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

- 1. Call to Order & Roll Call
- 2. Establishment of Quorum
- 3. Old Business
- 4. New Business
  - a. Review of the August 7, 2024 Planning & Zoning Commission Minutes.
  - **PZC2024-06** 2551 75<sup>TH</sup> Street Dr. Steven Tharp Petitioner requesting; 1) Zoning Text Amendment to Section 5A-8-2-4 of the Zoning Ordinance listing "dental office and/or dental clinic" as a special use within the Neighborhood Convenience Shopping District (B-1); and 2) Special use approval for a dental office and/or dental clinic within the Neighborhood Convenience Shopping District (B-1); and 3) Repeal a specific condition for the requirement of specified landscaping in lieu of a required fence as per Ordinance 0-07-87.
  - c. <u>PZC2024-07</u> 8245 Lemont Road, LLC Petition from True North Investments for an Amendment to the Rockwell Planned Unit Development (PUD) to allow the subdivision of a parcel into two lots and variations for the reduction of yard areas and setbacks. The Property is located within the Office Research and Light Industry District (OR-I).
  - d. Minutes <u>August 5, 2024</u> Municipal Services Committee
- 5. Director's Report
- 6. Next scheduled meeting September 23, 2024
- 7. Adjournment



# **MINUTES CITY OF DARIEN**

#### PLANNING & ZONING COMMISSION MEETING

# Wednesday, August 7, 2024

**PRESENT:** Lou Mallers – Chairperson, Shari Gillespie, Hilda Gonzalez, Chris Green, Chris Jackson, Jonathan Johnson

ABSENT: Bryan Gay, Julie Kasprowicz

OTHERS: Ryan Murphy – City Planner, Dan Gombac – Director

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.

# **<u>Regular Meeting</u>** – New Business

- a. PZC2024-06 2551 75<sup>th</sup> Street Dr. Steven Tharp Involves a petition from Dr. Tharp requesting the following:
  - 1. Zoning Text Amendment to Section 5A-8-2-4 of the Zoning Ordinance listing "dental office or clinic" as a special use within the Neighborhood Convenience Shopping District (B-1); and
  - 2. Special use approval for a dental office or clinic within the Neighborhood Convenience Shopping District (B-1); and
  - **3.** Repeal a specific condition for the requirement of specified landscaping in lieu of a required fence as per Ordinance 0-07-87.

Mr. Dan Gombac, Director reported that the Zoning Text Amendment had been previously discussed, but there was still an issue regarding the fence surrounding the property. He reported that Mr. Paul Jopa, 7518 Cambridge Road, had submitted photos of his property, and that Alderman Erick Gustafson submitted a letter voicing his opinion on the matter, materials which Mr. Gombac distributed amongst the Commission.

Mr. Gombac reported that when the fence permit was taken in, it was labeled as "alterations" and there was no indication of it being a fence permit. He reported that the City did approve the permit which allowed the fence to be placed on two lots that were originally not included in the 1987 Ordinance, those lots being Mr. Jopa's and another resident to the North of him. Mr. Gombac further reported that Dr. Steven Tharp, Petitioner and Mr. Jopa were not able to come to an agreement regarding any alteration to the fence.

Mr. Gombac reported that the Ordinance of 1987 stated that the property behind Mr. Jopa and the property to the North would have no fence, and in lieu of a fence there would be landscaping. He reported that the fence was put up in 2015.

Mr. Gombac questioned if the Commission would be willing to revoke or enforce the condition. He stated that a vote yes would be to revoke the condition.

Chairperson Lou Mallers stated that Alderman Gustafson had requested his letter be read before the Commission. Chairperson Mallers read the letter aloud, which recommended that the City enforce the original 1987 Ordinance.

Mr. Gombac reported that, in regard to the letter from Alderman Gustafson, there were two properties involved and the residents at 7510 had signed a waiver to state they did not want their fence removed. He requested that if the Commission were to adhere to the site plan from 1987, there be an exception for 7510 to keep their portion of the fence in place.

Chairperson Mallers invited members of the audience to come forward for discussion.

Mr. Arthur Donner, 7548 Cambridge Road, stated that the neighbors had no issue with the dental office moving in. He stated that when Mr. Jopa moved in there was a "marriage" with the City when the building became commercial property. He stated that at the time there was open space between Mr. Jopa's property and the commercial property and all he wants is to reopen that space. Mr. Donner stated that the neighbor who had requested the fence stay in place has a special needs child they are looking to keep protected. He stated that if that space was opened up by about 50 feet everyone would be happy.

Elizabeth Uribe, Attorney representing the current property owners, stated that the fence went up in July of 2014. She stated that the original application for the alterations aforementioned by Mr. Gombac did include a clear drawing and cross section of the fence. She stated that the owners during this time had followed all the procedures required by the City and presented this to the police when a report was made. Ms. Uribe stated that the police report had noted that Mr. Jopa was told to bring any issue to the City directly.

Ms. Uribe stated that the City came in multiple times to inspect the building and ensure it was in compliance with all zoning codes, and that the previous owners were issued a certificate of occupancy multiple times. She stated that the City Code typically requires a six-foot fence between commercial and residential properties.

Ms. Uribe stated that if the 1987 Ordinance were to be fully enforced, the property should still be a photo shop because it was written in as a variation for the landscaping plan and for the use itself. She stated that Darien has grown in wonderful ways and that the 1987 Ordinance is obsolete at this point. Ms. Uribe stated that the best way to move forward would be to keep the fence in place in order to protect her client's ability to sell their property and Dr. Tharp's ability to practice his profession without disruption. She requested that the 1987 Ordinance be repealed to allow the fence to remain as is.

Mr. Gombac reported that when the alteration for the property came in it was as a total package. He reported that the assistant had not read it as a fence permit by itself. Mr. Gombac

reported that the fence permit was included in the packet, and that those responsible for reviewing the items did their job, but it was missed upon initial submission.

Ms. Uribe stated that she wanted to make clear no one was "pulling a fast one," and that everything was put in for consideration by the City. She stated that she is unsure why the City was unaware of the 1987 Ordinance, but it was approved, and this is the way everybody has been operating for the last 10 years with the fence in place. Ms. Uribe stated that the fence is in good condition and is well maintained and will continue to be maintained once Dr. Tharp takes over the building.

Commissioner Chris Jackson questioned if the Commission would be re-reviewing the first two line items of the petition.

Ms. Uribe stated that they were trying to make it easy to show that this would be coming from the same property and transaction. She stated that the current owner had made the request for repeal, but Dr. Tharp would be the one operating his business.

Chairperson Mallers clarified that the Commission would only be reviewing line item three of the petition.

There was some discussion regarding the specific language in the first two items of the petition.

Commissioner Jackson stated that the petition had asked to repeal a specific condition and that the Ordinance permits fencing and landscaping but does not require it. He questioned if, when a variance is granted, it is required.

Ms. Uribe stated that it is required because a variance is supposed to permit something that isn't normally allowed and then it turns it into a requirement.

Commissioner Jonathan Johnson questioned how much disruption there is between the dentist's office and residential property.

Ms. Uribe stated that, as shown in the photos she submitted, the area is used for those who work there to take their breaks, have lunch, etc. She stated that she would think the fence would be preferred so that residents can have their privacy and workers can conduct their business. She stated that there wouldn't be a ton of activity, but from what she understands there would be people coming in and out to conduct deliveries and such.

Chairperson Mallers stated that there is a lot of vegetation on the North side of the property. He questioned if there would be room to plant additional landscaping to make it more visible to the residents to repeal the fence situation.

Mr. Gombac reported that Mr. Jopa and Mr. Donner had discussed the possibility of planting more landscaping but given Mr. Jopa would be allowed to take the fence down and put in additional landscaping as the Ordinance called for, it would be hard for any plantings to thrive. Mr. Gombac questioned if the men could confirm his statement.

Mr. Donner stated that they would waive that requirement and their only request would be to open the space.

Mr. Gombac reported that, based on this request, the condition could be modified in any way based on what the Commission would vote. He stated that if the Commission considered the fence to be removed from Mr. Jopa's property only, then it would be cornered off there. He further stated that the fence would remain on 7510 and no landscaping would be put in.

Ms. Uribe stated that the Ordinance included a landscaping plan including specific placements of plants and she was unsure if they would survive in those locations.

Mr. Gombac reported that that would be waived.

Ms. Uribe stated that tearing down a portion of the fence would not be the most efficient way to resolve the issue and would cost her client and perhaps Dr. Tharp some amount of money to box off the fence that way. She stated that, as demonstrated in the petition, the fence is in good condition and there wouldn't be a reason to take it down. Ms. Uribe requested that the Commission consider the cost associated with the fence that has been in place for 10 years and had not been put in place by her clients. She stated that this would add to the cost of their business and potentially deter Dr. Tharp from purchasing the property.

Commissioner Hilda Gonzalez questioned if there was still a special needs child nearby that would need the fence for protection.

Ms. Uribe stated that her understanding was that was true.

There was some discussion regarding the distinction between the neighboring properties.

There was some further discussion regarding the placement of the landscaping.

Mr. Jopa stated that his understanding was that the short fence around the corners of the building and the building itself would counts as the six-foot fence. He stated that he had approached the City regarding the fence when it was first put up and had stated that the City Council had approved the landscaping in lieu of a fence. Mr. Jopa further stated it took him some time to acquire the 1987 City Council minutes with the original agreement.

Commissioner Jackson questioned if Mr. Jopa had a specific objection to the fence.

Mr. Jopa stated that there was previously a set plan to separate his property from the commercial property that did not include the fence that is currently up.

Commissioner Shari Gillespie questioned if Mr. Jopa would be comfortable if the fence were to be taken down and he were in view of workers taking their breaks.

Mr. Jopa stated that he would be comfortable with that.

Commissioner Gonzalez questioned how the neighbor with the child with special needs would feel regarding the fence.

Mr. Jopa stated that it would not affect him.

There was some discussion regarding which sections of the fence that would be removed per Mr. Jopa's request.

Commissioner Gonzalez stated that it is a requirement to have a buffer between commercial and residential and the fence meets that requirement. She stated it would be unnecessary to remove the fence.

There was some discussion regarding the exterior of the commercial building.

Commissioner Jackson questioned if the landscaping facing Mr. Jopa's property had been maintained.

Mr. Jopa stated that the only remaining landscaping is grass and it is being maintained.

There was some discussion regarding how to restructure the fence to meet Mr. Jopa's request.

Commissioner Jackson questioned what was discussed between the petitioner and Mr. Jopa previously.

Mr. Gombac reported that there was a private discussion between Dr. Tharp and Mr. Jopa during the Municipal Services Committee meeting.

Ms. Uribe stated that Mr. Jopa's request would be keeping her clients from full use of their property.

Chairperson Mallers stated that there was previous mention of an illegal structure in reference to the tent behind the building, as shown in the packet.

Mr. Gombac reported that the structure would not be allowed.

Dr. Steven Tharp stated that he would not be able to enjoy the property fully if the fence was taken down and that he felt Mr. Jopa wanted a bigger yard without the taxes.

There was some discussion regarding other buffers between commercial and residential properties in Darien.

Commissioner Chris Green stated that one way to make it work for both parties would be to remove the fence from lot line to lot line.

Dr. Tharp stated that the issue with that would be that Mr. Jopa would then have cause to complain about anything happening on the other side of the fence.

Ms. Uribe stated that this would also open up the commercial property owners to liability from trespassers.

There was some discussion regarding the change in ownership of the building.

Ms. Uribe stated that she had conducted research on the DuPage County Recorder's office and had found the plat of survey for the entire subdivision which did not have the 1987 Ordinance listed. She stated that any encumbrances on the property had not been recorded with the County.

Mr. Donner reiterated that Mr. Jopa is only hoping to open up the space about 50 feet.

There was some discussion amongst the Commission regarding the Ordinance requirement and record.

Commissioner Johnson stated that there are multiple ways to block a business from residential property.

Commissioner Gonzalez made a motion and it was seconded by Commissioner Jackson to approve PZC2024-06 2551 75<sup>th</sup> Street – Dr. Steven Tharp – Involves a petition from Dr. Tharp requesting the following:

- 1. Zoning Text Amendment to Section 5A-8-2-4 of the Zoning Ordinance listing "dental office or clinic" as a special use within the Neighborhood Convenience Shopping District (B-1); and
- 2. Special use approval for a dental office or clinic within the Neighborhood Convenience Shopping District (B-1); and
- 3. Repeal a specific condition for the requirement of specified landscaping in lieu of a required fence as per Ordinance 0-07-87.

Upon roll call vote the MOTION TIED 3-3.

# AYES: MALLERS, GONZALEZ, JACKSON,

# NAY: GILLESPIE, GREEN, JOHNSON

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

b. PZC2024-07 8245 Lemont Road, LLC – True North Investments, LLC c/o Carl Manofsky – Involves a petition from True North Investments for an Amendment to the Rockwell Planned Unit Development (PUD) to allow the subdivision of a parcel into two lots and variations for the reduction of yard areas and setbacks. The Property is located within the Office Research and Light Industry District (OR-I).

Mr. Dan Gombac, Director, reported that the petition would be for final plat of subdivision along with variations. He reported that the property contains offices, research and industrial uses and is bordered by Speedway and some wetlands, with the village of Woodridge to its West. He further reported that the petitioner would present a PowerPoint due to the limited number of variations. Mr. Gombac reported that the petitioner would be requesting a split of the lots to revitalize the property and bring in new business.

Mr. Lawrence Friedman, Attorney stated that the plan would be to retain title to Lot 1 and sell the title for Lot 2, which requires re-subdividing. He stated that nothing would be physically different, the change would be on paper to clearly define the different ownerships.

Michael, Petitioner representative, presented a PowerPoint outlining the lot reconfiguration. He stated that they would be splitting lot one into two separate lots and relabeling out lot one to lot three. He further stated that they would be requesting four variations. There was further explanation regarding the specific outlining of the lot reconfiguration.

Mr. Friedman stated that revitalizing the property would be tied into a sale which is dependent on re-subdividing the lot.

Mr. Carl Manofsky, CEO of True North Investments, LLC stated that they were currently in contract with a distribution company. He further stated that they have spent a great deal of time and money cleaning out the warehouse and the exterior, and that the new structure would be a welcome addition to Darien.

There was some discussion regarding the separation of the buildings on the property.

Commissioner Jackson questioned if a stormwater easement would be required.

Mr. Gombac reported that an easement was not needed.

Mr. Friedman stated that any easement required by the City had been addressed on the plat.

There was some discussion regarding potential agreements between the proposed properties.

Mr. Gombac questioned if there were any plans to renovate the Lemont Road side with MCT.

Mr. Manofsky stated that the budget allotted for exterior renovation.

There was some discussion regarding the potential future adjustments to the variations.

The resident from 8124 Highland questioned if the proposed lot three would be built upon. He further questioned if the property belonged to DuPage County being that it is a wetland.

Mr. Gombac reported that nothing would be changed with the wetlands. He reported that the wetlands are governed through the City but are overridden by DuPage County.

The resident stated that the wetland does not properly drain overflow.

Mr. Gombac reported that the wetland and water overflow is properly maintained and that if there were further issues he would be able to help the resident contact the County.

Commissioner Jackson made a motion and it was seconded by Commissioner Johnson to approve PZC2024-07 8245 Lemont Road, LLC – True North Investments, LLC c/o Carl Manofsky

– Involves a petition from True North Investments for an Amendment to the Rockwell Planned Unit Development (PUD) to allow the subdivision of a parcel into two lots and variations for the reduction of yard areas and setbacks. The Property is located within the Office Research and Light Industry District (OR-I).

#### Upon roll call vote, the MOTION CARRIED UNANIMOUSLY 6-0.

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

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

There was no old business to discuss.

#### Staff Updates & Correspondence

There were no staff updates and correspondence to discuss.

#### **Approval of Minutes**

Commissioner Gonzalez made a motion, and it was seconded by Commissioner Gillespie to approve the June 19, 2024 Regular Meeting Minutes.

Upon voice vote, the MOTION CARRIED 6-0.

#### Next Meeting

Mr. Gombac announced that the next meeting will be held on August 21, 2024, 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 Gillespie. Upon voice vote, the MOTION CARRIED unanimously, and the meeting adjourned at 8:26 p.m.

**Respectfully Submitted:** 

Approved:

Jessica Plzak Secretary



Lou Mallers Chairperson

# <u>AGENDA MEMO</u> Municipal Services Committee August 26, 2024

<u>CASE</u> PZC2024-06

2551 75<sup>TH</sup> Street Zoning Text Amendment Special Use Repeal of Condition-Fence/Landscape (Ordinance 0-07-87)

# **ORDINANCE**

# **ISSUE STATEMENT**

Petitioner (Elizabeth Uribe Counsel and Dr. Steven Tharp) requests the following:

- Zoning Text Amendment to Section 5A-8-2-4 of the Zoning Ordinance listing "dental office and/or dental clinic" as a special use within the Neighborhood Convenience Shopping District (B-1); and
- 2) Special use approval for a dental office and/or dental clinic within the Neighborhood Convenience Shopping District (B-1); and
- 3) Repeal a specific condition for the requirement of specified landscaping in lieu of a required fence as per Ordinance 0-07-87.

# **NARRATIVE**

The following case was previously filed as Case No. PZC2024-05 and received approval by the Planning and Zoning Commission on May 15, 2024. The case also received approval by the Municipal Services Committee on June 24, 2024. As an additional follow up to the Planning and Zoning Commission Meeting, resident Paul Jopa of 7518 Cambridge, addressed the PZC regarding the south east leg of the property. Mr. Jopa referenced an existing fence and further informed the PZC the referenced area was to be maintained with a landscape setting. Staff had identified and reviewed an approved ordinance, (0-07-87), see <u>Attachment A</u>, and an approved Site Plan, labeled as <u>Attachment B</u>, regarding certain conditions. Upon review of the files and field observation, Staff identified that a 6-foot fence was replaced and installed.

The limits of the fence/landscaping requirements were found not to be in accordance with the site plan as part of a condition of the ordinance and further referenced through <u>Attachment A</u>, pages 2 and 3, as highlighted. The ordinance states in lieu of a fence, landscaping is to be installed for the two property owners that rear the property of 2551 75<sup>th</sup> Street; 7510 and 7518 Cambridge, see <u>Attachment C</u>. Subsequently, the property owner of 7510 Cambridge requested of the fence to be maintained. The Municipal Services Committee requested the proposed owner of 2551 75<sup>th</sup> Street and the property owner of 7518 Cambridge to mitigate the fence/landscape issue through a negotiation that would work for both parties. The parties were unable to come to an agreement. Staff confirmed at the time there was no fence permit on file.

The existing owner of 2551 75th Street, Dirlevski Properties LLC retained legal counsel, Elizabeth

Uribe, Actions Speak LLC. <u>Attachment D</u>, consisting of sixty-eight (68) pages, is fact and support documentation as submitted by Counsel Elizabeth Uribe. During the Attorney and Staff review of existing files, it was identified in 2014 an alteration permit was submitted and approved. Typically, an alteration permit for the City refers to an interior modification. Under the submitted alteration permit it was identified that the fence was included. The fence renovation included the removal of the existing wooden fence and replaced with a 6-foot-high vinyl fence. The documents also included fencing within the landscape site plan. Review comments regarding the fence were silent and inadvertently approved with the alteration permit. During construction of the fence in 2014, Mr. Jopa notified the Darien Police Department regarding the fence within the no fence zone. It appears that the officer inquired the contractor and a permit was displayed for the work. The current site conditions is fenced along the no fence zone, approximately 130 lineal feet. The rear of the residence at 7518 Cambridge maintains many overstory trees while the rear at residence at 7510 maintains a few overstory trees.

The representatives of 2551 75<sup>th</sup> Street and the proposed owner Dr. Steven Tharp are requesting the following existing conditions placed on the property through Ordinance 0-07-87 be rescinded. A landscape/fence site plan labeled as <u>Attachment E</u> is attached.

SECTION 2-Page 1-2 The property shall be developed in accordance with the following:

- B) The Landscape Plan as drawn by Robert Geudtner & Associates, Sheet1, the March 9, 1987 revision, and herein included by reference
- I) Page 3 To permit fencing and landscaping as shown by the referenced Site Plan and Landscape Plan instead of fencing as required by Section 5A-5-8-3A.

As reference, the City code states that any commercial property abutting a residence shall install a 6-foot high fence and as cited by the following City Code:

#### 5A-5-8-3: REQUIRED FENCES:

- (A) Business and Office-Industrial Districts:
  - 1. Residential Adjacency: Where a lot in the business or office- industrial district adjoins a lot in a residential district, a fence is required as provided in the applicable zoning district regulations.

# 5A-8-2: B-1 NEIGHBORHOOD CONVENIENCE SHOPPING DISTRICT:

#### 5A-8-2-7: YARD REQUIREMENTS

(c) Required Fence: Where an interior side or rear lot line in the B-2 district coincides with an interior side or rear lot line in an adjoining residential district, a fence of at least seventy five percent (75%) opacity shall be provided within the yard. The height of such fence shall be six feet (6').

Applicable Regulations: Zoning Section 5A-8-2, B-1 District Standards

#### **GENERAL INFORMATION**

Petitioner:	Dr. Steven Tharp and Elizabeth Uribe
Property Owner:	Dirlevski LLC
Property Location:	2551 75 <sup>TH</sup> Street
PIN Number:	09-29-301-001
Existing Zoning:	Neighborhood Convenience Shopping District (B-1)

)

Existing Land Use: Comprehensive Plan:	Logistics Office Commercial/Office (Existing); Commercial/Office (Future)
Surrounding Zoning & Uses	
North:	B2 (Downers Grove); Restaurant and Auto Repair Shop
South:	Single Family Residence District (R-2); Residential
East:	Single Family Residence District (R-2); Residential
West:	Community Shopping Center District (B-2): Restaurant
Size of Property:	0.57 Acres
Floodplain:	N/A
Natural Features:	N/A
Transportation:	The petition site gains access from Main Street.

# PETITIONER DOCUMENTS (ATTACHED TO MEMO)

- 1) APPLICATION
- 2) JUSTIFICATION NARRATIVE
- 3) SITE PLAN
- 4) FLOOR PLAN

#### **CITY STAFF DOCUMENTS (ATTACHED TO MEMO)**

- 5) NEIGHBORHOOD CONVENIENCE SHOPPING DISTRICT (B-1)
- 6) LOCATION MAP & AERIAL IMAGE
- 7) SITE PHOTOS

#### PLANNING OVERVIEW/DISCUSSION

The subject property is located at the southeastern corner of 75<sup>th</sup> Street and Main Street. It is slightly more than a half-acre in size and is zoned Neighborhood Convenience Shopping District (B-1). The property contains a longstanding office building that has housed several tenants over the years and is currently occupied by a logistics office. The petitioner proposes to occupy approximately half of the existing building to operate a dental office/clinic, while other future tenant(s) would fill the remaining building space as offices.

At this time, the petitioner has proposed adding dental office/clinic as part of the business operation on site. While the proposed activity is limited in nature, the zoning ordinance does not permit any type of dental use within the B-1 District. After being informed of this and having further discussion, the petitioner decided to submit for a text amendment to allow a dental office/clinic within the B-1 District as a special use at the subject location.

The Planning and Zoning Commission is to consider the proposed text amendment and special use in tandem, and is tasked with recommending conditions or edits for the zoning text amendment and special use if deemed appropriate.

The Planning and Zoning Commission is further requested to provide a recommendation whether the following conditions as cited from Ordinance 0-07-87 should be repealed. Additional facts of finding summary may be found in <u>Attachment D</u>. <u>Attachment E</u> is an aerial depicting site locations and conditions.

SECTION 2-Page 1-2 The property shall be developed in accordance with the following:

B) The landscape plan as drawn by Robert Geudtner & Associates, Sheet1, the March 9, 1987 revision, and herein included by reference

I) Page 3 To permit fencing and landscaping as shown by the referenced Site Plan and Landscape Plan instead of fencing as required by Section 5A-5-8-3A.

Should the governing bodies rescind the abovementioned condition the existing fence will remain in place.

# Site Plan Review & Findings of Fact

City staff has reviewed the submittal documents and staff does not have review comments outside of requesting input from the Commission regarding items above. The project involves almost no physical site work and the existing character of the site would remain the same.

Additionally, the petitioner submitted a Justification Narrative detailing the request. The narrative is attached to this memo. Included as follows are the standards for amendments and the special use criteria that the Planning and Zoning Commission is to consider for recommending on the case.

# Standards for Amendments:

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

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

# 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 - 05/15/2024

As previously stated the Planning and Zoning Commission reviewed this petition at its May 15, 2024 meeting. The petitioner was present and answered questions after staff's introduction of the case. There were members of the public in attendance to provide comment and request clarification on the proposed text amendment. Comment pertained to the ambiguity of the use "dental office or clinic" as it was listed in the meeting packet. To clear up any confusion between dental uses and other medical uses and what would be allowed as special use per text amendment, the Commission amended the use language to read "dental office and/or dental clinic". This recommended change is reflected per highlight on the first page of this memo.

Based on testimony and discussion at the meeting, the Planning and Zoning Commission made two separate motions (first one for text amendment, then one for special use) to forward the case with a favorable recommendation to the Municipal Services Committee. The motions passed with 7-0 votes.

# PLANNING AND ZONING RECOMMENDATION

The Planning and Zoning Commission shall provide approval consideration for the following:

- 1) Zoning Text Amendment to Section 5A-8-2-4 of the Zoning Ordinance listing "dental office and/or dental clinic" as a special use within the Neighborhood Convenience Shopping District (B-1); and
- 2) Special use approval for a dental office and/or dental clinic within the Neighborhood Convenience Shopping District (B-1).
- 3) Ordinance 0-07-87 to repeal the following condition from said ordinance:

SECTION 2-Page 1-2 The property shall be developed in accordance with the following:

- B) The Landscape Plan as drawn by Robert Geudtner & Associates, Sheet 1, the March 9, 1987 revision, and herein included by reference
- I) Page 3 To permit fencing and landscaping as shown by the referenced Site Plan and Landscape Plan instead of fencing as required by Section 5A-5-8-3A.

#### UPDATE PZC MEETING 08/07/24 DECISION MODE

Staff had presented the agenda items to the PZC regarding the emphasis on

**Item 3**) Repeal a specific condition for the requirement of specified landscaping in lieu of a required fence as per Ordinance 0-07-87.

Supplemental Information:

A letter from Eric Gustafson-Darien Alderman Ward 6 was forwarded to Chairman Lou Mallers on 08/06/24-see <u>Attachment F</u>. A one page letter with pictures from resident Jopa of 7518 Cambridge, was delivered to Director Gombac on 08/07/24 and distributed at the meeting-labeled as <u>Attachment G</u>, three pages. Staff received an additional letter from Alderman Gustafson via email on 8/21/24, see <u>Attachment H</u>. Staff also received a letter via email on 8/21/24 from the proposed owner's spouse, see <u>Attachment I</u>.

As Items 1 and 2 requested by the petitioner were previously approved with a 7-0 vote, staff briefly summarized the items. The Planning and Zoning then heard testimony regarding Item 3, and whether the existing fence should stay in place or be removed per the 1987 Ordinance. Upon the closing of the hearing Mr. Jopa stated he was open to modifying the condition to only remove the fence within the limits of 7818 Cambridge, rear property, with no additional landscaping. The fence would remain in place at 7510 Cambridge as per the signed petition. The petitioner's position remained unchanged.

The Planning and Zoning Commission voted on the following with a 3-3 vote:

3) Repeal a specific condition for the requirement of specified landscaping in lieu of a required fence as per Ordinance 0-07-87.

# ADDITIONAL UPDATES FOR MUNICIPAL SERVICES MEETING FOR AUGUST 26, 2024

The Municipal Services Committee discussed and reviewed the following items item at the May 28, 2024 with a 3-0 vote.

- 1) Zoning Text Amendment to Section 5A-8-2-4 of the Zoning Ordinance listing "dental office and/or dental clinic" as a special use within the Neighborhood Convenience Shopping District (B-1); and
- 2) Special use approval for a dental office and/or dental clinic within the Neighborhood Convenience Shopping District (B-1).

The Committee will review and discuss the following items with a recommendation to the City Council at their August 26, 2024 Meeting.

#### MEETING SCHEDULE

Planning and Zoning Commission Municipal Services Committee City Council August 7, 2024 August 26, 2024 September 3, 2024

# **MUNICIAL SEVICES COMITTEE RECOMMENDATION**

The Municipal Services Committee is requested to forward a recommendation for City Council for the following case:

PZC2024-06 2551 75<sup>TH</sup> Street

1) Zoning Text Amendment to Section 5A-8-2-4 of the Zoning Ordinance listing "dental

office and/or dental clinic" as a special use within the Neighborhood Convenience Shopping District (B-1); and

- 2) Special use approval for a dental office and/or dental clinic within the Neighborhood Convenience Shopping District (B-1); and
- 3) Repeal a specific condition for the requirement of specified landscaping in lieu of a required fence as per Ordinance 0-07-87.

# **DECISION MODE**

This item will be placed on the September 3, 2024 City Council agenda for formal consideration.

Attachment A

MEMO

Keep Record 2nd Capy

CITY OF DARIEN

ORDINANCE NUMBER 0-07-87

AN ORDINANCE GRANTING APPROVAL OF CERTAIN VARIATIONS TO ZONING ORDINANCE - (LION PHOTO).

ADOPTED BY THE

MAYOR AND CITY COUNCIL

OF THE

CITY OF DARIEN

THIS 6th DAY OF April , 1987

Published in pamphlet form by authority of the Mayor and City Council of the City of Darien, DuPage County, Illinois, this <u>8th</u> day of <u>April</u>, 19<u>87</u>.

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STATE OF ILLINOIS) ) SS COUNTY OF DU PAGE)

#### CERTIFICATE

I, <u>Gertrude M. Coit, C.M.C.</u>, certify that I am the duly elected and acting municipal clerk of the City of Darien, Du Page County, Illinois.

I further certify that on \_\_\_\_\_ April 6 \_\_\_\_,  $19\_87$ , the Corporate Authorities of such municipality passed and approved Ordinance Number \_\_\_\_\_\_, entitled \_\_\_\_\_\_ AN ORDINANCE GRANTING APPROVAL OF

CERTAIN VARIATIONS TO ZONING ORDINANCE - (LION PHOTO)

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance Number <u>0-07-87</u>, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on <u>April 8</u>, 19<u>87</u>, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at Darien, Illinois, this <u>8th</u> day of <u>April</u>, 19<u>87</u>.

(SEAL)

Municipal Clerk

TRH/DMF/3/30/87

ORDINANCE NUMBER 0-07-87

# AN ORDINANCE GRANTING APPROVAL OF CERTAIN VARIATIONS TO ZONING ORDINANCE - (LION PHOTO).

WHEREAS, the City of Darien has received a petition for certain variations to allow the development of a property legally described herein; and,

WHEREAS, the petitioner wishes to develop a property which is zoned B-1 Neighborhood Convenient Shopping District as a Camera and Photographic Supply Store; and,

WHEREAS, pursuant to proper legal notice a Public Hearing was held before the Zoning Board of Appeals on March 3, 1987; and,

WHEREAS, the Zoning Board of Appeals at their regular meeting of March 3, 1987 has recommended to the City Council the approval of certain variations subject to certain conditions.

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

SECTION 1: The granting of variations herein is for the following legally described property:

Lot 1 in Sharon Estates being a subdivision of Tract "A" of Downers Grove Township Supervisor's Assessment Plat Number 2 of the North 1050.0 feet of the Northwest Quarter of the Southwest Quarter of Section 29, Township 38 North, Range 11, East of the Third Principal Meridian, according to the plat of said Sharon Estates recorded March 6, 1957 as Document 834504 in DuPage County, Illinois.

SECTION 2: The property shall be developed in accordance with the following:

TRH/DMF/3/30/87/Page Two

ORDINANCE NUMBER 0-07-87

- A) The Site Plan as drawn by Robert Geudtner & Associates, Inc., 711 North McKinley Road, Lake Forest, Illinois, Job No. 1194, Sheet SK-2, March 5, 1987 revision, and herein included by reference.
- B) The Landscape Plan as drawn by Robert Geudtner & Associates, Sheet 1, the March 9, 1987 revision, and herein included by reference.
- C) The building elevations as shown by the Proposed Darien, Illinois, Store for Lion Photo Plan, as drawn by Robert Geudtner & Associates, Job No. 1194, Sheet SK-2, the January 3, 1987 revision, and herein included by reference.

SECTION 3: The following variations to the City of Darien Zoning Ordinance are hereby granted:

- A) To permit a Camera and Photographic Supply Store in a B-1 Zoning District in addition to the uses as permitted by Section 5A-8-2-2.
- B) To permit a rear yard building setback of twenty-one feet (21') instead of thirty-five feet (35') as required by Section 5A-8-1-4B and Section 5A-8-2-7C.
- C) To permit an interior side yard building setback of twenty feet (20') instead of thirty-five feet (35') as required by Section 5A-8-1-4B and Section 5A-8-2-7B.
- D) To permit a front yard parking setback of fifteen feet (15') instead of thirty feet (30') as required by Section 5A-8-2-7A.
- E) To permit a corner side yard parking setback of zero feet (0') instead of twenty feet (20') as required by Section 5A-11-2-1D3.
- F) To permit a side yard parking setback of twenty feet (20') instead of thirty feet (30') as required by Section 5A-11-2-1D3.
- G) To permit a rear yard parking setback of ten feet (10') instead of thirty feet (30') as required by Section 5A-11-2-1D3.
- H) To permit twenty-seven (27) parking spaces instead of twenty-nine (29) parking spaces as required by Section  $5\Lambda$ -1-4.

FRH/DMF/3/30/87/Page Three

ORDINANCE NUMBER 0-07-87

- To permit fencing and landscaping as shown by the referenced Site Plan and Landscape Plan instead of the fencing as required by Section 5A-5-8-3A.
- J) To permit nine foot by twenty foot (9' x 20') parking spaces instead of ten foot by twenty foot (10' x 20') parking spaces as required by Section 5A-11-2-1G3.

Where this Ordinance is silent, the referenced Plans of Section 2 above shall apply.

SECTION 4: This Ordinance shall be in full force and effect from and after its passage and approval and shall subsequently be published in pamphlet form as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this 6th day of April, 1987.

