

## MINUTES CITY OF DARIEN

### PLANNING, ZONING, AND ECONOMIC DEVELOPMENT COMMISSION

Wednesday, February 5, 2025

**PRESENT:** Lou Mallers – Chairperson, Jonathan Christ, Shari Gillespie, Chris Jackson, Mark Kazich

**ABSENT:** Chris Green, Jonathan Johnson

**OTHERS:** Ryan Murphy - City Planner

Chairperson Lou Mallers called the meeting to order at 7:01 p.m. at the Darien City Hall Council Chambers, 1702 Plainfield Road, Darien, Illinois. Chairperson Mallers declared a quorum present.

#### **Regular Meeting – New Business**

- a. **PZC2024-15 – 1005 75<sup>th</sup> Street – Basia Janke c/o Smoke Bank – A request for a Special Use Amendment request pursuant to Section 5A-8-3-4 of the Zoning Ordinance. The petition specifically requests to amend a Special Use Permit for a drive-through Tobacco Shop/Food Store to allow additional signage consisting of a small electronic display/menu sign proposed to be mounted in the drive-through window. The Property is located within the B-2 Community Shopping Center Business District.**

Mr. Ryan Murphy, City Planner reported that the petitioner would be requesting additional signage in the form of a digital menu board to be placed in the drive-through window. He reported that the City had engaged in Code Enforcement action in 2024 due to complaints about various outdoor signage and excess window signage; following notice of violation, the owner complied with City Code and reduced window signage to less than 25% of the window area. He reported that the building would be permitted a large number of signs because of its dual frontage to Plainfield Road and 75<sup>th</sup> Street and the expanse of windows. He further reported that the City Plan Code did not have specific guidelines for drive-through signage and that any site plans would be approved on a case-by-case basis.

Mr. Murphy reported that the petitioner proposed to construct an LED display of approximately 13.19 feet in size and would be approximately 3 feet off the ground. He reported that the display would cycle through various promotions and products with pricing information when patrons approach the drive-through. He further reported that the petitioner had provided a list of the approximate 100 products they would display on the proposed sign.

Mr. Murphy reported that when acting an application or petition, the Planning and Zoning Commission must use the following criteria:

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 landscape and architectural design meet the character of the neighborhood and is not injurious to those property values.
6. That there are adequate access and utilities for the facilities provided.
7. That adequate measures have been or will be taken to provide ingress and egress to minimize traffic congestion.
8. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

Chairperson Lou Mallers swore in any audience members wishing to present public testimony.

The Petitioner, Mr. Pradeep Patel, stated that he took over the business about 10 months ago. He stated that because he has a drive-through, most customers choose that instead of going in store and that he does not have the highest potential of sales possible because of all the products inside the store not being seen. Mr. Patel stated that his idea with the drive-through sign would be that a TV-like screen would tell the customer all that would be available to them and would encourage them to come into the store to shop. He further stated that the screen would only be seen by his customers and would not be visible from the street or distract those driving on the street. Mr. Patel stated that he would only have about 10-15 seconds to showcase more of his products to customers.

Chairperson Mallers questioned if it would be like an order and sell.

Mr. Patel stated that was correct. He stated that the sign would entice customers with new products to increase sales.

Chairperson Mallers questioned what percentage of Mr. Patel's business would be drive-through versus in-store.

Mr. Patel stated that about 70-75% of his business would be drive-through, which would fluctuate based on the weather. He stated that his hope would be that more customers would shop in-store.

Chairperson Mallers questioned if the screen would be high enough so the customer would see it, but it would not be visible if one were to drive down Plainfield.

Mr. Patel confirmed that the sign would not be visible from the road. He stated that it would be a simple TV-like screen with rotating images and no audio.

Commissioner Jonathan Christ questioned if the sign would operate at night.

Mr. Patel stated that the sign would be turned off at 11:00 each night when the store closed.

Commissioner Chris Jackson questioned if the sign would turn off when a car was not present.

Mr. Patel stated that the sign would remain on for the duration of his operating hours.

Commissioner Jackson questioned if the Petitioner could explain the issue he had faced previously with complaints and how it had been resolved.

Mr. Patel stated that there had been a blank wall where the drive-through is where he had placed posters without a permit. He stated that once he had been aware of the violation, he removed the poster to comply with Code.

Commissioner Jackson questioned how long the cycle of products would be.

Mr. Patel stated that each of the 100 products would be displayed in a continuous 5 second loop.

There was some discussion regarding the goal results for the sign.

Commissioner Jackson questioned if the Petitioner had conducted a traffic study.

Mr. Patel stated that he had not conducted a traffic study because the traffic would be contained within his parking lot.

Commissioner Jackson stated that when he had driven past the business, the proposed sign location would be very visible. He questioned if Mr. Patel would put in any screening or landscaping.

Mr. Patel stated that he did not have any plans of screening.

There was some discussion regarding what was visible from the street.

Commissioner Mark Kazich, directed toward Mr. Murphy, questioned if the large sign on the west elevation was part of the 25%.

Mr. Murphy reported that the 25% would be the aggregate amount of window signage utilized.

Commissioner Kazich questioned if Mr. Patel would be willing to reduce the large sign.

