

CITY OF DARIEN
PLANNING AND ZONING COMMISSION

Wednesday, November 15, 2017
7:00 PM
City Hall Council Chambers

AGENDA

1. Call to Order
2. Roll Call
3. Regular Meeting:
 - A. Public Hearing

Case: PZC 2017-05 Text Amendment (Pharmacy)
Petitioner Brent Edelcup, owner of Telescript Pharmacy Inc., seeks approval of text amendment to the Title 5A Zoning Regulations of the City Code to allow a pharmacy use in Office Districts.
4. Correspondence
5. Old Business
6. New Business

Solar Standards
7. Approval of Minutes: October 18, 2017
 November 1, 2017
8. Next Meeting: December 6, 2017
9. Adjournment

AGENDA MEMO
PLANNING AND ZONING COMMISSION
November 15, 2017

Case

PZC 2017-05

Zoning Text Amendment

Pharmacy Use

Petition

Brent Edelcup of Telescript Pharmacy Inc. has petitioned for a zoning text amendment to allow a pharmacy use in the Office Districts. His initial location would be at 8190 Cass Avenue.

Documents - attached

- Letter addressed from Brent Edelcup to Steve Manning dated 10/17/17
- Emails with Brent Edelcup describing Business Plan
- Aerial photo
- Plat of Survey
- Definitions of Drugstore and Pharmacy
- Darien Zoning Code provisions
- Standards for Amendments

Site Information

8190 Cass Avenue is the building on Lot 1 and is one of 6 office buildings in the Glen Oaks Office Plaza subdivided in 1997. Each building is 6400 square feet, single story, similar in architecture, and divided into multiple office spaces most of which are occupied by general office uses. They are zoned O – Office. In 2013, the contract purchaser of 8190, Dr. Maninder Kohli through a company known as Jagat Holdings, petitioned for a special use for medical and dental clinic for the entire building and was approved by ordinance O-10-13. The building currently has 3 units. The middle unit is occupied by Darien Immediate Care. The west unit is in the process of being rented by a dentist Dr. David Webber. The east unit is not occupied Brent Edelcup would like to rent and use as a pharmacy.

Zoning Code

The current code does not specify pharmacies as a permitted, special, or accessory use in any district. Drugstores are a permitted use in the B-1 and B-2 districts and is a special use in the B-3 district. Drugstore is not defined in the Darien Code so we refer to a common definition as retail sale of prescription and non-prescription medicines, cosmetics, snacks greet cards, and related convenience items, such as Walgreens and CVS stores. ‘Medical cannabis dispensing organization’ is a special use in the I district. Accessory uses are permitted in the Darien Code but are not defined.

Analysis

There is a trend of pharmacies under separate ownership but located in or near clinics, hospitals, and other areas with concentrations of doctor’s offices. Such locations a have convenient access for patients and convenient coordination between doctor and pharmacist in terms of specialized medicines, information, records, and billing. Sort of a one stop shop concept for medical care. Brent Edelcup’s business plan emails would focus on serving the patients from the Darien Immediate Care clinic in the same building and in the same Glen Oaks Office Plaza in the same O district. The petition is to allow such a pharmacy compatible with other uses in the

office district without allowing a Walgreens type drugstore to disrupt the office area. One way to do this would be to amend the text of Section 5A-9-2-4 by adding pharmacy as a permitted accessory use in the O District with limitations on

Motion

A motion to recommend approval or denial or approval with conditions should be preceded by a finding that the proposed amendment complies with the Standards for Amendments in Section 5A-2-2-5G of the Darien Zoning Code.



Pharmacy Services
23750 N Elm Rd, Lincolnshire, IL 60069
Tel#: 847-800-2138

October 17, 2017
City of Darien
1702 Plainfield Road
Darien, IL 60521

RE: Proposed Accessory Pharmacy - Glen Oaks Office - 8190 Cass

Dear Mr. Steve Manning,

Thank you for taking the time to help me pursue the development of my business in Darien at the Glen Oaks Office Building.

The proposed business location is in an East wing office of 8190 S Cass Ave where the property is currently being operated as an immediate care clinic (DBA: Darien Immediate Care) as well as housing several medical practices and health care professionals including physicians, dentists, nurse practitioners, etc. TeleScript Pharmacy will contribute to these practices by providing specialized healthcare pharmacy services to better serve the needs of patients treated by the building's providers. In addition, the direct access to a pharmacist and pharmacy will ensure the delivery of a higher standard of healthcare.