AYES: 6: Biehl, Gillespie, Sims, Smith,

Stumpe, Thompson

NAYS: 0: None

ABSENT: 2: Nosbisch, VonZuckerstein

APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, THIS <u>8th</u> DAY OF <u>April</u>, 1987.

cecili MAYOR

ATTEST:

CITY CLERK

TRH/DMF/3/31/87/Page Four

ORDINANCE NUMBER 0-07-87

APPROVED AS TO FORM:

CITY ATTORNE

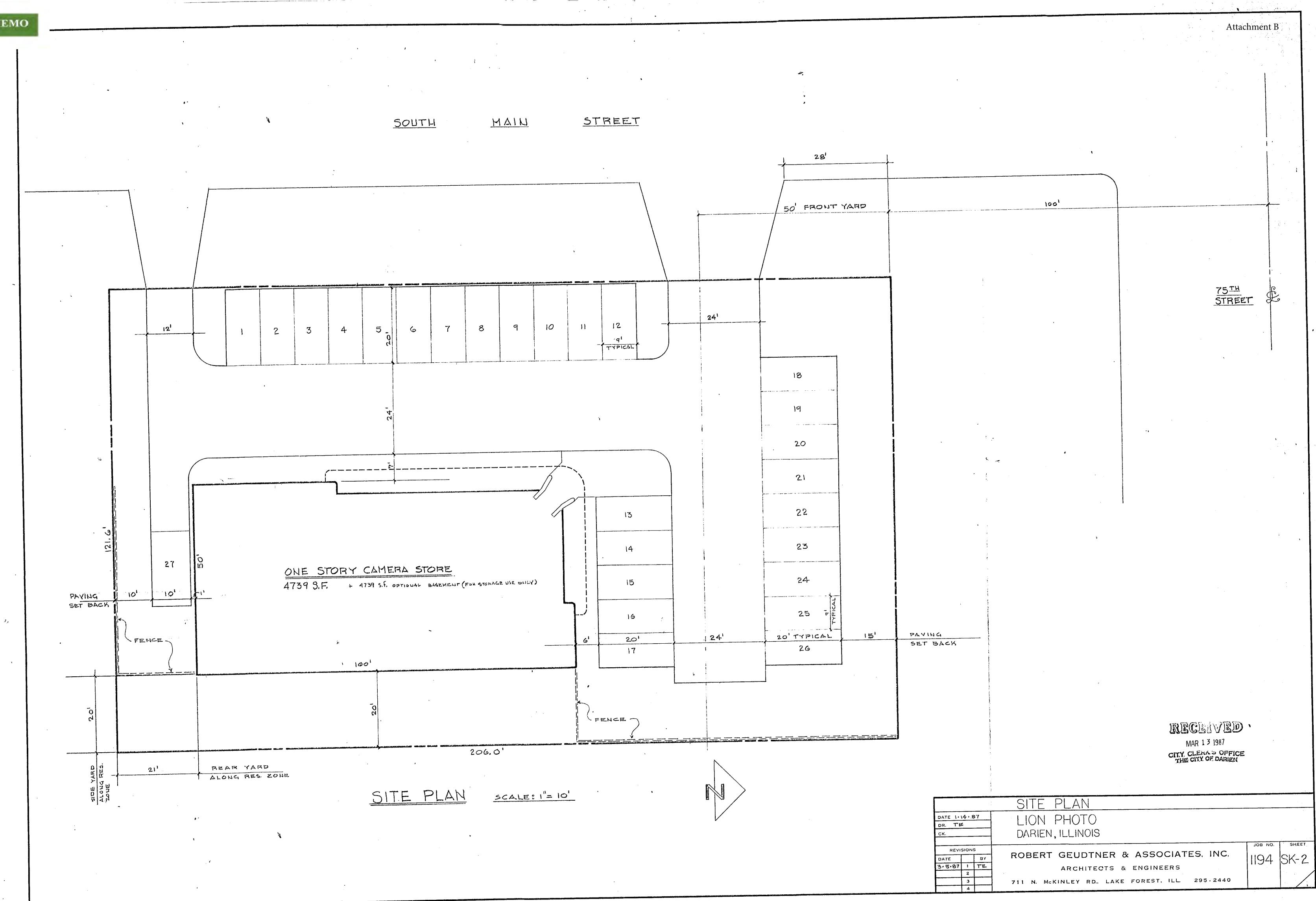
party in interest of the property legally described within this Ordinance, having read a copy of the Ordinance, does hereby accept, concur, and agree to develop and use the subject property in accordance with the conditions specified therein.

Dated: 4.14.67

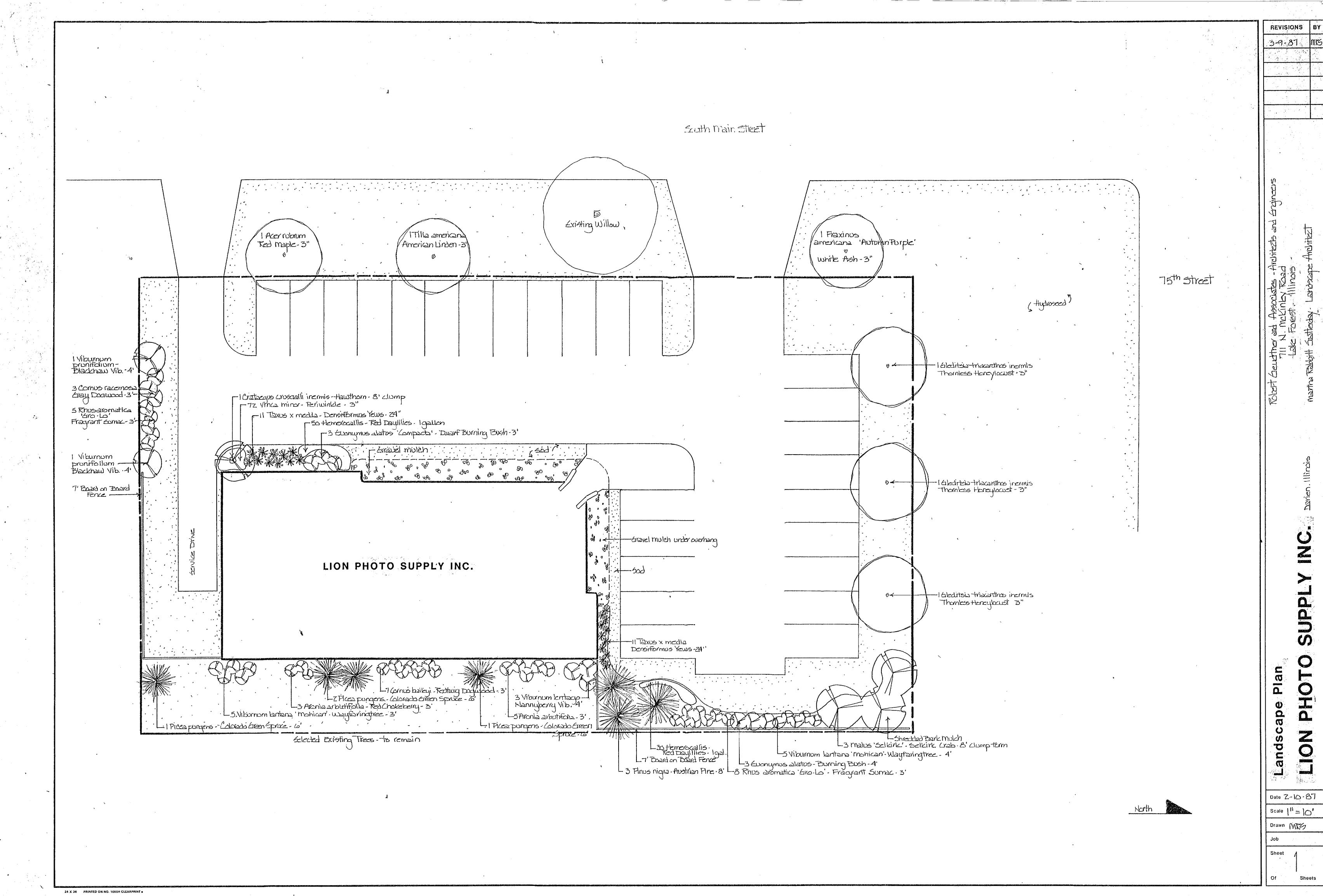
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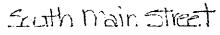
Owner

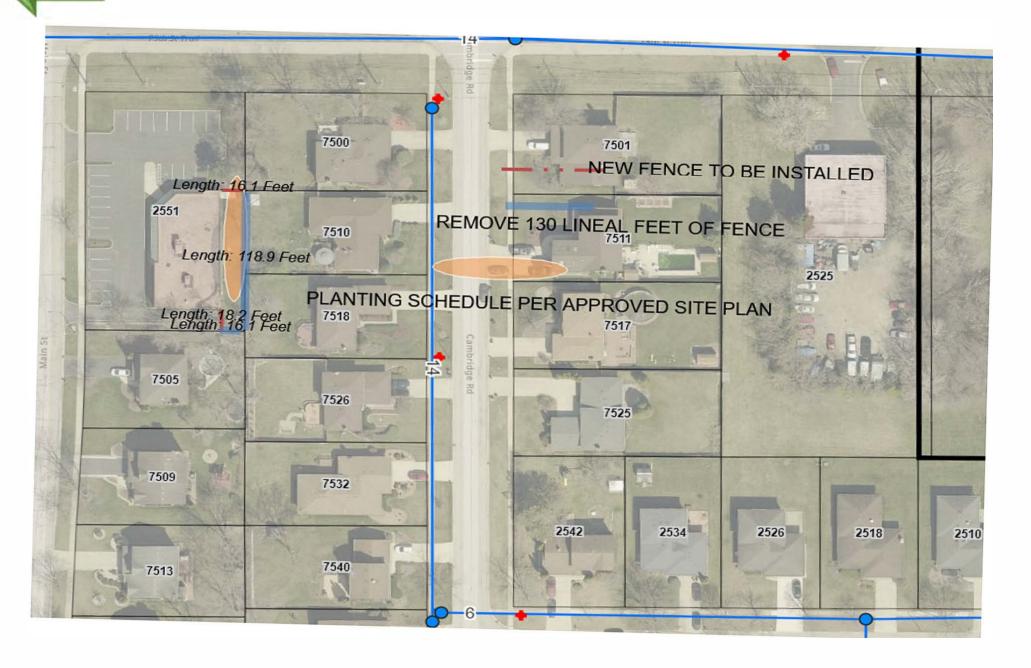




4. . . . . . . . .









# ZONING APPLICATION

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

#### CONTACT INFORMATION

Dirlevski Properties LLC c/o Actions Speak LLC	Dirlevski Properties LLC/Tome Dirlevski and Andriana Dirlevski		
Applicant's Name	Owner's Name		
20W471 Havens Court, Downers Grove, IL 60516	7517 Main Street, Darien, IL 60561		
Address, City, State, Zip Code	Address, City, State, Zip Code		
312-459-1094	312-752-8663; 312-722-1053		
Telephone	Telephone		
actionsspeakllc@gmail.com	dirlevski@gmail.com; andrianadirlevski@gmail.com		
Email	Email		
PROPERTY INFORMATION			
2551 75th Street, Darien	09-29-301-001		
Property address	PIN Number(s)		
B-1	Commercial/Office		

Zoning District

Current Land Use(s)

(Attach additional information per the Submittal Checklist.)

#### REQUEST

Notary Public

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

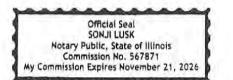
1. Zoning Text Amendment- Special use within the Neighborhood Convenience Shopping District (B-1)

- 2. Special Use-Approval for a Dentist Office/Clinic
- 3. Repealing of a specified perimeter fence and landscaping condition as per Ordinance 0-07-87 dated April 6,1987

Applicant/Signature

As Notary Public, in and for DuPage County in Illinois, I do hereby certify that  $\cancel{C}$  abath  $\cancel{U}$  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  $\cancel{C}$  day of  $\underbrace{F}$  ( $\underbrace{U}$  20 $\underbrace{20}$ 

	For office use only
Date Received:	
Case Number:	
Fee Paid:	
Hearing Date:	



My name is Steven Tharp, and I am not only a dentist but also a devoted husband and father of two. With 14 years of experience in dentistry, I take pride in delivering exceptional dental care. I am writing to express my keen interest in establishing a family-owned dental office in Darien. Doing so would not only allow me to serve our community but also afford me the flexibility to be close to my children's school events, which is a priority for me.

Our vision is to create a welcoming and nurturing environment where families can receive top-notch dental care. The plan entails constructing a six-chair office, typically capable of accommodating two dentists and one hygienist. This new facility will boast a modern and attractive design, equipped with state-of-the-art technology like Cone Beam Computed Tomography (CBCT) scan and intraoral scanner. These advancements, available in fewer than 30% of general dentists' offices, significantly enhance patient comfort and precision of treatment compared to traditional setups.

To realize this vision, we are seeking the support of the community in obtaining a text amendment and special use permit. This permit will not alter the essential character of the locality. It will not cause a substantial difficulty, undue hardship, unreasonable burden, or loss of value to the neighboring properties. In fact, the planned minor exterior refresh of the building may increase neighboring property values. Overall it will be a net benefit to the community as quality dental care is always needed. The special use permit is essential for ensuring that our dental office operates in compliance with local regulations and zoning laws.

Thank you for considering our proposal. We eagerly anticipate the opportunity to serve our community and contribute to its health and vibrancy for years to come.

Steven C Tharp, DDS

#### Justification Narrative Dirlevski Properties LLC c/o Actions Speak LLC Re: 2551 75<sup>th</sup> Street

a) explanation of why the variation is being requested; b) describe the 'hardship condition' of the property that makes it difficult to conform; c) estimate the impact on neighbors; and d) respond to each of the decision criteria below.

Petitioner refers the City, generally, to the petition for zoning relief previously submitted on July 3, 2024. In summary, the variations are being requested to allow a dental office to operate in the B-1 Neighborhood Shopping District with a 6-foot fence presently on the property that was installed with the City's permission in 2014 by a prior owner that is inconsistent with the landscape plan incorporated into O-07-87. Petitioner has been negotiating the sale of the property to a local dental practitioner, Dr. Steven Tharp, who would like the fence to remain for the benefit of his proposed business. The fence has been on the property since 2014 and prior to Petitioner owning the property. Removal of the fence would be both expensive and limit the ability to sell the property as planned. The impact on neighbors is none to minimal given that the fence has been in place since 2014 and most neighbors support it remaining in its current location.

Decision Criteria (See City Code Section 5A-2-2-3)

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

As noted above, removal of the fence limits the ability of Petitioner to market and sell the property as planned. Sale of the property to operate a dental practice will result in a reasonable return on the property.

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

As detailed in the petition filed on July 3, 2024, Petitioner purchased the property in its existing condition in 2022. The fence was installed, with City permission, in 2014 and certificates of occupancy were subsequently issued certifying the property was in compliance with zoning regulations.

2c. The variation if granted will not alter the essential character of the locality. The fence will not alter the character or use of the property, since it has been in existence since 2014. The property currently houses a small business which operates in a similar way as the dental practice will operate.

3a. Essential Need? The owner would suffer substantial difficulty or hardship and not mere inconvenience or a decrease in financial gain if the variation is not granted. As noted above, removal of the fence would limit Petitioner's ability to market and sell the property. Granting a variance to allow the dental practice is necessary so that Petitioner can sell the property to the potential dental practice.

3b. Problem with Property? There is a feature of the property such as slope or shape or change made to the property, which does not exist on neighboring properties, which makes it unreasonable for the owner to make the proposed improvement in compliance with the Zoning

Code. Such feature or change was not made by the current owner and was not known to the current buyer at the time of purchase.

As noted above, the fence was in its current location at the time Petitioner purchased the property and it had no notice that it was not in compliance with O-07-87. In fact, the City issued a certificate of occupancy to Petitioner in 2022, which certified the property was in compliance with zoning regulations.

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

The requested variation requires no improvements or work since the fence has been in place since 2014. The expense to remove the fence would be substantial and doing so may result in the potential buyer withdrawing from the land sale.

3d. Create Neighbor Problem? The variation, if granted, will not cause a substantial difficulty, undue hardship, unreasonable burden, or loss of value to the neighboring properties. The requested variance does not create a neighbor problem; the majority of the neighbors support keeping the fence in its current state and position. The dental practice is a small, local business that will have limited hours of operation and limited traffic.

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

The requested variance does not create a neighbor problem; the majority of the neighbors support keeping the fence in its current state and position. The fence has been in place since 2014 and is actually compliant with standard zoning regulations to have a fence between commercial and residential properties. The dental practice is a small, local business that will have limited hours of operation and limited traffic.

3f. Net Benefit? The positive impacts to the community outweigh the negative impacts. <u>Issuing these variances will allow the community to continue to house and support small business and create a safe boundary between commercial and residential properties.</u>

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

Granting these variations, fully supports the purpose and intent of the Zoning Code in protecting the value of the property, separating commercial and residential properties, and supporting a useful, small business for the community.

#### Date: July 3, 2024 Petitioner: Dirlevski Properties LLC/Tome and Andriana Dirlevski Property Address: 2551 75<sup>th</sup> Street

#### Dirlevski Properties LLC's Petition for Zoning Ordinance Relief: Inapplicability or Compliance Finding, Revocation of Certain Variance Provisions, Repeal and/or Revocation of Ordinance No. 0-07-87

#### Background

Dirlevski Properties LLC ("Current Owner") is a business owned and operated by Tome Dirlevski and Andriana Dirlevski, natives of Macedonia and Serbia who are now residents of the City of Darien. The Current Owner purchased the Subject Property ("Subject Property") located at 2551 75<sup>th</sup> Street, Darien, Illinois 60561 in good faith in October of 2022 for \$1,240,000. The Subject Property is zoned B-1 and is located at the corner of 75<sup>th</sup> Street and Main Street. It is bordered to the south and east by residential homes and a small commercial strip center to the west. There is a median on 75<sup>th</sup> Street, separating the Subject Property from the properties to the north. The Subject Property has a onestory commercial, brick building that was built in 1987 or 1988 with a paved parking lot. There is an existing 6-foot vinyl fence along the southern and eastern boundaries, separating the Subject Property from residential properties.

At the time of the purchase, neither the Current Owner nor its agents had actual or constructive notice that the Subject Property was or may be in violation of any zoning or municipal ordinances.

Earlier this year, the Current Owner listed the Subject Property for sale and was contacted by potential buyer, Dr. Steven Tharp ("Dr. Tharp"), who expressed interest in purchasing the Subject Property. Dr. Tharp, who is also a local resident, filed a petition with the City to allow for the operation of a dental office or a dental clinic at the Subject Property. During the review process, an adjoining property owner objected to the existing 6-foot vinyl fence that runs along the southern and eastern boundaries of the Subject Property, claiming that it is improperly erected in a buffer area established when the property was developed in the late 1980s. Despite best efforts by both the Current Owner and Dr. Tharp, this neighbor, who has occupied his home since 1984, has been insistent, difficult, and unwilling to negotiate a mutual agreement regarding the fence.

As a result of these events, the Current Owner learned that City Staff believes that Ordinance No. O-07-87 ("Subject Ordinance") applies to the Subject Property and it does not presently comply with the site plan incorporated therein. See Ordinance No. O-07-87, Exhibit A. Specifically, City Staff highlighted Section 2B) and Section 3I). See Email Communication from City Staff with attachments, Exhibit B. However, contrary to City Staff's position, the Current Owner maintains that the Subject Ordinance is obsolete and does not apply, or, at the very least, the existing property conditions substantially comply with the Subject Ordinance because the City granted the previous owner permission to erect and maintain the fence as part of a renovation plan in July of 2014. See Permit #12609, documents, and plans, Exhibit C. In the alternative, the Current Owner seeks relief from the Subject Ordinance with respect to the variance provisions regarding landscaping, fencing, and the site plan and further requests that the Subject Ordinance be repealed.

#### **Relief Sought**

The Current Owner respectfully requests that, after review of its petition and evidence, the City do one, all, or a combination of the following:

- 1. Find that Ordinance No. O-07-87 does not apply; and/or
- Find that the properties conditions at 2551 75<sup>th</sup> Street are in substantial compliance with Ordinance No. O-07-87; and/or
- 3. Revoke certain variance provisions in Ordinance No. O-07-87; and/or
- 4. Repeal and revoke Ordinance No. O-07-87.

#### Petition for Zoning Ordinance Relief and Supporting Evidence

#### I. Ordinance No. O-07-87 is Obsolete and Does Not Apply or the Property's Substantial Compliance is Sufficient to Permit the Existing Fence to Remain

The Current Owner maintains that either the Subject Ordinance, as written, is obsolete and does not apply to the Subject Property or that the City should determine that the Subject Property in the condition as the property exists today is in substantial compliance in light of the City's waiver of certain provisions. Recent events suggest that only select provisions of the Subject Ordinance have been or will be sought to be enforced and, under such circumstances, the Subject Ordinance in its totality cannot reasonably be viewed as applying to the Subject Property.

Specifically, based on the history of the property, the Subject Ordinance was passed for the general purpose of permitting the development and operation of a camera and photograph supply store. While the Subject Property was initially developed as and operated as a camera store, such use ceased in approximately 2013 when the store suffered financial demise, vacated the space, and the property was purchased by Libero, Inc. in late October 2013.

Indeed, Section 2B) states in relevant part, "The property *shall be developed* in accordance with the following...The Landscape Plan as drawn by Robert Geudtner & Associates, Sheet 1, the March 9, 1987 revision, and herein included by reference." **Ex. A** (emphasis added). Contrary to the City Staff's position, Section 2 applies only to how the Subject Property was developed. There is no evidence that the Subject Property was not initially developed according to the plans included in the Subject Ordinance.

The plain language of the Subject Ordinance does not require the Subject Property to be maintained in this particular form indefinitely. If that was true, City Staff would require Current Owners to operate a "Camera and Photographic Supply Store" at the Subject Property. **Ex. A**, preamble. To insist that Current Owners comply with some but not all of the Subject Ordinance provisions is not a workable standard nor is it supported by law. Therefore, because the Subject Ordinance has become obsolete in its primary purpose and its enforcement has become impracticable, the Current Owner requests a finding that the Subject Ordinance no longer applies or, at the very least, that the Subject Property as it exists today is in substantial compliance with the requirements of the Subject Ordinance.

Moreover, the Current Owner has expended extensive time and resources to research the history of the property after it ceased to operate as a photography and camera store. Specifically, the Current Owner learned that Libero, Inc., the previous owner of the property, sought and was granted a permit from the City that included the erection of a 6-foot fence. See **Ex. C**; Darien Police Report, attached hereto as **Exhibit D**. The City subsequently issued a Certificate of Occupancy to the previous owner on May 22, 2015, and to the Current Owner on September 27, 2022, which certified that the building was inspected for complaints with all zoning ordinances. **Exhibits E and F**. It was reasonable for both the previous property owner and the Current Owner to rely on the City's approval of the fence as a waiver of the fence variation requirement in the Subject Ordinance.

Without actual notice of the Subject Ordinance and its related variance provisions, a party would not know simply by looking at the property that it was in violation of any local laws or ordinance. In fact, the opposite is true: the property, as it exists now, complies with the general rule to have a fence erected between residential and commercial properties. Therefore, the City should make a formal finding that Subject Ordinance either does not apply to the Subject Property because of the City's approval and waiver, or, at the very least, it is in substantial compliance with the essential provisions of the Subject Ordinance.

#### II. Revocation of Certain Variation Provisions of the Subject Ordinance

Even if the City declines to find that the Subject Ordinance is inapplicable or substantially complied with, the Current Owner requests relief from certain provisions of the Subject Ordinance granting variations. Specifically, the Current Owner asks that the City repeal or revoke the variation provisions with respect to the specific land use and the landscape and fence site plan developed in 1987 as required by the Subject Ordinance.

The Subject Ordinance granted variances to, among other things, operate a camera and photography store with a site plan that did not require a fence between residential and commercial properties. Section 3I) of the Subject Ordinance reads, in part, "The following variations to the City of Darien Zoning Ordinance are hereby granted...To permit fencing and landscaping as shown by the referenced Site Plan and Landscape Plan instead of the fencing as required by Section 5A-5-8-3A." **Ex. A.** Section 5A-5-8-3A of the City's Zoning Ordinance reads, for Business And Office-Industrial Districts; Residential Adjacency, "[w]here a lot in the business or office- industrial district adjoins a lot in a residential district, a fence is required as provided in the applicable zoning district regulations." Thus, the variation at issue in the Subject Ordinance waived the requirement that there be a fence installed between residential and commercial properties.

Under the City's Zoning Ordinance, a petitioner may seek revocation of a variance by request to the City. Section 5A-2-2-3H provides, in relevant part, that "[a] variation granted by the City Council shall be subject to revocation in the manner provided hereinbelow under any of the following circumstances...

(d) Following the issuance of occupancy permits, abandonment, or other failure to utilize the property for the purposes permitted by the variation for a period of two (2) months out of any consecutive six (6) month period...

> (g) Where changed circumstances or experience derived from the exercise of the variation previously granted indicates that the continuation of the variation does not carry out the goals of this title."

As to subsection (d), it is undisputed that the Subject Property abandoned its variance to operate as a camera and photography supply store since such use ceased in at least 2013, perhaps even earlier, which has not been challenged by the City, any resident, or any other third party. **Ex. A**, preamble. It is equally undisputed that the subject fence was installed in July or August of 2014 and has been continuously in its current position since that time and that the City issued a Certificate of Occupancy on May 22, 2015, stating that the Subject Property was compliant with all zoning ordinances. **Exs. C, D, E.** Later, the City issued a Certificate of Occupancy to the Current Owner on September 27, 2022, again certifying that the Subject Property had been inspected and deemed to be compliant. **Ex. F.** 

Most importantly, the City provided explicit approval in July of 2014 when the previous owner took proper steps and applied for a permit to make improvements at the property, with such plans specifically including the installation of a fence in the precise location where the current fence exists. **Exs. C and D**. This official approval constitutes a waiver by the City to enforce the fence variance provisions in the Subject Ordinance. Both the prior owner and the Current Owner were entitled to rely on the City's review and approval of the proposed plans in proceeding with the work and maintaining the premises consistent with improvements, as the Current Owner has done.

As to subsection (g), given the development, history, and proposed used the Subject Property, it is without dispute that the Subject Property has undergone "a change in circumstances" such that is both impractical and improbable that a camera and photography store would operate there after ceasing such operations in 2013 or even earlier. The same can be said of the erected fence, which has proven to offer mutually beneficial protection for neighboring properties from the commercial use of the Subject Property. Indeed, the Darien Zoning Ordinance has the stated purpose for "improving and protecting the public health, safety, comfort, convenience, and general welfare of the people," as well as "[t]he fulfillment of this purpose is to be accomplished by seeking the following objectives...6. To zone all properties with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City...11. To foster a more rational pattern of relationship between residential, business, commercial, and manufacturing uses for the mutual benefit of all...15. To enhance aesthetic values throughout the City." Section 5A-1-2.

Given that the potential buyer, Dr. Tharp, has provided written confirmation as to his preference to purchase the property with the fence as it is, revocation of the variance would operate to conserve the value of the building as it exists today. See Dr. Tharp Letter, **Exhibit G**. Having the protection provided by the fence both fosters a more rational relationship between residential and commercial properties, works to the benefit of all, and enhances the aesthetic values of the property. All but one adjoining property owner has offered formal, written support to maintain the fence in its current state and position. See Neighbor Support Letters, **Group Exhibit H**.

Because the variances contained in the 1987 Subject Ordinances have been abandoned for a considerable amount of time and revocation of them supports the overall purpose of the Darien

Zoning Ordinance, the Current Owner respectfully requests relief from the Subject Ordinance as written, including revocation of the variances regarding property use and fencing and landscaping requirements.

#### III. Repeal and Revocation of the Subject Ordinance for the Benefit of All

The Subject Ordinance, passed in 1987, no longer serves a substantive purpose and, instead, has the more likely potential to act as a hinderance on meaningful use of the Subject Property—as has been demonstrated by the issues that have arisen in Dr. Tharp's quest for an appropriate zoning permit and may impact the possible sale the Subject Property and planned use that would greatly benefit Darien residents of all demographics. Under the circumstances, the Current Owner respectfully requests that the City repeal and/or revoke, in its entirety, Ordinance No. O-07-87, **Exhibit A**, for the benefit of the current and future owners of the property, as well as the residents of the community at large.

Respectfully submitted,

/s/ Tome Dirlevski /s/ Andriana Dirlevski Dirlevski Properties LLC, Petitioner

#### **List of Exhibits and Attachments**

Exhibit A	Ordinance No. O-07-87 ("Subject Ordinance")
Exhibit B	Email Communication from City Staff (with attachments)
Exhibit C	City of Darien Building Permit #12609 with Related Documents and Plans
Exhibit D	City of Darien Police Report
Exhibit E	Certificate of Occupancy dated May 22, 2015
Exhibit F	Certificate of Occupancy dated September 27, 2022
Exhibit G	Dr. Steven Tharp Letter
Group Exhibit H	Neighbor Support Letters
Exhibit I	Select City of Darien Zoning Ordinance Provisions (as cited)
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Prepared on Behalf of Petitioner by:



#### ELIZABETH R. URIBE

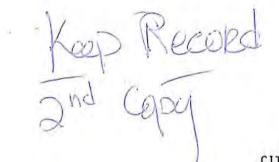
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actionsspeaklic@gmail.com
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actionsspeaklite.net

# actionsspeaking.no



CITY OF DARIEN

ORDINANCE NUMBER 0-07-87

AN ORDINANCE GRANTING APPROVAL OF CERTAIN VARIATIONS TO ZONING ORDINANCE - (LION PHOTO).

ADOPTED BY THE

MAYOR AND CITY COUNCIL

OF THE

CITY OF DARIEN

THIS 6th DAY OF April , 1987

Published in pamphlet form by authority of the Mayor and City Council of the City of Darien, DuPage County, Illinois, this <u>8th</u> day of <u>April</u>, 19<u>87</u>.

1



STATE OF ILLINOIS) ) SS COUNTY OF DU PAGE)

#### CERTIFICATE

I, <u>Gertrude M. Coit, C.M.C.</u>, certify that I am the duly elected and acting municipal clerk of the City of Darien, Du Page County, Illinois.

I further certify that on <u>April 6</u>, 19<u>87</u>, the Corporate Authorities of such municipality passed and approved Ordinance Number <u>0-07-87</u>, entitled <u>AN ORDINANCE GRANTING APPROVAL OF</u> CERTAIN VARIATIONS TO ZONING ORDINANCE - (LION PHOTO)

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance Number 0-07-87 , including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on \_\_\_\_\_\_\_\_ <u>April 8 , 1987 , and continuing for at least ten (10) days thereafter.</u> Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at Darien, Illinois, this <u>8th</u> day of <u>April</u>, 19<u>87</u>.

(SEAL)

Municipal Clerk

TRH/DMF/3/30/87

ORDINANCE NUMBER 0-07-87

### AN ORDINANCE GRANTING APPROVAL OF CERTAIN VARIATIONS TO ZONING ORDINANCE - (LION PHOTO).

WHEREAS, the City of Darien has received a petition for certain variations to allow the development of a property legally described herein; and,

WHEREAS, the petitioner wishes to develop a property which is zoned B-1 Neighborhood Convenient Shopping District as a Camera and Photographic Supply Store; and,

WHEREAS, pursuant to proper legal notice a Public Hearing was held before the Zoning Board of Appeals on March 3, 1987; and,

WHEREAS, the Zoning Board of Appeals at their regular meeting of March 3, 1987 has recommended to the City Council the approval of certain variations subject to certain conditions.

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

SECTION 1: The granting of variations herein is for the following legally described property:

Lot 1 in Sharon Estates being a subdivision of Tract "A" of Downers Grove Township Supervisor's Assessment Plat Number 2 of the North 1050.0 feet of the Northwest Quarter of the Southwest Quarter of Section 29, Township 38 North, Range 11, East of the Third Principal Meridian, according to the plat of said Sharon Estates recorded March 6, 1957 as Document 834504 in DuPage County, Illinois.

SECTION 2: The property shall be developed in accordance with the following:

ORDINANCE NUMBER 0-07-87

- A) The Site Plan as drawn by Robert Geudiner & Associates, Inc., 711 North McKinley Road, Lake Forest, Illinois, Job No. 1194, Sheet SK-2, March 5, 1987 revision, and herein included by reference.
- B) The Landscape Plan as drawn by Robert Geudtner & Associates, Sheet 1, the March 9, 1987 revision, and herein included by reference.
- C) The building elevations as shown by the Proposed Darien, Illinois, Store for Lion Photo Plan, as drawn by Robert Geudtner & Associates, Job No. 1194, Sheet SK-2, the January 3, 1987 revision, and herein included by reference.

SECTION 3: The following variations to the City of Darien Zoning Ordinance are hereby granted:

- A) To permit a Camera and Photographic Supply Store in a B-1 Zoning District in addition to the uses as permitted by Section 5A-8-2-2.
- B) To permit a rear yard building setback of twenty-one feet (21') instead of thirty-five feet (35') as required by Section 5A-8-1-4B and Section 5A-8-2-7C.
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- D) To permit a front yard parking setback of fifteen feet (15') instead of thirty feet (30') as required by Section 5A-8-2-7A.
- E) To permit a corner side yard parking setback of zero feet (0') instead of twenty feet (20') as required by Section 5A-11-2-1D3.
- F) To permit a side yard parking setback of twenty feet (20') instead of thirty feet (30') as required by Section 5A-11-2-1D3.
- G) To permit a rear yard parking setback of ten feet (10') instead of thirty feet (30') as required by Section 5A-11-2-1D3.
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# FRH/DMF/3/30/87/Page Three

# ORDINANCE NUMBER 0-07-87

- To permit fencing and landscaping as shown by the referenced Site Plan and Landscape Plan instead of the fencing as required by Section 5A-5-8-3A.
- J) To permit nine foot by twenty foot (9' x 20') parking spaces instead of ten foot by twenty foot (10' x 20') parking spaces as required by Section 5A-11-2-1G3.

Where this Ordinance is silent, the referenced Plans of Section 2 above shall apply.

SECTION 4: This Ordinance shall be in full force and effect from and after its passage and approval and shall sub-sequently be published in pamphlet form as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this 6th day of April, 1987.

AYES: 6: Biehl, Gillespie, Sims, Smith,

Stumpe, Thompson

NAYS: 0: None

ABSENT: 2: Nosbisch, VonZuckerstein

APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, THIS 8th DAY OF April, 1987.

AYOR

ATTEST:

1 2 A. 14.

CITY CLERK

TRH/DMF/3/31/87/Page Four

ORDINANCE NUMBER 0-07-87

APPROVED AS TO FORM:

CITY ATTORNE here Su zow,

party in interest of the property legally described within this Ordinance, having read a copy of the Ordinance, does hereby accept, concur, and agree to develop and use the subject property in accordance with the conditions specified therein.

Dated: 4.14.67

relieu KINT PAR 111 Owner

### **Elizabeth R. Uribe**

From: Sent: To: Subject: Attachments: Dan Gombac Wednesday, May 22, 2024 9:42 AM 'dirlevski@gmail.com' FW: 2551 75th PZC Follow Up Lion Photo Site Plan.pdf; Untitled

From: Dan Gombac Sent: Tuesday, May 21, 2024 2:04 PM To: 'Dr Steven Tharp DDS' <drsteventharp@gmail.com> Cc: 'Rasa Tharp' <rasa82@yahoo.com>; 'Peter J. Cangialosi' <pete@jrossiandassociates.com>; Eric Gustafson <egustafson@darienil.gov>; Tom Belczak <tbelczak@darienil.gov>; 'Paul Jopa' <pkj4567@hotmail.com>; Bryon Vana <bvana@darienil.gov>; Joe Marchese <jmarchese@darienil.gov>; Lou Mallers <lmallers@darienil.gov>; ''dirlevski@gmail.com' <'dirlevski@gmail.com> Subject: FW: 2551 75th PZC Follow Up

With additional att

From: Dan Gombac Sent: Tuesday, May 21, 2024 1:58 PM To: Dr Steven Tharp DDS <<u>drsteventharp@gmail.com</u>> Cc: Rasa Tharp <<u>rasa82@vahoo.com</u>>; Peter J. Cangialosi <<u>pete@jrossiandassociates.com</u>>; Eric Gustafson <<u>egustafson@darienil.gov</u>>; Tom Belczak <<u>tbelczak@darienil.gov</u>>; 'Paul Jopa' <<u>pki4567@hotmail.com</u>>; Bryon Vana <<u>bvana@darienil.gov</u>>; Joe Marchese <<u>imarchese@darienil.gov</u>>; Lou Mallers <<u>Imallers@darienil.gov</u>>; 'direvski@gmail.com' <<u>direvski@gmail.com</u>> Subject: RE: 2551 75th PZC Follow Up

Good morning Dr. Tharp,

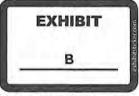
As a follow up to the Planning and Zoning Commission Meeting, resident Jopa Paul, 7518 Cambridge, (708)528-1536, addressed the PZC regarding the south east leg of the property. Mr. Jopa referenced an existing fence and further informed the PZC the referenced area was to be maintained with a landscape setting. Staff has reviewed previous documentation and the City Council approved Ordinance O-07-87, see att and an approved Site Plan, see att. regarding certain conditions. During our field review it was identified that a 6 foot fence was replaced and installed within the last 10 years. The limits of the fence are not in accordance with the site plan as part of a condition of the ordinance. Further reference may be reviewed on pages 2 and 3, highlighted.