Mr. Patel stated that the sign had been designed to draw customers in from 75<sup>th</sup> Street.

Commissioner Kazich questioned if the 2022 ordinance would be modified to allow for this request.

Mr. Murphy stated that there would be an amendment to the ordinance depending on how the Commission voted.

Commissioner Jackson questioned if a variation would be required to appeal to the proposed sign taking up 50% of the drive-through window.

Mr. Murphy stated that the window signage would be added from all faces of the building, and if there was a reduction in window area there would be less space for signage.

There was some discussion regarding the different types of signage.

Commissioner Christ questioned what the precedent for other businesses would be.

Mr. Murphy stated that the proposal was a unique one which is why it would require a special use permit.

Commissioner Jackson stated that he did not believe the intent was a sign that would bring in business but rather would be more like an order box, not a traditional sign.

Commissioner Jackson questioned if KLOA would review based on a previous ordinance.

Mr. Murphy stated that it may not be a requirement if no impacts would be made.

Commissioner Jackson questioned if there had been a lighting ordinance in place.

Chairperson Mallers stated that there had been some precedence for lighting with the digital sign on Plainfield and Cass.

Commissioner Jackson stated that utilizing the proposed sign would be like shopping from a car, during which a potential customer may watch the entire 500 seconds of products to then exit the drive-through to the roadway and re-enter the parking lot to continue shopping.

Chairperson Mallers stated that the sign would likely be distracting to passing motorists.

Mr. Murphy reported that there would be no traffic impact shown if there is no change in square footage.

There was some discussion regarding the access points in and out of the drive-through and how they would be used.

Commissioner Jackson stated that a pharmacy wouldn't operate with a single lane and menu sign to choose from various medicines.

Commissioner Shari Gillespie stated that many people found the business to be unappealing and wouldn't want further advertising.

Commissioner Jackson questioned if there had been any comments since posting the public hearing.

Mr. Murphy stated that he had not received any public comments regarding the proposed signage.

Commissioner Jackson stated that his concerns were the visibility, traffic and the window-shopping opportunity.

Kevin Janke, petitioner support, stated that they would be willing to eliminate any concerns with the sign and comply with City Code.

Commissioner Jackson read through the requirements for a special use and stated his further apprehension.

Chairperson Mallers stated that the size of the sign could pose problems for those traveling east on Plainfield.

Commissioner Jackson stated that he did not see enough to support an approval of the special use but would be open to conditions or a continuance.

There was some discussion regarding going forward with a continuance.

Commissioner Christ stated he would like further information regarding precedence of a menu-like sign.

Commissioner Jackson stated that he would like to see a traffic study as well as a potential landscaping plan for screening.

There was some discussion regarding how the Commission would move forward with the petition.

**Commissioner Kazich made a motion, and it was seconded by Commissioner Jackson to continue PZC2024-15 – 1005 75<sup>th</sup> Street – Basia Janke c/o Smoke Bank with the following comments:**

- 1. Petitioner provide a traffic study or address traffic concerns.**
- 2. Petitioner provides a landscaping plan for screening.**

**Upon roll call vote, the MOTION CARRIED 3-2.**

**AYES: Christ, Jackson, Kazich**

**NAYS: Gillespie, Mallers**

Mr. Murphy reported that this would be continued at the next scheduled meeting on Wednesday, February 19, 2025 at 7:00 p.m.

### **Regular Meeting – Old Business**

There was no old business to discuss.

### **Staff Updates & Correspondence**

Mr. Murphy reported that the Planning, Zoning, and Economic Development Commission would have 2 new responsibilities: review of land development projects and also economic incentives.

Mr. Murphy reported that there had been a special council meeting on Monday regarding Chestnut Court where they had been presented with a tax increment financing. He reported that the City would put out an RFP to develop a TIF. He further reported that he would give a Chestnut Court update with a preliminary plat and overview of the proposal.

Mr. Murphy reported that there would be a request for a time extension for a drive-through on 75<sup>th</sup> Street, but there were no developments.

Mr. Murphy reported that the former Wendy's had gone under contract and would likely be another fast-casual drive-through.

Mr. Murphy reported that the City kickstarted the program to digitize building permits and zoning applications with a timeframe of 7-9 months. He reported that this would open a ton of storage space at City Hall and that nothing will change on the Staff end.

### **Approval of Minutes**

**Commissioner Jackson made a motion, and it was seconded by Commissioner Gillespie to approve the January 15, 2025 Regular Meeting Minutes.**

**Upon voice vote, the MOTION CARRIED 3-2.**

**AYES: Gillespie, Jackson, Mallers**

**ABSTAINS: Christ, Kazich**

### **Next Meeting**

Mr. Ryan Murphy announced that the next meeting is scheduled for Wednesday, February 19, 2025.

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

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

**Adjournment**

**With no further business before the Commission, Commissioner Gillespie made a motion, and it was seconded by Commissioner Jackson. Upon voice vote, the MOTION CARRIED UNANIMOUSLY, and the meeting adjourned at 8:02 p.m.**

**Respectfully Submitted:**

**Approved:**

**X**

---

Jessica Plzak  
Secretary

**X**

---

Lou Mallers  
Chairperson