As an integrated amenity to the health care services offered at Darien immediate care and to other healthcare providers located in and around the Glen Oaks Offices, pharmacy services are provided by a registered pharmacist and medications are dispensed incidental to a prescription or by means of purchasing medicines that do not require a prescription. Our business does not intend to include the sale of goods other than medicines, drugs, or medical devices intended for human or veterinary use approved by the United States Food and Drug Administration.

TeleScript Pharmacy Inc. is by this letter petitioning to the Mayor and City Council of the City of Darien for a zoning text amendment. We request that the amendment will serve the purpose of allowing TeleScript Pharmacy to operate in the Glen Oaks Office Building.

Thank you for your time and consideration.

Sincerely,

Brent Edelcup, Pharm.D., R.Ph

A handwritten signature in blue ink, appearing to read "Brent Edelcup", is written below the typed name.

Steven Manning

From: Steven Manning
Sent: Friday, November 10, 2017 4:09 PM
To: Steven Manning
Subject: BRENT EDELCP DESCRIPTION OF BUSINESS PLAN

From: Brent Edelcup [mailto:bedelcup@telescriptpharmacy.com]
Sent: Tuesday, November 07, 2017 12:34 PM
To: Steven Manning
Subject: Re: PZC 2017-05 Pharmacy zoning text amendment

Steve,

I have answered your questions to the best of my ability. Please let me know if you seek any additional clarity.

- What building space are you proposing to lease?
 - The owner of the building is suggesting one of the office spaces that are currently available on the east wing. However, we have not finalized the exact office that will be utilized for housing TeleScript Pharmacy. From what I remember about the space, it was under 500 sq ft.
- Would there be any wholesaling of specialty medicines to physicians or clinics?
 - Telescript Pharmacy may enter an agreement at the discretion of the medical practice to provide wholesaling of specialty medication. This may include: immunizations, medications that are intended to be administered by a physician or healthcare professional via Office-Use (i.e., injectables, topicals, etc.). However, this is not the focus or intention of Telescript Pharmacy's business plan. Our attention would be to serve the patients' needs incidental to physicians/patient's request (i.e., prescription).
- Would there be any formulation, compounding, or production of medicine on site?
 - There will be no compounding or production of medicine on site.
- Would there be any nursing, delivery, or home health care component?
 - No
- Will there be a registered pharmacist on duty at all times to answer patient questions?
 - Yes, a pharmacist will be accessible at all times during hours of operations. Whether the pharmacist is available on site, or remotely via live video/audio consultations (ex., Telepharmacy), a pharmacist is required to provide medication consultation upon every prescription dispensed.
- What are the state regulations and licensing requirements pertaining to your proposed business?
 - The laws/regulations are quite extensive. Below you will find the links to the necessary information.
 - Pharmacy practice act:
<http://www.ilga.gov/commission/jcar/admincode/068/06801330sections.html>
 - Telepharmacy:
<http://www.ilga.gov/commission/jcar/admincode/068/068013300E05100R.html>
 - We will require proper signage to display the business name, hours of operation, etc. to comply with the requirements of the Pharmacy Practice Act, while complying with the City of Darien's codes/ordinances.
 - I imagine that the hours of operation will be similar to the clinic's hours (possibly excluding Sundays at the moment).

My proposed business model is to allow all my pharmacy locations to practice pharmacy as a telepharmacy. I will be onsite at the Darien pharmacy location as the pharmacist. After roughly six months, I have a pharmacist (or myself)

remotely verify prescription orders and provide patient consultations via the TelePharm software platform (telepharm.com). A Certified Pharmacy Technician (CPhT) will be physically on site to dispense medications to the patient after the patient speaks with the remote pharmacist. I have attached one of the pharmacy layout designs for a location which will be located inside an urgent care clinic.

From: Steven Manning <smanning@darienil.gov>
Date: Tuesday, November 7, 2017 at 10:58 AM
To: Brent Edelcup <bedelcup@telescriptpharmacy.com>
Subject: PZC 2017-05 Pharmacy zoning text amendment

Brent,

I think we should consider a definition of pharmacy that focuses on zoning compatibility with other uses in an office district.

Aurora does this by:

- allowing pharmacies with the typical 'accessory' standards;
 - dispensing medicine to only those same patients as the principal clinic
 - within same building as clinic
 - floor area smaller than clinic
- plus additional standards;
 - incidental storage
 - no window displays

Hinsdale does this by:

- similar 'accessory' standards as Aurora
- plus additional standards of;
 - 1,000 square feet or less
 - under the same ownership as clinic.