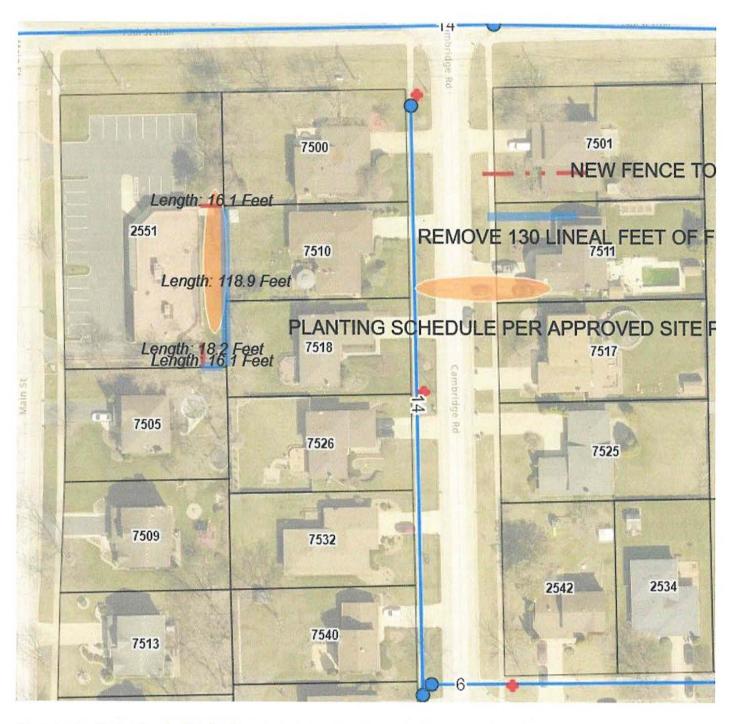
Upon review, the below items shall become part of the Building Permit process pending approval of the proposed use. Should the proposed use not be approved, the owner of the property will need to be in compliance with said site plan.

Please refer to the below aerial regarding the improvements:

In summary, the specificity of the requirements are such:

- 1. Remove approx. 130 lineal feet of fence along the eastern property line
- 2. Install approx. 34 lineal feet of fence at the southern corner of the building and the northern corner of the building to the property line or the existing fence
- Planting material shall be planted in accordance with the site plan, att and labeled as Sheet 1, dated 2-10-87.





From: Jordan Yanke <<u>iyanke@darienil.gov</u>>
Sent: Thursday, May 16, 2024 1:20 PM
To: Dr Steven Tharp DDS <<u>drsteventharp@gmail.com</u>>
Cc: Rasa Tharp <<u>rasa82@yahoo.com</u>>; Dan Gombac <<u>dgombac@darienil.gov</u>>; Peter J. Cangialosi
<<u>pete@jrossiandassociates.com</u>>
Subject: RE: 2551 75th St Letter of Intent

Dr. Tharp - Thanks for your email.

I will let Dan respond regarding the buffer but best of luck through the rest of the process.



### Jordan Yanke

Senior Planner 1702 Plainfield Road, Darien, IL 60561 Email: <u>jvanke@darienil.gov</u> Office: (630) 353-8113 | Connect with the City of Darien!

From: Dr Steven Tharp DDS <<u>drsteventharp@gmail.com</u>> Sent: Thursday, May 16, 2024 12:09 PM To: Jordan Yanke <<u>ivanke@darienil.gov</u>> Cc: Rasa Tharp <<u>rasa82@yahoo.com</u>>; Dan Gombac <<u>dgombac@darienil.gov</u>>; Peter J. Cangialosi <<u>pete@jrossiandassociates.com</u>> Subject: Re: 2551 75th St Letter of Intent

Jordan & Dan,

It was nice to finally be able to put faces to the names/emails. Thank you both for guiding us through the first step of approval Dan, What should I know about the "buffer" concerns the neighbor brought up at the meeting? Would this be easier to

understand with a phone call? Jordan. I am sorry to hear that you are leaving, but thank you again for your help and good luck in your future endeavors.

Thank you both again, -Steven Tharp 815-712-6521

On Wed, Apr 24, 2024 at 2:11 PM Jordan Yanke <<u>iyanke@darienil.gov</u>> wrote:

Dr. Tharp -

Sorry to have missed you. This is to confirm receipt of the notarized application. I'll be in touch in the coming days with further direction on the case.



### Jordan Yanke

Senior Planner 1702 Plainfield Road, Darien, IL 60561 Email: <u>jvanke@darienil.gov</u> Office: (630) 353-8113 | Connect with the City of Darien!

From: Dr Steven Tharp DDS <<u>drsteventharp@gmail.com</u>> Sent: Wednesday, April 24, 2024 1:51 PM To: Jordan Yanke <<u>jyanke@darienil.gov</u>> Cc: Rasa Tharp <<u>rasa82@yahoo.com</u>>; Dan Gombac <<u>dgombac@darienil.gov</u>>; Peter J. Cangialosi <<u>pete@irossiandassociates.com</u>> Subject: Re: 2551 75th St Letter of Intent

Hello Jordan, I just stopped by to drop off the notarized copy. I was hoping to finally meet you in person, but I apparently just missed you before your lunch break. Please let me know if you need anything else from us.

Thanks,

Steven Tharp

On Thu, Apr 18, 2024, 9:32 AM Jordan Yanke <<u>iyanke@darienil.gov</u>> wrote:

Dr. Tharp - Thanks for your email and hard copy submittals.

It appears the only remaining item is to notarize the zoning application. You can do so on your end and email to me or come into City Hall and have one of our notaries do it. If you plan to come in please give me a heads up so I can ensure a notary is available.

Regarding the newspaper, this week versus next week will not change the hearing date, which will have to be May 15, 2024 due to noticing requirements of at least 15 days in advance. We will be in touch with further direction in the coming days. Give me a call with any questions.

From: Dr Steven Tharp DDS <<u>drsteventharp@gmail.com</u>> Sent: Thursday, April 18, 2024 1:37 AM To: Jordan Yanke <<u>ivanke@darienil.gov</u>> Cc: Rasa Tharp <<u>rasa82@vahoo.com</u>>; Dan Gombac <<u>dgombac@darienil.gov</u>>; Peter J. Cangialosi <<u>pete@jrossiandassociates.com</u>> Subject: Re: 2551 75th St Letter of Intent

Special use permit Darien.pdf

Hi Jordan,

After your meeting Rasa was able to get the list of residents from the Assessor's Office. We also received the owner's permission letter. Attached is a completed copy of the application with all the required documents. In the morning I will have someone drop off a hard copy of all the documents with stamped and addressed 19 envelopes and the application fee check.

Would it be possible to submit the newspaper publishing request this Friday instead of waiting for next week?

Thank you again for your assistance with this process

Rasa and Steve Tharp

On Mon, Apr 15, 2024 at 8:58 PM Dr Steven Tharp DDS < drsteventharp@gmail.com> wrote:

Yes, Jordan this works. Rasa will be there Wednesday at 3PM.

Thanks!

Steve

On Mon, Apr 15, 2024 at 4:12 PM Jordan Yanke < iyanke@darienil.gov> wrote:

Thanks, Rasa.

It is not necessary, only was offering. Let's (you and I) meet to discuss at City Hall on Wednesday (04/17) at 3:00PM. Can you confirm?

From: Rasa Tharp <<u>rasa82@yahoo.com</u>> Sent: Monday, April 15, 2024 4:09 PM To: Dr Steven Tharp DDS <<u>drsteventharp@gmail.com</u>>; Dan Gombac <<u>dgombac@darienil.gov</u>>; Jordan Yanke <<u>ivanke@darienil.gov</u>> Cc: Peter J. Cangialosi <<u>pete@jrossiandassociates.com</u>> Subject: Re: 2551 75th St Letter of Intent

Hi Jordan,

If you would like Steve Tharp would be part of the meeting, can we do at 8am so he doesn't have to take time off from work? If it's not necessary for him to be at the meeting my schedule is a lot more flexible. By any chance your schedule is open tomorrow morning or Wednesday? Or do you need a little notice?

Rasa Tharp

On Monday, April 15, 2024 at 02:50:52 PM CDT, Jordan Yanke <ivanke@darienil.gov> wrote:

Dr. Tharp - Thanks for your email.

In response, I have included the City's Zoning Application that details process and submittals. If you plan to file a zoning application for a text amendment/special use (in conjunction) to allow a dental office at the subject location, please review the application and then we should meet to run through process and expectations before a formal application. Let me know a few dates/times you can meet if you plan to apply?

From: Dr Steven Tharp DDS <<u>drsteventharp@gmail.com</u>> Sent: Thursday, April 11, 2024 12:40 PM To: Dan Gombac <<u>dgombac@darienil.gov</u>>; Jordan Yanke <<u>jyanke@darienil.gov</u>> Cc: Rasa Tharp <<u>rasa82@yahoo.com</u>>; Peter J. Cangialosi <<u>pete@jrossiandassociates.com</u>> Subject: 2551 75th St Letter of Intent

Hello Dan & Jordan.

My wife, Rasa, spoke with both of you yesterday regarding the zoning for 2551 75th Street.

Attached is the requested letter of intent.

Thank you both for thoroughly explaining the process and we are looking forward to completing the next steps.

-Steve

-

Steven Tharp DDS

-

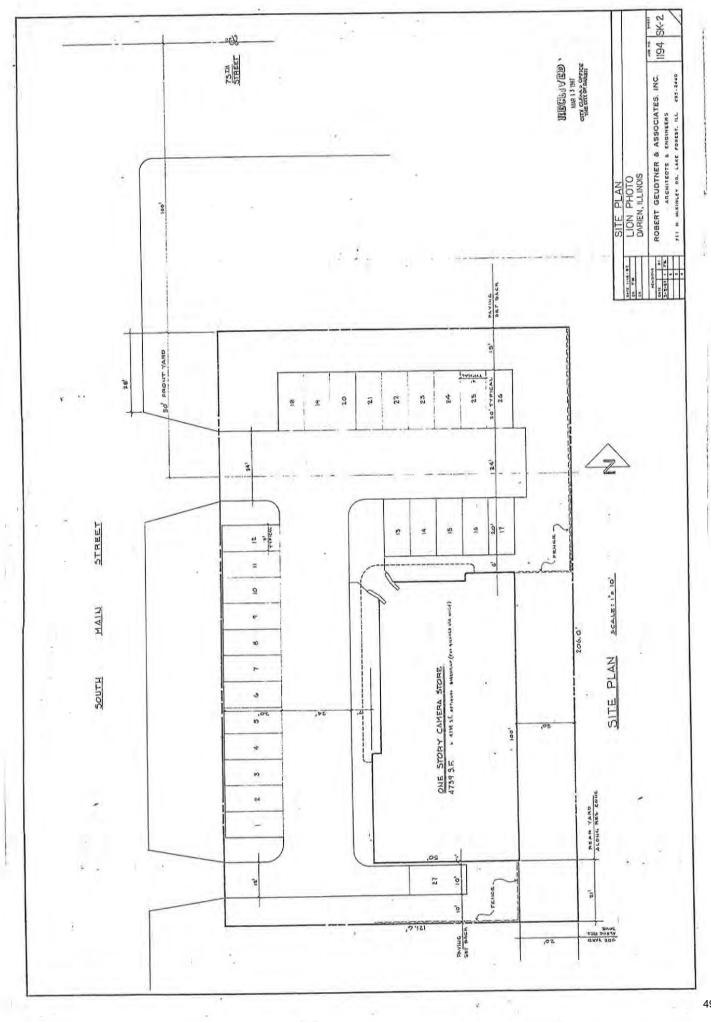
Steven Tharp DDS

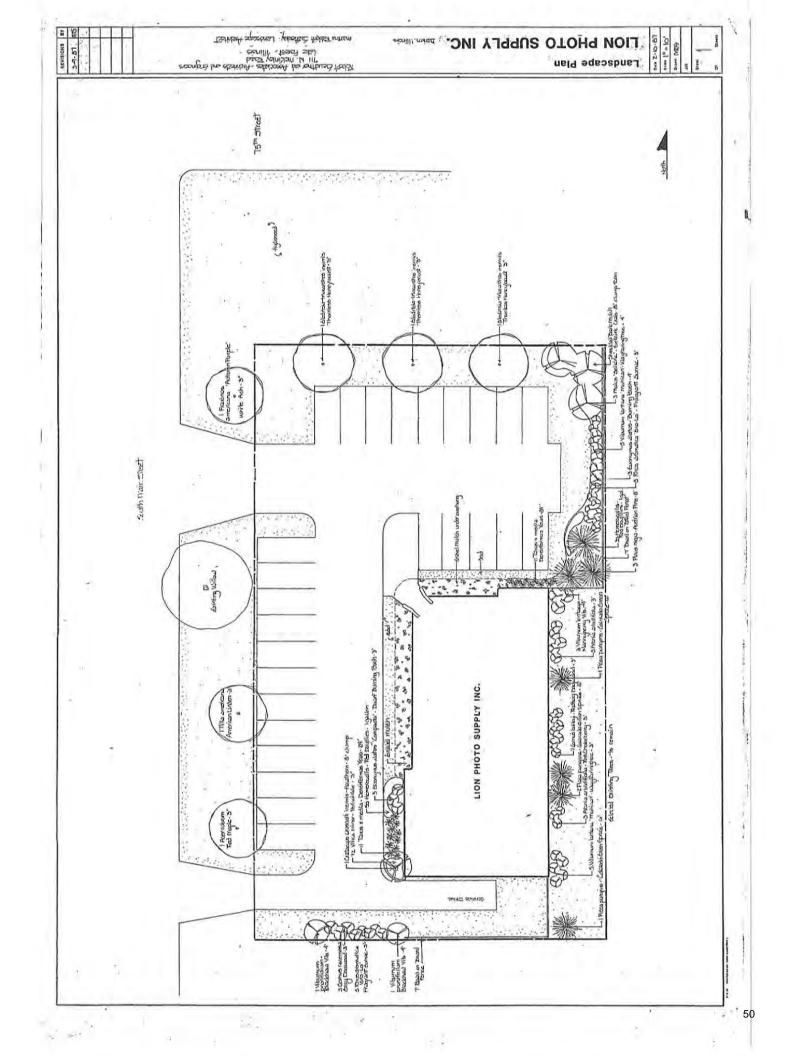
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Steven Tharp DDS

Steven Tharp DDS





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CITY OF DARIEN

ORDINANCE NUMBER 0-07-87

AN ORDINANCE GRANTING APPROVAL OF CERTAIN VARIATIONS TO ZONING ORDINANCE - (LION PHOTO).

ADOPTED BY THE

MAYOR AND CITY COUNCIL

OF THE

CITY OF DARIEN

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STATE OF ILLINOIS) ) SS COUNTY OF DU PAGE)

### CERTIFICATE

I, <u>Gertrude M. Coit, C.M.C.</u>, certify that I am the duly elected and acting municipal clerk of the City of Darien, Du Page County, Illinois.

I further certify that on <u>April 6</u>, 19<u>87</u>, the Corporate Authorities of such municipality passed and approved Ordinance Number <u>0-07-87</u>, entitled <u>AN ORDINANCE GRANTING APPROVAL OF</u> CERTAIN VARIATIONS TO ZONING ORDINANCE - (LION PHOTO)

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(SEAL)

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TRH/DMF/3/30/87

ORDINANCE NUMBER 0-07-87

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WHEREAS, the Zoning Board of Appeals at their regular meeting of March 3, 1987 has recommended to the City Council the approval of certain variations subject to certain conditions.

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# FRH/DMF/3/30/87/Page Three

# ORDINANCE NUMBER 0-07-87

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Where this Ordinance is silent, the referenced Plans of Section 2 above shall apply.

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PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this 6th day of April, 1987.

AYES: 6: Biehl, Gillespie, Sims, Smith,

Stumpe, Thompson

NAYS: 0: None

ABSENT: 2: Nosbisch, VonZuckerstein

APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, THIS <u>8th</u> DAY OF <u>April</u>, 1987.

MAYOR

ATTEST:

CITY CLERK

TRH/DMF/3/31/87/Page Four

ORDINANCE NUMBER 0-07-87

APPROVED AS TO FORM:

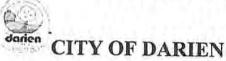
C. ITY ATTORNEY

party in interest of the property legally described within this Ordinance, having read a copy of the Ordinance, does hereby accept, concur, and agree to develop and use the subject property in accordance with the conditions specified therein.

Dated: 4.14.67

10 Gerle KINT FAR Owner

# **APPLICATION FOR BUILDING/PUBLIC WORKS PERMIT**



2609 PERMIT #

1702 Plainfield Rd, Darien, IL 60561 Phone: 630-353-8115 Fax: 630-852-4709

06,30,2014 DATE:

# **BUILDING DEPARTMENT PERMIT APPLICATION**

Property Information					
Street Address	Apt#	Zip	Par	Parcel #	
2551 75th St., Darien	, IL				
Subdivision / Business Name No Business U	se at thi	s fime.	Parcel	Гуре:	Zoning: B-2
Property Owner Information		winer. 7-1-14 Mif			
Name Liberty Inc.			Pho 630-8	ne # 388-224	12 4
Address (if different) 8383 Main Street			Fax 630-7	# '83-280	
City Downers Grove	<b>Zip</b> 60516	Email: fivecapital@live.com			

### **Construction Information**

<u>Commercial</u>	Description of Work	Construction Cost
DemolitionOther	interior alterations and new fence	\$7,000.00

### **Certification:**

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the code official or the code officials authorized representative shall have the authority to enter areas covered by such permit at any reasonable hour to enforce the provisions of the code(s) applicable to such permit. I understand all permits expire one year from date of issue.

Applicant Signature Richard Blair

630-472-1000

Phone #



57

**Print Name** 

· · · · · · · · · · · · · · · · · · ·	Contractors Information:		
	Name and Address	Phone #	Darien License Current
Architect	GEA Architects LTD, 714 Enterprise Dr., Ste 100, Oak Brook, IL 60523	630-472-1000	14.54
General Contr.	LB Eurocraft	630-670-3157	ol
Excavation			
Concrete			
Carpentry	Lell		
Electrical	Phelek Electric Trusty Plunibing	7736277710	ob
Plumbing	Trusty Hunbing	1736277710 6305182092	efor
Sewer	<u> </u>		
Mechanical			
Roofing			
Masonry			
Drywall			
Sprinkler			
Paving			
Other			
Building Depar	Office use only tment approvals and fees:		
Signature		Date Approve	d
Zoning/Flood Pla	ain: of No FP B-1	My 7-2-	14
Plan Review:			
Fire Dept:			

Permit Fee: 375.00	Plan Review Fee: 115.90	Occupancy Fee:
Other Fee:		TOTAL FEE: 490.00
Issued By: MM		Date: 7-22-14

Health Dept:

## BUILDING CODE COMPLIANCE REQUIREMENTS

Date: July 7, 2014

Re: City of Darien Interior Remodel (Vanilla Box) 2551 75th Street Darien, IL 60561

The submitted plans have been reviewed for Building Code compliance, and based on the information contained therein, we comment as follows:

(X) Permit plans prepared by George Evangelapoulos, Architect submitted to the City of Darien Building Department on July 1, 2014 are APPROVED, however we recommend that the applicant agrees to comply with the requirements noted below by <u>signing</u> this review and making it part of the permit documents.

This review shall not constitute authority for, nor approval or waiver of, any violation of the provisions of the Building Codes, and regulations of the City of Darien.

### **Building Code:**

- 1. This review is for a "Vanilla Box" ONLY.
- 2. Contact Darien Fire Protection District for any/all requirements.
- 3. Required Inspections:
  - A. Underground Plumbing (if applicable)
  - B. Rough Plumbing
  - C. Rough Electric
  - D. Rough Mechanical/Frame
  - E. Plumbing Final
  - F. Electric Final
  - G. Mechanical/Building Final

### NOTICE Regarding Fees for Reinspections:

**Commercial:** Whenever a reinspection is required due to inaccurate information or construction, a reinspection fee of \$130.00 (\$100.00 fee plus \$30.00 penalty) shall be charged. If additional reinspections are required, a fee of \$150.00 (\$100.00 fee plus \$50.00 penalty) shall be charged. These fees are payable prior to the reinspection being performed.

Signature	Date
Print Name	

# PLAN EXAM COMPENSATION EXPENSES

Date: July 7, 2014

11

Re: City of Darien Interior Remodel (Vanilla Box) 2551 75th Street Darien, IL 60561

Building Code Review	÷	\$115.00
TOTAL	Ħ	\$115.00

Comments continued, see next page.

616 Executive Drive, Willowbrook, IL 60527 Phone (630) 920-8175 Fax (630) 920-8091

To: Ms. Mary Wintermute Community Development Department City of Darien 1702 Plainfield Road Darien, IL 60561

From: Donald E. Morris

Date: July 7, 2014

Re: City of Darien Interior Remodel (Vanilla Box) 2551 75th Street Darien, IL 60561

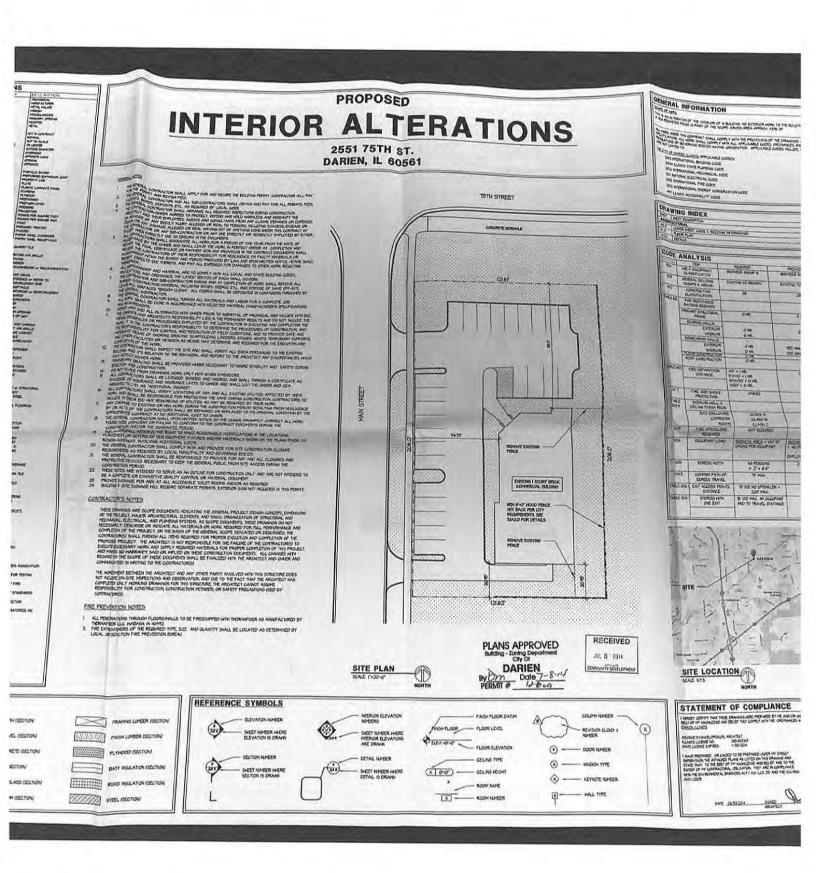
### LETTER OF TRANSMITTAL

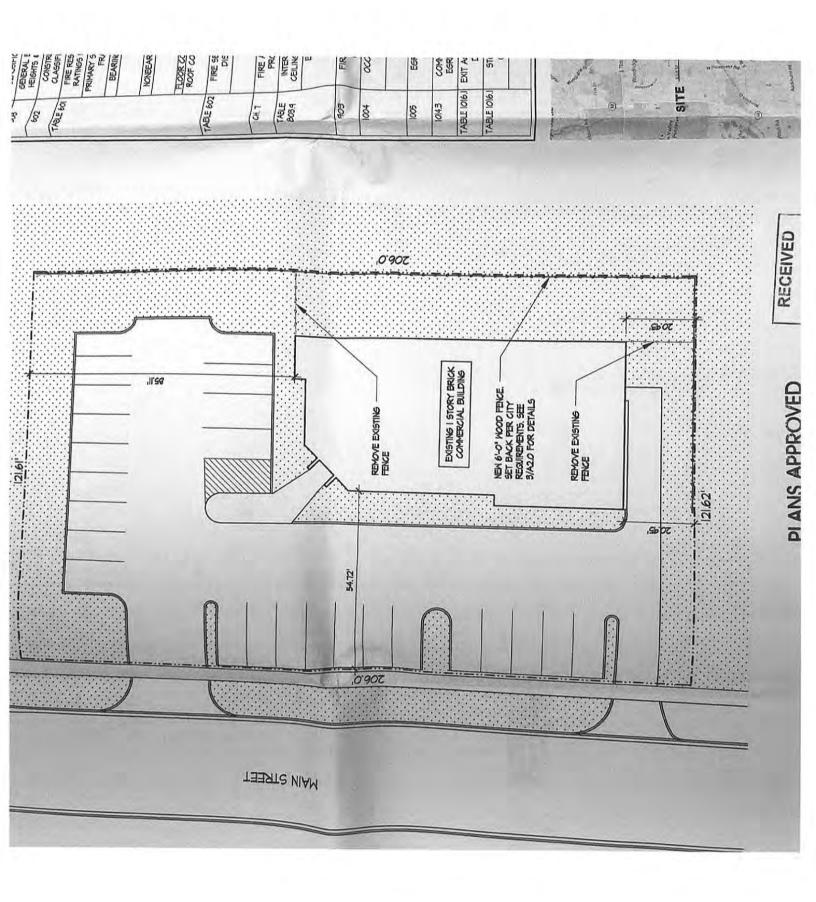
ENCLOSED PLEASE FIND:

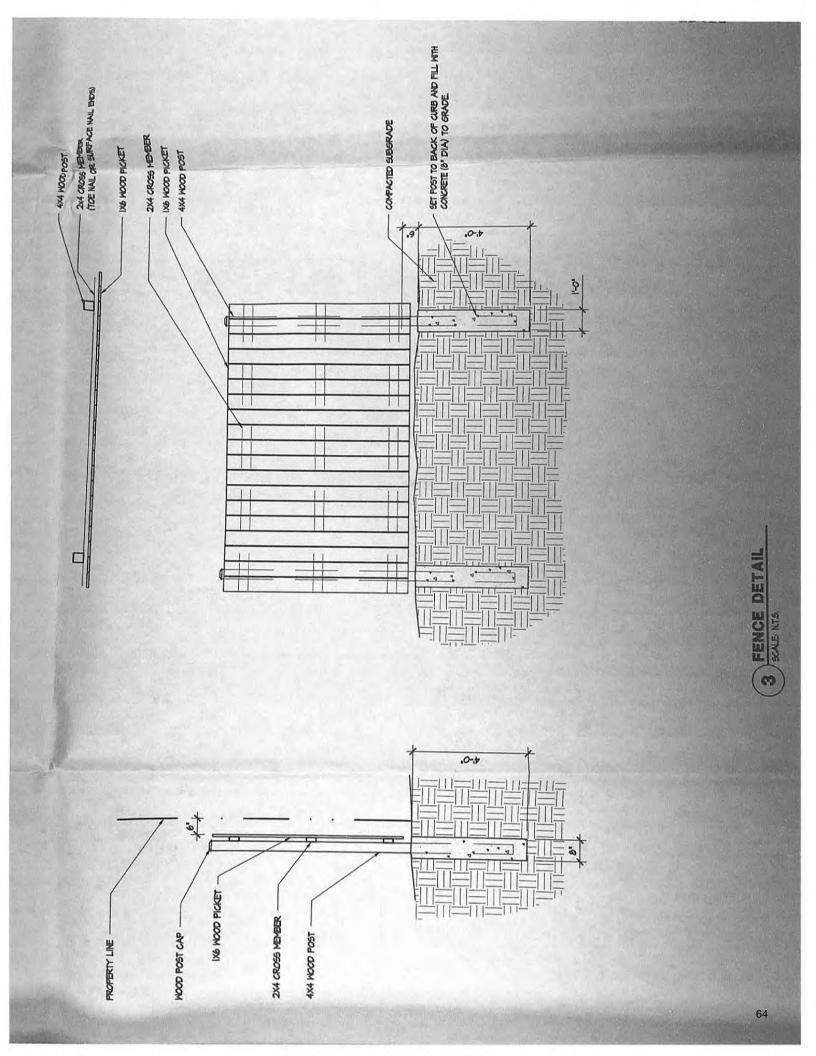
Building Code Compliance Requirements - one page

Plan Exam Compensation Expenses - one page

Zoning Requirements - are not part of this review







# **Darien Police Department Non Crime/Other**

Case No. DA14-22475 Report No. DA14-22475.1 Report Date: 8/2/2014

**Darien Police Department** 1710 Plainfield RD Darien, IL 60561 630 971-3999

Page 1 of 2

#### Subject: civil assist/Kosieniak Case Report Status A - Approved Date Entered 8/2/2014 11:32:55 AM Reporting Officer Entered By 330gk - Kosieniak, Geoff 330gk - Kosieniak, Geoff Occurred On 8/2/2014 10:37:00 AM **Date Verified** 8/2/2014 2:53:10 PM (and Between) Verified By 325er - Rentka, Edward **Date Approved** 8/4/2014 4:53:22 PM Location 2551 75th Street Approved By 703ep - Poteraske, Elizabeth Assisted By Jurisdiction **DA - Darien PD** Connecting Cases Grid Disposition Inactive Sector Clearance Reason Map Date of Clearance Census/Geo Reporting Agency **Darien Police Department** Call Source Phone Division **Darien Police Department** Notified Vehicle Activity Means Vehicle Traveling Other Means Cross Street Motive Other Motives **Report Narrative**

On 8-2-14 at 1037 hours R/o responded to 2551 75th (the old Wolf Camera) for a report of a civil assist. Upon arrival I spoke with the complainant the who related the following in summary:

He purchased the old Wolf Camera sometime in November of 2013. Since then he has been working with the city getting a plot of survey on the land and property and obtaining permits to begin work. showed me the permits he obtained showing they were signed off by the City as of 7-8-14. The permits showed the boundary lines of the property and where the new fence was to be installed.

states today was the third day in a row where he had workers come out to begin work on the fence but could not. Robert told me each day his workers came out they were stopped by the neighbor at who came out to tell his workers they were not building a fence. 1 a stated the neighbor did nor give a reason why he was opposed to the fence just that he was not going to allow them.

I advised that he needed to contact the City community Development Department to get the matter sorted out. I also advised him I would talk with the neighbor to see what his complaint was regarding the fence.

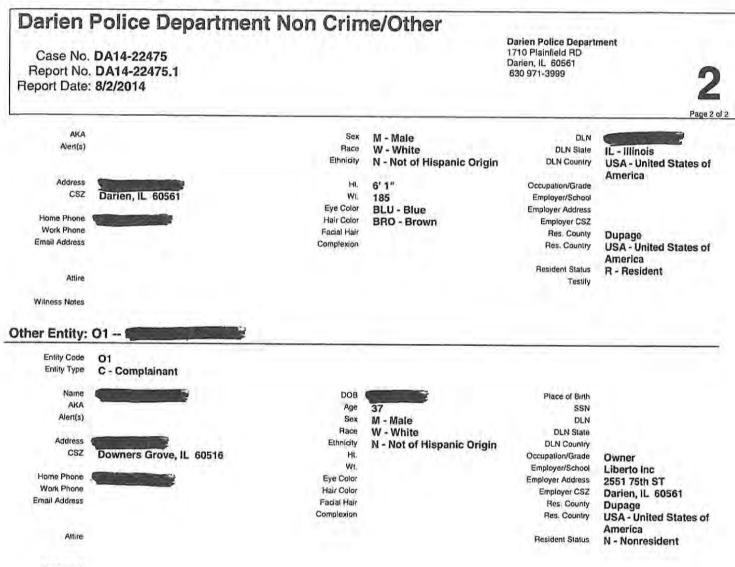
who stated the following in summary: The reason he was upset with the fence being A short time later I spoke with erected was because two weeks prior he was told by the City that no fence was to be installed. He said there was only supposed to be landscaping put in and was afraid with a fence being put in it would be an eye soar and a dumping ground for material and garbage.

1 advised Fihat the owner of the new building had building permits showing the boundary line and where he was able to put the fence in. I also advised him the owner told me that "JULIE" had been called in reference to any buried lines. a stated he was unaware all of that occurred and said if he is allowed per the city to begin work then he would not interfere with any future work. I also advised to contact the city if he has any complaints as to the plat of survey or the permits so the situation could be resolved where both parties would be satisfied.

At 1145 hours I called Michael Griffith at City Hall and left him a message regarding this matter. I also contacted the building ownerd told him what happened with my conversation with the neighbor and he thanked me for my time. Nothing further to report at this time.

#### Offense Description 9915 - CIVIL ASSIST IBR Code Location 140 - BUSINESS PLACE COMMERCIAL (OTHER THAN THOSE LISTED IBR Group Offense Completed? No. Prem. Entered Ves Crime Against **Ollense Status** Entry Method Using Hate/Blas 88 - None (No Bias) Type Security EXHIBIT Domestic Violence No **Tools Used** Criminal Activity Weapons/Force Witness W1: Witness Code W1 DOB Place of Birth Name Age SSN Printed For: NeiRMS\_CR.nl v2f 65

### Offense Detail: 9915 - CIVIL ASSIST



Entity Notes

CITY OF DARIEN BUILDING DEPARTMENT TIFICATE OF OCCUPANCY PERMIT NO. OCCUPANCY PERMIT NO. OCCUPANCY PERMIT NO. Ses described below have been inspected for compliance with ad for the use and/or occupancy of: Lot Lot Block Iteration XX Addition BY Matrix A Addition Director of Community Development Date Approved May 22, 2015		: * <sup>2</sup>		all provisions of				EXHIBIT
CITY OF DARIEN BUILDING DEPARTMEN BUILDING DEPARTMEN TIFICATE OF OCCU OCCUPANCY PI OCCUPANCY PI OCCUPANCY PI Sees described below have been ad for the use and/or occupancy ad for the use and/or occupancy Alteration XX Alteration XX Date Approved	CITY OF DARIEN BUILDING DEPARTMEN BUILDING DEPARTMEN CERTIFICATE OF OCCU 12897 OCCUPANCY PI OCCUPANCY PI 0000 and/or premises described below have been or occupancy 12897 OCCUPANCY PI 12897 OCCUPANCY PI 0000 and/or premises described below have been of the use and/or occupancy 12897 OCCUPANCY PI 12897 OCCUPANCY PI 1	T JPANCY	ERMIT NO.	inspected for compliance with a of:		Addition	Ste	Director of Community Development May 22, 2015
	CER 12897 12897 12897 12897 12897 Take building and/or prem at the building and/or prem Drdinances and are approv Sth Street New Construction New Construction APPROVED	CITY OF DARIEN BUILDING DEPARTMEN	OCCUPANCY PI	ises described below have been i ed for the use and/or occupancy	7	Alteration XX	BY	Date Approved



# FIELD INSPECTION REPORT

# **CITY OF DARIEN**

# 1702 PLAINFIELD ROAD = DARIEN, IL 60561

Date:5/22/1.5	Permit #:	
Address:	25.51 75-4	5-
Name:		
Type of Inspection:		
Q Footing	C Electric Service	CI Stack Test
🗆 Wall	Rough Electric	Pre-pour Driveway
🗆 Backfill	C Rough Plumbing	C Slab-garage/basemen
🗆 Slab	C Rough Frame	Final
D Draintile	Insulation	C Rough Sewer/Water
Underground     (Plumbing/Electric)	C Sidewalk/Approach	C Other
C Mechanical Rough		
Comments:		1
	OUUPANCY F.	NAL- INSURE ONE
	15 APPROVED	
-		
Approved	C Not Approved	Needs Re-Inspection
JASON NOC	5-122 1.5	Re-Inspection Fee Due
nspectors Signature	Date of Inspection	Call For Re-Inspection

(630) 852-5000



# **DARIEN-WOODRIDGE**

# **Fire Protection District**

7550 Lyman Avenue • Darien, Illinois 60561• (630) 910-2207 • Fax (630) 910-2213

Final	Inspe	ection
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Occupancy		Phone	File #	2000
Address			Date	
Underground Flush		Hood & Duct	Final Fire Other	
Sprinkten dy	Question 6	2 20075		
MANAGER- BA	VAU ART	11STRAD		
	708-	7.79-9029		
Inspection has been appr	ovedIr	spection has NOT been	approved. <u>Call for re-</u>	inspection.
spector		Contractor/Agent_	13 60	
rint Name	sna m			
THIS IS	NOT A CERTII	FICATE OF OCC		
Copy forwarded to _	City of Darien	Village of Woodridge		y 11 Form – 7/0

Date: 05/20/15	76-5	817
Address: <u>2551</u> W-		
Type of Inspection:		
□ Footing	Electric Service	C Stack Test
⊐ Wall	C Rough Electric	Pre-pour Driveway
□ Backfill	Rough Plumbing	C Slab-garage/basemen
⊐ Slab	C Rough Frame	凶 Final
Draintile	Insulation	Rough Sewer/Water
그 Underground (Plumbing/Electric)	Sidewalk/Approach	C Other
Mechanical Rough Comments:		
Everthe	Final Approven	

Inspectors Signature

05/20/15

Date of Inspection

Call For Re-Inspection (630) 852-5000



# FIELD INSPECTION REPORT

# **CITY OF DARIEN**

# 1702 PLAINFIELD ROAD = DARIEN, IL 60561

Date: 5-/12/15	Permit #:	
Address:	2551 75+4	ST
Name:		<u></u>
Type of Inspection:		
G Footing	C Electric Service	Stack Test
Ci Wali	C Rough Electric	Pre-pour Driveway
D Backfill	C Rough Plumbing	C Slab-garage/basement
🗅 Slab	C Rough Frame	D Final
C Draintile	Insulation	C Rough Sewer/Water
Underground     (Plumbing/Electric)	C Sidewalk/Approach	Other
C Mechanical Rough		
Comments:	~	
	Revier HURE - / No	VAC DWC) IS APPROVED
	1	

Not Approved

Needs Re-Inspection

Inspectors Signature

14

Date of Inspection

Call For Re-Inspection

C Re-Inspection Fee Due

(630) 852-5000

### **Inspection Scheduling - Darien**

Run Date: 01/23/2015 2:43 PM

### Don Morris

He is a

26/2015	7813 Nannicket Dr	Plumbing Final	630-724-0128
26/2015	8251 Lemont Road	Final Building	Four Corners Church 773-619-9162
/26/2015	2551 75th Street	Framing	Old Wolf Camera 773-931-5112
			Total Inspections: 3

#### 1/26/2015 8251 Lemont Road Plan and a second se Electric Final Four Corners Church 773-619-9162 . 1/26/2015 Old Wolf Camera 773-931-5112 Old Fashiol Sweets 630-514-4774 2551 75th Street Electric Rough ove A Electric Rough 1/26/2015 7511 Lemont Suite 150 Total Inspectiona: 3

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Ball and I

Date: 1-26-15	1702 PLAINFIELD ROAD	DARIEN, IL 60561		
Address: 255/				
Name:				
Type of Inspection:				
Footing	C Electric Service	C Stack Test		
🗅 Wall	C Rough Electric	Pre-pour Driveway		
🗆 Backfill	C Rough Plumbing	Slab-garage/baseme		
🗅 Slab	Rough Frame	Final		
D Draintile	Insulation	Rough Sewer/Water		
Underground (Plumbing/Electric)	Sidewalk/Approach	C Other		
Mechanical Rough Comments:				
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Approved	Not Approved	Needs Re-Inspection		
Nilo Taimarkel	1-26-15	Re-Inspection Fee Due		
nspectors Signature	Date of Inspection	Call For Re-Inspection 73 (630) 852-5000		

	18503	pliance with all provisions of	Block		Addition		ınity Development r 27, 2022	EXHIBIT T
ARIEN ARTMENT F OCCUPANCY	OCCUPANCY PERMIT NO.	have been inspected for com occupancy of:	Lot		tion	Sparil Hank	Director of Community Development September 27, 2022	
CITY OF DARIEN BUILDING DEPARTMENT CERTIFICATE OF OCCUPANCY	0000	THIS IS TO CERTIFY that the building and/or premises described below have been inspected for compliance with all provisions of the Zoning and Building Ordinances and are approved for the use and/or occupancy of:		OGISTICS	Alteration	APPROVED BY	Date Approved	
UNT NO	LYMIT NO.	ERTIFY that the building ar d Building Ordinances and a	2551 75 <sup>th</sup> Street	INNFINITY LOGISTICS	New Construction	A		
darien Bill Divio DEDM	BUILDING PERMIT NU.	THIS IS TO C the Zoning and	Address	Occupant's name	Occupancy XX			74

Dr. Steven C. Tharp DDS Prospective buyer of the property at 2551 75th St., Darien, IL 60561

Formal Request to Preserve Existing Fence @ 2551 75th st

Dear Village of Darien,

I am writing to you today as a concerned potential commercial property owner in Darien regarding a matter that directly affects the surrounding neighborhood's cohesion and well-being. The fence in question has been a part of the commercial property for several years, and I would like to express my formal request for it to be preserved.

