Glass, we believe in doing our part to have a safer and greener planet. Read more about what we are doing at our repair centers to help. [Gerber's Green Initiatives](#)

ALTA/ACSM LAND TITLE SURVEY

LOT 1 IN POKORNY RESUBDIVISION, BEING A RESUBDIVISION IN PART OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 10, 1999 AS DOCUMENT NUMBER R1999-105140, IN DUPAGE COUNTY, ILLINOIS.

BENCHMARK
BRASS PLUG LOCATED AT THE CENTERLINE OF LEMONT ROAD & 83RD STREET
ELEV: 774.91



- NOTES:**
1. ANY UTILITIES SHOWN ARE LOCATED BY PHYSICAL EVIDENCE FOR ACCURATE LOCATIONS FIELD EXCAVATE AND VERIFY.
 2. ANY DISCREPANCIES DISCOVERED UPON THE GROUND SHOULD BE PROMPTLY REPORTED TO THE SURVEYOR FOR EXPLANATION OR CORRECTION.
 3. REGARDING MATTERS OF RECORD WE HAVE RELIED UPON CHICAGO TITLE INSURANCE COMPANY COMMITMENT NO. 1410 002817245 UL DATED MAY 14, 2005.
 4. BASED ON REVIEW OF FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAP PANEL NO. 170197 0060 B WITH AN EFFECTIVE DATE OF APRIL 15, 1982, IT IS OUR OPINION THAT NO PART OF THE PROPERTY DESCRIBED HEREBIN FALLS WITHIN A SPECIAL HAZARD ZONE AS DESIGNATED AND DEFINED BY F.E.M.A.
 5. BUILDING LINES, AS SHOWN AND CREATED PER DOCUMENT R99-105140 EXCEED RESTRICTIONS ESTABLISHED PER DOCUMENT NUMBER 006885.

SYMBOL LEGEND

- - MANHOLE
- - CATCHBASIN
- - CONCRETE BASE WITH LIGHT
- ⊕ - WATER VALVE (UNLESS OTHERWISE NOTED)
- ⊕ - HYDRANT
- ⊕ - VALVE & VAULT
- ⊕ - GAS VALVE
- ⊕ - UTILITY POLE W/GUY
- ⊕ - POWER POLE
- ⊕ - STREET SIGN
- ⊕ - STREET LIGHT
- ⊕ - WELL
- ⊕ - TRAFFIC SIGNAL
- ⊕ - HANDHOLE
- ⊕ - SANITARY SEWER
- - GUARDRAIL
- - HEADWALL
- - FLARED END SECTION
- - EXIST. CONTOURS
- - PROP. CONTOURS
- ⊕ - MAILBOX
- - SANITARY SEWER
- - STORM SEWER
- - WATERMAIN
- - OVERHEAD WIRES
- - UNDERGROUND GAS LINE
- - UNDERGROUND ELECTRIC CABLE
- - UNDERGROUND PHONE CABLE
- - UNDERGROUND TELEVISION CABLE
- - INLET
- ⊕ - TELEPHONE CANISTER
- ⊕ - COM. ED. CANISTER
- ⊕ - CABLE CANISTER
- ⊕ - TRANSFORMER
- ⊕ - WATERMAIN STUB
- ⊕ - SANITARY SEWER STUB
- ⊕ - STORM SEWER STUB
- - FENCE LINE
- ⊕ - ELECTRIC CONTROL BOX
- ⊕ - JUNCTION BOX
- ⊕ - SPRINKLER
- ⊕ - STAND PIPE
- ⊕ - BOLLARD
- ⊕ - GAS METER
- ⊕ - BORING LOCATION
- ⊕ - DECIDUOUS TREE, LESS THAN 6" DIA. UNLESS OTHERWISE NOTED
- ⊕ - EVERGREEN TREE, LESS THAN 6" DIA. UNLESS OTHERWISE NOTED
- (XXX.XX) - ELEV. TO HUNDRETH IN PARENTHESIS INDICATES EXISTING LITHODAL SURFACE ELEVATIONS (UNLESS OTHERWISE INDICATED)
- XXX.X - ELEV. TO TENTH INDICATES EXISTING NON-LITHODAL SURFACE ELEVATIONS
- - DEPRESSED CURB
- ⊕ - BUFFALO BOX
- ⊕ - TELEPHONE MANHOLE
- ⊕ - ELECTRIC MANHOLE
- ⊕ - STORM DRAIN
- ⊕ - DRAIN TILE
- ⊕ - SIGNAL CONTROL BOX
- ⊕ - CONCRETE SURFACE
- ⊕ - BENCH

PREPARED FOR: LIETZ, BANNER, & FORD (ATTORNEYS AT LAW)
 JOB ADDRESS: LEMONT RD. & 83RD ST., DARIEN, IL
 JOB NO.: 03-08-0048R2

NEKOLA
 SIGNATURE SURVEY
 A DIVISION OF MORRIS ENGINEERING
 400 N. SCHMIDT RD., SUITE 209
 BOLINGBROOK, IL. 60440
 (630)759-0155 phone (630)759-0207 fax

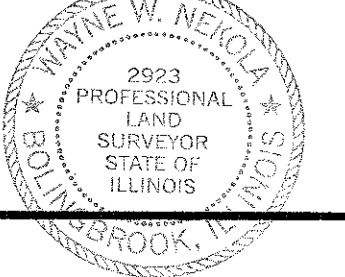
NO IMPROVEMENTS SHOULD BE MADE ON THE BASIS OF THIS PLAT ALONE. FIELD MONUMENTATION OF CRITICAL POINTS SHOULD BE ESTABLISHED PRIOR TO COMMENCEMENT OF ANY AND ALL CONSTRUCTION. FOR BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS NOT SHOWN THEREON REFER TO YOUR DEED, ABSTRACT, TITLE POLICY, CONTRACTS AND LOCAL BUILDING AND ZONING ORDINANCES.

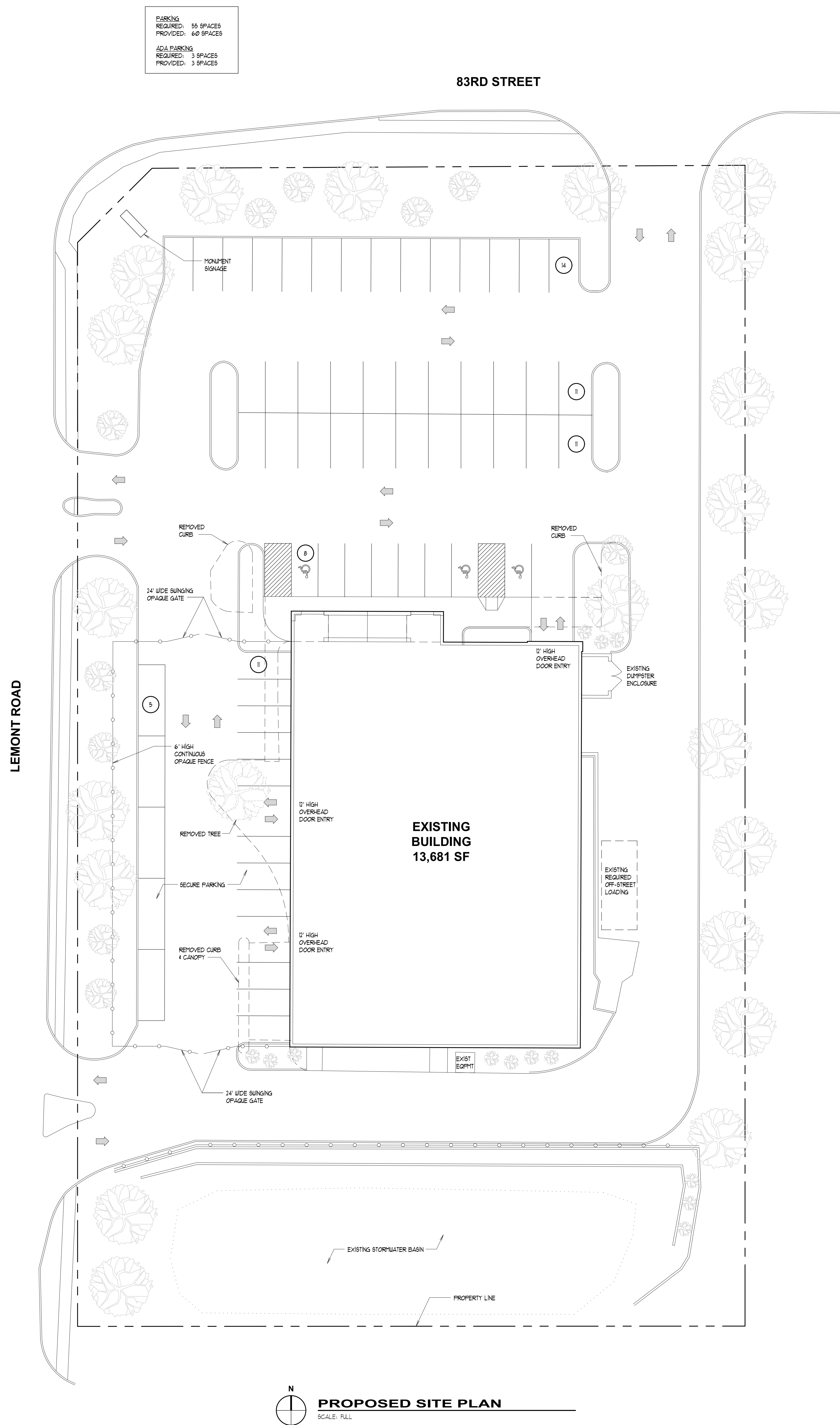
STATE OF ILLINOIS)
 COUNTY OF WILL)

I, WAYNE W. NEKOLA, ILLINOIS PROFESSIONAL LAND SURVEYOR NUMBER 2823, DO HEREBY CERTIFY TO CHICAGO TITLE INSURANCE COMPANY AND TO INDIAN VALLEY GOLF CLUB, INC., AN ILLINOIS CORPORATION, THAT THIS PLAT AND THE SURVEY IN WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA, ACSM AND NSPS IN 1999, AND INCLUDES ITEMS 1, 8 AND 11 OF TABLE A THEREOF, PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA, NSPS, AND ACSM AND IN EFFECT ON THE DATE OF THIS CERTIFICATION. UNDERSIGNED FURTHER CERTIFIES THAT THE POSITIONAL UNCERTAINTIES RESULTING FROM THE SURVEY MEASUREMENTS MADE ON THE SURVEY DO NOT EXCEED THE ALLOWABLE POSITIONAL TOLERANCE.