These examples may be too limiting for our purposes.

I think we could start by not allowing certain types of pharmacies would not be compatible with non-medical office uses, such as:

- 'community pharmacies' or 'drugstores' that sell non-medical items (Walgreens) because of their retail character, high volume traffic and parking, and extensive on-site signage
- Mail order pharmacies that do high volume storage and shipping

Relative floor area size would seem to not as critical as being available to direct sale of medicines and medical equipment to patients of nearby clinics.

Location within same building would seem to be not as critical as being near one or several clinics for customer convenience.

Ownership by the clinic would seem to be not critical as separate ownership of the pharmacy may be preferred for business, tax, profit, cost, and ease of access reasons.

Signage and advertising on the building and windows would still be a concern because such displays are not typical of offices, which usually have only the business name, and because it is meant to attract customers from outside the district.

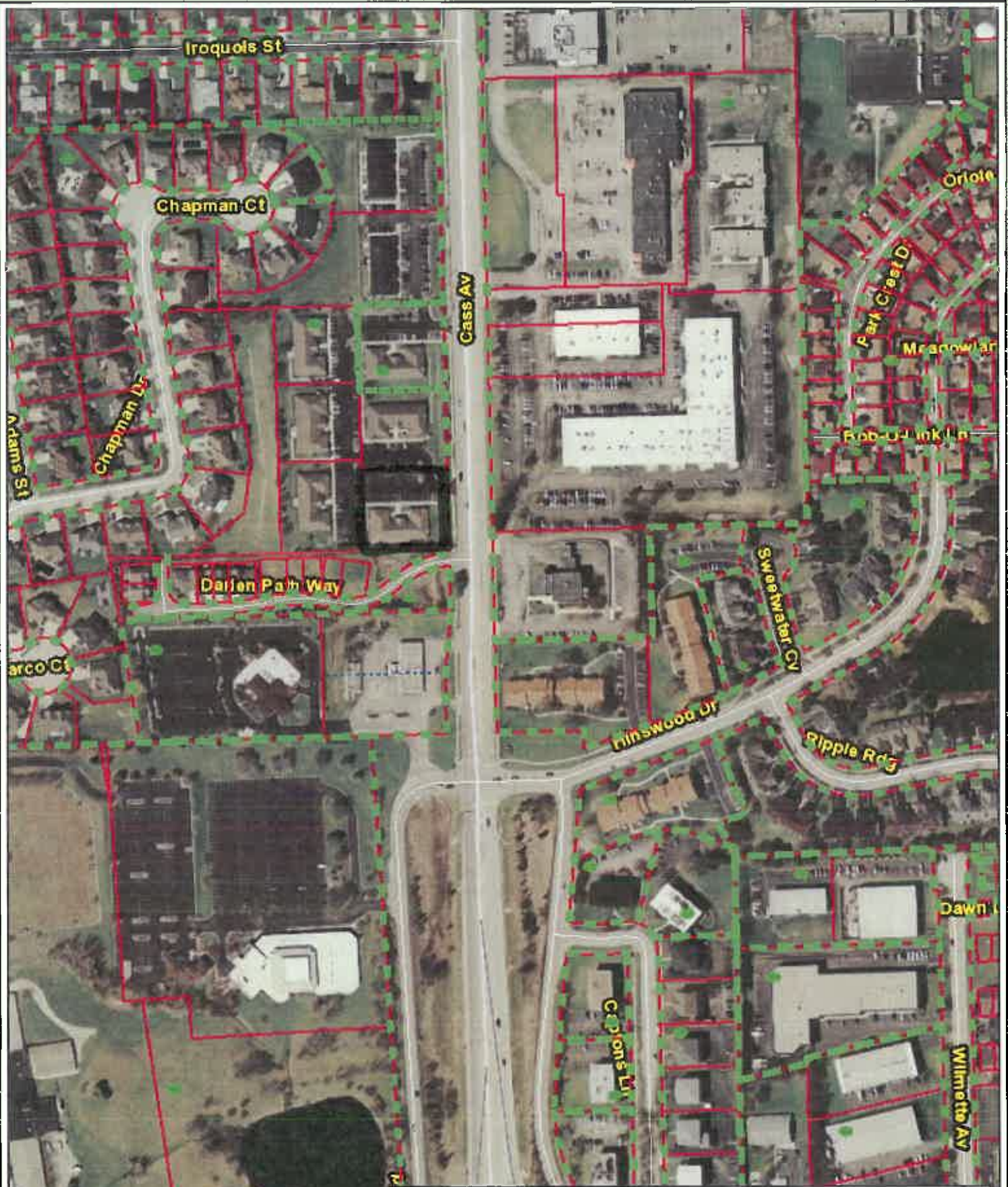
Dispensing or sale of medical cannabis is already limited to the I zoning districts only – not Office districts.