There are several reasons why I believe it is crucial for the fence to remain intact:

- Boundary and Privacy: The fence delineates property lines and provides a sense of privacy for both the Commercial property and the surrounding residents. Without it, there could be potential encroachments or disruptions to the peaceful coexistence that is currently enjoyed.
- 2. Aesthetic Integration: The design and placement of the fence was carefully integrated into the overall aesthetic of the neighborhood. Its removal could disrupt the visual cohesion of the community and detract from the charm and character that define the area. When I first viewed the property, I was envisioning a nice, quiet, private space for the office staff to be able to have lunch outdoors. It is a large part of the appeal of this property.
- 3. Safety and Security: Beyond its aesthetic and boundary functions, the fence also serves the practical purpose of security. It helps deter trespassing and provides a barrier against unwanted intrusions, contributing to the safety and well-being of all residents. It is also an undue liability to have the property open to intrusion and possible lawsuits if an injury or accident were to occur upon the proposed unfenced area of the commercial property.
- 4. Undue Costs to the business: The cost of installing a new fence and reworking landscaping can be substantial. Furthermore, the existing fence is in good condition and serves its purpose effectively. As far as I have been informed, it meets the current fencing code of Darien. I do not believe there is a compelling reason to justify its removal, especially when considering the financial implications for all involved.
- Community Relations: Preserving the existing fence would also demonstrate respect for Arvydas Kaminskas and Enrique Rodriguez's wishes to keep the existing fence and



contribute to positive neighborly relations. It is important to consider maintaining a sense of mutual respect with *all* of the community members and prospective new buisnesses affected by the proposed changes.

In light of these considerations, I urge the village authorities to carefully weigh the implications of any decisions regarding the fate of the fence. I believe that preserving it aligns with the values of the community and will contribute to the continued prosperity and harmony of Darien.

Thank you, and I trust that you will give it the thoughtful consideration it deserves, keeping in mind the best interests of *all* parties involved.

Sincerely,

Steven C. Tharp DDS ato

Enrique Rodriguez 7505 S. Main St Darien, IL 60561

May 27, 2024

Subject: Request to Preserve Existing Fence

Dear Village Authorities,

I hope this letter finds you well. I am writing to you today as a concerned resident of Darien regarding a matter that directly affects our neighborhood and my back yard. Specifically, I am reaching out to request that the existing fence belonging to the property at 2551 75th street remain in place. It serves as a good boundary to my neighbor to the north.

The fence in question has been a part of our community landscape for several years, and its presence has played a significant role in maintaining the harmony and privacy of our neighborhood. However, I understand that there may be discussions or plans to alter or remove it, and I would like to express my earnest request for it to be preserved as is.

Thank you for your attention to this matter.

Sincerely. Enrique Rodriguez



Arvydas & Laimute Kaminskas 7510 Cambridge Rd. Darien, IL 60561

May 22, 2024

Dear Village of Darien,

I am writing to formally request that the existing fence on my western property line, located at the eastern side 2551 75th Street, be permitted to remain in place. The fence serves several important purposes for me and my family, and we believe it adds value to our property and the surrounding area.

The existing fence gives us privacy, security, and safety for our children and dog. Furthermore, I believe that the fence complies with all relevant local ordinances and regulations, and it does not encroach upon any neighboring properties or public rights-of-way.

I kindly request that the Village Board consider our request favorably and grant permission for the existing fence to remain in its current location. If there are any additional requirements or steps we need to take to facilitate this request, please do not hesitate to inform us.

Thank you for your attention to this matter. I look forward to a positive resolution. Sincerely,

Arvydas & Laimute Kaminskas



# Exhibit I: Select City of Darien Zoning Ordinance Provisions

# 5A-5-8-3: REQUIRED FENCES:

(A) Business And Office-Industrial Districts:

1. Residential Adjacency: Where a lot in the business or office- industrial district adjoins a lot in a residential district, a fence is required as provided in the applicable zoning district regulations.

# 5A-2-2-3: VARIATIONS

(H) Revocation Of A Variation:

\*\*\*

1. A variation granted by the City Council shall be subject to revocation in the manner provided hereinbelow under any of the following circumstances:

(d) Following the issuance of occupancy permits, abandonment, or other failure to utilize the property for the purposes permitted by the variation for a period of two (2) months out of any consecutive six (6) month period.

\*\*\*

(g) Where changed circumstances or experience derived from the exercise of the variation previously granted indicates that the continuation of the variation does not carry out the goals of this title. Provided, however, that any variation so withdrawn may continue to exist until abated under the provisions of chapter 4 of this title.

2. Upon written application by any person, the Zoning Board of Appeals, Plan Commission, or the City Council, following the happening of any of the conditions specified in subsection (H)1 of this Section, the Zoning Board of Appeals, or, in instances where companion variations were granted, the Plan Commission shall hold a public hearing with regard to whether any of the conditions described in subsection (H)1 of this Section exist and whether on account of such conditions and other circumstances the variation shall be revoked. Public notice of such hearing shall be given by newspaper publication and the legal owner of record of the subject property shall be notified by certified mail, return receipt requested. The hearing shall otherwise be conducted in accordance with the procedures required by statute and by Section <u>5A-2-3</u> of this Chapter.

3. Following such hearing, the Board or Plan Commission shall prepare written findings of fact and its recommendations regarding the continuation or revocation of the variation. Such findings and recommendations shall be



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transmitted forthwith to the Planning and Development Committee for a recommendation and then to the City Council for final action. The City Council, after receiving such findings and recommendations, or after the time period to file such recommendations has elapsed, may either continue or revoke the variation. (Ord. 0-03-00, 4-3-2000)

# 5A-1-2: PURPOSE AND INTENT:

(A) This Zoning Title is adopted for the purpose of improving and protecting the public health, safety, comfort, convenience, and general welfare of the people. The fulfillment of this purpose is to be accomplished by seeking the following objectives:

6. To zone all properties with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

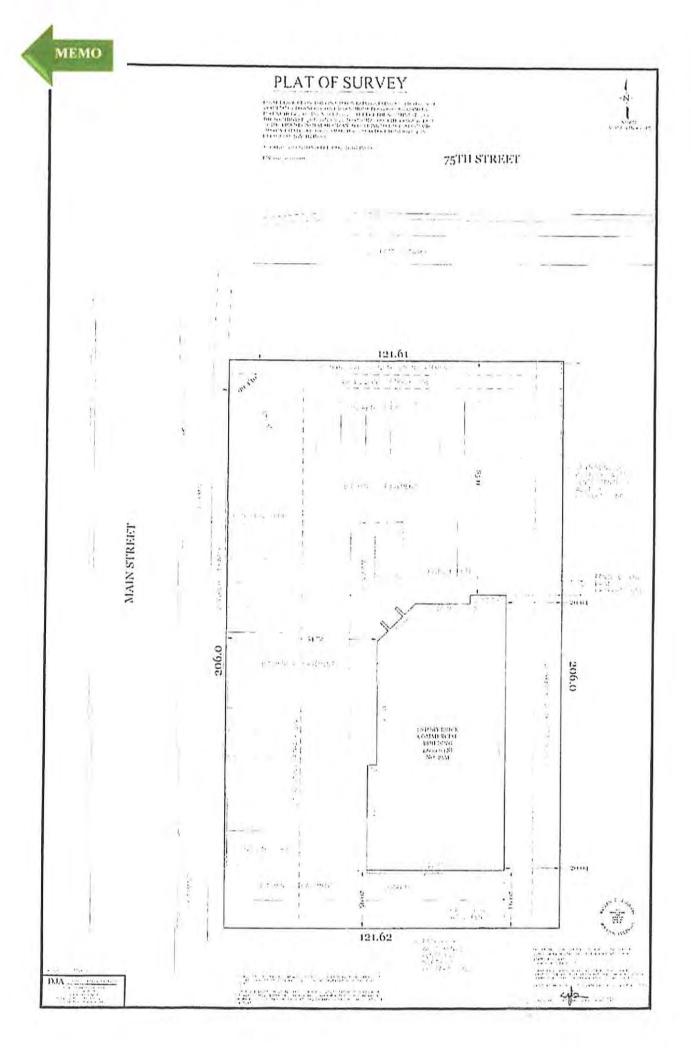
11. To foster a more rational pattern of relationship between residential, business, commercial, and manufacturing uses for the mutual benefit of all.

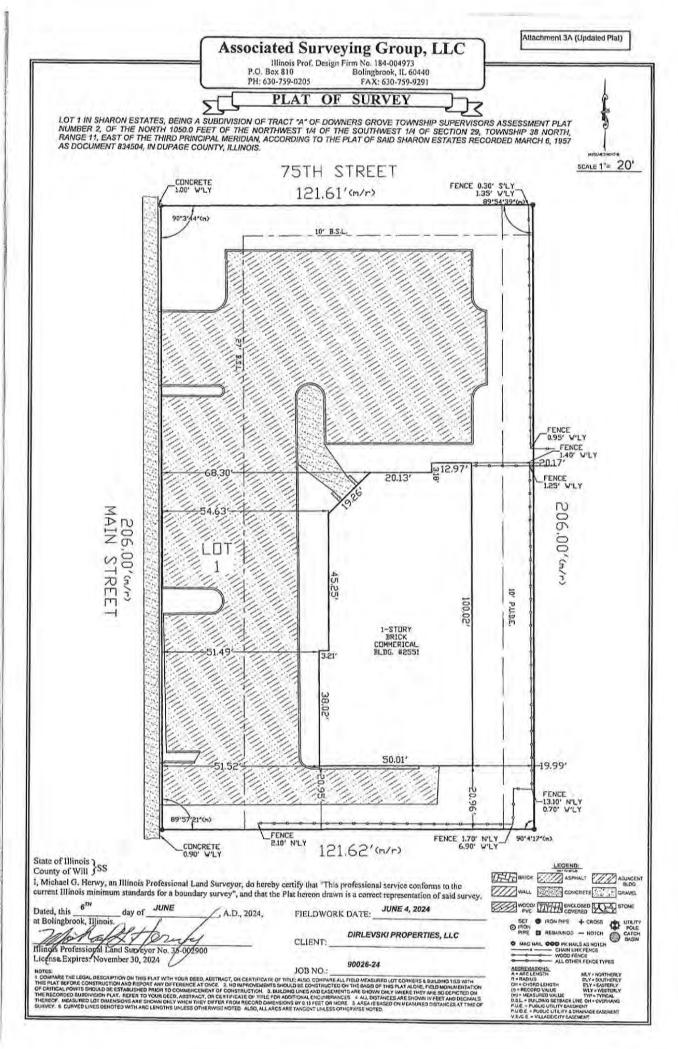
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15. To enhance aesthetic values throughout the City.

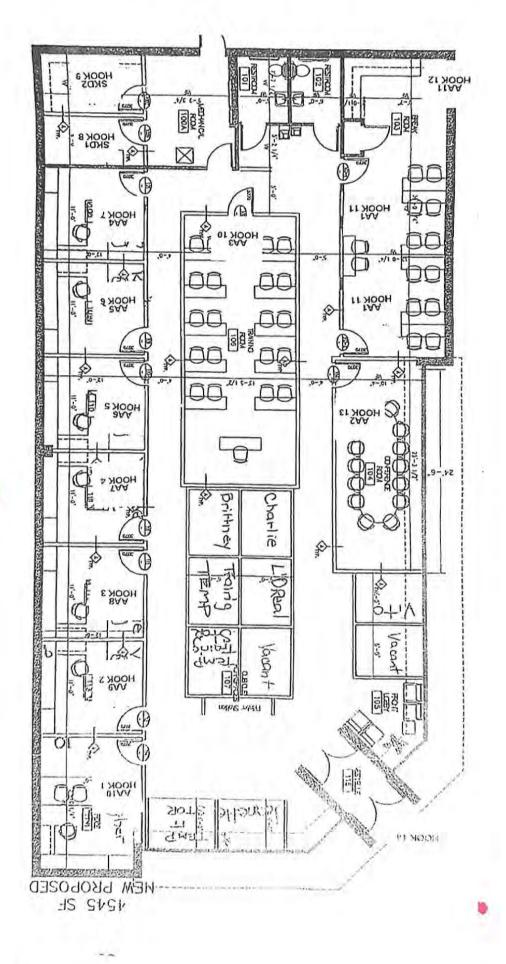




Attachment 4

Existing

MEMO



HOOK 16 ALARIA PANEL

DISPENSERS HOOK 17





## 5A-8-2: B-1 NEIGHBORHOOD CONVENIENCE SHOPPING DISTRICT:

#### 5A-8-2-1: INTENT:

The B-1 Neighborhood Convenience Shopping District is intended to provide convenience shopping for persons residing in adjacent residential areas, and to permit such uses as are necessary to satisfy those basic shopping needs which occur daily or frequently and so require shopping facilities in, relative proximity to places of residence.

No B-1 District shall be established by any new regulation unless the proposed new district area, by itself or in conjunction with any contiguous territory which either lies within the City and is already zoned B-1 or which lies within an adjacent municipality and is in a similar zoning classification, is at least forty thousand (40,000) square feet. (Ord. 0-03-00, 4-3-2000)

## 5A-8-2-2: SITE PLAN APPROVAL:

To ensure that the details of development of commercial areas for authorized uses will be such that the operation of the use will not offend the public interest, will be compatible and be planned in conformity with surrounding uses and will not adversely affect the flow of traffic within the community, a site plan shall be submitted. Refer to the approval process and submittal requirements as outlined in Chapter 2 of this Title. (Ord. 0-03-00, 4-3-2000)

#### 5A-8-2-3: PERMITTED USES:

No building, structure, or land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended or designed for other than one of the following uses:

- (A) Bakeries.
- (B) Barbershops.
- (C) Beauty shops.
- (D) Candy and ice cream stores.
- (E) Drugstores.
- (F) Dry-cleaning establishments, not including industrial dry- cleaning plants.
- (G) Employment agencies.
- (H) Equipment rental stores.
- (I) Florist shops.
- (J) Food stores, grocery stores, meat markets and delicatessens.
- (K) Gift shops.
- (L) Hardware stores.
- (M) Nursery schools, preschools and daycare centers.
- (N) Offices, business or professional.
- (O) Package liquor stores.
- (P) Shoe and clothing repair stores.
- (Q) Wearing apparel shops.
- (R) Variety stores. (Ord. 0-03-00, 4-3-2000)

#### 5A-8-2-4: SPECIAL USES:

The following special uses may be permitted in specific situations in accordance with the procedures outlined in Section5A-2-2-6 of this Title, as appropriate:

- (A) Banks and financial institutions.
- (B) Civic buildings and governmental uses.
- (C) Drive-in and drive-through establishments.
- (D) Eating establishments, not including entertainment or dancing.
- (E) Planned unit developments in accordance with the provisions of Chapter 3 of this Title.
- (F) Public and private utility facilities.
- (G) Swimming, tennis, racquet and other athletic club facilities.
- (H) Undertaking establishments. (Ord. 0-03-00, 4-3-2000)

#### 5A-8-2-5: AREA REQUIREMENTS:

The minimum lot area in the B-1 District shall be forty thousand (40,000) square feet. (Ord. 0-03-00, 4-3-2000)

## 5A-8-2-6: WIDTH AND DEPTH REQUIREMENTS:

There are no minimum width or depth requirements in the B-1 District. (Ord. 0-03-00, 4-3-2000)

#### 5A-8-2-7: YARD REQUIREMENTS:

The minimum yards required in the B-1 District shall be as follows:

(A) Front And Corner Side Yards:

1. Abutting Or Adjoining Any District:

(a) Yard Depth: There shall be a required front and corner side yard of not less than fifty feet (50') in depth.

(b) Off-Street Parking Facilities Setback: Off-street parking facilities are not allowed within the first thirty feet (30') of the required front or corner side yard.

(B) Interior Side And Rear Yards:

1. Abutting Or Adjoining A Nonresidential District:

(a) Yard Depth: There shall be a required interior side and rear yard of not less than twenty five feet (25') in depth.

(b) Off-Street Parking Facilities Setback: Off-street parking facilities within an interior side or rear yard are not allowed within the first twenty feet (20') of the required yard provided.

2. Abutting Or Adjoining A Residential District:

(a) Yard Depth: There shall be a required interior side and rear yard of not less than thirty five feet (35') in depth.

(b) Off-Street Parking Facilities Setback: Off-street parking facilities within an interior side or rear yard shall not be closer than thirty feet (30') from an adjoining lot in a residential district.

(c) Required Fence: Where a rear or interior side lot line in the B-1 District coincides with an interior side or rear lot line in an adjoining residential district, a fence of at least seventy five percent (75%) opacity shall be provided within the yard. The height of such fence shall be six feet (6').

(C) Accessory Structures: Accessory structures shall comply with yard and setback requirements as prescribed in Section 5A-5-9 of this Title.

(D) Permitted Obstructions In Required Yard: Permitted obstructions in required yards are allowed as described herein and as prescribed in Section 5A-5-7-3 of this Title and Chapter 11 of this Title including:

1. Drives And Off-Street Parking Facilities: Required yards may be occupied by drives and off-street parking facilities when constructed in accordance with the setback requirements of this District and in compliance with Section 5A-5-7-3 of this Title and Chapter 11 of this Title.

 Joint Parking: In the case of joint parking facilities, parking may occur in the required yard without regard to the side lot line at the point of the combination of the parcels, and in compliance with subsections 5A-11-2-1(B) and (C) of this Title. (Ord. 0-03-00, 4-3-2000)

## 5A-8-2-8: HEIGHT LIMITATIONS, BULK REGULATIONS:

The maximum floor area ratio for all buildings and structures in the B-1 District shall be 0.5 and the maximum height shall be two (2) stories not to exceed thirty feet (30'). Not more than fifty percent (50%) of the net site area shall be covered by principal buildings and structures, and not more than seventy five percent (75%) of the net site area shall be covered by principal and accessory buildings and structures, and paved or impervious areas. (Ord. 0-03-00, 4-3-2000)

5A-8-2-9: COMPLIANCE WITH THIS TITLE AND OTHER APPLICABLE TITLES OF THIS CODE REQUIRED: Properties located in this District shall comply with all applicable regulations of this Title as well as all other applicable regulations with this Code. At a minimum, the following regulations must be adhered to:

(A) Landscape Requirements: All business establishments shall comply with the landscaping requirements of Chapter 10 of this Title.

(B) Off-Street Parking And Loading Requirements: All business establishments shall comply with the off-street parking and loading requirements of Chapter 11 of this Title.

(C) Final Engineering: Provisions for storm water management and engineering must be made in compliance with applicable codes.

(D) Performance Standards: Processes and equipment employed within business districts shall be limited to those which comply with the performance standards of Chapter 12 of this Title.

(E) Sign Regulations: The signs on the property shall comply with the Darien sign code (Title 4, Chapter 3 of this Code). (Ord. 0-03-00, 4-3-2000)







MEMO



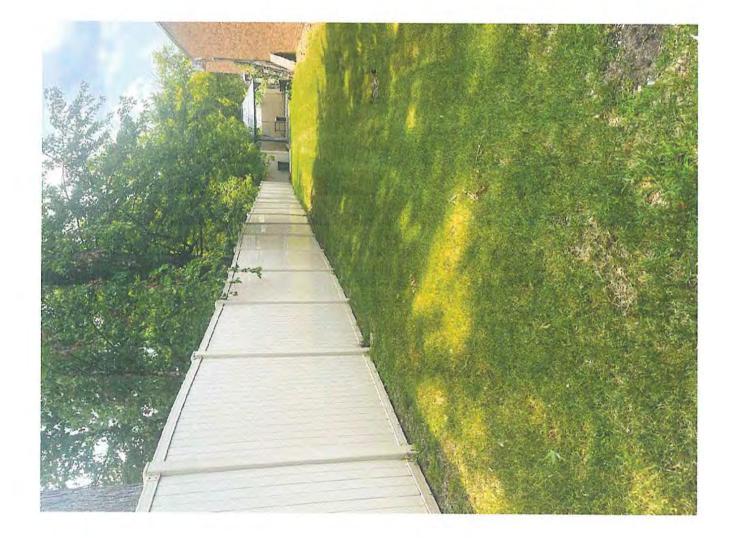
Attachment 7A Supplemental Photographs





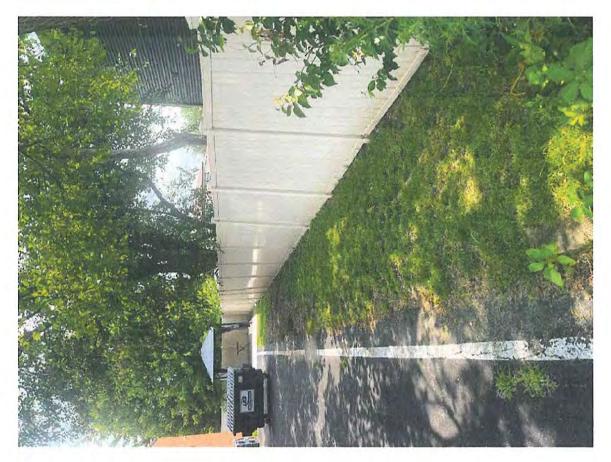


Attachment 7A Supplemental Photographs



Attachment 7A Supplemental Photographs

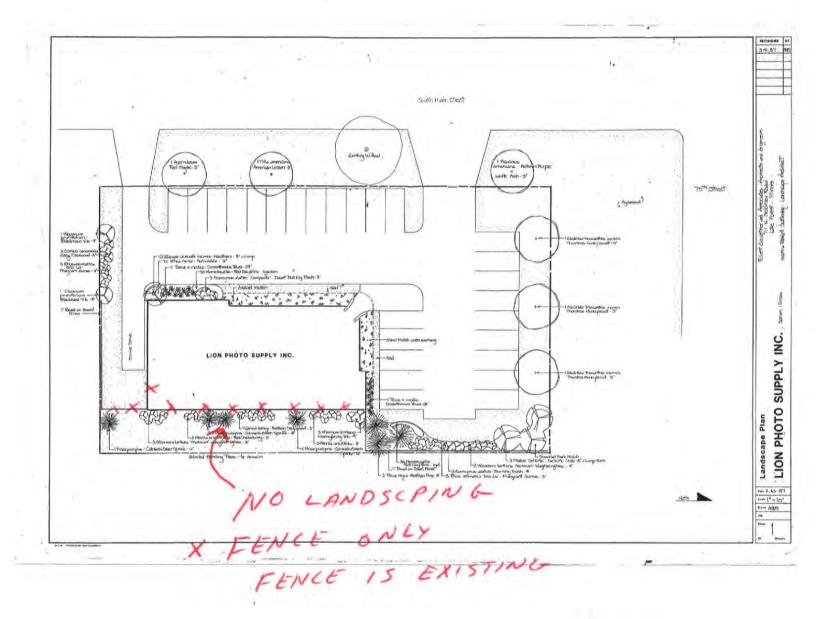




Attachment E







## My name is Eric Gustafson - Darien Alderman for Ward 6

I have had various communications and site visits with the Jopa's who live at 7518 Cambridge Drive in Darien in Ward 6. They live adjacent to the property being discussed as a potential Dental office.

It is my understanding that there is no objection to the building being converted to a dental office. The concern is the original ordinance governing the exterior of the building; ordinance 0-07-87 which was put in place in April of 1987.

This ordinance was agreed to by the original building owner and parties close to the property and approved by the Darien City Council.

This ordinance defines the specific buffering between the office building and adjacent residential properties.

The buffering between commercial property and residential homes usually varies based on the specific needs. Sometimes the buffering includes a fence, landscaping, berms and various other buffering tools.

In the case of this specific property the exterior wall of the commercial building facing the Jopa's property was used as a buffering tool by prohibiting any windows or doors on this exterior wall.

Additional buffering included landscape materials between the exterior commercial wall and the Jopa property. This buffering provided a transition from the commercial property the Jopa property.

The fencing installed on the commercial property should not have been installed and should not have been approved by the city. The fence was not in compliance with the original ordinance.

The Jopa's have lived in their home for nearly 40 years and deserve to be governed by the original ordinance governing this property.

To comply with the original ordinance the commercial building owner will need to perform minimal maintenance and the maintenance will not impact the value of the property.

As I have indicated the buffering of this property was put in place over 37 years ago and is still the best buffering approach for the property and should be adhered to.

I strongly recommend that the city enforce the original ordinance 0-07-87.

Thank you.

# PAUL & ROBIN JOPA

7518 Cambridge Road Darien, Illinois 60561 (708) 528-1536

August 7, 2024

<u>Via Hand Delivery</u> City of Darien Mr. Dan Gombac, Director of Municipal Services 1702 Plainfield Road Darien, Illinois 60561

Re: Old Wolf Camera Site

Dear Dan,

Thank you for meeting with me and Art Donner.

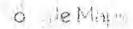
Based on our meeting, I respectfully request that the fence behind my property be removed and left open, similar to the way it was when the Wolf Camera commercial property was approved. (See attached map). Assuming you agree, Robin and I fully support the removal of the landscaping provision and dentist office rezoning.

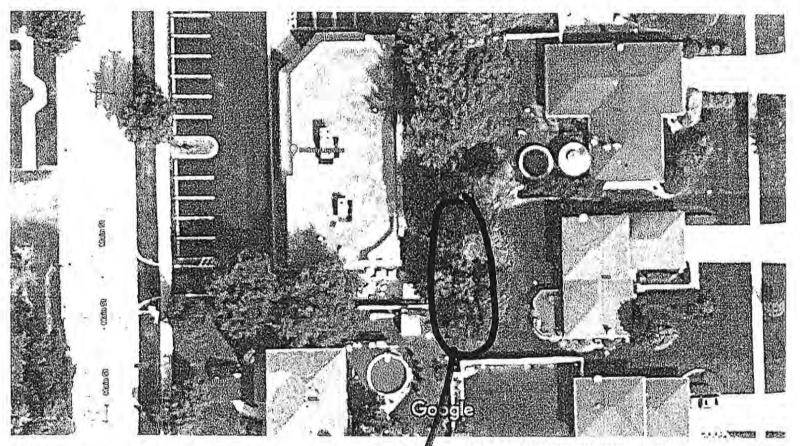
Respectfully yours,

Paul

**Robin Jopa** 

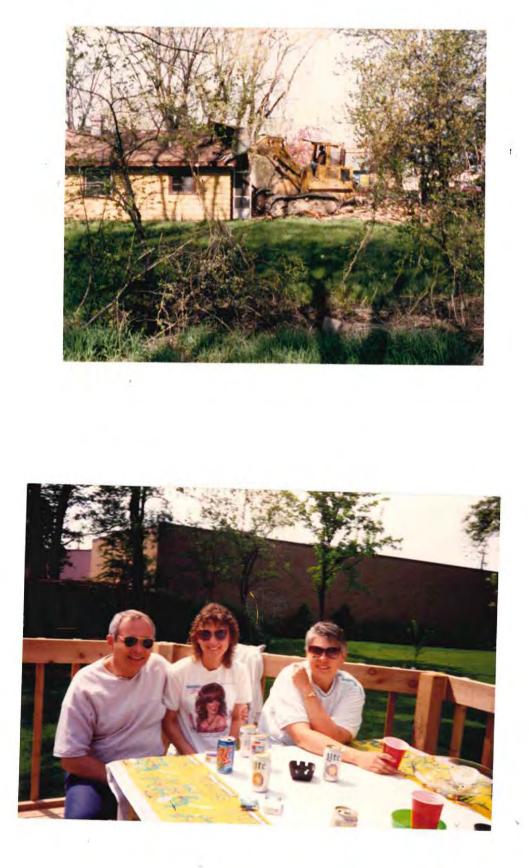
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Map data ©2024 , Map data ©2024 20 ft

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As I have indicated the buffering of this property was put in place over 37 years ago and is still the best buffering approach for the property and should be adhered to.

# I strongly recommend that the city enforce the original ordinance 0-07-87.

Thank you.



Dear committee,

My name is Rasa Tharp. I am Dr. Steven Tharp's wife and a potential 50% owner of the property 2551 75th St. Darien. Before applying for any permits, my husband and I were not aware of any special ordinances that were associated with this property. When Mr. Jopa presented a paper copy of the ordinance from 1987 during the first committee meeting on May 15, 2024 it took us by surprise. Even current sellers were not aware of a modified 1987 ordinance that is not the ordinance for the rest of the City of Darien.

I would like to bring to your attention how many things have changed and evolved for the better over the last 37 years. 37 years ago, I was 5 years old. Dial-up internet wasn't available and the only means of communication was a rotary phone, yellow pages and encyclopedias. In 1987 you were alo allowed to smoke on commercial flights. Changes and advancements were made to make our lives better and safer. Without smartphones or google we would still be looking up information in encyclopedias or reaching out for a yellowbook to see where you will order your next lunch from. This information is at our fingertips on the go with wireless internet or smartphones you can even do so on the airplane flying across the country in the sky. Yellow pages and encyclopedias became obsolete. Since this ordinance hasn't come to anyone's attention there was no need for it's attention or updating. My request of you today is that you re-evaluate this outdated ordinance and update it to today's standards. Please take into consideration the best interest of the entire community and not just one neighbor.

My intention of this letter is to let you know if this ordinance doesn't get appealed and stays as is from 1987 I will no longer be in support of purchasing this building.

You might not be aware, the current seller will now have to disclose the current ordinance to any new potential buyer and will have difficulties in selling this property. The community will run a high risk of this property becoming unsold like it was left neglected and overgrown in 2014. This property has also not had a long term stable business at this property since Wolf Camera went out of business. Is having a revolving door of business at this property the best thing for the City of Darien?

I would sincerely ask that you approve the appeal of the 1987 ordinance.



CONTACT INFORMATION

# ZONING APPLICATION

CITY OF DARIEN 1702 Plainfield Road, Darien, IL 60561 KWY:derienilus 630-852-5000

Applicant's Name	Owner's Name				
10 S. 267 Kaye Lane Willowbrook, IL 60527	Address, City, State, Zip Code				
Address, City, State, Zip Code	Address, City, State, Zip Code				
815-712-6521					
Telephone distourations @amail.a.a.a	312-752-8663 Telephone				
drsteventharp@gmail.com	DIRLEVSKI QGMAIL, COM				
Email	Email				
PROPERTY INFORMATION					
	0929301001				
2551 75th St. Darien, IL 60561 Property address	RECENT				
B-1	PIN Number(s) Office Space				
Zoning District	Current Land Use(s)				
REQUEST					
REQUEST Brief description of the zoning approval requested. (Contact Size Letter a Hached	the City Planner for guidance.)				
Brief description of the zoning approval requested. (Contact	the City Planner for guidance.)				

My Commission Expires Feb 16, 2027

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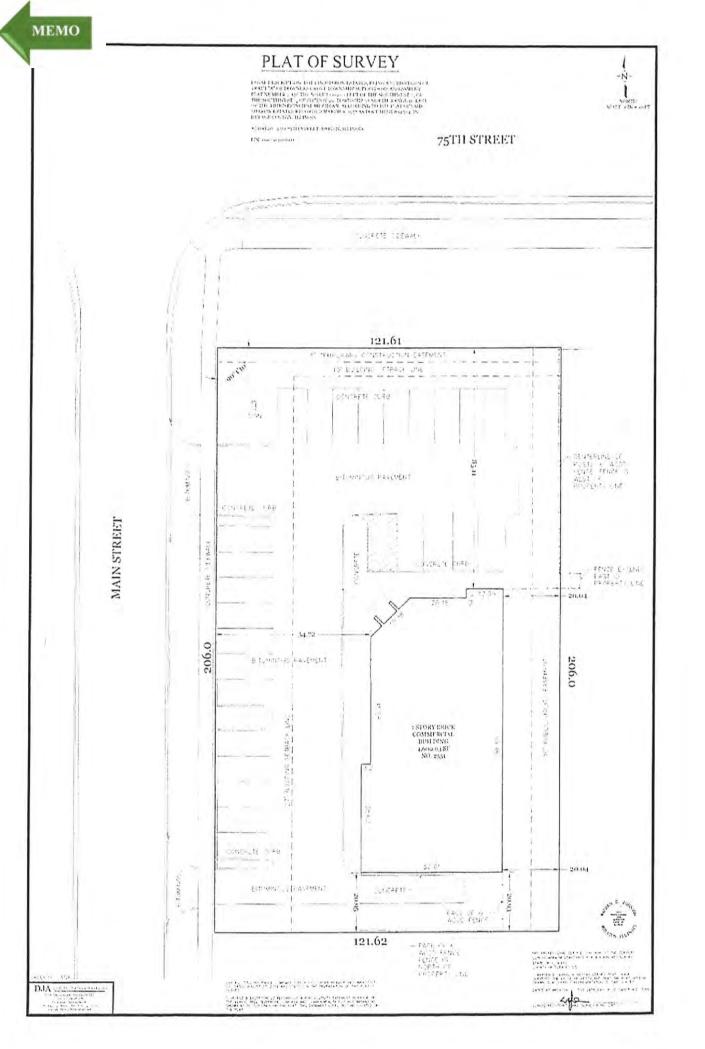
My name is Steven Tharp, and I am not only a dentist but also a devoted husband and father of two. With 14 years of experience in dentistry, I take pride in delivering exceptional dental care. I am writing to express my keen interest in establishing a family-owned dental office in Darien. Doing so would not only allow me to serve our community but also afford me the flexibility to be close to my children's school events, which is a priority for me.