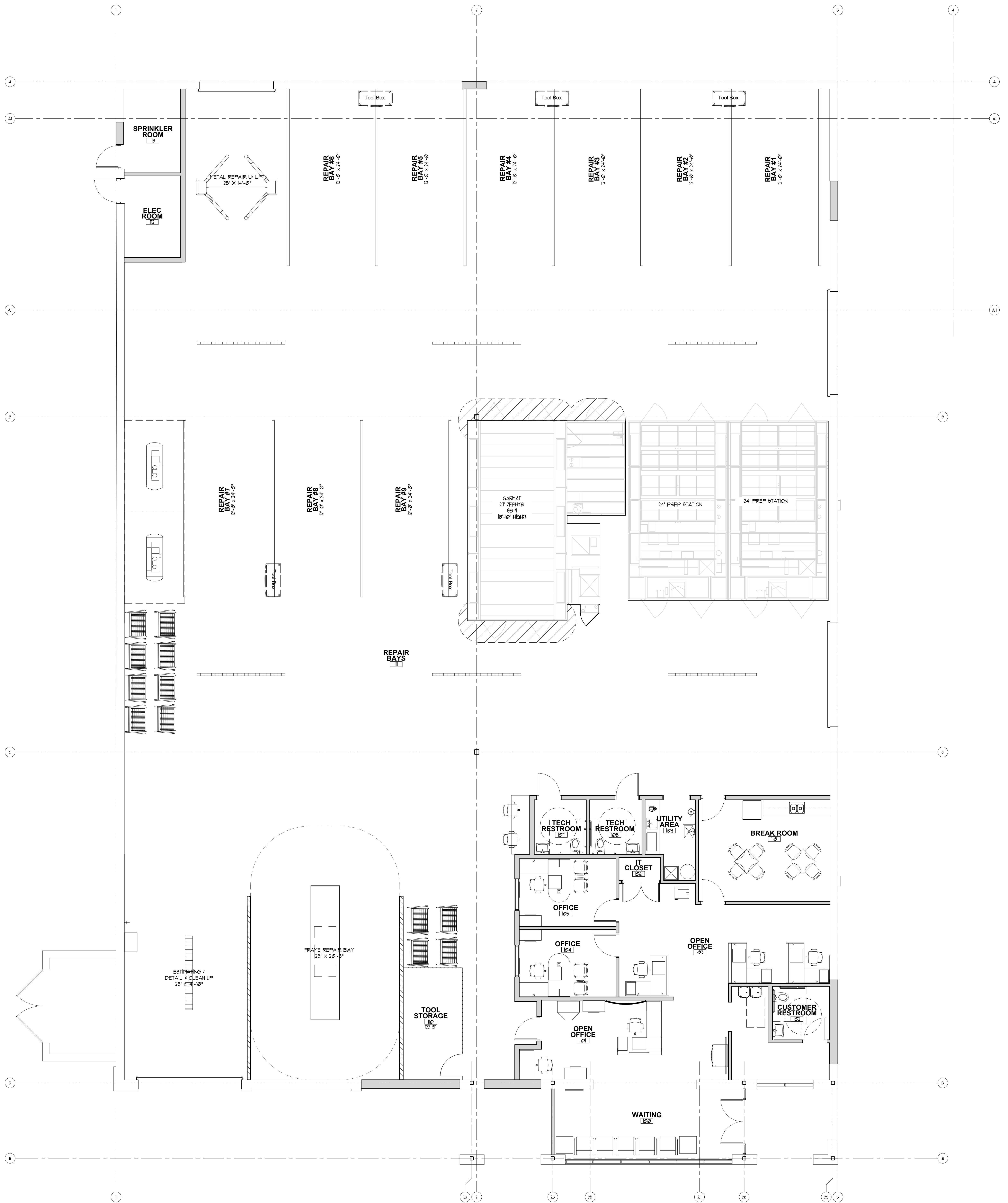
DATED AT LISLE, ILLINOIS, THIS 14TH DAY OF AUGUST, A.D. 2005.

Wayne W. Nekola
PLS No. 2823





N
 PROPOSED SITE PLAN
 SCALE: FULL



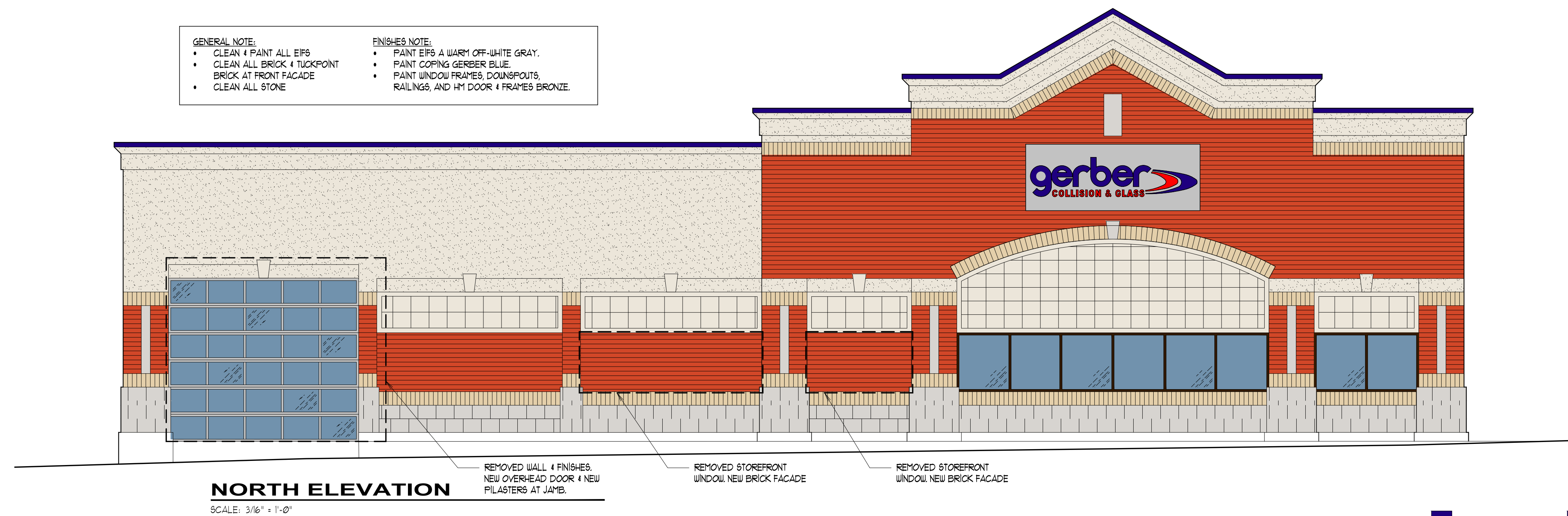
PROPOSED FLOOR PLAN
 SCALE: 3/16"=1'-0"

GENERAL NOTE:

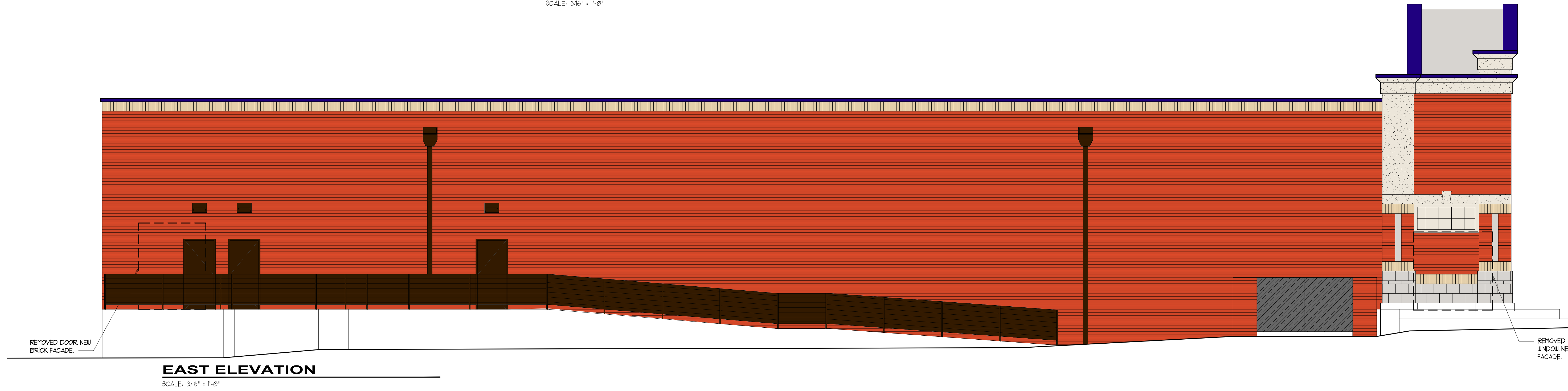
- CLEAN & PAINT ALL EIFS
- CLEAN ALL BRICK & TUCKPOINT BRICK AT FRONT FACADE
- CLEAN ALL STONE

FINISHES NOTE:

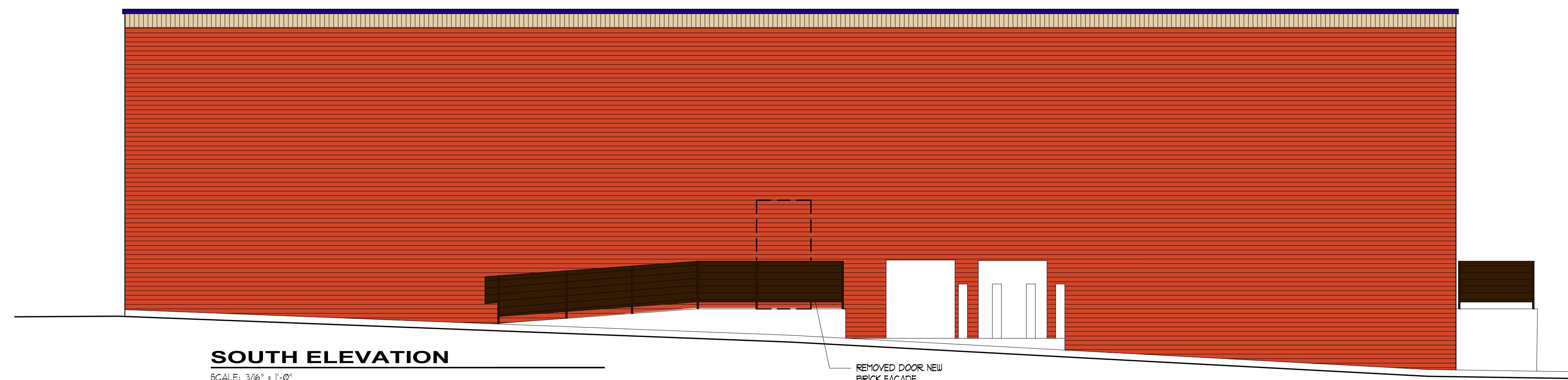
- PAINT EIFS A WARM OFF-WHITE GRAY.
- PAINT COPING GERBER BLUE.
- PAINT WINDOW FRAMES, DOWNSPOUTS, RAILINGS, AND HY DOOR & FRAMES BRONZE.