It would help if you would share some more information on your business plan:

- What building space are you proposing to lease?
- Would there be any wholesaling of specialty medicines to physicians or clinics?
- Would there be any formulation, compounding, or production of medicine on site?

- Would there any nursing, delivery, or home health care component?
- Will there be a registered pharmacist on duty at all times to answer patient questions?
- What are the state regulations and licensing requirements pertaining to your proposed business?

Thanks again and your response by Wednesday or Thursday would be appreciated.



DuPage County
Information Technology Department
GIS Division
421 N County Farm Rd.
Wheaton, IL 60187
Ph# (630)407-5000
Email: gis@dupageco.org

DuPage Maps Portal:
<http://dupage.maps.arcgis.com/home>

DuPage County, Illinois Web Site:
www.dupageco.org

This map is for assessment purposes only.

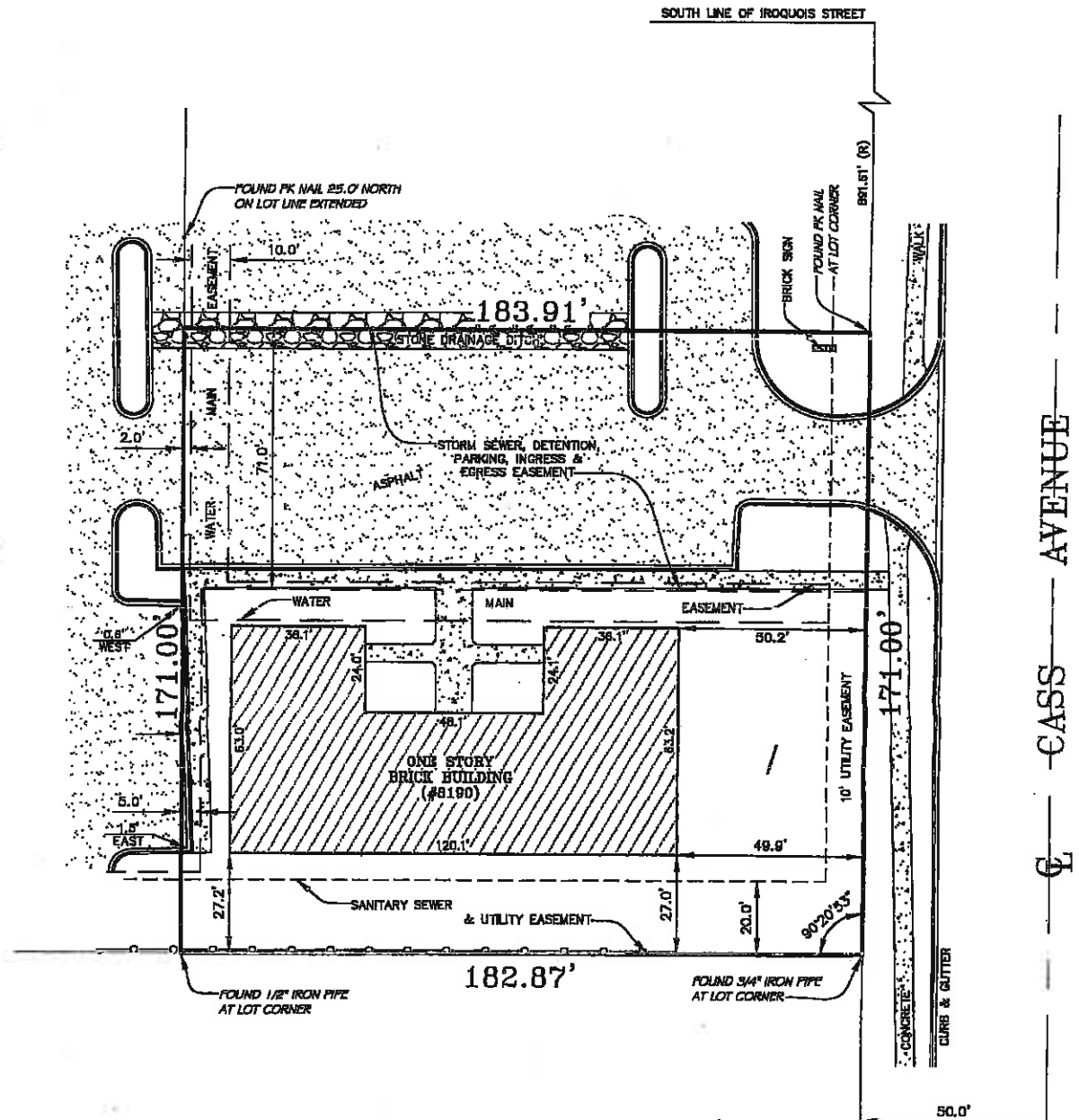
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Copyright DuPage 2017