Our vision is to create a welcoming and nurturing environment where families can receive top-notch dental care. The plan entails constructing a six-chair office, typically capable of accommodating two dentists and one hygienist. This new facility will boast a modern and attractive design, equipped with state-of-the-art technology like Cone Beam Computed Tomography (CBCT) scan and intraoral scanner. These advancements, available in fewer than 30% of general dentists' offices, significantly enhance patient comfort and precision of treatment compared to traditional setups.

To realize this vision, we are seeking the support of the community in obtaining a text amendment and special use permit. This permit will not alter the essential character of the locality. It will not cause a substantial difficulty, undue hardship, unreasonable burden, or loss of value to the neighboring properties. In fact, the planned minor exterior refresh of the building may increase neighboring property values. Overall it will be a net benefit to the community as quality dental care is always needed. The special use permit is essential for ensuring that our dental office operates in compliance with local regulations and zoning laws.

Thank you for considering our proposal. We eagerly anticipate the opportunity to serve our community and contribute to its health and vibrancy for years to come.

Steven C Tharp, DDS



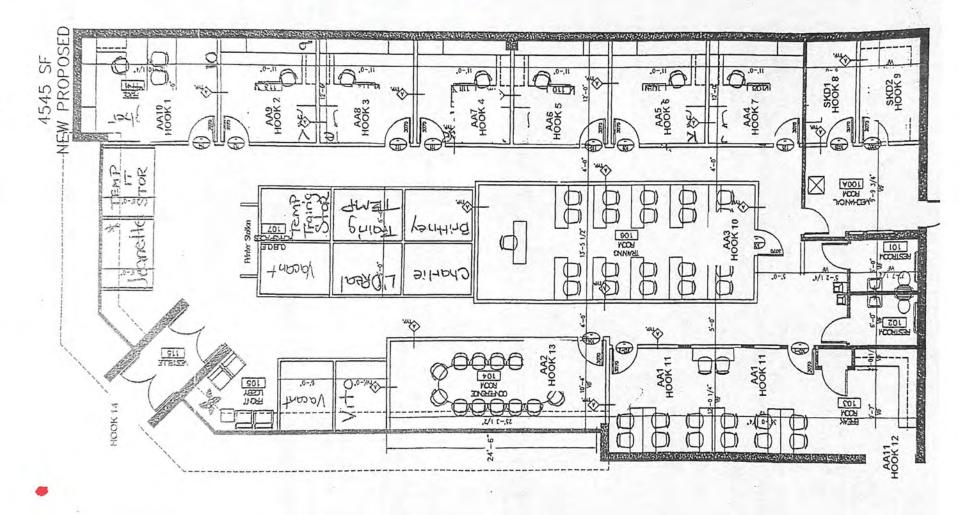


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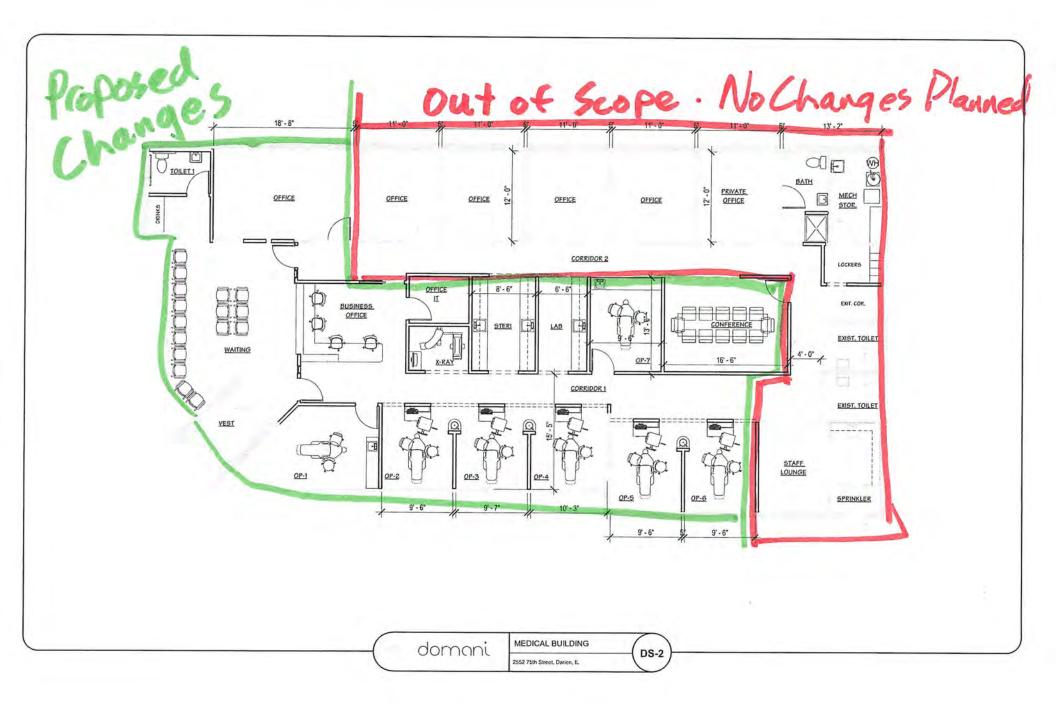
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ADARIA PANEL

HOOK 17 DISPENSERS



# 5A-8-2: B-1 NEIGHBORHOOD CONVENIENCE SHOPPING DISTRICT:

## 5A-8-2-1: INTENT:

MEMO

The B-1 Neighborhood Convenience Shopping District is intended to provide convenience shopping for persons residing in adjacent residential areas, and to permit such uses as are necessary to satisfy those basic shopping needs which occur daily or frequently and so require shopping facilities in, relative proximity to places of residence.

No B-1 District shall be established by any new regulation unless the proposed new district area, by itself or in conjunction with any contiguous territory which either lies within the City and is already zoned B-1 or which lies within an adjacent municipality and is in a similar zoning classification, is at least forty thousand (40,000) square feet. (Ord. 0-03-00, 4-3-2000)

# 5A-8-2-2: SITE PLAN APPROVAL:

To ensure that the details of development of commercial areas for authorized uses will be such that the operation of the use will not offend the public interest, will be compatible and be planned in conformity with surrounding uses and will not adversely affect the flow of traffic within the community, a site plan shall be submitted. Refer to the approval process and submittal requirements as outlined in Chapter 2 of this Title. (Ord. 0-03-00, 4-3-2000)

## 5A-8-2-3: PERMITTED USES:

No building, structure, or land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended or designed for other than one of the following uses:

- (A) Bakeries.
- (B) Barbershops.
- (C) Beauty shops.
- (D) Candy and ice cream stores.
- (E) Drugstores.
- (F) Dry-cleaning establishments, not including industrial dry- cleaning plants.
- (G) Employment agencies.
- (H) Equipment rental stores.
- (I) Florist shops.
- (J) Food stores, grocery stores, meat markets and delicatessens.
- (K) Gift shops.
- (L) Hardware stores.
- (M) Nursery schools, preschools and daycare centers.
- (N) Offices, business or professional.
- (O) Package liquor stores.
- (P) Shoe and clothing repair stores.
- (Q) Wearing apparel shops.
- (R) Variety stores. (Ord. 0-03-00, 4-3-2000)

## 5A-8-2-4: SPECIAL USES:

The following special uses may be permitted in specific situations in accordance with the procedures outlined in Sectior5A-2-2-6 of this Title, as appropriate:

- (A) Banks and financial institutions.
- (B) Civic buildings and governmental uses.
- (C) Drive-in and drive-through establishments.
- (D) Eating establishments, not including entertainment or dancing.
- (E) Planned unit developments in accordance with the provisions of Chapter 3 of this Title.
- (F) Public and private utility facilities.
- (G) Swimming, tennis, racquet and other athletic club facilities.
- (H) Undertaking establishments. (Ord. 0-03-00, 4-3-2000)

## 5A-8-2-5: AREA REQUIREMENTS:

The minimum lot area in the B-1 District shall be forty thousand (40,000) square feet. (Ord. 0-03-00, 4-3-2000)

## 5A-8-2-6: WIDTH AND DEPTH REQUIREMENTS:

There are no minimum width or depth requirements in the B-1 District. (Ord. 0-03-00, 4-3-2000)

## 5A-8-2-7: YARD REQUIREMENTS:

The minimum yards required in the B-1 District shall be as follows:

(A) Front And Corner Side Yards:

1. Abutting Or Adjoining Any District:

(a) Yard Depth: There shall be a required front and corner side yard of not less than fifty feet (50') in depth.

(b) Off-Street Parking Facilities Setback: Off-street parking facilities are not allowed within the first thirty feet (30') of the required front or corner side yard.

(B) Interior Side And Rear Yards:

1. Abutting Or Adjoining A Nonresidential District:

(a) Yard Depth: There shall be a required interior side and rear yard of not less than twenty five feet (25') in depth.

(b) Off-Street Parking Facilities Setback: Off-street parking facilities within an interior side or rear yard are not allowed within the first twenty feet (20') of the required yard provided.

2. Abutting Or Adjoining A Residential District:

(a) Yard Depth: There shall be a required interior side and rear yard of not less than thirty five feet (35') in depth.

(b) Off-Street Parking Facilities Setback: Off-street parking facilities within an interior side or rear yard shall not be closer than thirty feet (30') from an adjoining lot in a residential district.

(c) Required Fence: Where a rear or interior side lot line in the B-1 District coincides with an interior side or rear lot line in an adjoining residential district, a fence of at least seventy five percent (75%) opacity shall be provided within the yard. The height of such fence shall be six feet (6').

(C) Accessory Structures: Accessory structures shall comply with yard and setback requirements as prescribed in Section 5A-5-9 of this Title.

(D) Permitted Obstructions In Required Yard: Permitted obstructions in required yards are allowed as described herein and as prescribed in Section 5A-5-7-3 of this Title and Chapter 11 of this Title including:

1. Drives And Off-Street Parking Facilities: Required yards may be occupied by drives and off-street parking facilities when constructed in accordance with the setback requirements of this District and in compliance with Section 5A-5-7-3 of this Title and Chapter 11 of this Title.

2. Joint Parking: In the case of joint parking facilities, parking may occur in the required yard without regard to the side lot line at the point of the combination of the parcels, and in compliance with subsections 5A-11-2-1(B) and (C) of this Title. (Ord. 0-03-00, 4-3-2000)

## 5A-8-2-8: HEIGHT LIMITATIONS, BULK REGULATIONS:

The maximum floor area ratio for all buildings and structures in the B-1 District shall be 0.5 and the maximum height shall be two (2) stories not to exceed thirty feet (30'). Not more than fifty percent (50%) of the net site area shall be covered by principal buildings and structures, and not more than seventy five percent (75%) of the net site area shall be covered by principal and accessory buildings and structures, and paved or impervious areas. (Ord. 0-03-00, 4-3-2000)

## 5A-8-2-9: COMPLIANCE WITH THIS TITLE AND OTHER APPLICABLE TITLES OF THIS CODE REQUIRED:

Properties located in this District shall comply with all applicable regulations of this Title as well as all other applicable regulations with this Code. At a minimum, the following regulations must be adhered to:

(A) Landscape Requirements: All business establishments shall comply with the landscaping requirements of Chapter 10 of this Title.

(B) Off-Street Parking And Loading Requirements: All business establishments shall comply with the off-street parking and loading requirements of Chapter 11 of this Title.

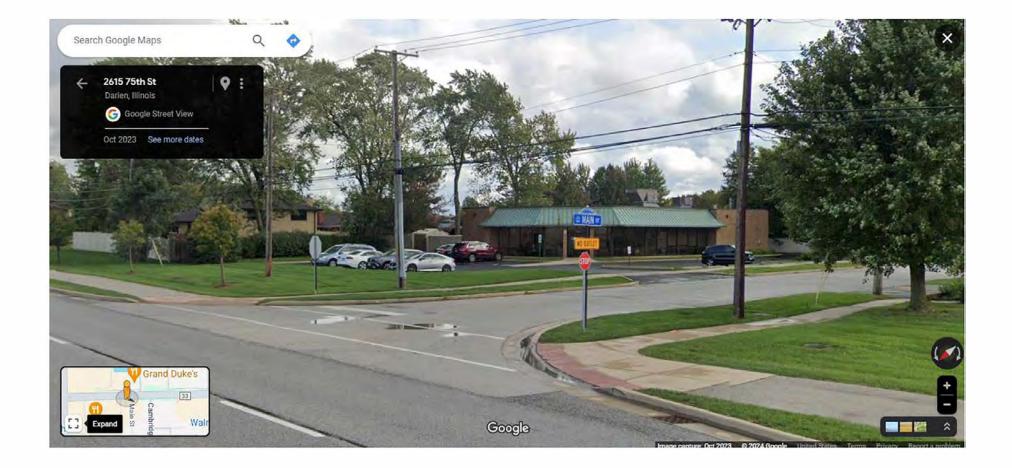
(C) Final Engineering: Provisions for storm water management and engineering must be made in compliance with applicable codes.

(D) Performance Standards: Processes and equipment employed within business districts shall be limited to those which comply with the performance standards of Chapter 12 of this Title.

(E) Sign Regulations: The signs on the property shall comply with the Darien sign code (Title 4, Chapter 3 of this Code). (Ord. 0-03-00, 4-3-2000)

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#### **CITY OF DARIEN**

#### **DU PAGE COUNTY, ILLINOIS**

#### ORDINANCE NO.

#### AN ORDINANCE AMENDING TITLE 5A, CHAPTER 8, SECTION 5A-8-2-4, "SPECIAL USES", AND GRANTING A SPECIAL USE, AND REPEAL A CONDITIONOF LANDSCAPING IN LIEU OF FENCE AS PER ORDINACE 0-07-87

(PZC2024-06: DR. THARP, 2551 75<sup>TH</sup> STREET)

#### **ADOPTED BY THE**

#### MAYOR AND CITY COUNCIL

#### **OF THE**

#### **CITY OF DARIEN**

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024

Published in pamphlet form by authority of the Mayor and City Council of the City of Darien, DuPage County, Illinois, this \_\_\_\_\_\_ day of \_\_\_\_\_\_, 2024.

#### AN ORDINANCE AMENDING TITLE 5A, CHAPTER 8, SECTION 5A-8-2-4, "SPECIAL USES", AND GRANTING A SPECIAL USE, AND REPEAL A CONDITIONOF LANDSCAPING IN LIEU OF FENCE AS PER ORDINACE 0-07-87

#### (PZC2024-05: DR. THARP, 2551 75<sup>TH</sup> STREET)

**WHEREAS,** the City of Darien is a home rule unit of local government pursuant to the provisions of Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, as a home rule unit of local government, the City may exercise any power and perform any function pertaining to its government except as limited by Article VII, Section 6; and

WHEREAS, the property legally described in Section 1 (the "Subject Property"), is zoned

B-1 Neighborhood Convenience Shopping District pursuant to the Darien Zoning Regulations; and

WHEREAS, the petitioner has requested a text amendment to the City's Zoning Ordinance

to add "dental office and/or dental clinic" as a special use within the B-1 District; and

WHEREAS, the petitioner has requested a special use for a dental office and/or dental clinic within the B-1 District; and

**WHEREAS,** pursuant to notice as required by law, the Planning and Zoning Commission conducted a public hearing on August 7, 2024, and has forwarded its findings and recommendation of approval of the petitions to the City Council; and

**WHEREAS,** on August 26, 2024, the Municipal Services Committee reviewed the petitions and has forwarded its recommendation of approval of the petitions to the City Council; and

**WHEREAS,** the City Council has reviewed the findings and recommendations described above and now determines to grant the petitions subject to the terms, conditions, and limitations

described herein below;

#### NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY

#### OF DARIEN, DU PAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE

#### **POWERS, ILLINOIS,** as follows:

**SECTION 1: Subject Property.** This special use granted by this Ordinance is limited and

restricted to the property generally located at 2551 75<sup>TH</sup> Street, Darien, Illinois, and legally

described as follows:

LOT 1 IN SHARON ESTATES, BEING A SUBDIVISION OF TRACT "A" OF DOWNERS GROVE TOWNSHIP SUPERVISORS ASSESSMENT PLAT NUMBER 2, OF THE NORTH 1,050.0 FEET OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 29, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID SHARON ESTATES RECORDED MARCH 6, 1957 AS DOCUMENT 834504, IN DUPAGE COUNTY, ILLINOIS. PIN: 09-29-301-001

SECTION 2: Text Amendment. Section 5A-8-2-4 of the Darien City Code, is hereby

amended to add "Dental office and/or dental clinic" as an allowable Special Use.

SECTION 3: Special Use Granted. A special use is hereby granted to allow for the

operation of a dental office and/or dental clinic.

#### **SECTION 4: Repeal of a Condition of landscaping in Lieu of Fence as Per Ordinance**

**0-07-87.** The condition will allow the existing and future fences to meet the perimeter requirements

of a commercial property abutting a residential property.

**SECTION 5: Home Rule.** This ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the City of Darien that to the extent the terms of this ordinance

should be inconsistent with any non-preemptive state law, this ordinance shall supercede state law in that regard within the City of Darien.

## **SECTION 6: Effective Date.** This Ordinance shall be in full force and effect upon its passage, approval, and publication as required by law.

#### PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DARIEN,

DU PAGE COUNTY, ILLINOIS, this \_\_\_\_ day of \_\_\_\_\_, 2024.

AYES \_\_\_\_\_

NAYS:

ABSENT:

APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY,

**ILLINOIS**, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

JOSEPH A. MARCHESE, MAYOR

ATTEST:

JOANNE E. RAGONA, CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

#### <u>AGENDA MEMO</u> Municipal Services Committee August 26, 2024

<u>CASE</u> PZC2024-07

Amendment to Planned Unit Development, Final Plat of Subdivision, and Variations True North Investments – 8245, 8251, and 8255 Lemont Road

#### **ISSUE STATEMENT**

Petition from True North Investments for an Amendment to the Rockwell Planned Unit Development (PUD) to allow the subdivision of a parcel into two lots and variations for the reduction of yard areas and setbacks. The Property is located within the Office Research and Light Industry District (OR-I).

#### **GENERAL INFORMATION**

Petitioner: 8245 Lemont Road, LLC True North Investments, LLC c/o Carl Property Owner: Manofsky 8245, 8251, 8255 Lemont Road **Property Location:** PIN Number: 09-32-106-030 Office Research and Light Industry (OR-I) **Existing Zoning:** Existing Land Use: **Commercial Uses** Comprehensive Plan: N/A Surrounding Zoning & Uses North: Safeguard Self Storage Facility (OR-I) Wetlands (OR-I) East: 83<sup>rd</sup> Street/Plainfield Road and Speedway South: Gas Station (B-3) Lemont Road and City Boundaries West: Size of Property: 12.38 Acres Floodplain: N/A Natural Features: N/A The petition site gains access from Lemont Transportation: Road via one ingress/egress point.

#### PETITIONER DOCUMENTS (ATTACHED TO MEMO)

1) APPLICATION

2) JUSTIFICATION NARRATIVE

- 3) SITE PLAN WITH VARIATIONS TABLE
- 4) VARIATIONS TABLE

5) ROCKWELL EXISTING AND PROPOSED PLANS CIVIL ENGINEEERING

6) FINAL PLAT OF SUBDIVISION

#### **CITY STAFF DOCUMENTS (ATTACHED TO MEMO)**

7) ROCKWELL PLANNED UNIT DEVELOPMENT ORDINANCE

# 8) LOCATION MAP & AERIAL IMAGE 9) SITE PHOTOS 10) CITY ENGINEER COMMENTS 07/11/24 IN COMPLIANCE LETTER 11) DRAFT ORDINANCE

#### PLANNING OVERVIEW/DISCUSSION

The subject property is a light industrial center and located on the northeast corner of Lemont Road and 83<sup>rd</sup> Street. The petition site totals 12.38 acres in size and is zoned Office Research and Light Industry District (OR-I). It is within the Rockwell PUD and contains three light industrial buildings with multiple businesses including Marketing Card Technology (MCT) and The Perfect Swing.

The petitioner has requested an Amendment to the Rockwell Planned Unit Development (PUD) to allow the subdivision of a parcel into two lots and variations for the reduction of yard areas and setbacks. No physical changes to the buildings or land are proposed under this application. Another parcel classified as Lot 3 is part of the subject property and contains two (2) ponds but is not part of this application.

Under Section 5B-1-5(A) of the Darien Subdivision Code, a land is subdivided into not more than two lots does not require a Preliminary Plat and the petitioner may proceed with a Final Plat submittal to the Planning Commission. The proposed subdivision would create two lots – Lot 1 of five (5) acres and Lot 2 of 7.3 acres. Lot 1 would contain the existing one-story building of 81,247 square feet and 95 on-site parking spaces whereas Lot 2 would contain a one-story building of 72,668 square feet, a two-story building of 16,095 square feet, and 284 on-site parking spaces.

The petitioner has proposed a subdivision for the purpose of new lot line configuration within the center and intends to sell Lot 1 in the future. This proposed lot line would run in between two buildings, requiring variations for the reduction of the yard areas and setbacks. Below is a list of variations requested by the petitioner as part of the entitlement application with applicable reference code sections:

- <u>Zoning Section 5A-3-3-9</u> Yards and Spaces Between Buildings:
  - (A) The required yards or setbacks within the interior of the planned unit development, but not along the periphery of the planned unit development, may be modified within the ordinance granting the planned unit development. The required yards or setback as aforesaid may receive modifications of up to fifty percent (50%) of the standards set forth in the underlying zoning districts and may be used for parking or other purposes.
  - (B) Buildings of more than twenty four feet (24') in height shall provide a setback from any property line of not less than equal to the height of such buildings.
  - (C) No minimum horizontal distance between buildings is established; provided, however, that good planning standards are followed and that there is sufficient space between buildings to provide for adequate fire protection.
- <u>Zoning Section 5A-9-3-8(A)(1)(b)</u> Front and Corner Side Yards Off-Street Parking Facilities Setback: Off-street parking facilities are not allowed within the first thirty feet (30') of the required front or corner side yard.

- <u>Zoning Section 5A-9-3-8(B)(1)(a)</u> Interior Side and Rear Yards Yard Depth: There shall be a required side and rear yard of not less than thirty feet (30') in depth, except that such side and rear yard shall be increased by one foot (1') for each three feet (3') in height that any building on the lot exceeds a height of thirty feet (30').
- <u>Zoning Sections 5A-9-3-8(B)(1)(b)</u> Interior Side and Rear Yards Off-Street Parking Facilities Setback: Off-street parking facilities within an interior side or rear yard are not allowed within the first twenty feet (20') of the required yard.

For a summary on height, parking counts, and other ordinance standards, please refer to the site plan and summary table attached to this memo.

#### Site Plan Review & Findings of Fact

City staff has reviewed the petitioner submitted documents. A review letter with comments from the City Engineer is included as an attachment to this memo. The petitioner submitted a Justification Narrative with a detailed description of the project and requested relief, in addition to Findings of Fact. As mentioned above, those items are attached to this memo along with the proposed plat and site plan. The City Engineer has reviewed the proposed Plat of Subdivision for compliance. For reference, the criteria the Planning and Zoning Commission and City Council votes on for City Variation requests are included below.

#### Variation Criteria:

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

- a) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the zone.
- b) The plight of the owner is due to unique circumstances.
- *c) The variation if granted will not alter the essential character of the locality.*
- *d) Essential Need: The owner would suffer substantial difficulty or hardship and not mere inconvenience or a decrease in financial gain if the variation is not granted.*
- e) Problem with Property: There is a feature of the property such as slope or shape or change made to the property, which does not exist on neighboring properties, which makes it unreasonable for the owner to make the proposed improvement in compliance with this title. Such feature or change was not made by the current owner and was not known to the current buyer at the time of purchase. f) Smallest Solution: There is no suitable or reasonable way to redesign the proposed improvements without incurring substantial difficulty or hardship or reduce the amount of variation required to make such improvements.
- g) Create Neighbor Problem: The variation, if granted, will not cause a substantial difficulty, undue hardship, unreasonable burden, or loss of value to the neighboring properties.
- *h)* Create Community Problem: The variation, if granted, may result in the same or similar requests from other property owners within the community, but will not cause an unreasonable burden or undesirable result within the community.
- *i)* Net Benefit: The positive impacts to the community outweigh the negative impacts.
- *j)* Sacrifice Basic Protections: The variation, if granted, will comply with the purposes and

intent of this title set forth in subsection 5A-1-2(A) of this title and summarized as follows: to lessen congestion, to avoid overcrowding, to prevent blight, to facilitate public services, to conserve land values, to protect from incompatible uses, to avoid nuisances, to enhance aesthetic values, to ensure an adequate supply of light and air, and to protect public health, safety, and welfare.

#### PZC MEETING - 08/07/2024

The Planning and Zoning Commission reviewed this petition at its August 7, 2024 meeting. The petitioner was present and answered questions after staff's introduction of the case. There were members of the public in attendance to provide comment and request clarification on whether or not the lot containing stormwater facilities would be developed. City staff and the application verified that the outlot would not be developed.

Based on testimony and discussion at the meeting, the Planning and Zoning Commission made a motion to forward the case with a favorable recommendation to the Municipal Services Committee. The motion passed with a unanimous 6-0 vote.

#### **ALTERNATE CONSIDERATION**

As recommended/directed by the Municipal Services Committee.

#### **DECISION MODE**

This item will be placed on the September 3, 2024 City Council agenda for formal consideration.

Attachment 1

	<b>ZONING APPLICATION</b>
	CITY OF DARIEN 1702 Plainfield Road, Darlen, IL 60561 www.darienil.us 630-852-5000
CONTACT INFORMATION	
8245 LEMONT ROM LLC.	SAME
Applicant's Name	Owner's Name
CARL MANOFSEY - PRINCIPAL & ASSET MAN	the ly
Address, City, State, Zip Code	Address, City, State, Zip Code
3000 WODDLEGGE DE \$ 305 DOWNERS GROVE, IL 60	515 11
Telephone	Telephone
(630) 322-9008 x223	5.F
C manofisky @ Inorthinvestments. Com	Email VI
PROPERTY INFORMATION	09-32-106-030 (DIVIDE INTO 2 LOTS)
8245,8251 3 8255 LEMONT ROMO AARIEN	09-32-106-031
Property address	PIN Number(s)
ORSI	LIGHT INDUSTRIAL OFFICE & WAREHOUSE
Zoning District	Current Land Use(s)

(Attach additional information per the Submittal Checklist.)

#### REQUEST

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

RESUBALVISION AMENOMENT TO THE PLANNED UNIT DEVELOPMENT

As Notary Public, in and for DuPage County in Illinois, I do hereby certify that CARL MANOFSKY 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.

JUNE 2024 Given under my hand and seal, this day of

0 houl usin

Notary Public

Official Seal **Christine Schaults** Notary Public State of Illinois My Commission Expires 09/15/2025

1.	For office use only
Date Received:	
Case Number:	
Fee Pald:	
Hearing Date:	

CITY OF DARIEN, ILLINOIS, Community Development Depart	tment		Staff Use Only
			Case No.:
PLANNED UNIT DEVELOPMENT petition to the			Date Received:
Mayor and City Council of the City of Darien:			Fee Paid:
PETITIONER INFORMATION			Check No.:
			Hearing Date:
8245 LEMONT ROMO LLC	-	SAME	
Petitioner's Name	Owner's N	ame	
CARL MANOPSKY - PENCIAL & ASSET MANAGE			
GO TAUE NOLTH INVESTMENTS	Address, C	ity, State, Z	ip Code
BOOD WOUNCESSK DE. \$300 DOWNEES GANG, 14 6051	5	11	
Address, City, State, Zip Code	Phone #	6.5	
(630) 322 900B x 223		Le	
Phone #	Email	4.1	
N(A.		2	
Fax #			
nanofsky@Enorthinvestments.com			
Email O			
Property address 09 - 32 - 106 -030 ( 010 06 1NTO 2 6075) 09 - 32 - 106 -031	Acreage	T	
PIN(s)	Zoning		
Provide legal description on a separate sheet and attach, such as <b>REQUEST</b> ROCKWELL PROPERTY 83 <sup>RO</sup> ST. <u><u><u></u></u> LEMONT</u> ROM PUD Name Brief description of the proposed development: <u>RESUBDIVISION FROM 2 LOTS TO 3 LOT</u>	D Prelimina	iry PUD	PUD Amendment
1. CARL MANOFSKY , do herel	by certify that I a	am the owner	of record (or one of the owners of
to south a the atterney for the start of the	rty) and I hereb	y make applic	cation as such.
record or the atterney for the owners of record of the aforesaid described proper			
Signature Subscribed and sworn to before this 24 day of UNE		, 20	24
Signature		, 20 ]	24

	rtment	Staff Use Only
Dise of Cability and the set		Case No.:
Plat of Subdivision petition to the		Date Received:
Mayor and City Council of the City of Darien:		Fee Pald:
PETITIONER INFORMATION		Check No.:
	a start and	Hearing Date:
8245 LEMONT ROM LLC. Petitioner's Name	SAME	
CARL MANOFSKY - PRINCIPAL & ASSET MANAGER	Owner's Name	
CONTRUE NORTH INVESTMENTS	Address, City, State, Zip (	Code
1000 WOODCHEEN DA. " 300 DOWNERS GROUF, IL GOSIS	• • •	
Address, City, State, Zip Code	Phone #	
(630) 322-9008 x 223	1 '	
Phone #	Email ()	
NJ(A		+
Fax-#		
manofsky@ toorth investments.com		
Email		
PROPERTY INFORMATION		
245, 8251 & 8255 LEMONT RO. DALLEN, IL		
240, 8201 7 8205 LEMONT KO. UAREN, IL.	19.21	
Property address 29-32-106 -030 (A.U.AG 11170 24075)	Acreage	
29-32-106-031	ORSI	
09 - 32 - 106 - 031 PIN(s)	OR II	
9 <u>-32-106-031</u> PIN(s)		
PIN(s) REQUEST	/	
09 - 32 - 106 - 031 PIN(s)	OR SI Zoning	
REQUEST Check the following: Preliminary Plat TRUE NORTH (NUESOMENTS SUBAWISION)	/	
PIN(s)  REQUEST Check the following:  Preliminary Plat	/	: 5.003 Ac.
REQUEST Check the following: Preliminary Plat TRUE NORTH INVESTMENTS SUBAINISION	av Final Plat	
PIN(s)         REQUEST         Check the following:       □ Preliminary Plat         TAUE NOATH (NUESTMENTS SUBAULS(DN)         Subdivision Name         Number of Lots:       3	WFinal Plat Minimum Lot Size	6.664 Ac.
PIN(s)         REQUEST         Check the following:         Preliminary Plat         TAUE NORTH (NUESTMENTS SUBALVISION)         Subdivision Name	WFinal Plat Minimum Lot Size Average Lot Size	6.664 Ac.
PIN(s) <b>REQUEST</b> Check the following:   Preliminary Plat     There Notify (NUCSOMENTS Subdivision Name   Number of Lots:   Number of Lots:   Right-of-way (in miles):   N/B     I.     CALL	Average Lot Size Average Lot Size Public or othe open space	. 6.664 Ac. 7.548 Ac.
PIN(s)         REQUEST         Check the following:       □ Preliminary Plat         TAUE NORTH INVESTMENTS SUBALVISION         Subdivision Name         Number of Lots:       3         Right-of-way (in miles):       N/B         I,       CARL: MANOESKY         record or the attorney for the owners of record of the aforesaid described proportion	Average Lot Size Average Lot Size Public or othe open space	C. 6.664 Ac.
PIN(s)         REQUEST         Check the following:       □ Preliminary Plat         TAUE NOATH (NUESTMENTS SUBALVISION)         Subdivision Name         Number of Lots:       3         Right-of-way (in miles):       N/B         I.       CALL MANDESKY         record or the attorney for the owners of record of the aforesaid described properties	Average Lot Size Average Lot Size Public or othe open space	. 6.664 Ac. 7.548 Ac.
PIN(s) <b>REQUEST</b> Check the following: <ul> <li>Preliminary Plat</li> </ul> The North INVESTMENTS SUBALVISION  Subdivision Name Number of Lots: 3 Right-of-way (in miles): N/B I, CALL MANDESKY record or the attorney for the owner's of record of the aforesaid described properties of the attorney for the owner's of record of the aforesaid described properties of the attorney for the owner's of record of the aforesaid described properties of the attorney for the owner's of record of the aforesaid described properties of the attorney for the owner's of record of the aforesaid described properties of the attorney for the owner's of record of the atorney for the owner's of the owner's owner.	Average Lot Size Average Lot Size Public or othe open space	. 6.664 Ac. 7.548 Ac.
PIN(s)         REQUEST         Check the following:       □ Preliminary Plat         TAUE NOATH (NUESTMENTS SUBALVISION)         Subdivision Name         Number of Lots:       3         Right-of-way (in miles):       N/B         I.       CALL MANDESKY         record or the attorney for the owners of record of the aforesaid described properties	Average Lot Size Average Lot Size Public or othe open space	. 6.664 Ac. 7.548 Ac.
OR • 32 - 106 • 031         PIN(s)         REQUEST         Check the following:       □ Preliminary Plat         There Not The INDESTMENTS SUBALVISION         Subdivision Name         Number of Lots:       3         Right-of-way (in miles):       N/B         I	Average Lot Size Average Lot Size Public or othe open space	. 6.664 Ac. 7.548 Ac.
PIN(s)     REQUEST   Check the following:   Preliminary Plat     TAUE NOATH INVESTMENTS SUBAINISION   Subdivision Name   Number of Lots:   B   Right-of-way (in miles):   NI   I.   CAEL   Man OFSKY   record or the attorney for the owners of record of the aforesaid described property   Signature	Average Lot Size Average Lot Size Public or othe open space	. 6.664 Ac. 7.548 Ac.
OQ • 32 - 106 - 031         PIN(s)         REQUEST         Check the following:       □ Preliminary Plat         The North INVESTMENTS SUBALVISION         Subdivision Name         Number of Lots:       3         Right-of-way (in miles):       N/B         I	Average Lot Size Average Lot Size Public or othe open space	. 6.664 Ac. 7.548 Ac.
PIN(s) <b>REQUEST</b> Check the following: Preliminary Plat <b>TEUE NOETH INUESTMENTS SUBAINISION</b> Subdivision Name Number of Lots: 3 Right-of-way (in miles): N/B I, <u>CAEL MANOFSKY</u> do here record or the attorney for the owners of record of the aforesaid described properties of record of the aforesaid described properties of the attorney for the owners of record of the aforesaid described properties of the attorney for the owners of record of the aforesaid described properties of the attorney for the owners of record of the aforesaid described properties of the attorney for the owners of record of the aforesaid described properties of the attorney for the owners of record of the aforesaid described properties of the attorney for the owners of record of the aforesaid described properties of the attorney for the owners of record of the aforesaid described properties of the attorney for the owners of record of the aforesaid described properties of the attorney for the owners of record of the aforesaid described properties of the attorney for the owners of record of the aforesaid described properties of the attorney for the owners of record of the aforesaid described properties of the attorney for the owners of record of the aforesaid described properties of the attorney for the owners of record of the aforesaid described properties of the attorney for the owners of record of the aforesaid described properties of the attorney for the owners of the attorn	Average Lot Size Average Lot Size Public or othe open space	. 6.664 Ac. 7.548 Ac.
PIN(s) <b>REQUEST</b> Check the following: Preliminary Plat <b>TEUE NOETH INJESTMENTS SUBAINISION</b> Subdivision Name Number of Lots: 3 Right-of-way (in miles): N/B I. <u>CALL MANOESKY</u> do here record or the attorney for the owners of record of the aforesaid described properties of record of the aforesaid described properties of the attorney for the owners of record of the aforesaid described properties of the attorney for the owners of record of the aforesaid described properties of the attorney for the owners of record of the aforesaid described properties of the attorney for the owners of the aforesaid described properties of the attorney for the owners of the aforesaid described properties of the attorney for the owners of the attorney for the owners of the aforesaid described properties of the attorney for the owners of the attorney for the	Average Lot Size Average Lot Size Public or othe open space	. 6.664 Ac. 7.548 Ac.