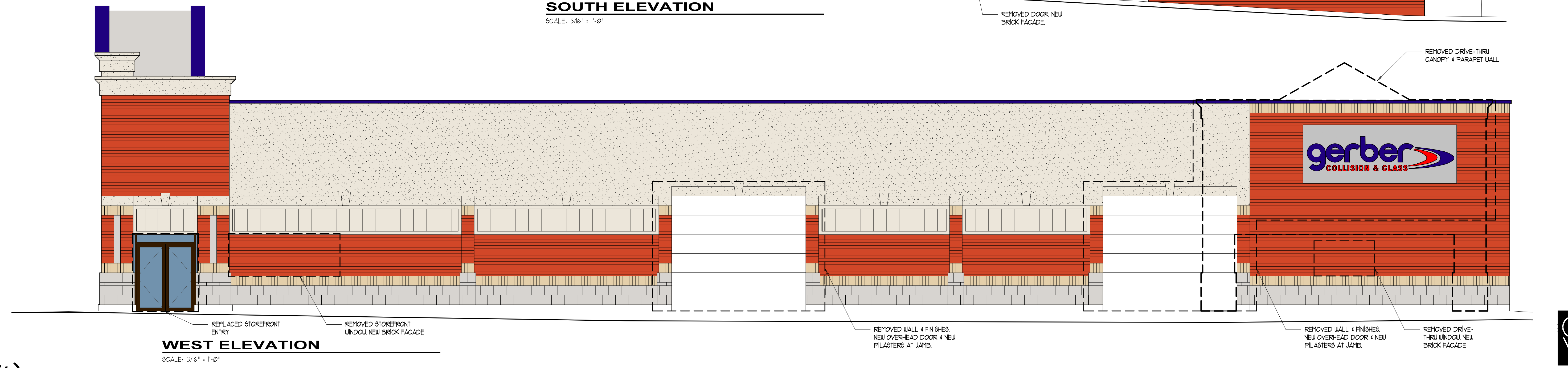
NORTH ELEVATION
SCALE: 3/16" = 1'-0"



EAST ELEVATION
SCALE: 3/16" = 1'-0"



SOUTH ELEVATION
SCALE: 3/16" = 1'-0"



WEST ELEVATION
SCALE: 3/16" = 1'-0"



Parcel Viewer

8325 LEMONT RD, DARIEI X

Show search results for 8325 L...

Layer List

Layers

Parcel Search

Searches Shapes Buffer Results

Remove Clear TXT Download PDF Report

PIN	0932301039
OWNER	CVS HEALTH CORPORATION
PROPERTY STREET NUMBER	
PROPERTY STREET DIRECTION	
PROPERTY STREET NAME	8325 LEMONT RD
PROPERTY APARTMENT	
PROPERTY CITY	DARLEN
STATE	IL
PROPERTY ZIPCODE	60561
PROP_CLASS	C
FCVLAND	199,850
FCVIMP	554,010
FCVTOTAL	753,860
LEGAL DESCRIPTION 1	POKORNY RESUB
LEGAL CODE 1	00000000
PROPERTY ADDRESS	8325 LEMONT RD
TOWN STATE ZIP	DARLEN IL 60561

1 - 1 of 1 results

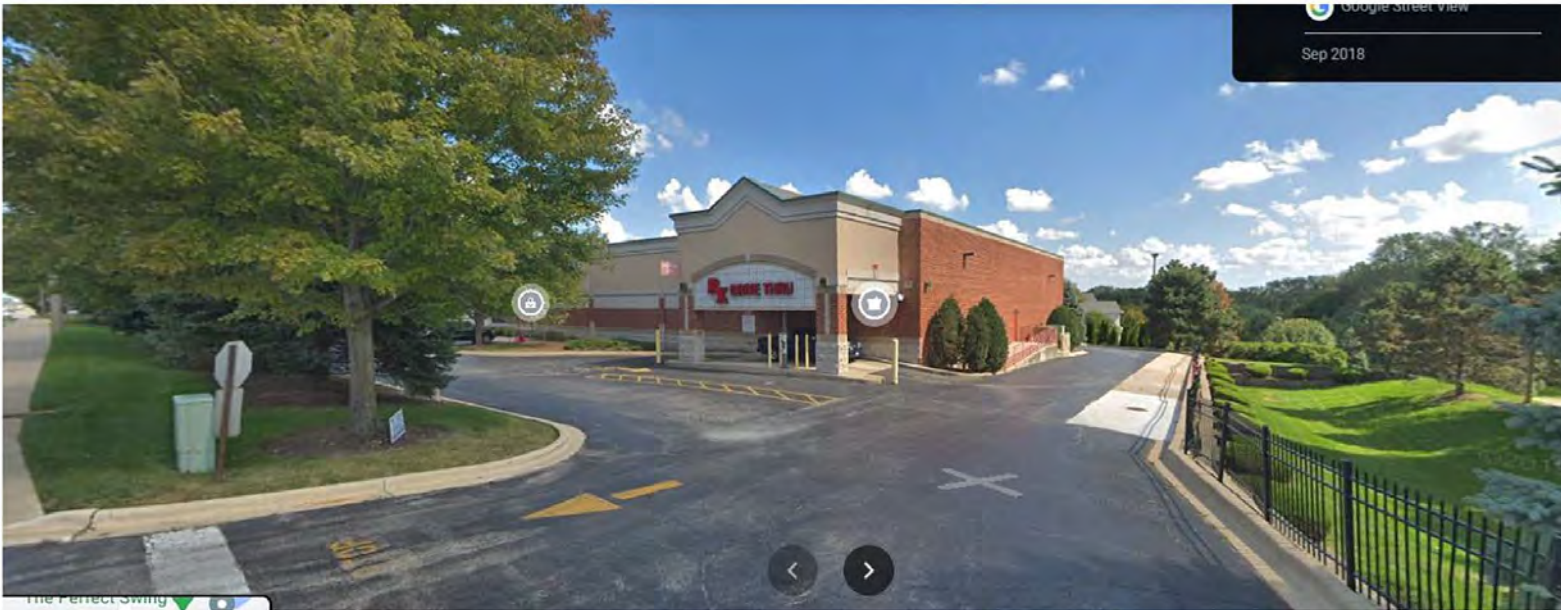
Soils (SSURGO_Soils_2011)

Unincorporated Zoning Data

County of DuPage, Esri Canada, Esri









Jordan Yanke

From: Michael Werthmann
Sent: Wednesday, October 4, 2023 1:11 PM
To: Jordan Yanke
Subject: RE: Traffic Impact Question

Jordan:

According to the *ITE Trip Generation Manual*, 11th Edition

- A “Pharmacy/Drug Store with Drive-Through” generates on average 3.74 trips per 1,000 square feet during the morning peak hour and 10.25 trips per thousand square feet during the weekday evening peak hour.
- A “Automobile Parts and Service Center” generates on average 1.91 trips per 1,000 square feet during the morning peak hour and 2.06 trips per thousand square feet during the weekday evening peak hour.

If the two facilities are approximately the same size, the automobile parts and service center will generate less peak hour trips than the pharmacy/drug store.

Please contact me with any questions. Thank you.

Michael A. Werthmann, PE, PTOE
Principal

Kenig, Lindgren, O'Hara, Aboona, Inc.

9575 West Higgins Road, Suite 400
Rosemont, IL. 60018
www.kloainc.com



From: Jason Norton <jnorton@darienil.gov>

Sent: Tuesday, October 24, 2023 2:20 PM

To: Dan Gombac <dgombac@darienil.gov>

Subject: CVS Related Crashes

Dan,

You asked about CVS related crashes. I performed a geographic search through our reporting system that goes back to June 2019. The geographic area covered northbound Lemont Rd, eastbound 83rd St/Plainfield Rd and the CVS parking lot itself. There were three reported accidents for the criteria entered.

- 1- Parking lot-one vehicle struck parked car
- 2- Rear end on Lemont Rd adjacent to CVS and south west of Plainfield/83rd
- 3- Vehicle exiting CVS facing north and turning west...when eastbound vehicle struck turning car

No other reported accidents for the area or timeframe searched.

Thank you,
Jason



Jason Norton #334

Deputy Chief

Darien Police Department

1710 Plainfield Road

Darien, IL 60561

Main: 630-971-3999

Office: 630-353-8334

Fax: 630-971-4326

Email: jnorton@darienil.gov





Brookeridge Homeowners Association

8554 Main Street
 Downers Grove, Illinois
 60516
 E-Mail: info@brookeridgehomeowners.com
 Website: www.brookeridgehomeowners.com

September 30, 2023

VIA E-MAIL

Jordan Yanke
 Senior Planner, City of Darien
 1702 Plainfield Road
 Darien, Illinois 60561

Dear Mr. Yanke,

You may recall that we spoke a few days ago regarding the October 4th public hearing relating to the former CVS site at Plainfield and Lemont Roads. Since that time, our board has reviewed the information packet and discussed the matter. We also circulated this information to our homeowners/membership and solicited their comments and questions.

In summary, we ask that the Special Use Permit requested by Gerber Collision be denied.

- Gerber operates a chain of automobile rebuilders (“body shops”). This operation is inconsistent and inharmonious with the nature and character of the surrounding properties. The site is surrounded to the south and east by Brookeridge single-family residences and the Myers Commons Apartments, a 90-unit senior housing complex.
- Inherent in this proposed business is the transport and storage of wrecked vehicles. Gerber has proposed to obtain a variance so they could install a six-foot high opaque wall or fence along Lemont Road (so that vehicles awaiting repair “will not be visible to the public eye”). We fail to see how such a wall offers any aesthetic comfort to the adjacent property owners.

We hope that a more suitable tenant can be obtained, one that would serve our local community without exposing us to undesirable adversities.

I would be happy to discuss this matter at your convenience.