PLAT OF SURVEY

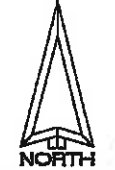
OF

LOT 1 IN GLEN OAKS OFFICE PARK UNIT 1, BEING A SUBDIVISION OF PART OF LOTS 4, 5, 6 AND 7 IN SMART ACRES, BEING A SUBDIVISION OF THE SOUTH HALF OF THE NORTHEAST 1/4 OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 5, 1987 AS DOCUMENT R97-031506, IN DUPAGE COUNTY, ILLINOIS.



LEGEND

- - IRON STAKE SET
- - IRON STAKE FOUND
- ▨ - CONCRETE
- ▩ - ASPHALT



SCALE: 30'



PREPARED FOR: KATHLEEN McGOVERN
 JOB ADDRESS: 8190 S. CASS AVE., DARIEN, IL
 JOB NO.: 05-02-0183R



NEKOLA
 SIGNATURE SURVEY

A DIVISION OF MORRIS ENGINEERING
 DESIGN FIRM / PROFESSIONAL NO. 1184-001245
 400 N. SCHMIDT RD., SUITE 203
 BOLINGBROOK, IL. 60440
 (830)758-0185 phone (830)758-0297 fax

FIELD WORK COMPLETED ON THE 8TH DAY OF MARCH, 2005.

(STATE OF ILLINOIS)
 (COUNTY OF WILL) 33

NEKOLA SIGNATURE SURVEY DOES HEREBY CERTIFY THAT IT HAS SURVEYED THE TRACT OF LAND ABOVE DESCRIBED, AND THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

DATED THIS 10TH DAY OF MARCH, 2005.

Wayne W. Nekola
 PLS No. 2925
 LICENSE RENEWAL DATE: 30 NOVEMBER 2008.

* IN BOX INDICATES THE HEREON DRAWN PLAT WAS ORDERED AS A NON-MONUMENTED SURVEY.
 NO IMPROVEMENTS SHOULD BE MADE ON THE BASIS OF THIS PLAT ALONG FIELD MONUMENTATION OF CRITICAL POINTS SHOULD BE ESTABLISHED PRIOR TO COMMENCEMENT OF ANY AND ALL CONSTRUCTION. FOR BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS NOT SHOWN HEREON REFER TO YOUR DEED, ABSTRACT, TITLE POLICY, CONTRACTS AND LOCAL BUILDING AND ZONING ORDINANCES.

A Glossary of Zoning, Development, and Planning Terms

The Planning Advisory Service is a subscription service offered by the Research Department of the American Planning Association. Eight reports are produced each year. Subscribers also receive the *PAS Memo* each month and have use of the Inquiry Answering Service. Frank S. So, Executive Director; Sylvia Lewis, Publications Director; William Klein, Director of Research.

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Edited by

FAY DOLNICK AND
MICHAEL DAVIDSON

■ **drug store** (*See also pharmacy*): An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies. (*King County, Wash.*)

■ **pharmacy** (*See also drugstore*): A place where drugs and medicines are prepared and dispensed. (*Valdez, Alaska*)

<https://en.wikipedia.org/wiki/Pharmacy>

10/27/2016

Types of pharmacy practice areas

Pharmacists practice in a variety of areas including community pharmacies, hospitals, clinics, extended care facilities, psychiatric hospitals, and regulatory agencies. Pharmacists can specialize in various areas of practice including but not limited to: hematology/oncology, infectious diseases, ambulatory care, nutrition support, drug information, critical care, pediatrics, etc.

Community pharmacy

A **pharmacy** (commonly the **chemist** in Australia, New Zealand and the UK; or **drugstore** in North America; **retail pharmacy** in industry terminology; or **Apothecary**, historically) is the place where most pharmacists practice the profession of pharmacy. It is the community pharmacy where the dichotomy of the profession exists—health professionals who are also retailers.