#### CITY OF DARIEN ZONING VARIATIONS JUSTIFICATION NARRATIVE

#### Purpose

To be consistent and fair, the City is obligated to make decisions on zoning variation requests based on findings-of fact. The Applicant should write a justification narrative that contains evidence (facts) that support a conclusion (finding) that the variation is necessary and would not cause problems. It should include: a) explanation of why the variation is being requested, b) describe the 'hardship condition' of the property that makes it difficult to conform, c) estimate the impact on neighbors, and d) respond to each of the decision criteria below.

#### Nature of Request

The subject property has been developed for some time with two attached buildings. Applicant desires as part of amending the existing planned unit development to resubdivide the property, so that each of the existing buildings will be situated on a separate lot of record. The resubdivision also will contain a third lot which will not be improved with any structures and which will be treated as an outlot for the benefit of the two improved lots. The purpose of this request is to allow Applicant to sell one of the new lots containing one of the two buildings to a third party, thereby allowing the owner of each of the improved lots to own a separate lot of record. There is no intention at this time of constructing any new buildings on any of the property or modifying the existing buildings. By creating new lot lines as part of the resubdivision, however, variations are required in order to address newly created required building separations, setbacks, and parking within setbacks, occasioned by the newly created lot lines in the resubdivision. Specifically, those variations which are being requested are the following:

- 1. A reduction of yard space between buildings on lots 1 and 2;
- 2. Reduction of rear yards on lots 1 and 2;
- 3. Off-street parking within the front yard on lot 1
- 4. Off-street parking within interior and rear setbacks on lots 1 and 2.

Decision Criteria (See City Code Section 5A-2-2-3)

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

Unless the requested variations are granted, Applicant will be unable to separate ownership of the existing two buildings, thereby, unduly restricting its ability to sell or finance the buildings separately, as the requested variations are required in order to proceed with the necessary resubdivision to create a separate lot for each building.

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

The existing buildings were developed, located, and currently exist on the property under single ownership. Without the proposed resubdivision, and the granting of the necessary variations in conjunction with such resubdivision. Appliacnat is unable to separate the ownership of the two buildings and to sell less than both buildings to a single owner.

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

There will be no physical change to the property resulting from the granting of the subject variations as it will merely allow Applicant the ability to separate ownership of the two improved lots, which lots and the respective existing buildings will continue to be maintained as currently improved.

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

Unless the property is resubdivided, for which the variations would be required, the owner would suffer substantial difficulty and hardship in being restricted from selling either building separately, and would be required to sell the properties together, thereby severely limit the owner's ability to maximize the fair market value of each of the buildings separately.

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

Given the current location of the buildings on the subject property as presently improved, in order for the owner to separate ownership of the two existing buildings on the property without the requested variations, owner would be required to demolish and relocate at least one of the buildings which would be an unreasonable burden on the owner.

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

Without the granting of the requested variations, there is no reasonable way to redesign the improvements which are preexisting and currently in place without substantially reconstructing the buildings at substantial difficulty and hardship to owner.

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

The variation, if granted, will not result in any physical change to the property or have any impact on any surrounding properties, and will merely allow and facilitate separate ownership of the currently existing buildings.

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

If a similar request was made by another owner within the community, inasmuch as it would not result in any physical change to the improvements on such property, ilt would not cause an unreasonable burden or undesirable result within the community.

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

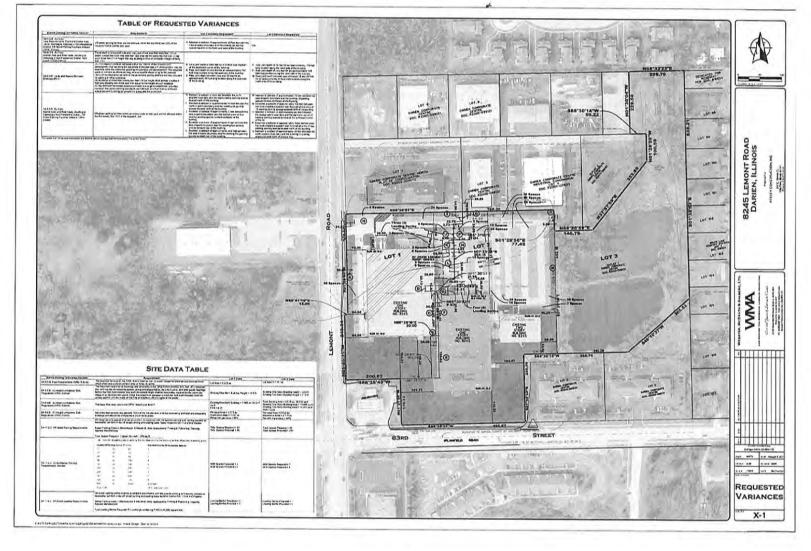
By allowing the owner to deal separately with each building and to sell one of the buildings to a proposed occupant thereof, the vacancy in the building located on lot 2 would no longer exist, thereby providing a positive impact to the community, resulting in no negative impact whatsoever.

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

If granted, the variations would allow the maximum use of the subject property without the replacement or expansion of any existing improvements, such that there would be no increase in potential congestion nor introduction of any incompatible or undesirable uses, with the public health safety and welfare preserved.

Attachment 3





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MEMO

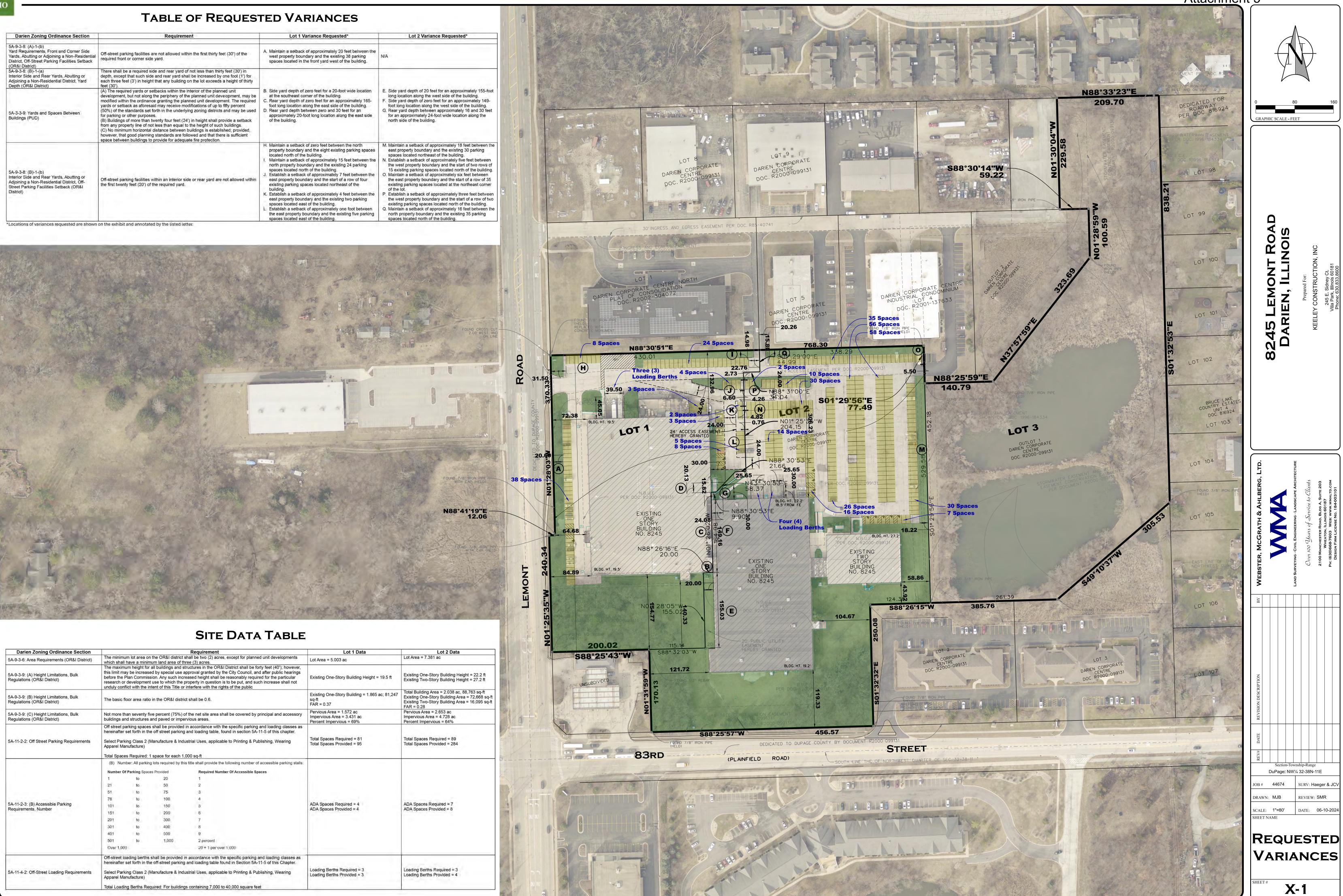
#### 8245 Lemont Road – Table of Requested Variances for the Plat of Subdivision (Revised August 12, 2024)

			Lot 1		Lot 2		
Darien Zoning Ordinance Section	Requirement	Label	Variance Description	Variance Values (Approximate)	Label	Variance Description	Variance Values (Approximate)
5A-9-3-8: (A)-1-(b) Yard Requirements, Front and Corner Side Yards, Abutting or Adjoining a Non-Residential District, Off-Street Parking Facilities Setback (OR&I District)	Off-street parking facilities are not allowed within the first thirty feet (30') of the required front or corner side yard.	A	Maintain a setback of approximately 20 feet between the west property boundary and the existing 38 parking spaces located in the front yard west of the building.	Setback Required = 30-ft Setback Provided = 20-ft (67% of req't) Modification = 10-ft (33%)	N/A	N/A	N/A
5A-9-3-8: (B)-1-(a) Interior Side and Rear Yards, Abutting or Adjoining a Non- Residential District, Yard Depth (OR&I District)	There shall be a required side and rear yard of not less than thirty feet (30') in depth, except that such side and rear yard shall be increased by one foot (1') for each three feet (3') in height that any building on the lot exceeds a height of thirty feet (30').	В	Side yard depth of zero feet for a 20-foot wide location at the southeast corner of the building. Rear yard depth of zero feet	Setback Required = 30-ft Setback Provided = 0-ft (0% of req't) Modification = 30-ft (100%) Setback Required = 30-ft	E	Side yard depth of 20 feet for an approximately 155-foot long location along the west side of the building. Side yard depth of zero feet for	Setback Required = 30-ft Setback Provided = 20-ft (67% of req't) Modification = 10-ft (33%) Setback Required = 30-ft
5A-3-3-9: Yards and Spaces Between Buildings (PUD)	(A) The required yards or setbacks within the interior of the planned unit development, but not along the periphery of the planned unit development,	С	for an approximately 165-foot long location along the east side of the building.	Setback Provided = 0-ft (0% of req't) Modification = 30-ft (100%)	F	an approximately 149-foot long location along the west side of the building.	Setback Provided = 0-ft (0% of req't) Modification = 30-ft (100%)
	<ul> <li>may be modified within the ordinance granting the planned unit development, may be modified within the ordinance granting the planned unit development. The required yards or setback as aforesaid may receive modifications of up to fifty percent (50%) of the standards set forth in the underlying zoning districts and may be used for parking or other purposes.</li> <li>(B) Buildings of more than twenty four feet (24') in height shall provide a setback from any property line of not less than equal to the height of such buildings.</li> <li>(C) No minimum horizontal distance between buildings is established; provided, however, that good planning standards are followed and that there is sufficient space between buildings to provide for adequate fire protection.</li> </ul>	D	Rear yard depth between zero and 30 feet for an approximately 20-foot long location along the east side of the building.	Setback Required = 30-ft Setback Provided = 0 to 30- ft (0 to 100% of req't) Modification = up to 30-ft (up to 100%)	G	Rear yard depth between approximately 16 and 30 feet for an approximately 24-foot wide location along the north side of the building.	Setback Required = 30-ft Setback Provided = 16 to 30-ft (53 to 100% of req't) Modification = up to 14-ft (up to 47%)
		н	Maintain a setback of zero feet between the north property boundary and the eight existing parking spaces located north of the building.	Setback Required = 20-ft Setback Provided = 0-ft (0% of req't) Modification = 20-ft (100%)	М	Maintain a setback of approximately 18 feet between the east property boundary and the existing 30 parking spaces located northeast of the building.	Setback Required = 20-ft Setback Provided = 18-ft (90% of req't) Modification = 2-ft (10%)
		I	Maintain a setback of approximately 15 feet between the north property boundary and the existing 24 parking spaces located north of the building.	Setback Required = 20-ft Setback Provided = 15-ft (75% of req't) Modification = 5-ft (25%)	N	Establish a setback of approximately five feet between the west property boundary and the start of two rows of 15 existing parking spaces located north of the building.	Setback Required = 20-ft Setback Provided = 5-ft (25% of req't) Modification = 15-ft (75%)
5A-9-3-8: (B)-1-(b) Interior Side and Rear Yards, Abutting or Adjoining a Non- Residential District, Off-Street Parking Facilities Setback (OR&I District)	Off-street parking facilities within an interior side or rear yard are not allowed within the first twenty feet (20') of the required yard.	J	Establish a setback of approximately 7 feet between the east property boundary and the start of a row of four existing parking spaces located northeast of the building.	Setback Required = 20-ft Setback Provided = 7-ft (35% of req't) Modification = 13-ft (65%)	0	Maintain a setback of approximately six feet between the east property boundary and the start of a row of 35 existing parking spaces located at the northeast corner of the lot.	Setback Required = 20-ft Setback Provided = 6-ft (30% of req't) Modification = 14-ft (70%)
		к	Establish a setback of approximately 4 feet between the east property boundary and the existing two parking spaces located east of the building.	Setback Required = 20-ft Setback Provided = 4-ft (20% of req't) Modification = 16-ft (80%)	Р	Establish a setback of approximately three feet between the west property boundary and the start of a row of two existing parking spaces located north of the building.	Setback Required = 20-ft Setback Provided = 3-ft (15% of req't) Modification = 17-ft (85%)
	re shown on the exhibit and annotated by the listed label.	L	Establish a setback of approximately one foot between the east property boundary and the existing five parking spaces located east of the building.	Setback Required = 20-ft Setback Provided = 1-ft (5% of req't) Modification = 19-ft (95%)	Q	Maintain a setback of approximately 16 feet between the north property boundary and the existing 35 parking spaces located north of the building.	Setback Required = 20-ft Setback Provided = 16-ft (80% of req't) Modification = 4-ft (20%)

\*Locations of variances requested are shown on the exhibit and annotated by the listed label.

## MEMO

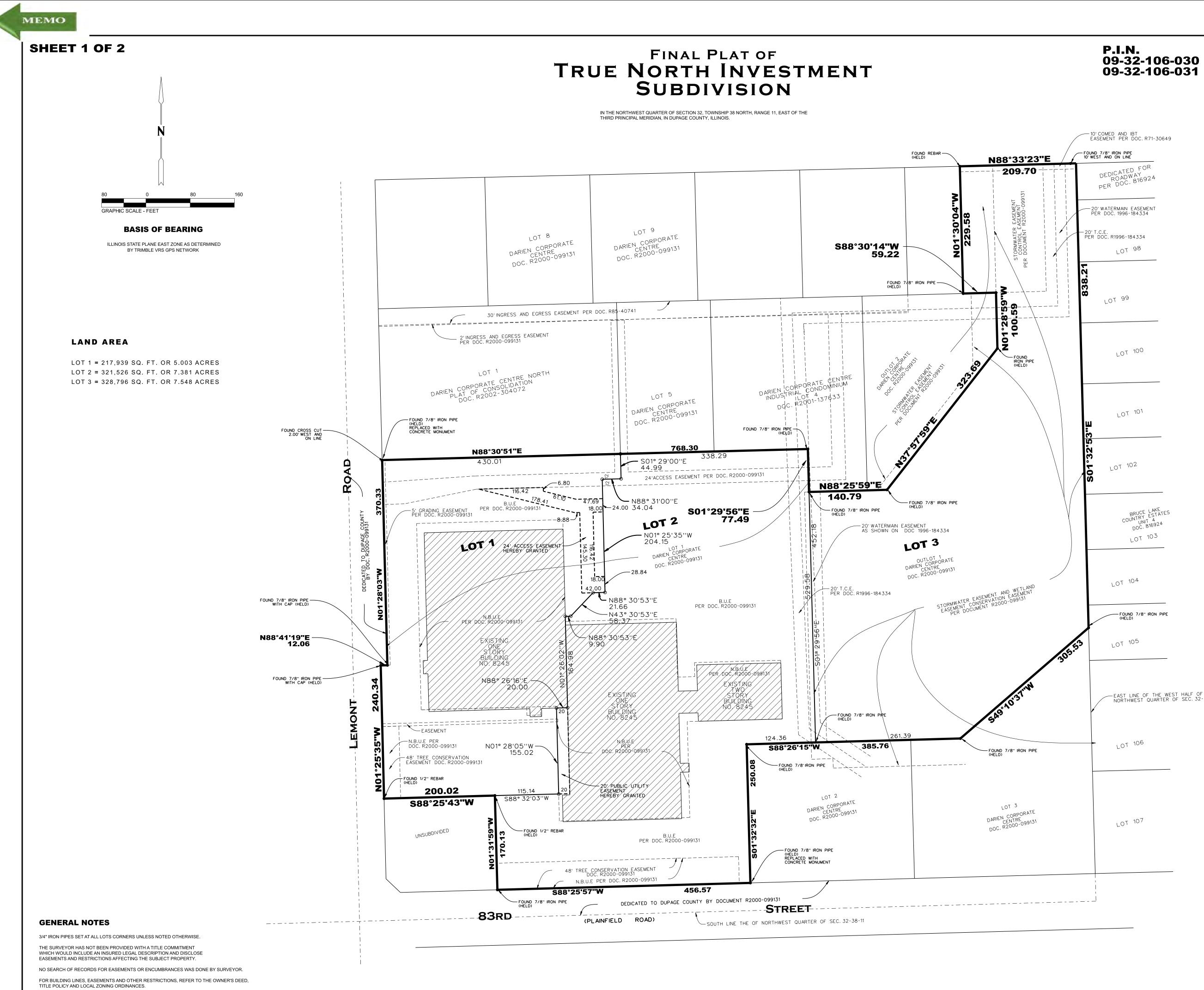
Darien Zoning Ordinance Section	Requirement	Lot 1 Variance Requested*	Lot 2 Variance Re
5A-9-3-8: (A)-1-(b) Yard Requirements, Front and Corner Side Yards, Abutting or Adjoining a Non-Residential District, Off-Street Parking Facilities Setback (OR&I District)	Off-street parking facilities are not allowed within the first thirty feet (30') of the required front or corner side yard.	A. Maintain a setback of approximately 20 feet between the west property boundary and the existing 38 parking spaces located in the front yard west of the building.	N/A
5A-9-3-8; (B)-1-(a) Interior Side and Rear Yards, Abutting or Adjoining a Non-Residential District, Yard Depth (OR&I District)	There shall be a required side and rear yard of not less than thirty feet (30') in depth, except that such side and rear yard shall be increased by one foot (1') for each three feet (3') in height that any building on the lot exceeds a height of thirty feet (30').		
5A-3-3-9: Yards and Spaces Between Buildings (PUD)	<ul> <li>(A) The required yards or setbacks within the interior of the planned unit development, but not along the periphery of the planned unit development, may be modified within the ordinance granting the planned unit development. The required yards or setback as aforesaid may receive modifications of up to fifty percent (50%) of the standards set forth in the underlying zoning districts and may be used for parking or other purposes.</li> <li>(B) Buildings of more than twenty four feet (24') in height shall provide a setback from any property line of not less than equal to the height of such buildings.</li> <li>(C) No minimum horizontal distance between buildings is established; provided, however, that good planning standards are followed and that there is sufficient space between buildings to provide for adequate fire protection.</li> </ul>	<ul> <li>B. Side yard depth of zero feet for a 20-foot wide location at the southeast corner of the building.</li> <li>C. Rear yard depth of zero feet for an approximately 165- foot long location along the east side of the building.</li> <li>D. Rear yard depth between zero and 30 feet for an approximately 20-foot long location along the east side of the building.</li> </ul>	<ul> <li>E. Side yard depth of 20 feet for a long location along the west sid</li> <li>F. Side yard depth of zero feet for foot long location along the west</li> <li>G. Rear yard depth between appro for an approximately 24-foot with north side of the building.</li> </ul>
5A-9-3-8: (B)-1-(b) Interior Side and Rear Yards, Abutting or Adjoining a Non-Residential District, Off- Street Parking Facilities Setback (OR&I District)	Off-street parking facilities within an interior side or rear yard are not allowed within the first twenty feet (20') of the required yard.	<ul> <li>H. Maintain a setback of zero feet between the north property boundary and the eight existing parking spaces located north of the building.</li> <li>I. Maintain a setback of approximately 15 feet between the north property boundary and the existing 24 parking spaces located north of the building.</li> <li>J. Establish a setback of approximately 7 feet between the east property boundary and the start of a row of four existing parking spaces located northest of the building.</li> <li>K. Establish a setback of approximately 4 feet between the building.</li> <li>K. Establish a setback of approximately 4 feet between the east property boundary and the existing two parking spaces located east of the building.</li> <li>L. Establish a setback of approximately 0 ne foot between the east property boundary and the existing two parking spaces located east of the building.</li> </ul>	<ul> <li>M. Maintain a setback of approxime east property boundary and the spaces located northeast of the N. Establish a setback of approxime the west property boundary and 15 existing parking spaces located.</li> <li>O. Maintain a setback of approxime the east property boundary and existing parking spaces located of the lot.</li> <li>P. Establish a setback of approxime the west property boundary and existing parking spaces located of the lot.</li> <li>Q. Maintain a setback of approxime the west property boundary and existing parking spaces located of the lot.</li> <li>P. Establish a setback of approxime the west property boundary and existing parking spaces located on the property boundary and the spaces located north of the built spaces located north spaces located north</li></ul>



Darien Zoning Ordinance Section			- Andrew -	Requirement	Lot 1 Data	Lot 2
5A-9-3-6: Area Requirements (OR&I District)			the OR&I district shum land area of th	shall be two (2) acres, except for planned unit developments ree (3) acres.	Lot Area = 5.003 ac	Lot Area = 7.381 ac
5A-9-3-9: (A) Height Limitations, Bulk Regulations (OR&I District)	The maxim this limit m before the research o	hum height for ay be increase Plan Commiss r development	all buildings and s ed by special use a sion. Any such incr t use to which the p	tructures in the OR&I District shall be forty feet (40'); however, pproval granted by the City Council, and after public hearings eased height shall be reasonably required for the particular property in question is to be put, and such increase shall not interfere with the rights of the public	Existing One-Story Building Height = 19.5 ft	Existing One-Story Build Existing Two-Story Build
5A-9-3-9: (B) Height Limitations, Bulk Regulations (OR&I District)	The basic 1	floor area ratio	in the OR&I distric	ct shall be 0.6.	Existing One-Story Building = 1.865 ac; 81,247 sq-ft FAR = 0.37	Total Building Area = 2.0 Existing One-Story Build Existing Two-Story Build FAR = 0.28
5A-9-3-9: (C) Height Limitations, Bulk Regulations (OR&I District)			ve percent (75%) c and paved or impe	of the net site area shall be covered by principal and accessory rvious areas.	Pervious Area = 1.572 ac Impervious Area = 3.431 ac Percent Impervious = 69%	Pervious Area = 2.653 ad Impervious Area = 4.728 Percent Impervious = 64
5A-11-2-2: Off Street Parking Requirements	hereinafter Select Parl Apparel Ma	r set forth in the king Class 2 (f anufacture)	e off street parking	in accordance with the specific parking and loading classes as and loading table, found in section 5A-11-5 of this chapter. ustrial Uses, applicable to Printing & Publishing, Wearing 000 sq-ft	Total Spaces Required = 81 Total Spaces Provided = 95	Total Spaces Required = Total Spaces Provided =
	(B) Nur	mber: All parking	g lots required by thi	s title shall provide the following number of accessible parking stalls:		1
	Number C	of Parking Space	es Provided	Required Number Of Accessible Spaces		
	1	to	20	1		
	21	to	50	2		
	51	to	75	3		
Silwi SiZa mila di Imp	76	to	100	4	A state of the state of the	155 - X- V-
5A-11-2-3: (B) Accessible Parking Requirements, Number	101	to	150	5	ADA Spaces Required = 4 ADA Spaces Provided = 4	ADA Spaces Required = ADA Spaces Provided =
Requirements, Number	151	to	200	6	ADA Spaces Provided = 4	ADA Spaces Provided -
	201	to	300	7	and the second se	
	301	to	400	8		
	401	to	500	9		
	501	to	1,000	2 percent		
	Over 1,00	00		20 + 1 per over 1,000		
5A-11-4-2: Off-Street Loading Requirements	-11-4-2: Off-Street Loading Requirements Select Parking Class 2 (Manufacture & Industrial Uses, applicable to Printing & Publishing, Wearing Apparel Manufacture)				Loading Berths Required = 3 Loading Berths Provided = 3	Loading Berths Required Loading Berths Provided
	Total Loadi	ing Berths Reg	uired: For building	is containing 7,000 to 40,000 square feet		

E:\ACTIVE-PROJECTS\44674-323811-DuPage\ENGR-MR\44674-Variances.dgn, Model: Design, Date: 6/10/2024

### Attachment 5



FIELDWORK COMPLETED 3-14-2024

SUBMIT TAX BILL TO: - EAST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF SEC. 32-38-11 NAME: \_\_\_\_\_ ADDRESS\_\_ RETURN PLAT TO: NAME: ADDRESS\_\_\_

Rev	Date	Description	Ву				
1	03-14-24	ISSUED FOR APPROVAL	JCV	PLAT OF SUBDIVISION		/ISION	
1	05-03-24	ADDED EASEMENTS	JCV	7			
2	05-30-24	ADDED CERTIFICATES	CLB				
3	06-10-24	REVISED LOT LINES	JCV	- 8245 LEMONT ROAD DARIEN, ILLINOIS			
						0	
					KEELEY CONSTRUCT	ION, INC	
				245 E. SIDNEY CT. VILLA PARK. ILLINOIS 60181		60181	
WEBSTER, MCGRATH & AHLBERG LTD.			PHONE: 630.833.8600				
				JOB #:	DATE:	SCALE:	
LAND SURVEYING - CIVIL ENGINEERING - LANDSCAPE ARCHITECTUR		URE	44674	06-10-2024	1" = 80'		
			OIL	SURV:	DRAWN:	DESIGN:	
Over a Century of Service to our Clients				JCV	JCV		
2100 Manchester Road, Building A, Suite 203 Wheaton, Illinois 60187			FILE # SHEET #		SHEET #:		
ph: (630)668-7603 web: www.wmaltd.com Design Firm License No. 184-003101			D-23809	SUBDIVISION	1 of 2		

### SHEET 2 OF 2

#### **DUPAGE COUNTY RECORDER'S CERTIFICATE**

STATE OF ILLINOIS) COUNTY OF DU PAGE) SS

THIS INSTRUMENT NO. WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DU PAGE COUNTY, ILLINOIS, AFORESAID ON THE \_\_\_\_\_\_ DAY OF \_\_\_\_\_\_, A.D. 20\_\_\_\_\_, AT \_\_\_\_\_O'CLOCK \_\_\_\_\_.M.

#### **COUNTY CLERK CERTIFICATE**

STATE OF ILLINOIS) COUNTY OF DUPAGE)

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

GIVEN UNDER MY HAND AND SEAL AT WHEATON, DUPAGE COUNTY, ILLINOIS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

COUNTY CLERK

#### OWNER AND NOTARY CERTIFICATE

#### STATE OF ILLINOIS)

COUNTY OF DU PAGE) SS

THIS IS TO CERTIFY THAT \_\_\_\_\_ AS OWNER OF THE PROPERTY DESCRIBED IN THE ANNEXED PLAT, HAS CAUSED THE SAME TO BE PLATTED AS INDICATED HEREON, FOR THE USES AND PURPOSES THEREIN SET FORTH AND DOES HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE THEREON INDICATED.

WE FURTHER CERTIFY THAT THE PROPERTY HEREIN CONSOLIDATED LIES WITHIN SCHOOL DISTRICTS:

\_\_\_\_\_ A.D., 20\_\_\_\_\_

DATED AT \_\_\_\_\_\_, ILLINOIS, THIS \_\_\_\_\_\_ DAY OF

TITLE:\_\_\_\_\_

ATTEST:\_\_\_\_\_ TITLE:

#### STATE OF ILLINOIS) COUNTY OF ) SS

, A NOTARY PUBLIC IN AND FOR

SAID COUNTY IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT \_\_\_\_\_\_ AND \_\_\_\_\_, OF \_\_\_\_\_\_, OF \_\_\_\_\_\_, PERSONALLY KNOWN TO AND ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH \_\_\_\_\_AND \_\_\_\_\_, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED AND DELIVERED THE SAID INSTRUMENT AS THEIR OWN FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT OF SAID CORPORATION, FOR THE USES AND PURPOSES THEREIN SET FORTH AND THE SECRETARY DID ALSO THEN AND THERE ACKNOWLEDGE THAT HE, AS CUSTODIAN OF THE CORPORATE SEAL OF SAID CORPORATION, DID AFFIX SAID CORPORATE SEAL TO SAID INSTRUMENT AS HIS OWN FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT OF SAID CORPORATION. FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL AT \_\_\_\_\_\_, ILLINOIS, THIS \_\_\_\_\_\_A.D., 20\_\_\_\_\_\_

NOTARY PUBLIC

MY COMMISSION EXPIRES

#### **CITY CERTIFICATE AS TO SPECIAL ASSESSMENTS**

STATE OF ILLINOIS) COUNTY OF DuPAGE)SS

, CITY TREASURER OF THE CITY OF DARIEN DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT OR UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENTS OR ANY DEFERRED INSTALLMENTS THEREOF THAT HAVE BEEN APPORTIONED AGAINST THE TRACTS OF LAND INCLUDED IN THIS PLAT.

GIVEN UNDER MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_.

CITY TREASURER

#### **CITY CLERK**

STATE OF ILLINOIS) COUNTY OF DuPAGE)SS

#### , CITY CLERK OF THE CITY OF DARIEN, HEREBY CERTIFY THAT THE ANNEXED PLAT WAS PRESENTED TO AND BY RESOLUTION \_\_\_\_ APPROVED BY THE CITY COUNCIL OF THE CITY OF DARIEN AT ITS MEETING HELD ON, AND THAT THE REQUIRED BOND OR GUARANTEE HAS EITHER POSTED OR ADEQUATE PROVISION HAS BEEN MADE FOR SUCH BOND TO BE POSTED, FOR THE COMPLETION OF THE IMPROVEMENTS REQUIRED BY THE REGULATIONS OF THE CITY

GIVEN UNDER MY HAND AND SEAL OF THE CITY OF DARIEN, ILLINOIS HIS \_\_\_\_\_ DAY OF \_\_\_\_

CITY CLERK

MAYOR

#### **CITY ENGINEER CERTIFICATE**

STATE OF ILLINOIS)

COUNTY OF DuPAGE)SS

ILLINOIS, HEREBY CERTIFY THAT THE LAND IMPROVEMENTS DESCRIBED IN THE ANNEXED PLAT, AND PLANS AND SPECIFICATIONS THERETO MEET THE MINIMUM REQUIREMENTS OF SAID CITY AND HAVE BEEN APPROVED BY ALL PUBLIC AUTHORITIES HAVING JURISDICTION THEREIN

DATED AT DARIEN, ILLINOIS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_.

CITY ENGINEER

### **CITY PLAN COMMISSION CERTIFICATE**

STATE OF ILLINOIS)

COUNTY OF DuPAGE)SS

APPROVED BY THE PLAN COMMISSION OF THE CITY OF DARIEN, DUPAGE COUNTY, ILLINOIS. THIS \_\_\_\_\_ DAY OF \_\_\_\_\_\_, A.D. 20\_\_\_\_.

CHAIRPERSON

### **MAYOR CERTIFICATE**

STATE OF ILLINOIS) COUNTY OF DuPAGE)SS APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DUPAGE COUNTY, ILLINOIS. THIS \_\_\_\_\_ DAY OF \_\_\_\_\_\_, A.D. 20\_\_\_\_.

CHAIRPERSON

## FINAL PLAT OF **TRUE NORTH INVESTMENT** SUBDIVISION

IN THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

STATE OF ILLINOIS) COUNTY OF DUPAGE) SS

SURVEYOR CERTIFICATE

#### THIS IS TO CERTIFY THAT WEBSTER, McGRATH AND AHLBERG, LTD., HAVE SURVEYED AND SUBDIVIDED THE FOLLOWING DESCRIBED PROPERTY:

LOT 1, OUTLOT 1 AND OUTLOT 2 IN DARIEN CORPORATE CENTRE, OF PART OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 29, 2000 AS DOCUMENT, R2000-99131, IN DUPAGE COUNTY, ILLINOIS.

THE PLAT HEREON DRAWN DEPICTS SAID PROPERTY. DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

I FURTHER CERTIFY THAT THE PROPERTY SHOWN ON THE PLAT HEREON DRAWN IS SITUATED WITHIN THE CORPORATE LIMITS OF THE CITY OF DARIEN WHICH HAS ADOPTED A COMPREHENSIVE PLAN AND WHICH IS EXERCISING THE SPECIAL POWERS AUTHORIZED BY DIVISION 12 OF ARTICLE 11 OF THE ILLINOIS MUNICIPAL CODE, AS HERETOFORE AND HEREAFTER AMENDED.

I FURTHER CERTIFY THAT, BASED UPON A REVIEW OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAPS FOR THE CITY OF DARIEN, ILLINOIS, DUPAGE COUNTY, COMMUNITY PANEL 170750, MAP NUMBER 17043C0257 J WITH AN EFFECTIVE DATE OF AUGUST 1 2019. THE SUBJECT PROPERTY LIES WITHIN ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 500 YEAR FLOOD PLAIN AND DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA.

GIVEN UNDER MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 20\_\_\_\_\_

ILLINOIS PROFESSIONAL LAND SURVEYOR NUMBER LICENSE EXPIRES: NOVEMBER 30, 2024 WEBSTER McGRATH & AHLBERG, LTD. 2100 MANCHESTER ROAD, SUITE 203 WHEATON, ILLINOIS 60187 PHONE: 630-668-7603

#### SURVEYOR AUTHORIZATION TO RECORD

STATE OF ILLINOIS) COUNTY OF DUPAGE)SS

#### I HEREBY DESIGNATE THE CITY OF DARIEN, AND/OR REPRESENTATIVES THEREOF, TO RECORD THIS PLAT. AN ORIGINAL COPY OF WHICH HAS BEEN RETAINED BY ME TO ASSURE NO CHANGES HAVE BEEN MADE TO SAID PLAT,

DATED THIS \_\_\_\_\_\_ DAY OF \_\_\_\_\_\_, A.D., 20\_\_\_\_\_.

AT WHEATON, DUPAGE COUNTY, ILLINOIS.

ILLINOIS PROFESSIONAL LAND SURVEYOR NUMBER LICENSE EXPIRES: NOVEMBER 30, 2024 WEBSTER McGRATH & AHLBERG, LTD, 2100 MANCHESTER ROAD, SUITE 203 WHEATON, ILLINOIS 60187 PHONE: 630-668-7603

#### DRAINAGE CERTIFICATE

STATE OF ILLINOIS ) COUNTY OF DUPAGE )

TO THE BEST OF OUR KNOWLEDGE AND BELIEF THE DRAINAGE OF SURFACE WATERS WILL NOT BE CHANGED BY THE CONSTRUCTION OF SUCH SUBDIVISION OR ANY PART THEREOF. OR. THAT IF SUCH SURFACE WATER DRAINAGE WILL BE CHANGED. REASONABLE PROVISION HAS BEEN MADE FOR COLLECTION AND DIVERSION OF SUCH SURFACE WATERS INTO PUBLIC AREAS. OR DRAINS WHICH THE SUBDIVIDER HAS A RIGHT TO USE, AND THAT SUCH SURFACE WATERS WILL BE PLANNED FOR IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICES SO AS TO REDUCE THE LIKELIHOOD OF DAMAGE TO THE ADJOINING PROPERTY BECAUSE OF THE CONSTRUCTION OF THE SUBDIVISION.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_.