Sincerely Yours,

Gary Koche
 President,
 Brookeridge Homeowners Association

October 4, 2023

Regarding: **Public Hearing on 10/4/23 – 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. The petitioner **relies on variations granted in Ordinance No. O-08-99 and seeks additional variations as deemed necessary.**

Dear Mayor Marchese, Bryon Vana, Dan Gombac, Jordan Yanke, the City of Darien City Council, and the Members of the City of Darien Planning & Zoning Commission:

I am writing as a long-time resident, homeowner, parent, and taxpayer of Darien, who has lived in close proximity to the location being discussed this evening, since 1986. I am opposed to the “Special Use” request. Please consider the following:

The City of Darien’s Special Use Criteria [comments in **BOLD**]:

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. **[NOT NECESSARY – existing local options available]**
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. **[WILL BE DETRIMENTAL – see narrative that follows]**
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. **[WILL BE INJURIOUS – see narrative that follows]**
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. **[WILL IMPEDE IMPROVEMENT – will provide a precedent for more industrial type developments to continue to expand into existing residential areas]**
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. **[WILL CAUSE SUBSTANTIAL DEPRECIATION]**

The City of Darien's Variation Criteria [comments in **BOLD**]:

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) 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. **[NO – the property was acquired without a tenant and is being marketed to attract a tenant]**

- b) 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. **[NO – long standing existing building and lot]**

- c) 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. **[N/A]**

- d) 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. **[WILL CREATE A NEIGHBOR PROBLEM – see narrative that follows]**

- e) 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. **[WILL CREATE A COMMUNITY PROBLEM – see narrative that follows]**

- f) Net Benefit: The positive impacts to the community outweigh the negative impacts. **[NO NET BENEFIT]**

- g) 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 **WILL NOT avoid nuisances, WILL NOT enhance aesthetic values**, to ensure an adequate supply of light and air, and to **WILL NOT protect public health, safety, and welfare**.

There are several compelling reasons why the City of Darien should not approve this special use permit. While I understand it's important to balance the needs of development with the interests of the community, the following should be considered and not allow such a development:

1. **Noise Pollution:** Auto repair centers can generate significant noise from the use of power tools, machinery, and vehicle testing. This noise can disrupt the peaceful environment of a residential neighborhood and negatively impact residents' quality of life. Myers Housing Apartments (a senior living space) is right next door.

2. **Traffic Congestion:** Auto repair centers often attract a steady flow of customers and vehicle traffic, leading to increased congestion in residential areas. This can pose safety risks, reduce property values, and make it more difficult for residents to navigate their own neighborhood. This intersection is a cross walk for local residents to access Walgreens and for students of Center Cass to go to/from school. It is also on the heavily used DuPage County bike path.
3. **Environmental Concerns:** The use of chemicals, oils, and other hazardous materials in auto repair can pose environmental risks. Accidental spills or improper disposal of these substances can contaminate soil and groundwater, potentially harming the ecosystem and the health of residents. The developer can promise safe use and disposal of chemicals but have we already forgotten the long-term damage to health of our residents by Sterigenics, which was located in an industrial park? The only way to ensure safety is to not locate these types of developments near homes and residents.
4. **Decreased Property Values:** The presence of an auto repair center in a residential area can lead to a decrease in property values. Potential buyers and renters may be less inclined to invest in homes located near noisy and potentially polluting businesses.
5. **Safety Concerns:** Auto repair facilities often involve the storage of flammable materials and hazardous waste. This poses safety concerns for both the employees working at the facility and nearby residents, particularly in the event of accidents or emergencies.
6. **Incompatible Land Use:** A residential area is typically zoned for housing and designed to provide a safe and quiet environment for families. Introducing a commercial auto repair center may be incompatible with the intended use and character of the neighborhood.
7. **Negative Aesthetic Impact:** Auto repair centers can be visually unappealing, with parked cars awaiting repair, industrial equipment, and signage that may not align with the aesthetic and architectural standards of a residential area.
8. **Legal and Zoning Issues:** Approving a special use permit for an auto repair center in a residential area may raise legal and zoning issues. It could set yet another precedent for future developments that may not be in the best interest of the community. The developer is already using previous special approvals as a precedent – *“There is precedent for similar special use approval for collision adjacent to residential areas with r3 zoning.”*
9. **Community Opposition:** Local residents often have a strong attachment to their neighborhoods and may be opposed to changes that could negatively impact their way of life. Their concerns and objections should be taken into consideration by city officials.
10. **Alternative Locations:** There may be more suitable locations within the city for an auto repair center, such as commercial or industrial zones, where the impact on residents would be minimal.
11. **Opens the door for additional and similar developments,** expanding the industrial corridor, further deteriorating the quality of life for existing residents.
12. **This is a major Gateway into Darien – we can and should do better.**

In conclusion, when considering whether to approve a special use permit for an auto repair center in a residential area, City officials should carefully weigh these compelling reasons against the potential benefits of the development. It's essential to prioritize the well-being and interests of the residents and maintain the character and integrity of the neighborhood.

Thank you for your careful consideration of this development – on behalf of the RESIDENTS OF DARIEN.

Sylvia McIvor
3253 Ailsworth Court
Darien, IL 60561
(312) 961-9230

ATTN: Jordan Yanke
City Planner

RE: Public Hearing – Gerber Collision
Monday, October 23, 2023 @ 6pm
City Hall Darien, IL

Statement from Mary Travis – Myers Commons Resident Group, Leadership Team Member Apt 125

The major issues and concerns expressed by some Myers Commons residents are: Appearance of the Property with cars towed in to be worked on, Noise from the Shop and Tow Trucks, Disposal of Parts, Containment of Paint Fumes and any Other Chemicals Used. Our building is the closest property to the proposed site for the repair shop. Residents are also concerned that increased traffic from Northbound Lemont Rd will increase the traffic that turn onto 83rd Court and through our parking lot to get around the traffic light at 83rd & Lemont Rd.

Thank you

Statement from Sue Gregorovic - Myers Commons Resident Apt 139

I am not in favor of having an Autobody repair shop on the location of the former CVS building, at the corner of 83rd and Lamont Rd. It's bad enough that we have a 24-hour gas station across the street. My apartment is on the first floor and one of the closest to the old CVS building. Lemont Rd already has a lot of traffic and noise. I already can't get a good night sleep between sirens, ambulances and police there is so much noise. I'm also concerned about paint and chemical fumes from the building.

Thank you

Statement from Arlene Holik - Myers Commons Resident Apt 225

My name is Arlene Holik. I have lived at Myers Commons Senior Apartments, next door to the proposed development for 17 years. I have enjoyed the peace and quiet here. So, I am concerned about the noise generated by auto repair. What are you planning to do about noise abatement? There are environmental concerns. How will chemicals, oil and other pollutants be disposed? Is there the possibility of run off? There is a marsh area and pond on our site. There is a nesting area for geese on our site. Will they be affected by these pollutants over time?

Thank you

Darien Planning Zoning Meeting vcp comments & points to raise

Thank you for the chance to comment on the proposal for a body shop in the old CVS building. Firstly I would like to preface my comments by saying I appreciate the training and skills necessary to operate and repair damaged vehicles. This work though must be done in a manner that protects the health and safety of everyone.

Vcp background- retired Senior Principal scientist at Universal Oil Products/ Honeywell. Biochemistry, chemistry, chemical engineering focus over 38 years post degree.

The application for the Special Use variance, in my opinion, is lacking a substantial amount of the critical information needed by citizens and the Darien governing body to make a realistic assessment of the value of allowing that proposed body shop at that location.

Points:

1. Body shop activities produce the release of toxic and hazardous materials. Some of these activities directed to damaged vehicles are paint stripping, grinding, welding, sanding, solvent washing, priming, basecoat, clear coats, drying to name a few. The US EPA reports that 287,000 TONS of volatile organic compounds were emitted from 50,000 body shops in 2015! 12,000 lbs./year per facility! I am sure the trend to moving toward water-based paints has improved this startling picture but not completely. Water based coating still contain volatile and extremely hazardous compounds! One of the worst are various types of iso-cyanates which are known carcinogens. Unfortunately the newer non iso coating have not yet received the comprehensive testing needed to assess chronic safety. Dusts produced from water based paints remain hazardous. The applicant needs to provide a detailed list of ALL the chemicals, solvents, paint types, windshield sealants, etc intended to be used at this location in order to understand the air quality to be released. A school is located right across the street, senior living just east, and residential directly south. Vapors and respirable dusts can easily travel many miles (Sterigenics) The application does not provide details of emission control facilities intended, hazardous waste estimates, approach to reducing contamination from leaking wrecked vehicles, etc
2. Noise: repairing wrecked cars makes noise. Air compressors, emission control filters, water wash pumps, air hammers, impact wrenches, sanding and grinding equipment, cutting tools and saws, This sound can be expected as nearly constant while the facility is in operation. Noise from tow vehicles dropping off wrecked vehicles can also be expected at all hours?

3. The proposed fence along Lemont road to "shield" the view of wrecked vehicles needs to be described more completely. Many types of fences, especially high ones, are simply another type of eyesore. Not a good look for a "gateway" entrance to Darien. A visit to a selection of similarly sized body shops by Darien officials should be considered.

I have a number of documents to share with Darien. Thank you very much for listening.

Jordan Yanke

From: Brian Liedtke
Sent: Wednesday, September 20, 2023 11:15 AM
To: Joe Marchese; Eric Gustafson; Jordan Yanke; Bryon Vana; Mary Sullivan; Joseph Kenny; Dan Gombac; Ted schauer; Ralph Stompanato; Gerry Leganski; Tom Belczak
Subject: CVS Property

Good Morning Mayor, City Council, and City Staff -

I read an article in the Darien Patch this morning, sharing some details around the former CVS property at 8325 Lemont Rd (<https://patch.com/illinois/darien-il/plan-old-darien-cvs>). I hadn't seen anything on the Economic Development, Planning and Zoning, or City Council agendas, nor anything in the Direct Connect or on the City's Twitter or Facebook pages, about potential plans for this site, so I wanted to get confirmation about the desired plan to approve a permit for Gerber Collision and Glass in this location.

If this is true, I find it extremely disappointing, that after years of discussion around economic development and future land use planning, with a unanimous agreement on attracting mixed use developments, Darien would take one of the last, prime corners in their city boundaries and allow an auto body shop, which does not match the character of this area.

To the north of this area you have The Perfect Swing and Midwest Badminton Club, and a little bit further you have Skeleton Key Brewery. Goddard School exists right to the West, and you have Apartments and Homes directly South and East of this location. Another sports/entertainment/recreation type of business, or a brewery/pub would be a fantastic addition to this area.

I obviously know and understand better than most that you cannot just snap your fingers and bring in any type of business that you desire, there has to be an interest from a potential developer. But this City Council recently amended the Comprehensive Plan to include 9 Key Development Areas. And while 83rd and Lemont Rd was not included in that amendment, this is a vital corridor that leads to 2 key development areas (#7 which is I-55 and Lemont Rd and #9 which is 87th and Lemont Rd), and I firmly believe 83rd and Lemont Rd should receive similar consideration around long term planning/vision for the Lemont Rd corridor.

I am encouraging you to scrutinize this proposal and vote to allow the highest and best use for this property, especially one that better fits the character of this area. I know it may be tempting to just accept the first development wanting to redevelop the property but I encourage you to have the patience and conviction to stand by your long term comprehensive plan.

I appreciate you taking the time to consider my thoughts and would appreciate you including this note in the public record for the October 4 meeting.