Community pharmacies usually consist of a retail storefront with a dispensary where medications are stored and dispensed. According to Sharif Kaf al-Ghazal, the opening of the first drugstores are recorded by Muslim pharmacists in Baghdad in 754.^{[9][13]}

In most countries, the dispensary is subject to pharmacy legislation; with requirements for storage conditions, compulsory texts, equipment, etc., specified in legislation. Where it was once the case that pharmacists stayed within the dispensary compounding/dispensing medications, there has been an increasing trend towards the use of trained pharmacy technicians while the pharmacist spends more time communicating with patients. Pharmacy technicians are now more dependent upon automation to assist them in their new role dealing with patients' prescriptions and patient safety issues.

Pharmacies are typically required to have a pharmacist on-duty at all times when open. It is also often a requirement that the owner of a pharmacy must be a registered pharmacist, although this is not the case in all jurisdictions, such that many retailers (including supermarkets and mass merchandisers) now include a pharmacy as a department of their store.

Likewise, many pharmacies are now rather grocery store-like in their design. In addition to medicines and prescriptions, many now sell a diverse arrangement of additional items such as cosmetics, shampoo, office supplies, confections, snack foods, durable medical equipment, greeting cards, and provide photo processing services.



The mortar and pestle, one of the internationally recognized symbols to represent the pharmacy profession



Typical American drug store with a soda fountain, about 1905

Darien Zoning Code
(Proposed amendment in italics)

5A-5-9-1: ESTABLISHMENT:

Accessory uses shall be compatible with the principal use and shall not be established prior to the establishment of the principal use.

5A-5-9-2: LOCATION

Accessory buildings, structures, or uses may be attached to, established within, or detached from the principal building, structure, or use of land.

5A-5-9-4: ACCESSORY BUILDINGS, STRUCTURES, AND USES:

(B) Accessory Buildings, Structures, And Uses Not Specifically Listed Or Normally Allowed: All accessory buildings, structures, and uses not specifically permitted or normally allowed shall be prohibited unless approved by the City Council after a public hearing before the Zoning Board of Appeals.

O Office District

5A-9-2-3: 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. Offices, business or professional. (Ord. 0-03-00, 4-3-2000)

B. Pharmacies that provide only prescription and non-prescription medicines, drugs, and medical devices and no non-medical goods or service, and no medicinal cannabis in a location that is in a contiguous area that has medical and dental clinics.

5A-9-2-4: SPECIAL USES:

Animal hospitals.

Banks and financial institutions, with or without accessory drive-through.

Civic buildings and governmental uses.

Clinics, medical and dental, to include all twenty four (24) hour outpatient healthcare facilities.

Hospitals.

Nursery schools, preschools, and daycare centers.

Public and private utility facilities.

Religious institutions, including, but not limited to, churches, rectories, seminaries, convents, and monasteries including dormitories and other accessory uses required for operation.

Swimming, tennis, racquet and other athletic club facilities.

Undertaking establishments.

City of Darien Zoning Code
Standards for Map and Text Amendments
Section 5A-2-2-5

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

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

AGENDA MEMO
PLANNING AND ZONING COMMISSION
November 15, 2017

New Business: Solar Standards

Issue Statement

City staff is requesting approval of amendments to the zoning code in regards to solar panel installations. A public hearing has been scheduled for PZC on December 6, 2017. This memo is intended to give some background information to generate preliminary discussion by PZC at the PZC regular meeting on November 15.

SolSmart

The City was approached by the Metropolitan Mayors Caucus (MMC) to see if there was interest in participating in SolSmart. The SolSmart program has been established to give technical advice and guidance to communities who request help to adopt regulations regarding solar installations. The program is sponsored by the US Department of Energy to promote the use of renewable energy, reduce dependence on fossil fuels, reduce pollution, and promote local business. A letter of intent by Darien to participate in SolSmart was sent on 4/3/17. City staff has been working with the MMC SolSmart staff and a dozen other communities in the Chicago area and over 100 communities nationwide to review codes, permit procedures, and best practices for possible adoption. SolSmart program also set up a point system to focus community efforts on high priority items and give recognition to community accomplishments. By amending our codes and posting a permit plan submittal checklist, Darien will achieve the SolSmart Bronze level designation.