ENGINEER

-----

OWNER/ATTORNEY

\_\_\_\_, A.D. 20\_\_\_\_.

, DULY

, CITY ENGINEER OF THE CITY OF DARIEN,

## **P.I.N.** 09-32-106-030 09-32-106-031

#### **PUBLIC UTILITY EASEMENT PROVISIONS**

ALL EASEMENTS INDICATED AS PUBLIC UTILITY EASEMENTS (P.U.E.) ON THIS PLAT ARE RESERVED FOR AND GRANTED TO THE CITY OF DARIEN AND TO ANY ENTITY OPERATING UNDER FRANCHISE FROM THE CITY INCLUDING, BUT NOT LIMITED TO, ILLINOIS BELL TELEPHONE COMPANY, NORTHERN ILLINOIS GAS COMPANY, COMMONWEALTH EDISON COMPANY, A CABLE TELEVISION OR COMMUNICATIONS COMPANY AND THEIR SUCCESSORS AND ASSIGNS FOR THE PERPETUAL RIGHT, PRIVILEGE AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, REPAIR, INSPECT, MAINTAIN AND OPERATE VARIOUS TRANSMISSION DISTRIBUTION AND COLLECTION SYSTEMS AND ALL NECESSARY LINES, NECESSARY PERSONNEL AND EQUIPMENT TO DO ANY OF THE ABOVE WORK. THE RIGHT IS ALSO GRANTED TO CUT DOWN, TRIM OR REMOVE ANY TREES, SHRUBS OR OTHER PLANTS ON THE EASEMENT THAT INTERFERE WITH THE OPERATION OF THE SEWERS OR OTHER UTILITIES. NO PERMANENT BUILDINGS OR TREES SHALL BE PLACED ON SAID EASEMENTS, BUT SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS. LOCATION OF UTILITY INSTALLATIONS WITHIN THE EASEMENT SHALL BE SUBJECT TO THE APPROVAL OF THE CITY OF DARIEN AS TO DESIGN AND LOCATION. ALL INSTALLATIONS ARE SUBJECT TO THE ORDINANCES OF THE CITY OF DARIEN

#### **STORMWATER CONTROL EASEMENT PROVISIONS**

ALL EASEMENTS INDICATED AS PUBLIC UTILITY EASEMENTS (P.U.E.) ON THIS PLAT ARE RESERVED FOR AND GRANTED TO THE CITY OF DARIEN AND TO ANY ENTITY OPERATING UNDER FRANCHISE FROM THE CITY INCLUDING, BUT NOT LIMITED TO, ILLINOIS BELL TELEPHONE COMPANY, NORTHERN ILLINOIS GAS COMPANY, COMMONWEALTH EDISON COMPANY, A CABLE TELEVISION OR COMMUNICATIONS COMPANY AND THEIR SUCCESSORS AND ASSIGNS FOR THE PERPETUAL RIGHT, PRIVILEGE AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, REPAIR, INSPECT, MAINTAIN AND OPERATE VARIOUS TRANSMISSION DISTRIBUTION AND COLLECTION SYSTEMS AND ALL NECESSARY LINES, NECESSARY PERSONNEL AND EQUIPMENT TO DO ANY OF THE ABOVE WORK. THE RIGHT IS ALSO GRANTED TO CUT DOWN, TRIM OR REMOVE ANY TREES. SHRUBS OR OTHER PLANTS ON THE EASEMENT THAT INTERFERE WITH THE OPERATION OF THE SEWERS OR OTHER UTILITIES. NO PERMANENT BUILDINGS OR TREES SHALL BE PLACED ON SAID EASEMENTS, BUT SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS. LOCATION OF UTILITY INSTALLATIONS WITHIN THE EASEMENT SHALL BE SUBJECT TO THE APPROVAL OF THE CITY OF DARIEN AS TO DESIGN AND LOCATION. ALL INSTALLATIONS ARE SUBJECT TO THE ORDINANCES OF THE CITY OF DARIEN

#### DRAINAGE EASEMENT PROVISIONS

ALL EASEMENTS INDICATED AS DRAINAGE EASEMENTS (D.E.) ON THIS PLAT ARE RESERVED FOR AND GRANTED TO THE CITY OF DARIEN AND THEIR SUCCESSORS AND ASSIGNS FOR THE PERPETUAL RIGHT, PRIVILEGE AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, REPAIR. INSPECT, MAINTAIN AND OPERATE COLLECTION SYSTEMS AND ALL NECESSARY LINES. NECESSARY PERSONNEL AND EQUIPMENT TO DO ANY OF THE ABOVE WORK. THE RIGHT IS ALSO GRANTED TO CUT DOWN, TRIM OR REMOVE ANY TREES, SHRUBS OR OTHER PLANTS ON THE EASEMENT THAT INTERFERE WITH THE OPERATION OF THE SEWERS. NO PERMANENT BUILDINGS OR TREES SHALL BE PLACED ON SAID EASEMENTS, BUT SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS. LOCATION OF UTILITY INSTALLATIONS WITHIN THE EASEMENT SHALL BE SUBJECT TO THE APPROVAL OF THE CITY OF DARIEN AS TO DESIGN AND LOCATION. ALL INSTALLATIONS ARE SUBJECT TO THE ORDINANCES OF THE CITY OF DARIEN

Rev	Date	Description	Ву			
1	03-14-24	ISSUED FOR APPROVAL	JCV	PLAT OF SUBDIVISIC		/ISION
1	05-03-24	ADDED EASEMENTS	JCV			
2	05-30-24	ADDED CERTIFICATES	CLB	LOCATION:		
3	06-10-24	REVISED LOT LINES	JCV	– 8245 LEMONT ROAD – DARIEN, ILLINOIS		
						0
				PREPARED FOR:	KEELEY CONSTRUCTI 245 E. SIDNEY CT.	ON, INC
			60181			
WEBSTER, MCGRATH & AHLBERG LTD.			PHONE: 630.833.8600			
VVIVA		JOB #:	DATE:	SCALE:		
			44674	06-10-2024	1"= 80'	
LAND SURVEYING - CIVIL ENGINEERING - LANDSCAPE ARCHITECTURE			SURV:	DRAWN:	DESIGN:	
Over a Century of Service to our Clients				JCV	JCV	
2100 Manchester Road, Building A, Suite 203 Wheaton, Illinois 60187			FILE #: D- 23809 SUBDIVISION SHEET		SHEET #:	
		ph: (630)668-7603 web: www.wmaltd.com Design Firm License No. 184-003101		D- 2360	9 3000 M ISION	2 of 2

Attachment 7



CITY OF DARIEN

**DU PAGE COUNTY, ILLINOIS** 

ORDINANCE NO. 0-22-99

AN ORDINANCE REZONING CERTAIN PROPERTY FROM THE I-1 GENERAL INDUSTRIAL DISTRICT TO THE O R & I OFFICE, RESEARCH AND LIGHT INDUSTRIAL DISTRICT Vacant (ROCKWELL PROPERTY, 83RD STREET AND LEMONT ROAD) Darien, IL 60561

> ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DARIEN

THIS 20th DAY OF SEPTEMBER . 1999.

B113-BII9 Sement Parcels

B121-8123 Somut Panel 6

Parcel Z

Parcel 3

Parcel 4

Parcel 1

8245 Sement

4245 Somont

Vacant

Published in pamphlet form by authority of the Mayor and City Council of the City of Darien, DuPage County, Illinois, this 22nd day of September , 1999.

> SUBMITTED BY & RETURN TO: Joanne F. Coleman, City Clerk City of Darien 1702 Plainfield Road Darien, IL 60561-5044

09-32-106-022 Vacant DIONO\_DEMONS (Dage 1 aP C)

09-32-106-005

09-32-106-006 09-32-106-015 09-32-106-016

09-32-106-019

MEMO

ORDINANCE NO. \_\_\_\_\_\_

#### AN ORDINANCE REZONING CERTAIN PROPERTY FROM THE I-1 GENERAL INDUSTRIAL DISTRICT TO THE O R & I OFFICE, RESEARCH AND LIGHT INDUSTRIAL DISTRICT (ROCKWELL PROPERTY, 83<sup>RD</sup> STREET AND LEMONT ROAD)

5

WHEREAS, the property, legally described on Exhibit A attached hereto and made a part hereof (the "Subject Property"), is zoned in the I-1 District pursuant to the Darien Zoning Ordinance; and

WHEREAS, the Subject Property is located at 83<sup>rd</sup> and Lemont Road and is commonly referred to as the "Rockwell Property"; and

WHEREAS, the owner of the Subject Property has petitioned the City to rezone the Subject Property from the I-1 District to the City's O R & I District pursuant to the applicable provisions of the Darien Zoning Ordinance; and

WHEREAS, pursuant to Notice published in the Darien Metropolitan Newspaper of general circulation within the City on April 15, 1999, the Darien Plan Commission conducted a hearing on the proposed rezoning; and

WHEREAS, the Plan Commission has forwarded its report and recommendation to the City Council; and

WHEREAS, the City Council determines the rezoning of the Subject Property to the O R & I District is reasonable and will further the sound and orderly growth of the City;

### NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, as follows:

**SECTION 1:** Rezoning. The Subject Property is hereby rezoned from the I-1 District to the O R & I District pursuant to the terms of the Darien Zoning Ordinance.

SECTION 2: <u>Repeal of Prior Ordinance</u>. Ordinance No. 0-06-98 (an Ordinance rezoning certain property granting certain variances and approving a subdivision) is hereby repealed.

**SECTION 3:** Zoning Map. The City Clerk is hereby authorized and directed to note the zoning granted by this Ordinance on the City's official zoning map.

SECTION 4: Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval, and shall subsequently be published in pamphlet form as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this <u>20th</u> day of <u>September</u>, 1999.

AYES: <u>6 - Biehl, Cotten, Durkin, Hagen, Marchese, Weaver</u>

	The second se	
NAYS:	0 – None	
ADOUNT.	100 million (100 m	
ABSENT:	0 - None	

3

R1999-254048 (Page 3 of 6)

APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE

4

COUNTY, ILLINOIS, this \_20th day of \_September\_, 1999.

CARMEN D. SOLDATO, MAYOR

ATTEST:

EF. COLEMAN, CITY CLERK

APPROVED AS TO FORM:

lineth CITY ATTORNEY



м,

- 11

#### Legal Description

PARCEL 1: THE NORTH 569.00 FEET OF THE SOUTH HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT THE NORTH 230.00 FEET OF THE WEST 1017.56 FEET THEREOF) AND (EXCEPT THE NORTH 230.00 FEET OF THE EAST 100.00 FEET OF THE WEST 1117.56 FEET THEREOF) IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2: THE NORTH 227.50 FEET OF THE SOUTH 577.50 FEET OF THE WEST 385.00 FEET OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 3: THE SOUTH HALF OF THE WEST HALF OF THE NORTHWEST QUARTER (EXCEPT THE NORTH 569 FEET THEREOF AND EXCEPT THE SOUTH 350 FEET OF THE WEST 350 FEET THEREOF, AND EXCEPT THE NORTH 227.50 FEET OF THE SOUTH 577.50 FEET OF THE WEST 385 FEET THEREOF) IN SECTION 32, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 4: PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT BEING THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 32; THENCE DUE NORTH (ASSUMED BEARING) ON AND ALONG THE WEST LINE OF SECTION 32; A DISTANCE OF 350.00 FEET; THENCE NORTH 89 DEGREES 56 MINUTES 40 SECONDS EAST, PARALLEL WITH THE SOUTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 50.00 FEET TO A POINT BEING THE INTERSECTION WITH THE EASTERN RIGHT OF WAY LINE OF LEMONT ROAD AND BEING THE "TRUE POINT OF BEGINNING" THENCE CONTINUING NORTH 89 DEGREES 56 MINUTES 40 SECONDS EAST, A DISTANCE OF 300.00 FEET; THENCE DUE SOUTH, PARALLEL WITH THE WEST LINE OF SECTION 32, A DISTANCE

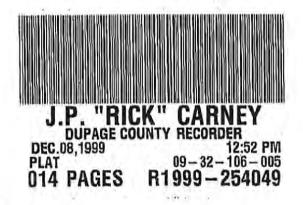
ORDINANCE NO. 0-22-99 Page Two

1. . . .

OF 300.00 FEET TO A POINT BEING THE INTERSECTION WITH THE NORTHERN RIGHT OF WAY LINE OF 83RD STREET; THENCE SOUTH 89 DEGREES 56 MINUTES 40 SECONDS WEST ON AND ALONG SAID NORTHERN RIGHT OF WAY LINE, BEING PARALLEL WITH AND 50.00 FEET PERPENDICULAR FROM THE CENTER LINE THEREOF, A DISTANCE OF 100.00 FEET; THENCE DUE NORTH A DISTANCE OF 170.00 FEET; THENCE SOUTH 89 DEGREES 56 MINUTES 40 SECONDS WEST, A DISTANCE OF 200.00 FEET TO A POINT BEING THE INTERSECTION WITH THE EASTERN RIGHT OF WAY LINE OF LEMONT ROAD; THENCE DUE NORTH ON AND ALONG SAID EASTERN RIGHT OF WAY LINE, BEING PARALLEL WITH AND 50.00 FEET PERPENDICULAR FROM THE CENTER LINE THEROF, A DISTANCE OF 130.00 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 5: THE EAST 189.39 FEET OF THE WEST 449.39 FEET OF THE NORTH 230.00 FEET OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DU PAGE COUNTY, ILLINOIS

PARCEL 6: THE EAST 189.39 FEET OF THE WEST 638.78 FEET OF THE NORTH 230.00 FEET OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DU PAGE COUNTY, ILLINOIS



#### CITY OF DARIEN

**DU PAGE COUNTY, ILLINOIS** 

ORDINANCE NO. 0-23-99

AN ORDINANCE GRANTING A SPECIAL USE FOR A PLANNED UNIT DEVELOPMENT AND GRANTING PRELIMINARY PUD PLAN APPROVAL AND PRELIMINARY PLAT OF SUBDIVISION APPROVAL SUBJECT TO CERTAIN CONDITIONS (ROCKWELL PROPERTY, 83RD STREET AND LEMONT ROAD)

> ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DARIEN

THIS 20th DAY OF SEPTEMBER , 1999.

Published in pamphlet form by authority of the Mayor and City Council of the City of Darien, DuPage County, Illinois, this 22nd day of September , 1999.

09-32-106-005-8113-8119 domail / Parcels 09-32-106-015-8245 domail / Parcels 09-32-106-015-8245 domaint / Parcels 09-32-106-016-8245 domaint / Parcels 09-32-106-019-Vacant 83,420 1 Parcels 09-32-106-022-Vacant 83,420 1 Parcels A delineation of the property described in this instrument appears in PLAT BOOK NO. 94 PAGE 114

SUBMITTED BY & RETURN TO: Joanne F. Coleman, City Clerk City of Darien 1702 Plainfield Road Darien, IL 60561-5044

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#### AN ORDINANCE GRANTING A SPECIAL USE FOR A PLANNED UNIT DEVELOPMENT AND GRANTING PRELIMINARY PUD PLAN APPROVAL AND PRELIMINARY PLAT OF SUBDIVISION APPROVAL SUBJECT TO CERTAIN CONDITIONS (ROCKWELL PROPERTY, 83RD STREET AND LEMONT ROAD)

WHEREAS, the property legally described on Exhibit A attached hereto and made a part hereof (the "Subject Property"), is zoned in the O R & I District pursuant to the Darien Zoning Ordinance; and

WHEREAS, the Owners of the Subject Property have petitioned the City for a Special Use permit to develop the Subject Property as a planned unit development ("PUD") in accordance with Chapter 3 of the Darien Zoning Ordinance and is requesting Preliminary PUD Plan approval; and

WHEREAS, the Owners have also petitioned the City for preliminary subdivision plat approval for the Subject Property; and

WHEREAS, the Subject Property is approximately 35.209 acres (including dedicated right-of-way); and

WHEREAS, the Owners anticipate the Subject Property will be developed and redeveloped in three non-sequential phases as described more thoroughly herein; and

WHEREAS, pursuant to Notice as required by law, the City of Darien Plan Commission conducted a public hearing on the proposal and has recommended approval thereof subject to certain terms, conditions and limitations; and

WHEREAS, the proposal has been reviewed by the City Council Planning & Development Committee; and

WHEREAS, the City Council finds and determines that granting the Petition subject to the terms hereof is in the best interest of the sound growth and development of the City of Darien;

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

SECTION 1: Identification of Existing Improvements and Conditions. For purposes of identification, the Subject Property consists of (i) three connected structures containing 165,978 square feet of warehouse/office space and 27,985 square feet of office space on what will be Lot 1 of the Plat of Subdivision of the Darien Corporate Centre; (ii) two office/warehouse buildings located on what will be Lots 8 and 9 of the Plat of Subdivision; (iii) two ponds which are located on what will be Outlot 1 of the Plat of Subdivision; and, (iv) existing paved and grassy areas throughout the Subject Property, subject to future development.

SECTION 2: Special Use Granted. Pursuant to Sections 5A-3-1-4; 5A-3-2; and 5A-9-2-3 of the Darien Zoning Ordinance, a Special Use for Planned Unit Development is hereby granted for the Subject Property. The special use granted is subject to the terms and conditions set forth herein below.

SECTION 3: Preliminary PUD Plan Approved. Pursuant to Section 5-A-3-2-2 of the Darien Zoning Ordinance, the City Council hereby grants Preliminary PUD Plan approval for the Planned Unit Development for the Subject Property. For purposes of this Ordinance, the Preliminary Plan consists of the following documents:

(a) Preliminary PUD Site Plan prepared by Marc Cable Architects, and dated as most recently revised August 10, 1999.

(b) Preliminary Landscape Plan prepared by Planning Resources and dated as of August 6, 1999.

(c) Preliminary Plat of Subdivision for the "Darien Corporate Centre" Subdivision prepared by Compass Land Surveying & Mapping Co. on file with the City Clerk as of August 11, 1999.

(d) Engineering Plan, prepared by Robert H. Anderson & Associates, Inc., and dated as of June 28, 1999.

(e) Darien Corporate Centre Building Prototypes, dated 3/25/99.

(f) Color Exterior Elevations, prepared by Marc Cable Architects, dated 3/25/99.

#### SECTION 4: Preliminary Plat of Subdivision Approved; and Final Plat Conditions.

Pursuant to 5A-3-2-2 of the Darien Zoning Ordinance and also applicable regulations of the Darien Subdivision regulations, the City Council hereby approves the Preliminary Plat of Subdivision for the "Darien Corporate Centre" Subdivision prepared by Compass Land Surveying & Mapping Co., and revised as of August 6, 1999. The Final Plat of Subdivision shall be subject to all applicable City regulations. The approval of the Final Plat of Subdivision, including requisite land for dedication for purposes of adding turning lanes on Lemont Road, is subject to review and approval of the DuPage County Division of Transportation (County "DOT"). The City acknowledges that County DOT has final permitting authority over the proposed turning lanes. Any changes or modifications required by County DOT shall be reflected on the Final Plat of Subdivision and the final PUD Plan.

**SECTION 5:** Phasing. The Subject Property shall be developed in the following three non-sequential phases. For purposes of this Ordinance, the three phases include the following:

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(a) The "Existing Redevelopment Parcels" consisting of Lot 1, Lot 8, Lot 9, and Outlot 1 as shown on the Preliminary Plat of Subdivision.

(b) The "Plainfield Road Development Parcel" consisting of Lot 2 and Lot 3 as shown on the Preliminary Plat of Subdivision.

(c) The "North Development Parcel" consisting of Lot 4, Lot 5, Lot 6, Lot 7 and Outlot 2 as shown on the Preliminary Plat of Subdivision.

SECTION 6: Final Plat of Subdivision and Final PUD Plan Approval Required: Existing Redevelopment Parcels. Upon notification from the City that the development complies with the County Stormwater and Flood Plain Ordinance, and a final decision on the right turn lanes along Lemont Road by the DuPage County DOT, the Owner of Existing Redevelopment Parcels shall thereupon petition the City for Final Plat of Subdivision for the Subject Property and Final PUD Plan approval for the Existing Redevelopment Parcels. The final plat shall provide for a cross easement between Lots 8 and 9.

#### SECTION 7: Final PUD Plan Approval Required; Plainfield Road Development

**Parcel.** The Owner of the Plainfield Road Development Parcel may petition the City for Final PUD approval in accordance with Section 5A-3-4-4 of the Darien Zoning Ordinance at any time following the Final Plat of Subdivision approval. In addition to meeting the submittal requirements of that section of the Zoning Ordinance, the Owner of the Plainfield Road Development Parcel must submit and receive approval for the following:

(a) Building design and wall signage. Building design will be reviewed for material and color compatibility. Generally, it is agreed that the Plainfield Road Development Parcel will be constructed with 4-inch face brick, vinyl clad windows, aluminum framed entry doors, pre-finished aluminum gutters, fascia and soffits, and asphalt shingles.

(b) Final Engineering shall address screening between the property and the residential property to the east with either landscaping, fencing or a combination thereof. The Final PUD Plan shall provide adequate screening between the Subject Property and the Residential Property to the east.

(c) Wall signage shall be allowed in accordance with the Darien Zoning Ordinance.

(d) One monument sign, not greater than 25 square feet as shown on the approved Landscape Plan, shall be allowed.

SECTION 8: Final PUD Plan Approval Required; North Development Parcel. The Owner of the North Development Parcel may petition the City for Final PUD approval in accordance with Section 5A-3-4-4 of the Darien Zoning Ordinance at any time following the Final Plat of Subdivision approval. In addition to meeting the submittal requirements of that section of the Zoning Ordinance, the Owner of the North Development Parcel must submit and receive approval for the following:

(a) Building design. Building design will be reviewed for material and color compatibility. Generally, it is agreed that the North Development Parcel will be constructed with precast concrete walls with penetrating color stain, aluminum framed windows and entry doors, prefinished aluminum roof copings, insulated steel overhead doors and insulated steel service doors.

(b) Wall signage. Each occupant will be allowed one wall sign pursuant to the Darien Sign Ordinance; however, no signs will be allowed on the southern or eastern walls of any building on Lots 4, 5,6, or 7.

(c) One monument sign, not greater than 25 square feet as shown on the approved Landscape Plan, shall be allowed near the northern Lemont Road curb cut.

#### SECTION 9: Required Public and Private Improvements in Connection with the

Existing Redevelopment Parcel. Subject to the limitations of weather or other force majeure,

the Owner of the Existing Development Parcel shall complete the following public and private

improvements within nine (9) months from the date of final plat approval as provided in Section

6, except for the watermain/hydrant improvement described in subsection (d) which shall be

completed within eighteen (18) months from the date of final plat approval as provided in

Section 6:

(a) The completion of all improvements to the existing parking lot on Lot 1 as shown in the Preliminary Plan documents.

(b) The completion of all landscaping on Lot 1 and adjacent rights-of-way as shown on the Preliminary Plan documents.

(c) The removal of the 83<sup>rd</sup> Street curb cut located approximately 385 feet east of the intersection of Lemont Road and 83<sup>rd</sup> Street and the restoration of the area with new curb, gutter, sidewalk, parkway and landscape improvements as shown on the Preliminary Plan documents.

(d) The installation of two westerly water main extensions (the southern one of which is proposed to be located on Lot 2 of the Plainfield Road Development Parcel) and fire hydrants off of that portion of the existing main on Lot 1 shall be installed per the Preliminary Plan documents.

(e) In addition to allowing the existing monument sign for Rockwell to remain, an additional monument sign, not greater than 25 square feet, as shown on the approved Landscape Plan, shall be allowed near the southern Lemont Road curb cut.

#### SECTION 10: Required Public and Private Improvements in Connection with

Occupancies on Lot 8 and Lot 9. The Owner of Lot 8 and Lot 9 shall complete the following

improvements prior to the renewal of any business license or issuance of any further certificates

of occupancy on the property:

- (a) Installation of the landscape island and landscaping on Lot 8 per the Preliminary Plan documents.
- (b) Re-striping of Lots 8 and 9 per the Preliminary Plan documents.

#### SECTION 11: Required Public and Private Improvements in Connection with the

Plainfield Road Development Parcel. The Owner of the Plainfield Road Development Parcel

shall complete the following public and private improvements prior to the issuance of a

certificate of occupancy for this phase:

(a) Relocation of electrical lines underground along Plainfield Road.

(b) Relocation of the existing north-south water main to the extent necessary to accommodate the approved final site plan for development of Lots 2 and 3.

(c) Any abandoned sanitary or water service line in direct conflict with the construction of any improvements shall be removed.

(d) Unless already constructed by the Owner of the North Development Parcel, the owner of the Plainfield Road Development Parcel shall remove the existing sanitary lift station

and replace it with the new sanitary system serving all properties in the development plus the Lange property located east of the proposed Lot 9. The Owner shall notify and provide sufficient time to allow owners of Lots 8 and 9 and the Lange property located east of the proposed Lot 9 to make necessary improvements to execute a connection to the new sanitary line. Owner shall not abandon existing sanitary lines or make any service connections to any buildings on Lots 2 or 3 to the new sanitary line until after sanitary service connections have been completed on Lots 8, 9 and the Lange property located east of the proposed Lot 9.

(e) Construction of the landscape improvements south of the parking lot along Plainfield Road on Lots 2 and 3.

SECTION 12: Required Public and Private Improvements in Connection with the

North Development Parcel. The Owner of the North Development Parcel shall complete the

following public and private improvements prior to the issuance of a certificate of occupancy for

this phase:

(a) Construction of private roadway improvements, consisting of sidewalks, curbs, street lighting and pavement, as shown on the Preliminary Plan documents.

(b) Construction of the landscape improvements along the Lemont Road right-of-way adjacent Lot 4.

(c) Looping of the water system, as shown on the Preliminary Plan documents.

(d) Connection of the North Development Parcel and Lots 8 and 9 to the City water supply.

(e) Construction of the right turn lanes for the northern and southern entrances on Lemont Road, as shown on the Preliminary Plan documents.

(f) Construction of all other water improvements shown on the Preliminary Plan documents. The Owner shall notify and provide sufficient time to allow owners of Lots 8 and 9 and the Lange property located east of the proposed Lot 9 to make necessary improvements to execute a connection to the new water line. Owner shall not abandon existing water supply or make any service connections to any buildings on Lots 4, 5, 6, or 7 to the new water line until after water service connection have been completed on Lots 8, 9 and the Lange property located east of the proposed Lot 9.

(g) Any abandoned sanitary or water service line in direct conflict with the construction of any improvements shall be removed.

(h) Unless already constructed by the owner of the Plainfield Road Development Parcel, the owner of the North Development Parcel shall remove the existing sanitary lift station and replace it with the new sanitary system serving all properties in the development plus the Lange property located east of the proposed Lot 9. The Owner shall notify and provide sufficient time to allow owners of Lots 8 and 9 and the Lange property located east of the proposed Lot 9 and the Lange property located east of the new sanitary line. Owner shall not abandon existing sanitary lines or make any service connections to any buildings on Lots 4, 5, 6, or 7 to the new sanitary line until after sanitary service connections have been completed on Lots 8, 9 and the Lange property located east of the proposed Lot 9.

(i) Provide a water system connection to the Lange property located east of the proposed Lot 9.

SECTION 13: Water Main Improvements Required by December 31, 2005. Unless already completed pursuant to Section 11 herein, the Owner of the Existing Redevelopment Parcel shall construct the new water main line surrounding Lots 4, 5, 6 and 7, including all fire hydrant extension lines, and the water service line to the buildings on Lot 1 by December 31, 2005.

SECTION 14: Restriction on Lot 8. The existing building on Lot 8 contains 6,226 square feet of office, 10,548 square feet of warehouse and 2,377 square feet of common loading dock area. So as not to create additional parking requirements, no existing warehouse or dock space area shall be converted to office.

**SECTION 15:** Restriction on Lot 9. The existing building on Lot 9 contains 6,646 square feet of office and 14,654 square feet of warehouse. So as not to create additional parking requirements, no existing warehouse space shall be converted to office.

SECTION 16: Permitted Uses. Uses on Lot 2 and Lot 3 shall be limited to those uses listed in Section 5A-9-2-2 of the Zoning Ordinance (ORI District). In addition to the uses set forth in Section 5A-9-2-2 of the Zoning Ordinance (ORI District), the following uses may be allowed on Lot 1, Lot 4, Lot 5, Lot 6, Lot 7 and Lot 8:

(a) Bakeries;

(b) Building materials and product sales and storage/excluding outside sales and storage;

(c) Machine shop;

(d) Radio and television stations and studios, constructed in compliance with FAA, FCC and State of Illinois height restrictions for properties located in proximity to a private airport.

(e) Vocational and trade schools.

SECTION 17: Elimination of Non-Conforming Uses. Any non-conforming use of the Subject Property, including but not limited to any existing use containing the outside storage of motor vehicles or trailers, shall cease on or before December 31, 2000.

SECTION 18: Required Approvals by Other Governmental Agencies. Final Plat of Subdivision and PUD Plan approval shall not be granted until such time as Owner has received all required approvals from all governmental agencies including but not limited to the County of DuPage.

#### SECTION 19: Ownership and Maintenance of Stormwater Detention Facilities;

City Right to Enter. The existing ponds and other stormwater management facilities shall remain privately owned as indicated on the Plat of Subdivision. Owners shall maintain such facilities at all times in accordance with all applicable ordinances, laws and regulations. Upon notice from the City and weather permitting, Owners shall properly take all corrective actions necessary for purpose of maintenance of said facilities at the direction of the City. In the event Owners fail to take such corrective action, City may (but is not required to) enter upon the Subject Property for purposes of maintenance shall operate as a lien against the entire Subject Property. In addition, any invoice from the City which is unpaid for a period of 60 days shall be reason to

R1999-254049 (Page 10 of 14)

deny Owner any future occupancies or business license renewal for any users on the Subject Property.

#### SECTION 20: Completion of Required Private Improvements as a Condition to

#### Occupancy Permits; Unified Control.

(a) In accordance with Section 5A-3-2-8 of the City Code, no final occupancy shall be granted for any use as to a phase of development of the Subject Property until such time as all private improvements specified hereinabove have been completed to the reasonable satisfaction of the City.

(b) For purposes of satisfying the requirements of Section 5A-3-3-14 of the City Code that the Planned Unit Development be under unified control, Owner shall furnish the City with copies of declarations, common area maintenance agreements and such other documents which will become of record with the Subject Property sufficient to demonstrate to the City that all private improvements on the Subject Property including, but not limited to landscaping, parking surfaces and utilities, shall be adequately maintained by the Owner of each applicable parcel within the Subject Property.

SECTION 21: Variations Granted. The following variations are hereby granted:

(a) A variation from Section 5A-9-2-7(B) to reduce the rear yard on Lots 4, 5, 6 and 7 from 30 feet to 15 feet.

(b) A variation from Section 5B-1-7(D)1 to allow lots with frontage on a street for Lots 5, 6, 7 and 8.

(c) A variation from Section 5A-5-8-3(A) to allow a combination of landscaping and/or fencing in lieu of the required six-foot-high fence along the eastern perimeter/property line.

SECTION 22: Sanitary Sewer Improvement Work. The sanitary sewer improvements

required for the development of the various development parcels are under the jurisdiction and

control of the County of DuPage. The owner and developer of each development parcel may

proceed with the required sanitary sewer improvements for the Subject Property at the

Developer's discretion, even though final PUD approval has not been granted.

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SECTION 23: Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval, and shall subsequently be published in pamphlet form as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this <u>20th</u> day of <u>September</u>, 1999.

AYES:	6 - Biehl, Cotten, Durkin, Hagen, Marchese, Weaver
NAYS:	0 - None
ABSENT:	0 - None

APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this <u>20th</u> day of <u>September</u>, 1999.

CARMEN D. SOLDATO, MAYOR

ATTEST:

len

JOANDEF. COLEMAN, CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY



EXHIBIT "A"

#### Legal Description

PARCEL 1: THE NORTH 569.00 FEET OF THE SOUTH HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT THE NORTH 230.00 FEET OF THE WEST 1017.56 FEET THEREOF) AND (EXCEPT THE NORTH 230.00 FEET OF THE EAST 100.00 FEET OF THE WEST 1117.56 FEET THEREOF) IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2: THE NORTH 227.50 FEET OF THE SOUTH 577.50 FEET OF THE WEST 385.00 FEET OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 3: THE SOUTH HALF OF THE WEST HALF OF THE NORTHWEST QUARTER (EXCEPT THE NORTH 569 FEET THEREOF AND EXCEPT THE SOUTH 350 FEET OF THE WEST 350 FEET THEREOF, AND EXCEPT THE NORTH 227.50 FEET OF THE SOUTH 577.50 FEET OF THE WEST 385 FEET THEREOF) IN SECTION 32, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

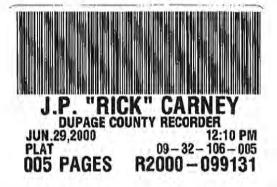
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Page Two

300.00 FEET TO A OF POINT BEING THE INTERSECTION WITH THE NORTHERN RIGHT OF WAY LINE OF 83RD STREET; THENCE SOUTH 89 DEGREES 56 MINUTES 40 SECONDS WEST ON AND ALONG SAID NORTHERN RIGHT OF WAY LINE, BEING PARALLEL WITH AND 50.00 FEET PERPENDICULAR FROM THE CENTER LINE THEREOF, A DISTANCE OF 100.00 FEET; THENCE DUE NORTH A DISTANCE OF 170.00 FEET; THENCE SOUTH 89 DEGREES 56 MINUTES 40 SECONDS WEST, A DISTANCE OF 200.00 FEET TO A POINT BEING THE INTERSECTION WITH THE EASTERN RIGHT OF WAY LINE OF LEMONT ROAD; THENCE DUE NORTH ON AND ALONG SAID EASTERN RIGHT OF WAY LINE, BEING PARALLEL WITH AND 50.00 FEET PERPENDICULAR FROM THE CENTER LINE THEROF, A DISTANCE OF 130.00 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 5: THE EAST 189.39 FEET OF THE WEST 449.39 FEET OF THE NORTH 230.00 FEET OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DU PAGE COUNTY, ILLINOIS

PARCEL 6: THE EAST 189.39 FEET OF THE WEST 638.78 FEET OF THE NORTH 230.00 FEET OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DU PAGE COUNTY, ILLINOIS



CITY OF DARIEN

**DU PAGE COUNTY, ILLINOIS** 

ORDINANCE NO. 0-06-00

AN ORDINANCE APPROVING A FINAL PLAT OF SUBDIVISION (DARIEN CORPORATE CENTER PUD)

#### ADOPTED BY THE

MAYOR AND CITY COUNCIL

OF THE

CITY OF DARIEN

THIS 15th DAY OF May , 2000

Published in pamphlet form by authority of the Mayor and City Council of the City of Darien, DuPage County, Illinois, this <u>16th</u> day of <u>May</u>, 2000.

09-32-106-005 09-32-106-006 09-32-106-015 09-32-106-016 09-32-106-019 09-32-106-022

8113-8119 Lemont Road 8121-8123 Lemont Road 8245 Lemont Road 8245 Lemont Road Vacant ( Vacant ( Darien, D A delineation of the property described in this instrument appears in PLAT BOOK NO. 27 PAGE 44

SUBMITTED BY & RETURN TO: Joanne F. Coleman, City Clerk CITY OF DARIEN 1702 Plainfield Road Darien, IL 60561-5044

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#### AN ORDINANCE APPROVING A FINAL PLAT OF SUBDIVISION (DARIEN CORPORATE CENTER PUD)

WHEREAS, heretofore, pursuant to Ordinances O-22-99 and O-23-99, the City Council zoned into the ORI Zoning District, granted a special use for a Planned Unit Development, approved a preliminary plat of subdivision, and approved a preliminary plat of Planned Unit Development certain property legally described on Exhibit "A" attached hereto and made a part hereof (the "Subject Property"); and

WHEREAS, the Owner and Developer of the Subject Property has petitioned for approval of a final subdivision plat for the Subject Property; and

WHEREAS, at its meeting held May 8, 2000, the Darien Planning & Development reviewed the final plat and recommended that it be approved;

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

SECTION 1: The final subdivision plat for the Subject Property, a copy of which plat is incorporated herein by reference as Exhibit "B", and which is further identified as "Final Plat of Subdivision Darien Corporate Center", prepared by Compass Land Surveying and Mapping, last revision dated 4/28/00, being a subdivision of Section 32, Township 38 North, Range 11, East of the third principal meridian, in DuPage County, Illinois, is hereby approved subject to the addition of a cross easement between Lots 8 and 9.