Sincerely,
Brian Liedtke

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Jordan Yanke

From: Eric Gustafson
Sent: Friday, September 22, 2023 8:53 AM
To: Jordan Yanke
Subject: Fwd: CVS Location

Comment for resident for public hearing.

Sent from my iPhone

Begin forwarded message:

From: Kristine Collins
Date: September 22, 2023 at 8:23:49 AM CDT
To: Eric Gustafson <egustafson@darienil.gov>
Subject: CVS Location

Hi Eric,

I posted the article from the Patch on FB in hopes to get some folks from the community to attend the meeting. Unfortunately, I'll be out of town for a tradeshow.

Would you please express my displeasure of having a Gerber glass in that location? It does nothing to enhance our neighborhood or drive up our home values. This is exactly why the city needs to hire a person who will look for good viable businesses to fill empty space.

Thanks for your service!!!

Best,
Kris

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Jordan Yanke

From: Joseph Myczek
Sent: Thursday, September 28, 2023 9:21 PM
To: Jordan Yanke
Subject: CASE NO. PZC2023-08; CASE NO. PZC2023-07

Hi Jordan,

This email is feedback / commentary regarding the Zoning Petitions referenced above.

Case #PZC2023-08, zoning variations allowing the conversion of the former CVS Pharmacy building to an automobile collision repair and service facility should be denied. The proposed business is inappropriate for the location.

The fumes and noise created by its daily activities would be a disturbance to the neighboring residence (Meyers Commons Senior Apartments).

Case #PZC2023-07. Darien should proceed carefully and conservatively when considering the locations of EV charging stations.

The industry is still nascent, and the public's desire for EVs is relatively weak due to vehicle cost, "range anxiety," and charging time requirements.

I advise prohibiting stand-alone charging stations. If a business (eg., Walmart) wants to have a charging station on its property, it should be located where it will not be a visual nuisance to the public.

Too often, when a business dies, it leaves its "artifacts" for someone else to clean-up.

Joe Myczek

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Jordan Yanke

From: Mark Jovic
Sent: Sunday, October 1, 2023 2:05 PM
To: Jordan Yanke
Subject: Gerber collision

Don't allow that corner to become busier and trashier than it already is. You have a gas station, some old broken down looking home and now a collision center? Keep our area classy. Make our city vibrant and attractive to youth and young families. Look at Naperville. They seem to be doing it right. Make small incremental steps. A junky collision center where there will be trashed cars piled up in a lot is something better for Ogden or near a highway. Not in our neighborhood. Thanks.

Sincerely,
Mark Jovic

Woodridge resident of 12 years and before that Darien resident for 15 years.

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Jordan Yanke

From: Melanie Santarelli
Sent: Sunday, October 1, 2023 8:24 PM
To: Jordan Yanke
Subject: Lemont & 83rd St/Plainfield Rd Lot

Good evening,

I am troubled about the potential plans to put Gerber Collision and Glass in this now vacant lot.

There are so many other uses for this land that will promote economic growth and maintain the integrity of this residential area. We go by this property literally 6-10 times some days due to it being on the route to our schools, shopping, doctors. It would be much more beneficial to have some sort of business that contributes to the families, youth, community that benefits all.

To be frank, it would be an eye sore and may have truly impacted our decision to move to the area. There are already 2 similar locations extremely close by and in better locations. We're in dire need of many other establishments and this is an opportunity to add to our already amazing community. How about something that the community could gather at, enjoy, celebrate, time after time? As you know, zoning rules are established to provide for the highest and best use and to enhance the community - I just don't see how re-zoning to this would accomplish that.

I am encouraging you to scrutinize this proposal and vote to allow the highest and best use for this property, especially one that better fits the character of this area. I know it may be tempting to just accept the first development wanting to redevelop the property but I encourage you to have the patience and conviction to stand by your long term comprehensive plan.

I appreciate you taking the time to consider my thoughts and would appreciate you including this note in the public record for the October 4 meeting.

Thank you,
Melanie Santarelli

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Jordan Yanke

From: Brian Liedtke
Sent: Tuesday, October 3, 2023 11:57 AM
To: Jordan Yanke
Cc: Lou Mallers
Subject: Re: CVS Property
Attachments: image006.gif

Good Morning Jordan and Lou!

Tomorrow should be an exciting PZC hearing for you guys. Now that the packet was posted last week, I was able to review it for myself and I have a few additional comments regarding the developers application.

Darien City Code 5A-2-2-6(G) defines standards that developers must meet in order to be approved for a Special Use permit to operate a business not intended in that specific zoning area. **"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"**. Of the 8 factors listed, it's my opinion that this special use is not deemed necessary for the public convenience at the location specified (condition 1), that the establishment, maintenance, or operation of the special use (collision center) will be detrimental to the general welfare of the surrounding community (condition 2). I think additional arguments could be made that this special use would be injurious to the use of and enjoyment of other property in the immediate vicinity or would impair property values within that neighborhood (condition 3) and that the establishment of this special use could impede the development and improvement of the surrounding properties for uses that are permitted within this zoning district (condition 4).

The applicant is asked to present findings of fact to meet these standards. An answer of "Yes" is not an acceptable finding of fact to support that this special use is deemed necessary for the public convenience (Condition 1). An answer of "Correct, it will not" is not an acceptable finding of fact to support that this establishment will not be detrimental to or endanger the public health, safety or general welfare (Condition 2). The overall justification is very lazily done, with zero rationale, and I've already heard people express frustration that this is already an approved development and the developer is just going through the motions to make it official. I'm hopeful you will apply your learnings, experiences and appropriate judgement into seeing that this is not an appropriate project, nor does it meet the standards required to approve a special use.

In addition to the special use, the petitioner is also looking for approval on a fence variance. Again, they must present findings of fact to justify why they need this variance approved. On Page 21 of your packet, under Decision Criteria (City Code Section 5A-2-2-3), question 2a asks if the property cannot yield a reasonable return if permitted to be used under only the conditions allowed by the regulations in the zone. Meaning, this property, without approval of a 6' tall, fully opaque fence, cannot yield a reasonable return. The applicant states that this is correct, proven after 2 years of marketing. During the entire time it was CVS, without a fence, that property never yielded a reasonable return? CVS closed 900 stores not because they did not have a fence along their property, but because of the market conditions that impacted their business model. The applicant cannot even get his own facts right as the CVS at this location closed its doors on April 25, 2022. It's been closed for less than a year and a half, not 2 or more years. Even Robert Taft, a member of your Economic Development Committee, acknowledges on NextDoor, this property has not been on the market long. I do not believe Darien has done its due

diligence in finding or attracting a business that would better fit the character of this area and better serve this community and I know with some effort and time, this property can be a real gem in Darien.

Between the incomplete application and the lack of rationale displayed in his justification narrative for both the special use need and the variance request, this proposal does not meet the decision standards necessary to approve such an ask. Therefore, I see no choice but to deny this application.

Thank you for your service, I know it's not an easy job, and I'm confident you all will put in a lot of thought and discussion when reviewing this case.

Sincerely,
Brian Liedtke

Jordan Yanke

From: Elizabeth Uribe
Sent: Tuesday, October 3, 2023 1:30 PM
To: Jordan Yanke
Subject: Objection to Special Use Permit Request for 8325 Lemont Road (Former CVS)

Dear Mr. Yanke,

I am writing to express my objections to the granting of a special use permit being requested by Gerber Collision and Glass ("Gerber") for the property located at 8325 Lemont Road in Darien, which was formerly occupied by CVS.

Among my chief concerns is that an auto body and collision center is not the best use for this property, fails to address any community need, and is not suited to the character of the area. The proposed business is industrial in nature and would be nestled primarily among small businesses, a daycare, a senior living center, and residences.

Furthermore, this type of business has attendant concerns about pedestrian and driver safety, noise pollution, chemical runoff, and general aesthetics that would negatively impact the well-being of residents and their properties, children and students, and wildlife in the area. As you know, Bruce Lake, Prairieview Elementary School, and Lakeview Jr. High are just east of the site, the Goddard School is south on Lemont Road, and a number of small medical offices and businesses line Plainfield Road/83rd Street on either side of Lemont Road at this intersection.

Having damaged and disabled vehicles visible from the streets is not a welcome sight when entering the community. Nor will a six foot fence or wall along Lemont Road be appealing to passersby or residents. Car repair machinery and related tools are very loud and echo through garage structures. The chemicals associated with refinishing and painting damaged vehicles raise environmental concerns for both air and water sources.

There are already other vehicle repair shops in the area that provide the services in which Gerber would be engaged. Within 1/2 mile of the site are Haraldson's Garage and Darien Collision, small businesses which call Darien home. This proposal would not fill a community need and would harm those businesses that are already here.

In addition, Gerber does not have a good reputation among consumers. The Better Business Bureau gives the company a D+ rating and has reported at least 78 complaints in the last year alone, including charges that cars are not repaired in a timely fashion and end up sitting at shops longer than promised. Gerber already has 66 locations in Illinois and not one of them, to my knowledge, is located amongst residences. We should not be the first.

Finally, I urge you to consider the many community members and neighbors who have reached out to you to also express their concerns about this development and I ask that you deny Gerber's request for a special use permit at 8325 Lemont Road.

Thank you for taking the time to review my email and I would appreciate it if you would forward my correspondence to the members of Darien's Planning and Zoning Commission prior to the public hearing scheduled for tomorrow, October 4.

Sincerely,

Elizabeth R. Uribe
20W471 Havens Court
Downers Grove, IL 60516

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Jordan Yanke

From: Mary Sullivan
Sent: Tuesday, October 3, 2023 2:26 PM
To: Jordan Yanke; Bryon Vana; Joe Marchese
Subject: Fwd: PZC - Question 2b Question to Alderperson

Mary Coyle Sullivan
City of Darien Alderperson Ward 5
1702 Plainfield Road, Darien, IL 60561
Email: msullivan@darienil.gov
Phone: (630) 606-8664

Begin forwarded message:

From: drewkelly
Date: October 3, 2023 at 11:47:33 AM CDT
To: Mary Sullivan <msullivan@darienil.gov>
Subject: PZC - Question 2b Question to Alderperson

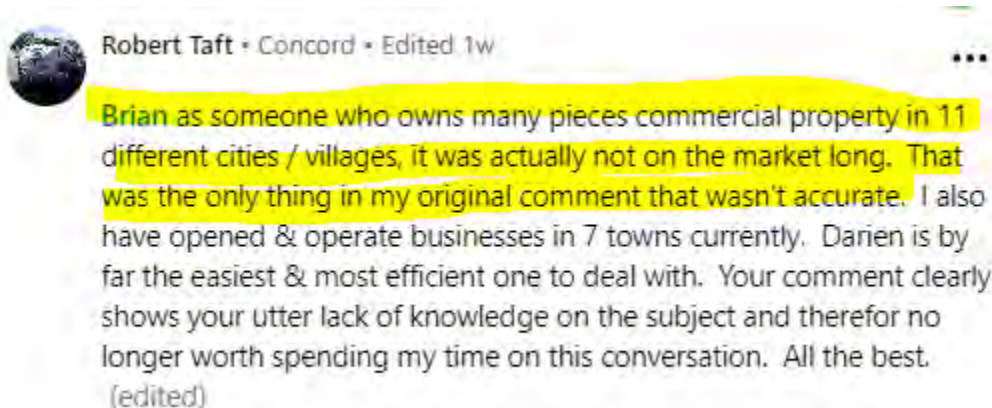
Hi Mary,

I wanted to bring something to your attention:

[Planning-and-Zoning-Commission-Meeting-October-4,-2023.aspx \(darien.il.us\)](#)

Check out page 21. What justification does the petitioner use to ask for the variance? That it has been "proven" after 2 years of marketing that the petitioner has "unique" circumstances to ask for a variance since no one else has developed the property, right?