Building Code Review

Darien has adopted the 2012 International Building Code published by the International Code Council (ICC), which has a small section on Photovoltaic Systems: 1509.7 that requires installation in accordance with UL specifications and manufacturer's instructions. Since then ICC has issued the 2015 International Solar Energy Provisions (ISEP) code in response to the growing popularity of solar panels.

We have reviewed the ISEP code and consider the electrical, mechanical, plumbing, and structural standards as very important for the safety of building owners. It is anticipated that the ISEP code requirements would not add to the cost of a contractor-installed system. One of the key standards pertains to the roof bearing the weight of a retro-mounted solar collection panels. Many roofs have been built to hold the 2.5 pounds per square foot load of a standard solar panel. However, due to the age of some buildings and the minimal tolerance of some modern roof truss systems, it is important to have a structural engineer verify the capacity of each roof to hold the weight, especially with the high snow loads and winds loads in the Midwest. We understand that getting an engineer's stamp of approval on proposed installations is now a routine for most solar contractors.

The ISEP code would not replace or supersede any other code that the City has adopted. The

ISEP code does reference the International Plumbing Code and Darien has already adopted the Illinois Plumbing Code. Staff recommended City adoption of ISEP with a 'local' amendment referencing instead the Illinois Plumbing Code. On November 6, 2017 the City Council voted to approve Ordinance O-18-17 which adopted ISEP. The City Council also directed the PZC to make recommendations on a zoning code text amendment regarding solar panels.

Zoning Code Review

Darien zoning code has only one mention of solar:

5A-5-9-4 (B): All accessory buildings, structures, and uses not specifically permitted or normally allowed shall be prohibited unless approved by the City Council after a public hearing before the Zoning Board of Appeals. This exclusion is meant to control the erection of possible undesirable structures such as wind-powered generators and large ground arrays of solar energy collectors, etc. (Ord. 0-03-00, 4-3-2000)


Large ground arrays, also known as community solar or solar farms, are solar panels mounted on racks that are attached to the ground usually covering entire lots or many acres that produce enough electricity to power many buildings off site or whole neighborhoods or sold back to ComEd. There are no prime locations available for such large ground arrays in Darien outside of the Industrial district. If ever such an installation were to be proposed, it may be appropriate to have a public hearing and site plan review process due to the expected concerns from neighboring properties. Conversely, small installations such as roof-mounted solar panels that supply heat or electricity for one building are becoming more affordable and more common in this region of the country. Classifying roof panels on single buildings as accessory structures may be more appropriate as there is no expected impact no neighbors. In such cases, a public hearing would add a lengthy, costly, risky, and unnecessary process for building owners.

A solar collection systems can be 'building integrated' and made part of roofing shingles, skylights, awnings, parapets and similar architectural components, and are thus designed to have minimum visibility. Retrofitted solar panels can be mounted flush on the roof or building walls projecting a few inches or tilted to catch sunrays at an efficient angle. Panel installations can be seen in Darien on two houses and two schools.

Solsmart has done an analysis of the Darien zoning code in terms of potential barriers in current code language. Please review their (attached) analysis so we can discuss for what is appropriate for Darien.

Meeting Schedules

Planning and Zoning Commission:	November 15, 2017 (New Business)
Planning and Zoning Commission:	December 6, 2017 (Public Hearing)
Municipal Services Committee:	
City Council:	



SOLSMART

NATIONALLY DISTINGUISHED. LOCALLY POWERED.

PROGRAM GUIDE

PHOTO COURTESY OF NREL

VERSION 1.0
APRIL 2015

WHAT IS SOLSMART?

SolSmart is a new national designation program, funded by the U.S. Department of Energy through the Solar Powering America by Recognizing Communities (SPARC) initiative, designed to recognize communities that have taken key steps to address local barriers to solar energy and foster the growth of mature local solar markets. The SolSmart program primarily seeks to address “solar soft costs,” or business process or administrative costs that can increase the time and money it takes to install a solar energy system — costs which are then passed on to solar customers. While only certain local government policies and processes (such as permitting, planning, and zoning) are the source of some soft costs, local governments are in a unique position to reduce soft costs and take action to promote the use of solar locally.

The SolSmart designation program will provide high-profile, national recognition for communities that have made it cheaper and easier for solar customers to invest in solar energy. In addition, achieving designation will send a signal to solar companies that a community is “open for business,” attracting new businesses and helping designees share in the economic development benefits attached to the solar industry.