SECTION 2: The Mayor and Clerk are hereby authorized and directed to execute the final subdivision plat for the Subject Property.

**SECTION 3:** The City Clerk is hereby authorized and directed to cause the final plat of subdivision to be recorded in the Office of the Dupage County Recorder of Deeds.

SECTION 4: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this <u>15th</u> day of <u>May</u>, 2000.

AYES:	6 - Biehl, Cotten, Durkin, Marchese, Quiaoit, Weaver
NAYS:	0 - None
ABSENT:	1 - Hagen

APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY,

ILLINOIS, this 15th day of May , 2000.

CARMEN D. SOLDATO, MAYOR

ATTEST: EF. COLEMAN, CITY CLERK ROVED AS TO FORM: OHN B. MURPHEY, CITY ATTORNEY

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DuPage County Recorder

#### EXHIBIT A

PARCEL 1: THE NORTH 569.00 FEET OF THE SOUTH HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT THE NORTH 230.00 FEET OF THE WEST 1017.56 FEET THEREOF) AND (EXCEPT THE NORTH 230.00 FEET OF THE EAST 100.00 FEET OF THE WEST 1117.56 FEET THEREOF) IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2: THE NORTH 227.50 FEET OF THE SOUTH 577.50 FEET OF THE WEST 385.00 FEET OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 3: THE SOUTH HALF OF THE WEST HALF OF THE NORTHWEST QUARTER (EXCEPT THE NORTH 569 FEET THEREOF AND EXCEPT THE SOUTH 350 FEET OF THE WEST 350 FEET THEREOF, AND EXCEPT THE NORTH 227.50 FEET OF THE SOUTH 577.50 FEET OF THE WEST 385 FEET THEREOF) IN SECTION 32, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 4:PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT BEING THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 32; THENCE DUE NORTH (ASSUMED BEARING) ON AND ALONG THE WEST LINE OF SECTION 32; A DISTANCE OF 350.00 FEET; THENCE NORTH 89 DEGREES 56 MINUTES 40 SECONDS EAST, PARALLEL WITH THE SOUTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 50.00 FEET TO A POINT BEING THE INTERSECTION WITH THE EASTERN RIGHT OF WAY LINE OF LEMONT ROAD AND BEING THE "TRUE POINT OF BEGINNING" THENCE CONTINUING NORTH 89 DEGREES

J. P. "Rick" Carney

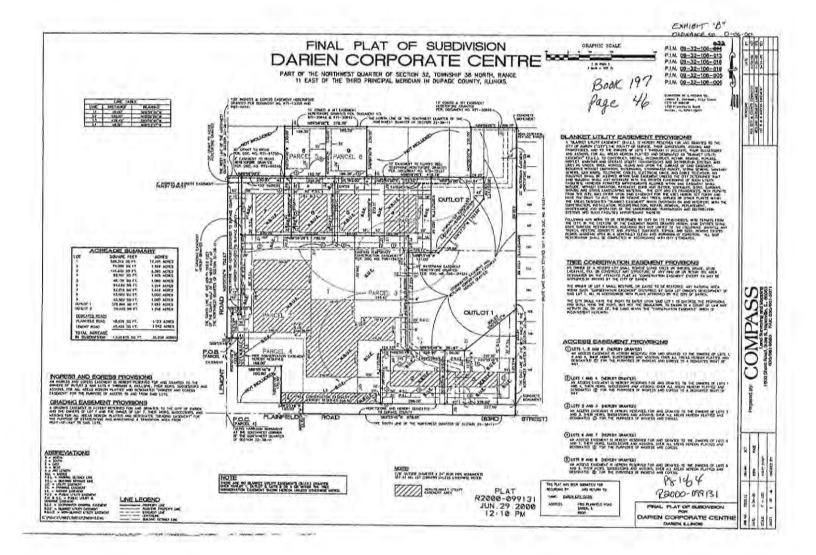
56 MINUTES 40 SECONDS EAST, A DISTANCE OF 300.00 FEET: THENCE DUE SOUTH. PARALLEL WITH THE WEST LINE OF SECTION 32, A DISTANCE OF 300.00 FEET TO A POINT BEING THE INTERSECTION WITH THE NORTHERN RIGHT OF WAY LINE OF 83RD STREET; THENCE SOUTH 89 DEGREES 56 MINUTES 40 SECONDS WEST ON AND ALONG SAID NORTHERN RIGHT OF WAY LINE, BEING PARALLEL WITH AND 50.00 FEET PERPENDICULAR FROM THE CENTER LINE THEREOF, A DISTANCE OF 100.00 FEET; THENCE DUE NORTH A DISTANCE OF 170.00 FEET; THENCE SOUTH 89 DEGREES 56 MINUTES 40 SECONDS WEST, A DISTANCE OF 200.00 FEET TO A POINT BEING THE INTERSECTION WITH THE EASTERN RIGHT OF WAY LINE OF LEMONT ROAD; THENCE DUE NORTH ON AND ALONG SAID EASTERN RIGHT OF WAY LINE, BEING PARALLEL WITH AND 50.00 FEET PERPENDICULAR FROM THE CENTER LINE THEROF, A DISTANCE OF 130.00 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 5: THE EAST 189.39 FEET OF THE WEST 449.39 FEET OF THE NORTH 230.00 FEET OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DU PAGE COUNTY, ILLINOIS.

PARCEL 6: THE EAST 189.39 FEET OF THE WEST 638.78 FEET OF THE NORTH 230.00 FEET OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DU PAGE COUNTY, ILLINOIS.

R2000-099131 6-29-00 RICK" CARNEY DU PAGE COUNTY RECORDER P.O. BOX 936 WHEATON, ILLINOIS 60189 INSTRUMENT 5-15-2000 DATE OF CHARGE CASH CREDIT CARD CHECK DEDDI DOCUMENT TYPE: TITLE: entre SUBDIVISION ANNEXATION VACATION IST PARTY: DEDICATION ORDINANCE EASEMENT DECLARATION 2ND PARTY: □ RESOLUTION LEGAL DESCRIPTION: .35 SEC. RANGE PIN NO. 09-32 - 106-005 09 -22 -022 09-32-106-006 -01S 09:32-106 01 -32-106 -00 ACCOMPANYING PAPERS SUBMITTED BY: MANAG X YES D NO BOOK MAIL TO: PAGE NUMBER OF PAGES

DuPage County Recorder





#### ITEM 7

#### AERIAL IMAGERY

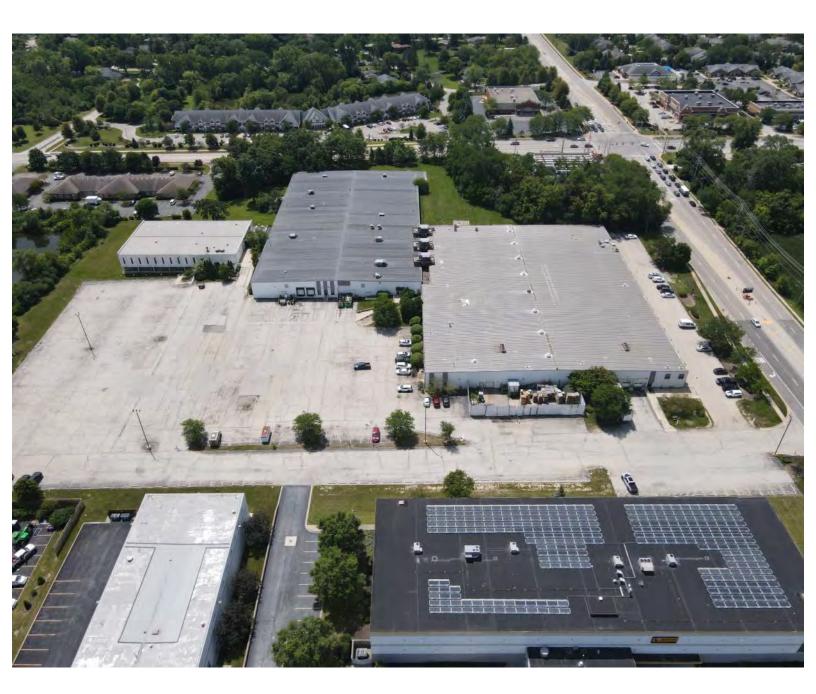
ROCKWELL PROPERTY





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# NORTH ELEVATION

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# WEST ELEVATION

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### **NW CORNER**

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### SW CORNER

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# **NE CORNER**

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# SE CORNER

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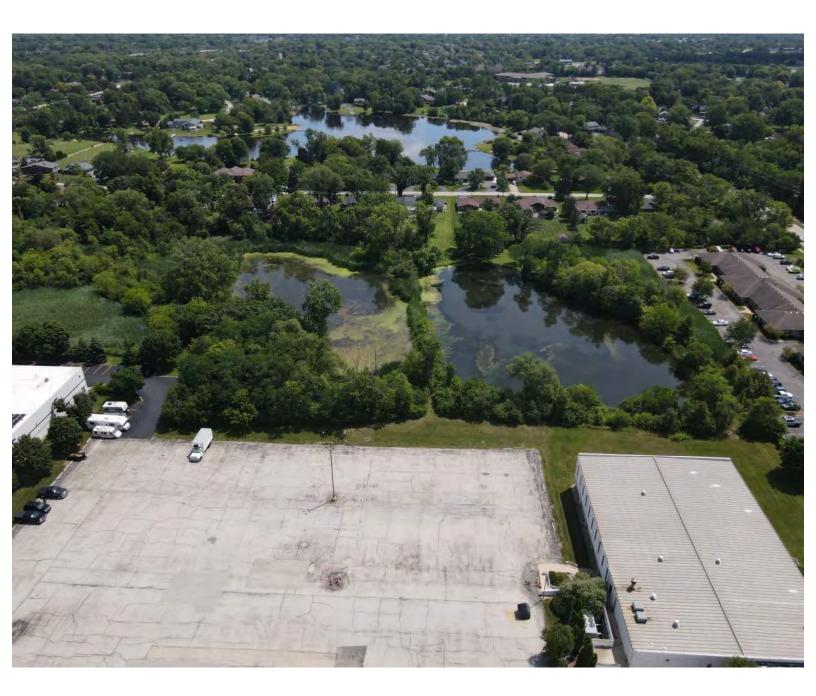
## **DETENTION PONDS**

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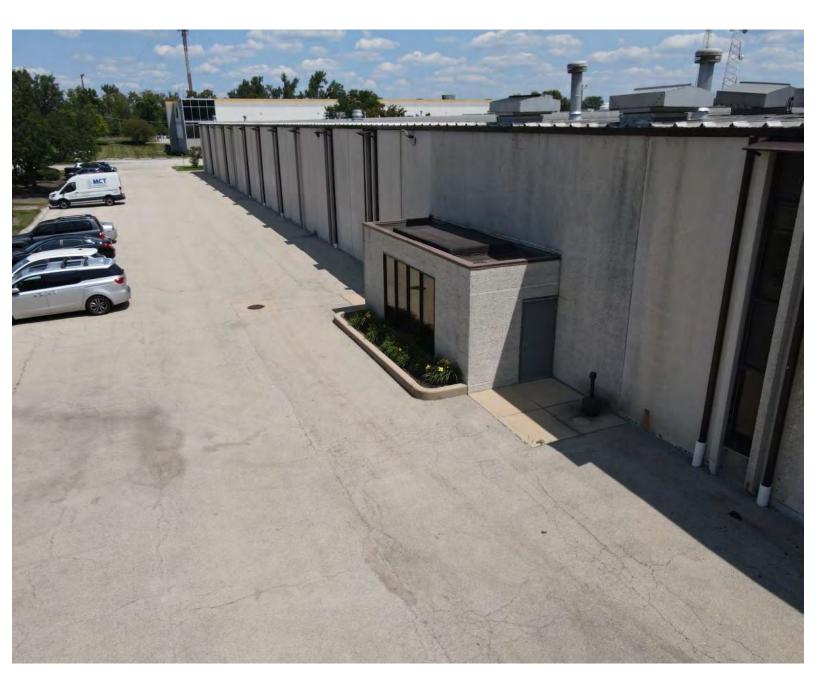
## WEST ELEVATION

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## WEST ELEVATION

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## WEST ELEVATON

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### **NW CORNER**

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P. 630.833.8600 F. 630.833.9595

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# NW CORNER LOADING DOCK

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# NORTH ELEVATION CENTER BUILDING



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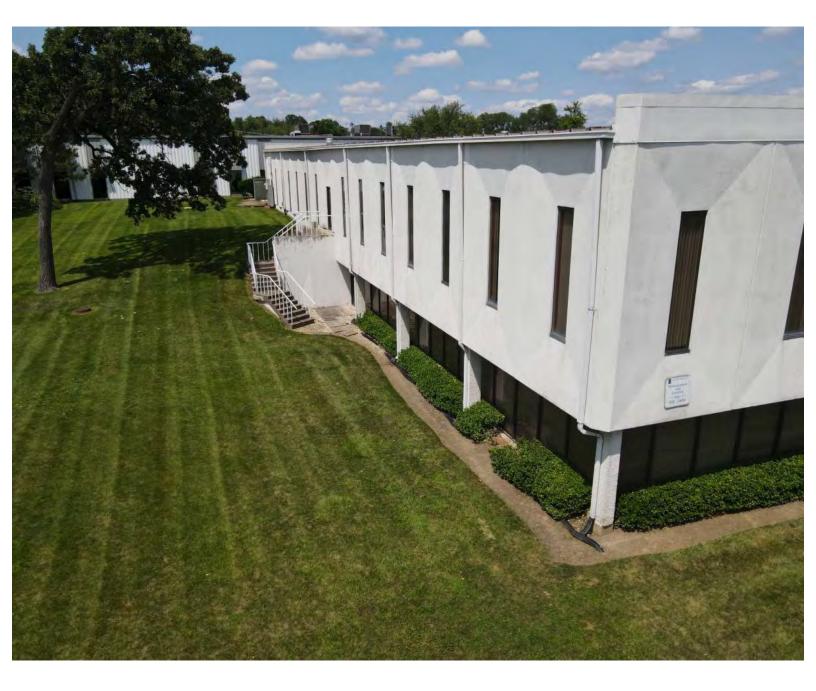


# NORTH ELEVATION CENTER BUILDING



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# SE CORNER EAST BUILDING



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## SOUTH ELEVATION EAST BUILDING



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# SOUTH ELEVATION EAST BUILDING



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www.keeley.com



# SOUTH ELEVATION CENTER & EAST BUILDING CONNECTION



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# EAST ELEVATION CENTER BUILDING



P. 630.833.8600 F. 630.833.9595

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# SOUTH ELEVATON CENTER BUILDING



P. 630.833.8600 F. 630.833.9595

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# SW CORNER CENTER BUILDING

8245 Lemont Road, Darien



245 Sidney Court Villa Park IL 60181

P. 630.833.8600 F. 630.833.9595

www.keeley.com



# WEST ELEVATION CENTER BUILDING

8245 Lemont Road, Darien



245 Sidney Court Villa Park IL 60181

P. 630.833.8600 F. 630.833.9595

www.keeley.com



# SOUTH ELEVATION WEST BUILDING

8245 Lemont Road, Darien



245 Sidney Court Villa Park IL 60181

P. 630.833.8600 F. 630.833.9595

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# SOUTH ELEVATION WEST/CENTER BUILDING CONNECTION

8245 Lemont Road, Darien

183



# CHRISTOPHER B. BURKE ENGINEERING, LTD.

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

July 11, 2024

City of Darian 1702 Plainfield Road Darien, Illinois

Attention: Dan Gombac

Subject: 8425 Lemont Road – Proposed Subdivision (CBBEL Project No. 950323.H0261)

Dear Jordan

As requested on July 2, 2024, we have reviewed the proposed Plat of Subdivision prepared by Webster, McGrath & Ahlberg Ltd. and revised June 10, 2024. It is our understanding that the purpose of the subdivision is to allow for the property to be sold to multiple parties. No new development or improvements are proposed. Our previous comments have been addressed and, in our opinion, the Plat is now in general compliance with Title 5.B Subdivision Regulations of City Code.

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

Sincerely,

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

мемо

Attachment 11

# **CITY OF DARIEN**

## **DU PAGE COUNTY, ILLINOIS**

ORDINANCE NO.

## AN ORDINANCE APPROVING AN AMENDMENT TO THE DARIEN CORPORATE CENTER PUD, THE SUBDIVISION OF A PARCEL INTO TWO LOTS,AND GRANTING VARIATIONS FOR THE REDUCTION OF YARD AREAS AND SETBACKS

## (PZC2024-07: AMENDMENT, FINAL PLAT OF SUBDIVISION, AND VARIATIONS TO THE DARIEN CORPORATE CENTER PLANNED UNIT DEVELOPMENT)

## ADOPTED BY THE

## MAYOR AND CITY COUNCIL

## OF THE

## **CITY OF DARIEN**

## THIS 3<sup>rd</sup> DAY OF SEPTEMBER, 2024

Published in pamphlet form by authority of the Mayor and City Council of the City of Darien, DuPage County, Illinois, this \_\_\_\_\_ day of September, 2024.

### AN ORDINANCE APPROVING AN AMENDMENT TO THE DARIEN CORPORATE CENTER PUD, THE SUBDIVISION OF A PARCEL INTO TWO LOTS, AND GRANTING VARIATIONS FOR THE REDUCTION OF YARD AREAS AND SETBACKS

### (PZC2024-07: AMENDMENT, FINAL PLAT OF SUBDIVISION, AND VARIATIONS TO THE DARIEN CORPORATE CENTER PLANNED UNIT DEVELOPMENT)

**WHEREAS,** the City of Darien is a home rule unit of local government pursuant to the provisions of Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, as a home rule unit of local government, the City may exercise any power and perform any function pertaining to its government except as limited by Article VII, Section 6; and

WHEREAS, the City Council adopted Ordinances O-22-99, O-23-99, and O-06-00, for the rezoning of the subject property of this Ordinance ("Subject Property") to OR-I, and granting a Special Use for Planned Unit Development, approved Preliminary PUD Plan, and approved a Preliminary Plat of Subdivision, and approval of a Final Plat of Subdivision for the Darien Corporate Center PUD; and

**WHEREAS,** the Owner of the Subject Property has petitioned for the subdivision of a parcel within the Subject Property into two lots, an amendment to the Darien Corporate Center PUD, approval of a revision to Final Plat of Subdivision, and approval of variations to the yard

areas and setbacks requirements of the OR-I zone for the Subject Property (the "Petition"); and

WHEREAS, there are no physical changes to the Darien Corporate Center PUD; and

WHEREAS, the Owner has submitted revisions to the Final PUD plans and Final Plat for the Darien Corporate Center PUD; and

**WHEREAS,** pursuant to notice as required by the Illinois Municipal Code and the Darien Zoning Ordinance, a public hearing was conducted by the Planning and Zoning Commission on August 7, 2024 to consider the Petition; and

WHEREAS, based upon the evidence, testimony, and exhibits presented at the August 7, 2024 public hearing, the Planning and Zoning Commission voted 7-0 to recommend approval of the Petition to the City Council; and

WHEREAS, the City Council has reviewed the findings and recommendations described above, understands that there are no physical changes for the Subject Property, and finds that the revisions to the final plan and final plat substantially conform to the approved Darien Corporate Center PUD, and therefore hereby determines to grant the petition subject to the terms, conditions, and limitations described below.

# NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, ILLINOIS, as follows:

**SECTION 1: Subject Property.** This Ordinance is limited and restricted to the property generally located at 8245, 8251, and 8255 Lemont Road, Darien, Illinois, and legally described as follows:

#### LOT 1, OUTLOT 1 AND OUTLOT 2 IN DARIEN CORPORATE CENTER, OF

PART OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 29, 2000 AS DOCUMENT, R200099131, IN DUPAGE COUNTY, ILLINOIS.

PIN: 09-32-106-030

SECTION 2: Final Plat of Subdivision. The City Council hereby approves the revision to the Final Plat of Subdivision for Darien Corporate Center as identified in SECTION 3 of this Ordinance. The Mayor and City Clerk are hereby authorized and directed to execute and attest respectively the Final Plat of Subdivision. The City Clerk is hereby authorized and directed to cause the Final Plat of Subdivision to be recorded in the Office of the DuPage County Recorder of Deeds.

SECTION 3: Final PUD Plan Approved. In accordance with Section 5A-3-2-3 of the

Darien City Code, the City Council hereby approves the Final Plan for the Subject Property. The following submittals constitute the approved Final Plan for the Subject Property, copies of which documents are on file with the City:

A. Final Plat of Subdivision, 2 Sheets, prepared by WMA, Ltd., latest version dated June 10, 2024.

B. Site Development Plan, 1 Sheet, prepared by WMA, Ltd., dated June 10, 2024.

**SECTION 4: Variations.** As part of the approved revisions to the Final Plat of Subdivision and Final PUD, the following variations are granted in connection with the Subject Property:

A. A variation from 5A-9-3-8(A)(1)(b) of the Zoning Ordinance is granted. Variation request to maintain a setback of approximately 20 feet between the west property boundary and the existing 38 parking spaces located in the front yard area west of the building for Lot 1.

B. A variation from 5A-9-3-8(B)(1)(a) of the Zoning Ordinance is granted. Variation request for the reduction of Lot 1 side yard depth not less than 30 feet to zero feet for a 20-foot location at the southeast

corner of the building and reduction of Lot 2 side yard depth not less than 30 feet to 20 feet for approximately 155 feet and zero feet for approximately 149 feet along the west side of the building. Variation request for the reduction of Lot 1 rear yard depth from not less than 30 feet to zero feet for approximately 165 feet and between zero and 30 feet for approximately 20 feet along the east side of the building and for the reduction of Lot 2 rear yard depth from not less than 30 feet to 16 to 30 feet for approximately 24 feet along the north side of the building.

C. A variation from 5A-3-3-9 of the Zoning Ordinance is granted. Variation request for the reduction the yard spaces between buildings from 15 feet to zero feet for a 20-foot long location at the southeast corner of the building for Lot 1 and a reduction to 20 feet for a 155-foot long location and zero feet for a 149-foot long location along the west side of the building for Lot 2.

D. A variation from 5A-9-3-8(B)(1)(b) of the Zoning Ordinance is granted. Variation request for offstreet parking facilities within the interior side yard or rear yard within the first twenty feet of the required yard for Lot 1 and Lot 2.

**SECTION 5: Other Ordinances.** Except as provided herein, the development of the Subject Property shall proceed in accordance with all applicable ordinances of the City, including but not limited to ordinances relating to Final PUD and Final Plat approval.

**SECTION 6: Home Rule.** This ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the City of Darien that to the extent the terms of this ordinance should be inconsistent with any non-preemptive state law, this ordinance shall supercede state law in that regard within the City of Darien.

**SECTION 7: Effective Date.** This Ordinance shall be in full force and effect upon its passage, approval, and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this 3<sup>rd</sup> day of September, 2024.

AYES	 	
NAYS:		
ABSENT:		

## APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY,

**ILLINOIS**, this 3<sup>rd</sup> day of September, 2024

ATTEST:

JOSEPH A. MARCHESE, MAYOR

JOANNE E. RAGONA, CITY CLERK

APPROVED AS TO FORM:

## CITY ATTORNEY



## **CITY OF DARIEN**

## **DU PAGE COUNTY, ILLINOIS**

## ORDINANCE NO.

## AN ORDINANCE APPROVING AN AMENDMENT TO THE DARIEN CORPORATE CENTER PUD, THE SUBDIVISION OF A PARCEL INTO TWO LOTS,AND GRANTING VARIATIONS FOR THE REDUCTION OF YARD AREAS AND SETBACKS

# (PZC2024-07: AMENDMENT, FINAL PLAT OF SUBDIVISION, AND VARIATIONS TO THE DARIEN CORPORATE CENTER PLANNED UNIT DEVELOPMENT)

## **ADOPTED BY THE**

## MAYOR AND CITY COUNCIL

## OF THE

## **CITY OF DARIEN**

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WHEREAS, as a home rule unit of local government, the City may exercise any power and perform any function pertaining to its government except as limited by Article VII, Section 6; and

WHEREAS, the City Council adopted Ordinances O-22-99, O-23-99, and O-06-00, for the rezoning of the subject property of this Ordinance ("Subject Property") to OR-I, and granting a Special Use for Planned Unit Development, approved Preliminary PUD Plan, and approved a Preliminary Plat of Subdivision, and approval of a Final Plat of Subdivision for the Darien Corporate Center PUD; and

WHEREAS, the Owner of the Subject Property has petitioned for the subdivision of a parcel within the Subject Property into two lots, an amendment to the Darien Corporate Center PUD, approval of a revision to Final Plat of Subdivision, and approval of variations to the yard areas and setbacks requirements of the OR-I zone for the Subject Property (the "Petition"); and

WHEREAS, there are no physical changes to the Darien Corporate Center PUD; and

**WHEREAS,** the Owner has submitted revisions to the Final PUD plans and Final Plat for the Darien Corporate Center PUD; and

WHEREAS, pursuant to notice as required by the Illinois Municipal Code and the Darien

Zoning Ordinance, a public hearing was conducted by the Planning and Zoning Commission on August 7, 2024 to consider the Petition; and

WHEREAS, based upon the evidence, testimony, and exhibits presented at the August 7, 2024 public hearing, the Planning and Zoning Commission voted 7-0 to recommend approval of the Petition to the City Council; and

WHEREAS, the City Council has reviewed the findings and recommendations described above, understands that there are no physical changes for the Subject Property, and finds that the revisions to the final plan and final plat substantially conform to the approved Darien Corporate Center PUD, and therefore hereby determines to grant the petition subject to the terms, conditions, and limitations described below.

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**SECTION 2: Final Plat of Subdivision.** The City Council hereby approves the revision to the Final Plat of Subdivision for Darien Corporate Center as identified in SECTION 3 of this

Ordinance. The Mayor and City Clerk are hereby authorized and directed to execute and attest respectively the Final Plat of Subdivision. The City Clerk is hereby authorized and directed to cause the Final Plat of Subdivision to be recorded in the Office of the DuPage County Recorder of Deeds.

**SECTION 3: Final PUD Plan Approved.** In accordance with Section 5A-3-2-3 of the Darien City Code, the City Council hereby approves the Final Plan for the Subject Property. The following submittals constitute the approved Final Plan for the Subject Property, copies of which documents are on file with the City:

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B. Site Development Plan, 1 Sheet, prepared by WMA, Ltd., dated June 10, 2024.

**SECTION 4: Variations.** As part of the approved revisions to the Final Plat of Subdivision and Final PUD, the following variations are granted in connection with the Subject Property:

A. A variation from 5A-9-3-8(A)(1)(b) of the Zoning Ordinance is granted. Variation request to maintain a setback of approximately 20 feet between the west property boundary and the existing 38 parking spaces located in the front yard area west of the building for Lot 1.

B. A variation from 5A-9-3-8(B) (1) (a) of the Zoning Ordinance is granted. Variation request for the reduction of Lot 1 side yard depth not less than 30 feet to zero feet for a 20-foot location at the southeast corner of the building and reduction of Lot 2 side yard depth not less than 30 feet to 20 feet for approximately 155 feet and zero feet for approximately 149 feet along the west side of the building. Variation request for the reduction of Lot 1 rear yard depth from not less than 30 feet to zero feet for approximately 165 feet and between zero and 30 feet for approximately 20 feet along the east side of the building and for the reduction of Lot 2 rear yard depth from not less than 30 feet to 16 to 30 feet for approximately 24 feet along the north side of the building.

C. A variation from 5A-3-3-9 of the Zoning Ordinance is granted. Variation request for the

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D. A variation from 5A-9-3-8(B) (1) (b) of the Zoning Ordinance is granted. Variation request for off-street parking facilities within the interior side yard or rear yard within the first twenty feet of the required yard for Lot 1 and Lot 2.

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**SECTION 6: Home Rule.** This ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the City of Darien that to the extent the terms of this ordinance should be inconsistent with any non-preemptive state law, this ordinance shall supercede state law in that regard within the City of Darien.

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PASSED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this 3<sup>rd</sup> day of September, 2024.

AYES	 	 	
NAYS:			
NAIS.	 	 	
ABSENT:			

# APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY,

**ILLINOIS**, this 3<sup>rd</sup> day of September, 2024.

ATTEST:

JOSEPH A. MARCHESE, MAYOR

JOANNE E. RAGONA, CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

#### MINUTES

#### **CITY OF DARIEN**

#### **MUNICIPAL SERVICES COMMITTEE**

#### August 5, 2024

**PRESENT:** Alderman Thomas Belczak – Chairman, Alderman Ted Schauer, Alderman Ralph Stompa nato

ABSENT: None

OTHERS: Mr. Dan Gombac – Director

#### Establish Quorum

Chairperson Thomas Belczak called the meeting to order at 6:25 p.m. at the City of Darien City Hall, 1702 Plainfield Road, Darien, Illinois. Chairperson Belczak declared a quorum present.

#### New Business

**a.** <u>Ordinance</u> – Consideration to a mend the Liquor Control Regulations, Section 3-3-7 of the City Code, to update current inventory of liquor licenses.

Mr. Dan Gombac, Director reported that this amendment would implement a twice per year strategy to update and clean up the liquor portion of the Code.

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

Alderman Schauer made a motion, and it was seconded by Alderman Stompanato approval of an Ordinance – Consideration to amend the Liquor Control Regulations, Section 3-3-7 of the City Code, to update current inventory of liquor licenses.

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

**b.** <u>**Ordinance**</u> – Authorizing the disposal of surplus property.

Mr. Dan Gombac, Director reported that the disposal would be of equipment in the Municipal Services Department and that it would be sent out to a uction.

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

Alderman Stompanato made a motion, and it was seconded by Alderman Schauer approval of an Ordinance authorizing the disposal of surplus property.

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

c. <u>Resolution</u> – Accepting the unit price proposal from St. Aubin Nursery & Landscaping, Inc., for the purchase and installation of the 50/50 Parkway Tree Program and the Parkway Tree Replacement Program in an amount not to exceed \$36,540.

Mr. Dan Gombac, Director reported that this proposal would be for annual routine maintenance for any fallen or perished trees. He reported that the trees planted a long 75<sup>th</sup> Street were doing well. Mr. Gombac further reported that this program is a 50/50 cost share with residents and all trees would be chosen by the City Arborists.

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

Alderman Schauer made a motion, and it was seconded by Alderman Stompanato approval a Resolution accepting the unit price proposal from St. Aubin Nursery & Landscaping, Inc., for the purchase and installation of the 50/50 Parkway Tree Program and the Parkway Tree Replacement Program in an amount not to exceed \$36,540.

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

**d.** <u>Resolution</u> – Accepting a proposal from Rag's Electric for the electrical upgrade of the lighting of the various City's entrance sign locations in an amount not to exceed \$62,410.00.

Mr. Dan Gombac, Director reported that this would be a carry over from the 2023 Street Light Program and is part of an ongoing Citywide beautification project. He reported that the lighting would be installed on entryway signs similar to that of the lighting a round the clock tower.

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

Alderman Stompanato made a motion, and it was seconded by Alderman Schauer approval of a Resolution accepting a proposal from Rag's Electric for the electrical upgrade of the lighting of the various City's entrance sign locations in an amount not to exceed \$62,410.00.

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

e. <u>Resolution</u> – Accepting a proposal from Discount Fence Company in an amount not to exceed \$17,855.00 for the purchase, removal and installation of a 6-foot high tongue and groove Sierra Blend CertaGrain board wood fence.

Mr. Dan Gombac, Director reported that the fence would go up in the water tower quadrant on the Northwest corner which backs up to residential property. He reported that the wooden fence would replaced an existing PVC fence.

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

Alderman Schauer made a motion, and it was seconded by Alderman Stompanato approval of a Resolution accepting a proposal from Discount Fence Company in an amount not to exceed

\$17,855.00 for the purchase, removal and installation of a 6-foot high tongue and groove Sierra Blend CertaGrain board wood fence.

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

f. <u>Resolution</u> – Accepting a proposal from Christopher B. Burke Engineering, Ltd., to perform five years (2025-2029) of stewardship (maintenance) on three a cres of restored native prairie located at Elm Street and Eleanor Place in an amount not to exceed \$11,215 annually for a period of 5 years.

Mr. Dan Gombac, Director reported that the Citys aved money by going with Christopher B. Burke Engineering, Ltd., and that the funds would be replenished after the 5-year period.

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

Alderman Stompanato made a motion, and it was seconded by Alderman Schauer approval of a Resolution accepting a proposal from Christopher B. Burke Engineering, Ltd., to perform five years (2025-2029) of stewardship (maintenance) on three acres of restored native prairie located at Elm Street and Eleanor Place in an amount not to exceed \$11,215 annually for a period of 5 years.

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

**g.** <u>Resolution</u> – Accepting a Drainage Easement from the following property: 7117 Hudson Street 09-28-205-005.

Mr. Dan Gombac, Director reported that this would be part of an existing rear yard drainage project and that is would grant a side yard easement for storm water utilities.

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

Alderman Schauer made a motion, and it was seconded by Alderman Stompanato approval of a Resolution accepting a Drainage Easement from the following property: 7117 Hudson Street 09-28-205-005.

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

**h.** <u>Resolution</u> – Authorizing the purchase of one new, model TL-3 Scorpion to wable trailer attenuator, from Street Smart Rentals, LLC in an amount not to exceed \$33,785.

Mr. Dan Gombac, Director reported that the trailer would be about 3 feet high and would be the last truck in the crew. He reported that it would enhance safety and protect workers and motorists during street maintenance.

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

Alderman Stompanato made a motion, and it was seconded by Alderman Schauer approval of a Resolution authorizing the purchase of one new, model TL-3 Scorpion towable trailer attenuator, from Street Smart Rentals, LLC in an amount not to exceed \$33,785.

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

i. <u>Resolution</u> – Accepting a proposal from Garland/DBS, Inc., for the labor, material and installation of limited tuck-pointing, window replacement, gutter and downspout replacement, metal flashing replacement, new metal caps/flashing and the refurbishing of the garage floor for the Public Works building facility located at 1041 South Frontage Rd. in an amount not to exceed \$285,663.

Mr. Dan Gombac, Director reported that the vendor would supply the material for each project and would then find the correct labor or trade to complete the work. He reported that the proposal would create a simpler solution for the various work required as opposed to entering into several different contracts. Mr. Gombac further reported that no major renovations had been done on the Public Works building since it was built.

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

Alderman Schauer made a motion, and it was seconded by Alderman Stompanato approval of a Resolution accepting a proposal from Garland/DBS, Inc., for the labor, material and installation of limited tuck-pointing, window replacement, gutter and downspout replacement, metal flashing replacement, new metal caps/flashing and the refurbishing of the garage floor for the Public Works building facility located at 1041 South Frontage Rd. in an amount not to exceed \$285,663.

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

j. Minutes - June 24, 2024 Municipal Services Committee

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

Alderman Stompanato made a motion, and it was seconded by Alderman Schauer approval of the June 24, 2024 Municipal Services Committee Meeting Minutes.

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

# Director's Report

Mr. Dan Gombac, Director reported that the new City Planner, Ryan Murphy, started at City Hall on Monday, August 5, 2024.

# Next Scheduled Meeting

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

#### **ADJOURNMENT**

With no further business before the Committee, Alderman Schauer made a motion, and it was seconded by Alderman Stompanato to adjourn. Upon voice vote, the MOTION CARRIED UNANIMOUSLY, and the meeting adjourned at 6:54 p.m.

**RESPECTFULLY SUBMITTED:** 

Х

Thomas Belczak Chairman Х

Ted Schauer Alderman

Х

Ralph Stompanato Alderman