I also would note the comment below by an individual that currently sits on the economic development committee:



Robert Taft • Concord • Edited 1w

Brian as someone who owns many pieces commercial property in 11 different cities / villages, it was actually not on the market long. That was the only thing in my original comment that wasn't accurate. I also have opened & operate businesses in 7 towns currently. Darien is by far the easiest & most efficient one to deal with. Your comment clearly shows your utter lack of knowledge on the subject and therefor no longer worth spending my time on this conversation. All the best.
(edited)

Here is the original comment if you want to read it:



Robert Taft • Concord • Edited 1w



Just out of curiosity.....everyone realizes that the City doesn't open businesses right? The property was empty and for sale for a long time. Anyone could have bought it and built any of these great ideas, but no one did. I always find it amusing that people get mad at the City for not "opening" businesses they want even though the City doesn't do that. It's up to all of us to build a community that we want as much as it is the City. At best the City can offer incentives & be business friendly, both of which they already do & are. It would be great to see a Darien resident open any of the businesses mentioned above (as the City can't do that). I'm sure the City of Darien would work with anyone looking to invest their time & money into the community! So anyone out there want to open a new business? (edited)

Note that he goes out of the way to correct himself to note that the property was not "for sale for a long time" as originally indicated.

In my view the comment of Robert Taft must not be ignored. He is an expert. He owns seven different businesses and many pieces of property in 11 different cities. He was placed on the economic development council by the city council itself.

The entire premise behind the initial request is summarized by question 2b:

2b. The plight of the owner is due to unique circumstances.
Yes, no user demand for this property proven after +/- 2yrs marketing.
2c. The variation if granted will not alter the essential character of the locality

Based on the comment of the EDC member above two years is "actually not on the market long" according to his comment. If that's true, wouldn't the answer the petitioner gives to question 2b be insufficient to make the request since the property "actually not on the market long" according to the comment above?

Have a good day!

Andrew J. Kelly, CPCU, RPLU+, ARM, ASLI,
ExecPLP, CRIS, MLIS, AINS, CPLP, AIS
Executive Vice President
Alexander J. Wayne & Associates, Inc. 2551
North Clark Street, Suite 601 Chicago, IL 60614
Website: www.ajwayne.com
Fax: (773) 328-0508
Alternate Fax (773) 328-1259

On behalf of Alex E. Wayne and Alexander J. Wayne and Associates, Inc. dba
Alexander J. Wayne & Associates Insurance Services. (CA License # 0D94564)

Jordan Yanke

From: Kelly Troche
Sent: Tuesday, October 3, 2023 4:26 PM
To: Jordan Yanke
Subject: ☒ Gerber collision & glass

Hi Jordan,

I am a 19 year resident of Darien. I don't feel Gerber Collision & glass is the right fit or look for the community at Plainfield/Lemont road. I feel Darien and the neighborhood could benefit much more from a business that offered some form of entertainment/dining for the community which may attract more visitors from near by towns

Kelly Troche

Sent from my iPhone

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Jordan Yanke

From: Mel Gregory
Sent: Wednesday, October 4, 2023 7:33 AM
To: Jordan Yanke
Subject: Re: PUBLIC Hearing PZC2023-08 vacant CVS Pharmacy conversion Gerber Auto Collision Glass repair service center

Good morning Jordan.

Just dove past the proposed Gerber/CVS site again this morning.

It really hit me that the proposed West side work place entrance with two overhead doors and opaque fenced in holding yard is the "alley view". Gerber will need to be very focused to "soften" the appearance the given "alley view" to aestecically blend into to the overall existing structure with the surrounding area.

Hope this concern can be conveyed to Gerber and they will make a strong overall committment toward the "beautification" of the site as they retrofit this property.

The addition of a " 6ft opaque fence" is just not going to "cut-it"! If that is Gerber's go forward vision for this site it might be best if the city respectfully declines the request for variance at this time?

Regards.

Mel and Mary

On Tue, Oct 3, 2023, 18:14 Mel Gregory wrote:

Hello Jordan.

Melvin Mary Gregory
8735 Kentwood Court
Darien,

In response to your voice mail request listed are bullet points of concerns that could be clarified prior to proceeding with permits variance requested for 6 ft high opaque wall/fence.

MY OBSERVATIONS AND QUESTIONS FOR CLARIFICATIONS.

Note this is a this former retail store it is surrounded by residential homes and apartments. Understand that this parcel ONLY is zoned light industrial

* Request for Variance for 6ft opaque fence. SUUG3ST CITY REQUIRE A MINIMUM OF 8 FT FENCE WITH FINISH CONSISTENT WITH BRICK FINISH OF EXISTING BUILDING FACADE. DO NOT ACCEPT. USUAL CHAIN LINK FENCE WITH PRIVACY SLATES (typical of other Gerber sites) they become very shop worn after approx 5 years. (preferred vinyl composite (brown in color). Wood cedar (stain dark brown) hardware stone? Other? Appropriate gates to match

1)site draft has fence approx 5 ft West of existing parking lot curb (this location would

necistate severe pruning of established tree line which is currently buffering view of building from Lemont road. This is critical as thapproval. Needed to buffer the proposed holding yard fir work in process and wrecks awaiting insurance asproval. Enhanced landscaping would be appropriate for this area!

2)based on site draft existing fire hydrate would be behind proposed fence line? Fence line needs to to moved to EAST to existing curb line

* Is one existing fire hydrate (West side of property) sufficient for a facility dealing with flammable materials? Will the building require installation/upgrade of any existing sprinkling system?

* Fence gates need to be consistent with upgraded fence appropriate to existing building neighboring resident area

* Proposed fenced holding lot has 16 stalls. Is this adequate capacity for all work in process new wreck drop off for insurance evaluation etc. Seems small? Will all vehicles have work on site be required to be housed either under roof or in fenced holding area? Will this holding area be locked when business is closed? Where will new wrecks be dropped by tow operators?

* Proposed overhead doors (West side Lemont Road) must be consistent to the existing brick facade of the building. NO INDUSTRIAL APPEARANCE OVERHEAD DOOR (both in construction and finish).

* Are changes proposed to front (North) facade of building. Specially existing store front windows?

* in addition to proposed West holding lot there are 44 remaining parking spaces (North) on site. Suggested labor staff plus customers was listed as 12-25. Existing parking way over proposed business need ! Can some of this excess parking space be returned to "green space" or retention pond?

* Does the proposed business have the option to open a car rental business (sublease)? Will the city consider/approve? If excess parking remains in place this North lot will become a "catch all" of partially "out of service" vehicles. How will City police ticket?

* Will a refuse dumpster be required on site? (Auto repair business tend to produce abundance of bulk refuse) Where will dumpster be located? Will it be screened from site?

* What form of street business signage is proposed?? Lighted??

* Will proposed holding lot and overall building facade require high lumen overnight lighting which will disturb neighboring residences?

Jordan my list of concerns is lengthy it is not a reflection that I am opposed to the nes business (Actually it is a EXCELLANT location due to no existing competition plus adjacent to I55/I355 for wrecks)

I would hope we can leverage to our advantage to update a vacant property that can in seamlessly with the neighboring residential area.

If you have additional clarification please let me know.

Thank you for your support,

Mel and Mary Gregory

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Jordan Yanke

From: Stacie Lentz
Sent: Wednesday, October 4, 2023 12:32 PM
To: Jordan Yanke
Subject: Proposal for Gerber Collision and Glass

Good afternoon,

My name is Stacie Wharton and I am a resident of the Brookeridge neighborhood. My family and I live 3 doors down from the site of the proposed Gerber Collision and Glass. I have several concerns with a business of that type going in that specific location.

1) The noise from a business of that type can be quite loud and disturbing, even if it is during the day. Several neighbors nearby work from home which that noise can interfere with. My husband is a firefighter and works 24 hour shifts in which most times he does not get more than 2-3 hours of interrupted sleep. He relies on the quiet of our home to catch up on that sleep the following day.

2) I am greatly concerned about the environmental impact of an auto repair business. Our neighborhood, specifically in the close proximity of to that site, is on well water. We use that water to clean, cook with and most even drink it. I fear that our well water will become contaminated with waste products (oil, chemicals, gas, etc.). I am also concerned about fumes from paint and other chemical used in that industry. Will Gerber have to apply for special permits for the use of the chemicals? Will they require inspections to meet EPA requirements?

3) Another significant concern is safety. Carjackings have increased quite a bit over the last few years. I think that anyone knows that even without looking up the statistics. DuPage county is in the 14% percentile for safety regarding vehicle theft. This a major crime concern nationwide really. I am concerned that a business that leaves vehicles parked outside (especially overnight) will be an open door for criminals, especially with such easy access to I-55. Unfortunately crimes of this nature are happening at any time of day and night. Since we live so close, I am worried that if a criminal is in the act of stealing, and a police officer is in pursuit, that my street and yard could be an easy getaway. I have young children that play outside every day! I don't want to worry about them being outside if this were to happen!

I don't think that this is the most appropriate business for this location. I think that a business of this type is better suited for an industrial park. I sincerely hope that these concerns, among the many others that I have heard, are taken into consideration when approving or denying the use of this space for this business or another like it.

Thank you for your time,

Stacie Wharton

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Jordan Yanke

From: Nikki Giancola-Shanks
Sent: Wednesday, October 4, 2023 4:23 PM
To: Jordan Yanke
Subject: Gerber Collision & Glass Proposal Public Comment

Hello-

I am writing today to urge the Planning and Zoning Committee not to change established variances in regards to the proposed Gerber Collision and Glass proposal in the old CVS spot. There are many reasons that I, as a community member, do not want to turn one of our last free corners into a business such as this. I have outlined several below.

1. The variances were written for a reason. The Committee and City Council established them with the community and its development in mind. They did not feel that this type of establishment belonged in that corner- so why change now?
2. There are many auto body repair shops close to this area. Further, many are small businesses, such as Darien Collision, Haraldsen's Garage, Main Guys Tire & Auto, and Mike More Miles. Bringing in a large corporation such as Gerber Collision & Glass could have significant negative impacts on our local businesses that are already part of our community.
3. Our neighboring towns are outpacing us when it comes to economic development. As a family, we never are in Darien for any type of entertainment. It just doesn't exist. There aren't really family friendly restaurants, there is nothing to take kids to in order to have fun other than Chuck E Cheese, etc. It's mostly retail shops, and Gerber would just add to that. The recent success of Oktoberfest should prove that Darien residents want more neighborhood/family type events and places to go. This spot could be a great area to develop for the community as a whole. The committee and City Council should strategically plan and recruit businesses with the future of Darien in mind, and not just the first proposal presented.
4. The argument that there is not enough parking is a convenient excuse for Storebuild. There are many other restaurants and businesses that are entertainment based that have less than 53 parking spaces. Look at Wayback Burger- very small parking lot, very successful. That entire section of Darien is successful with very little parking. Fry the Coop also has a small parking lot. The entirety of Downtown Downers has very little parking, yet they are booming with business. Moreover, in their last minute letter, Storebuild cited Carabba's as one of their building. That restaurant has 36 spaces and share part of that with Jameson next door. It is not an argument that can be taken seriously with 53 parking spaces available.
5. The Storebuild argument that the amount of vehicles that pass by does not make it a neighborhood spot is also an argument that should not be taken seriously. Again, the 75th and Lemont location for their Carabba's restaurant proves that high-traffic restaurants/family friendly businesses can thrive.
6. In Storebuild's letter, it mentions something about Gerber putting up a brick wall- however, I see no mention of that in the packet. I'd like to know what he is referring to, as it appears that the community may not have all the available information.

Thank you for the opportunity to submit my public comments, and I look forward to hearing the discussion tonight.

Thank you,
Nikki Giancola-Shanks

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Jordan Yanke

From: drewkelly
Sent: Thursday, October 5, 2023 9:54 AM
To: Dan Gombac
Cc: Jordan Yanke; Mary Sullivan
Subject: RE: PZC - Question 2b Question to Alderperson-Follow Up

Hi Mary,

I would like to make a comment via e-mail for next week's meeting. I was surprised to read the below yesterday:

[Darlen Body Shop Rejected Amid Protests | Darlen, IL Patch](#)

I have read Brian's commentary on the subject, and I know he is a former PZC member. That would make the vote 8-1. I would also have noted against it. That would make it 9-1. If the PZC is ignored when it resoundingly voted against the measure serious thought to be given to dissolving the PZC.

I have a few additional comments. At one point, I began trying to contact businesses to try and bring additional opportunities to Darlen. I was flatly told to stop by the city. When I look at that property, I wonder if Darlen Urgent Care was approached for the space. It would be very convenient to have that business across the street from a Walgreens. It's current location is tucked away, with barely any parking at all. I would even consider providing significant economic incentives to do the move based on its utility to our residents if it were up to me.

I wonder if a business like this has been approached or considered:

[DIY store takes over former CVS space in downtown Concord \(concordmonitor.com\)](#)

I wonder if the owner has considered sectioning off the business into four quadrants to form a small fast food court. That building does have a drive through. If it is me, I am contacting every single one of these establishments (multiple times):

[Ranking The Top 50 Fast-Food Chains in America | QSR magazine](#)

These are just a few of the ideas I would have pursued if I was not told to stop all those years ago. What I can tell you is that I read all of the minutes from the economic development committee and I do not see any mention of any businesses specifically being contacted by the city. If that's true, that makes me sad.

I think the council should note that a similar type of property is located in Clarendon Hills and has been closed since 9/24/2020. The property was put up for sale in 2018 That's 5 years ago. Note how serious Clarendon Hills is about rejecting anything they do not see fit to be in their community:

[Clarendon Hills Rejects Dunkin' Donuts Drive-Thru | Hinsdale, IL Patch](#)
[Hinsdale Developer Slams Clarendon Hills | Hinsdale, IL Patch](#)

Clarendon Hills would rather have the building demolished after 5 years of marketing than approve something they do not feel fits within their community.

[Former Tracy's Tavern in Clarendon Hills to be razed this fall \(chicagotribune.com\)](#)

That to me, is a good thing. The city is willing to be patient, and they will eventually be rewarded for it.

Good luck in the meeting when you vote on the matter. I will not be attending.

Have a good morning.

*Andrew J. Kelly, CPCU, RPLU+, ARM, ASLI,
ExecPLP, CRIS, MLIS, AINS, CPLP, AIS
Executive Vice President
Alexander J. Wayne & Associates, Inc.
2551 North Clark Street, Suite 601
Chicago, IL 60614
Website: www.ajwayne.com
Fax: (773) 328-0508
Alternate Fax (773) 328-1259*

*On behalf of Alex E. Wayne and Alexander J. Wayne and Associates, Inc. dba
Alexander J. Wayne & Associates Insurance Services. (CA License # 0D94564)
California Licensee: Andrew J. Kelly (CA License #: 0J06468)*

*The best compliment you can give me is to send me another opportunity to work with you!
"I'm a great believer in luck and I find the harder I work, the more I have of it." - Thomas Jefferson*



From: drewkelly
Sent: Wednesday, October 4, 2023 12:42 PM
To: Dan Gombac <dgombac@darienil.gov>
Cc: Jordan Yanke <jyanke@darienil.gov>; Mary Sullivan <MSullivan@darienil.gov>
Subject: RE: PZC - Question 2b Question to Alderperson-Follow Up

Thanks for the background. If we are adding up 5 months and 18 months that would be just shy of two years.

I thought it was interesting a member of the EDC noted the below:



Robert Taft • Concord • Edited 1w



Brian as someone who owns many pieces commercial property in 11 different cities / villages, it was actually not on the market long. That was the only thing in my original comment that wasn't accurate. I also have opened & operate businesses in 7 towns currently. Darien is by far the easiest & most efficient one to deal with. Your comment clearly shows your utter lack of knowledge on the subject and therefor no longer worth spending my time on this conversation. All the best.
(edited)

The comment before this comment asked Mr. Taft what was done to market the property in two years. That question was asked by Mr. Liedtke. The answer above was posted in response to that question. Although the thread with Mr. Taft's comments strangely no longer appears to be available, I am sure you can reach out to Mr. Liedtke, and verify if this was in fact the case.

If that's true and it is the case, the comment above becomes extremely important in my view.

A few very simple questions should be asked by the PZC:

1. Is Mr. Taft an expert in this area? He does say above that he owns many pieces of commercial property in 11 different cities, and he operates businesses in 7 different towns. He is also a respected member of the EDC. Those, to me, seem like very solid credentials.
2. If in fact 24 months is not "actually not on the market long" what happens to the answer to the question below?

2b. The plight of the owner is due to unique circumstances.
Yes, no user demand for this property proven after +/- 2yrs marketing.
 2c. The variation if granted will not alter the essential character of the locality

Note that only the timeframe is given. No other "unique" circumstances are provided.

It really is an interesting question.

*Andrew J. Kelly, CPCU, RPLU+, ARM, ASLI,
 ExecPLP, CRIS, MLIS, AINS, CPLP, AIS
 Executive Vice President
 Alexander J. Wayne & Associates, Inc.
 2551 North Clark Street, Suite 601
 Chicago, IL 60614
 Website: www.aiwayne.com
 Fax: (773) 328-0508
 Alternate Fax (773) 328-1259*

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From: Dan Gombac <dgombac@darienil.gov>
Sent: Wednesday, October 4, 2023 12:12 PM
To: drewkelly
Cc: Bryon Vana <bvana@darienil.gov>; Joe Marchese <jmarchese@darienil.gov>; Jordan Yanke <jyanke@darienil.gov>; Mary Sullivan <MSullivan@darienil.gov>
Subject: RE: PZC - Question 2b Question to Alderperson-Follow Up

Good morning Drew,

I was forwarded your email regarding your comment in respect to question 2b. As additional background the City was working with the previous owners approx 5months prior to the new ownership. The property was on the market for 18 months. Please feel free to come to the meeting this evening as many of the comments you had expressed will be addressed.

Sincerely,

*Daniel Gombac
Director of Municipal Services
630-353-8106 Mobile 630-514-2519*

From: Bryon Vana <bvana@darienil.gov>
Sent: Tuesday, October 3, 2023 3:10 PM
To: Dan Gombac <dgombac@darienil.gov>
Subject: FW: PZC - Question 2b Question to Alderperson

From: Mary Sullivan <MSullivan@darienil.gov>
Sent: Tuesday, October 3, 2023 2:26 PM
To: Jordan Yanke <jyanke@darienil.gov>; Bryon Vana <bvana@darienil.gov>; Joe Marchese <jmarchese@darienil.gov>
Subject: Fwd: PZC - Question 2b Question to Alderperson

Mary Coyle Sullivan

City of Darien Alderperson Ward 5
1702 Plainfield Road, Darien, IL 60561
Email: msullivan@darienil.gov
Phone: (630) 606-8664

Begin forwarded message:

From: drewkelly
Date: October 3, 2023 at 11:47:33 AM CDT
To: Mary Sullivan <msullivan@darienil.gov>
Subject: PZC - Question 2b Question to Alderperson

Hi Mary,

I wanted to bring something to your attention:

[Planning-and-Zoning-Commission-Meeting-October-4,-2023.aspx \(darien.il.us\)](#)

Check out page 21. What justification does the petitioner use to ask for the variance? That it has been "proven" after 2 years of marketing that the petitioner has "unique" circumstances to ask for a variance since no one else has developed the property, right?

I also would note the comment below by an individual that currently sits on the economic development committee:



Robert Taft • Concord • Edited 1w



Brian as someone who owns many pieces commercial property in 11 different cities / villages, it was actually not on the market long. That was the only thing in my original comment that wasn't accurate. I also have opened & operate businesses in 7 towns currently. Darien is by far the easiest & most efficient one to deal with. Your comment clearly shows your utter lack of knowledge on the subject and therefor no longer worth spending my time on this conversation. All the best.
(edited)

Here is the original comment if you want to read it:



Robert Taft • Concord • Edited 1w



Just out of curiosity.....everyone realizes that the City doesn't open businesses right? **The property was empty and for sale for a long time.** Anyone could have bought it and built any of these great ideas, but no one did. I always find it amusing that people get mad at the City for not "opening" businesses they want even though the City doesn't do that. It's up to all of us to build a community that we want as much as it is the City. At best the City can offer incentives & be business friendly, both of which they already do & are. It would be great to see a Darien resident open any of the businesses mentioned above (as the City can't do that). I'm sure the City of Darien would work with anyone looking to invest their time & money into the community! So anyone out there want to open a new business? (edited)

Note that he goes out of the way to correct himself to note that the property was not "for sale for a long time" as originally indicated.

In my view the comment of Robert Taft must not be ignored. He is an expert. He owns seven different businesses and many pieces of property in 11 different cities. He was placed on the economic development council by the city council itself.

The entire premise behind the initial request is summarized by question 2b:

2b. The plight of the owner is due to unique circumstances.
Yes, no user demand for this property proven after +/- 2yrs marketing.
2c. The variation if granted will not alter the essential character of the locality

Based on the comment of the EDC member above two years is "actually not on the market long" according to his comment. If that's true, wouldn't the answer the petitioner gives to question 2b be insufficient to make the request since the property "actually not on the market long" according to the comment above?

Have a good day!

*Andrew J. Kelly, CPCU, RPLU+, ARM, ASLI,
ExecPLP, CRIS, MLIS, AINS, CPLP, AIS
Executive Vice President
Alexander J. Wayne & Associates, Inc.
2551 North Clark Street, Suite 601
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California Licensee: Andrew J. Kelly (CA License #: 0J06468)

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Jordan Yanke

From: Mary Sullivan
Sent: Thursday, October 5, 2023 8:36 PM
To: Jordan Yanke; Bryon Vana; Dan Gombac; Joe Marchese
Subject: Fwd: Gerber Collision

Mary Coyle Sullivan

City of Darien Alderperson Ward 5
[1702 Plainfield Road, Darien, IL 60561](https://www.darienil.gov/1702-Plainfield-Road-Darien-IL-60561)
Email: msullivan@darienil.gov
Phone: [\(630\) 606-8664](tel:(630)606-8664)

Begin forwarded message:

From: Mary Sullivan <MSullivan@darienil.gov>
Date: October 5, 2023 at 9:28:00 PM EDT
To: Nancy Kotzum
Subject: Re: Gerber Collision

Thank you so much for your message!

Mary Coyle Sullivan

City of Darien Alderperson Ward 5
[1702 Plainfield Road, Darien, IL 60561](https://www.darienil.gov/1702-Plainfield-Road-Darien-IL-60561)
Email: msullivan@darienil.gov
Phone: [\(630\) 606-8664](tel:(630)606-8664)

On Oct 5, 2023, at 8:50 PM, Nancy Kotzum wrote:

In 40 years living in Darien I have never felt the need to voice concerns as to things the City was doing but now I feel I have to. Darien does NOT need this especially so close to the 65+ community next door. We already have an auto shop in Brookhaven where people are working on their cars in the parking lot. We also do not need another vape shop. I'm afraid Darien is losing it's 'a nice place to live' status. Perhaps consideration could be given to an Urgent Care facility, a restaurant, another pharmacy, a Trader Joe's or an Aldi's anything but an auto shop. Please consider voting no if it gets to a vote. Thank you.

Sent from my iPhone Sent from my iPhone
CAUTION: This e-mail originated outside of the City's email system. DO NOT

Jordan Yanke

From: Bryon Vana
Sent: Tuesday, October 10, 2023 10:43 PM
To: Jordan Yanke; Joe Marchese
Subject: Fwd: Gerber Proposal Comments for 10/23 Municipal Services Meeting
Attachments: Special Use Findings of Fact_Gerber Response.png

Info, you both weren't copied.

----- Forwarded message -----

From: Brian Liedtke <bliedtke5371@gmail.com>

Date: Oct 10, 2023 8:02 PM

Subject: Gerber Proposal Comments for 10/23 Municipal Services Meeting

To: Tom Belczak <tblczak@darienil.gov>, Ted schauer <tschauer@darienil.gov>, Ralph Stompanato <rstompanato@darienil.gov>

Cc: Bryon Vana <bvana@darienil.gov>, Dan Gombac <dgombac@darienil.gov>, Eric Gustafson <egustafson@darienil.gov>

Good Evening, Aldermen Belczak, Schauer, and Stompanato:

In a couple of weeks, as members of the Municipal Services Committee, you will review Case PZC2023-08, a Special Use request pursuant to Section 5A-8-3-4 of the Zoning Ordinance. The petition specifically requests to allow the conversion of a vacant building (former CVS Pharmacy) to an auto collision, repair, and service center. The property is located within the B-2 Community Shopping Center Business District. This was recommended to you with a 7-1 vote to deny this proposal, from the Planning and Zoning Commission.

I provide all these technical details intentionally because the approval or denial of any development is not to be made on emotion or what you personally think is or isn't good for the City. Any development should be approved or denied based on the merits of its own proposal and application, and not because the City hasn't received any other offers or if the City believes it cannot attract a better option.

I mentioned this is in a B-2-zoned area. Based on Darien's City Code (5A-8-3), the B-2 Community Shopping District is intended to accommodate the needs of a much larger consumer population than is served by the neighborhood convenience shopping district, thus a wider range of uses and structure sizes are permitted for both daily and occasional shopping. My first questions would be:

- How does a collision body shop accommodate the needs of a larger consumer population? Consumers don't regularly visit a collision body shop, they only do so if they find themselves in a car wreck, and their insurance company recommends them to a local shop.
- Where is the data that supports the need for another collision body shop when two local, family-owned businesses reside in the immediate vicinity of this location? Why would Darien want to risk impacting and harming other small businesses?
- What is the neighborhood convenience served by having Gerber occupy this place? If anything, it further harms the neighboring community by limiting options that this commercially zoned area is intended to solve, which is accommodating the needs of the larger consumer population, which would be retail or dining.

According to the City Code (5A-8-3-3), operation of an auto body shop is not a permitted use in the B-2 Community Shopping Center District. Automobile service stations and repair facilities must request

and be approved for a Special Use permit to operate. Darien's City Code regarding Special Use Criteria states (emphasis is mine): **No special use shall be recommended to the City Council by the Planning Commission, nor approved by the City Council unless findings of fact have been made** on those of the following factors that relate to the special use being sought. I will not repeat the 5 factors that a petitioner must provide findings of fact for, as you have these in your packet. However, answers of "Yes" and "Correct it will not", as documented in their justification narrative, are not acceptable findings of fact. I have attached a screenshot for your quick reference.

No special use shall be recommended....nor approved by the City Council unless findings of fact have been made.

My second set of questions would be:

- How is this special use deemed necessary for the public convenience at this location (Special Use Criteria 1)? This is not a convenience that serves the neighboring community.
- How will this establishment not be detrimental to or endanger the public health, safety, or general welfare (Special Use Criteria 2)? Gerber representatives were not able to answer questions about the release of key toxins when asked at the Planning and Zoning hearing. In addition, disabled vehicles will be parked outside, inside a fenced-in area. These vehicles are involved in car wrecks where the risk of leaking oil, fuel, radiator fluid, and windshield washer fluid, could be leaking and running off the property.
- How will this establishment of this special use not impede the development and improvement of the surrounding property in the district (Special Use Criteria 4)? Allowing this continues the growth and development of industrial properties in a Business Community Shopping District and further alienates retailers and businesses who could operate a business that is a permitted use in this district, that would serve the convenience of the community.

As I've illustrated above, this business is not a permitted use in a zoned district that is meant to serve as a commercial shopping district to benefit the convenience of the neighborhood. This business serves no such purpose. This business has not presented findings of fact to support the approval of a special use permit, because they know they cannot meet the standards to require an approval of this request. As noted, they violate nearly each of the 5 standards required to be met for approval. Based on the law and City Code, there is no rationale or reason for approving this proposal.

Finally, Darien's Municipal Services Director, Mr. Dan Gombac, stated that other proposals came forth, including independent restaurants, a hardware store, a medical urgent care center, and this auto body shop. Clearly, there is a lot of interest in this parcel so why would Darien even consider something that does not meet the standards for approval nor fit within the character of the area? Were these other proposals given the same attention and discussion? I have been able to find any evidence of this, except to have them dismissed because the only City requirement seems to be based on what business can provide the largest amount of sales tax revenue. Let me ask you one final question:

- Are you elected to serve the citizens of Darien to do what is best for the residents? Or to do what is best for the City itself?

Finally, I want to close with a few additional points that were brought up at the Planning and Zoning meeting. The reasons stated for not exploring much in the way of dining or recreation were lack of parking and the ceiling height. Storebuild's own presentation to you in July, and LoopNet's own commercial real estate listing highlight "Ample Parking" as a key benefit of this property. Gerber's own proposal would be to eliminate the

drive-thru so they can create more parking to park the disabled vehicles inside a fenced-in area. Any other dining proposal could remove this same drive-thru and add parking down the side of the building, adding another 10-15 parking spaces. At 54 parking spots currently, and another 15 added with no major lot re-configuration, there would be 69 parking spaces. Darien's City Code (5A-11-5) states that for Parking and Loading Class No 4, for Retail and Wholesale Trade businesses, 4 spaces per 1,000 sq. ft of gross floor area are required. Thus, there are enough spaces for this 13,500-square-foot building to support this type of business without the need for a variance. If this was a dining establishment, Darien would require 1 parking space for every 3 seats. At 69 spaces, a 207-seat restaurant could occupy this space without the need for a variance. If you review Parking and Loading Class No. 6, which outlines requirements for cultural uses, entertainment, and sports, requirements state that 3 spaces per 1,000 sq. feet of gross floor area are required. At 13,500 sq. feet, only 40 spaces would be required. Other requirements within this category are more generous, requiring 1 parking space per 5,000 sq. feet of gross land area. The total gross land area of this parcel is roughly 88,000 sq feet, thus requiring 18 parking spaces. The parking concerns are a red herring and an excuse for not looking into more suitable business types.

I took the liberty to also look up minimum ceiling height clearance for recreational types of businesses. A golf simulator requires a minimum height of 9'. For Whirleyball, you need a minimum height of 16'. For axe throwing, a minimum height of 12' is required. For an escape room, the minimum height is a standard 8' ceiling. How tall is the ceiling height in this CVS property?

I thank you for taking the time to review my comments and I respectfully request that my comments be included in the meeting packet as public comments so they can also be shared, along with your recommendation, to the City Council for their ultimate approval or rejection.

It's my hope that you will respect the due diligence and thoughtful recommendation from the Planning and Zoning Commission, which voted 7-1 to reject this proposal. I trust you will see this the same way as both the PZC and the community do and vote to recommend the City Council deny this proposal.

Regards,
Brian Liedtke

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DRAFT – PZC TO REVIEW/APPROVE AT FUTURE MEETING

**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 Kasproicz

ABSENT: Bryan Gay

OTHERS: Dan Gombac – Director of Municipal Serves, 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 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.

DRAFT – PZC TO REVIEW/APPROVE AT FUTURE MEETING

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 Jackson 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**