Interested communities can apply for designation at www.solsmart.org using a simple online intake form (“application”). Upon receipt of this application, the Designation Program Administrator (led by the International City/County Management Association) will conduct a baseline assessment to determine which criteria the community currently meets based on previous efforts and which actions are still required before designation can be granted. Communities committed to pursuing SolSmart designation will be eligible for no-cost technical assistance (“TA”) from the Technical Assistance Provider (led by The Solar Foundation) and its team of national solar and local government experts to help communities meet the criteria for designation.

DESIGNATION PROGRAM ADMINISTRATOR	TECHNICAL ASSISTANCE PROVIDER
INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION	THE SOLAR FOUNDATION
National Civic League	National Renewable Energy Laboratory
Home Innovation Research Labs	Meister Consultants Group
Meister Consultants Group	National League of Cities
The Solar Foundation	National Association of Counties
	Solar Energy Industries Association
	Regulatory Assistance Project
	Electric Power Research Institute
	Brooks Engineering



April 3, 2017

International City/County Management Association
777 North Capitol Street NE, Suite 500
Washington, DC 20002

The Solar Foundation
600 14th Street NW, Suite 400
Washington, DC 20005

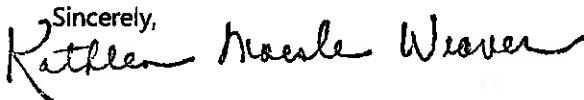
RE: SolSmart Solar Statement for the City of Darien, Illinois

Dear Ms. Dodson and Mr. Haddix:

We appreciate the invitation from The Solar Foundation to enroll in the SolSmart program. Our community supports the use of solar energy. We envision SolSmart as a viable program to help us reach the goals of promoting renewable energy and making it more efficient for our residents and businesses to install solar energy systems. Please accept this letter of intent to enroll Darien in the SolSmart community designation program. By committing our time and effort with the input of the SolSmart technical resources and the Metropolitan Mayors Caucus, we believe we can achieve the following action items and qualify for Bronze level designation by SolSmart by January 2018.

- Obtain community and technical input on market needs and reasonable regulation
- Evaluate plans, codes, permit procedures and make improvements where needed
- Educate officials and staff on best practices for design, easements, and impacts
- Distribute information on available opportunities, resources, and financing.
- In order to measure progress along the way, we will track key metrics related to solar energy deployment, such as the number and location of solar installations and their capacity.

Our hope is that with this designation, we can encourage more investment in solar energy. We look forward to working with your team. Please contact our Community Development Director for program coordination.

Sincerely,


Kathleen Moesle Weaver, Mayor

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CITY OF DARIEN
DU PAGE COUNTY, ILLINOIS

ORDINANCE NO. O-18-17

**AN ORDINANCE AMENDING TITLE 4,
BUILDING REGULATIONS, DARIEN BUILDING CODE,
OF THE DARIEN CITY CODE**

(Solar Code)

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
OF THE
CITY OF DARIEN
THIS 6th DAY OF NOVEMBER, 2017**

**Published in pamphlet form by authority of
the Mayor and City Council of the City of
Darien, DuPage County, Illinois, this
7th day of November, 2017.**

ORDINANCE NO. O-18-17

**AN ORDINANCE AMENDING TITLE 4,
BUILDING REGULATIONS, DARIEN BUILDING CODE,
OF THE DARIEN CITY CODE**

(Solar Code)

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 of Darien has adopted Building Regulations set forth in the Darien Building Code, Title 4 of the Darien City Code; and

WHEREAS, the City Council has deemed it reasonable to periodically review said Darien Building Code and make necessary changes thereto; and

WHEREAS, on October 23, 2017 the Municipal Services Committee has filed its findings and recommendations with the City Council recommending approval of the text amendment described herein; and

WHEREAS, the City Council approves and adopts the findings and recommendations of the Municipal Services Committee and incorporates such findings and recommendations herein by reference as if they were fully set forth herein.

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, as follows:

SECTION 1: Title 4, Building Regulations, Darien Building Code, of the Darien City Code, is hereby amended by adding a new section to read as follows.

4-1-13: **SOLAR CODE**

4-1-13-1: **ADOPTION OF SOLAR CODE:** There is hereby adopted and incorporated by reference as part of this section, the code entitled 2015 International Solar Energy Provisions (ISEP) of the International Code Council, three (3) copies of which are on file in the office of the City.

4-1-13-2: **DEFINITIONS**

Photovoltaic Cell: A semiconductor device that converts solar energy directly into electricity.

Solar Collector: A professionally manufactured device, structure or part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, or electrical energy.

Solar Collector Surface: Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. Collector surface does not include frames, supports and mounting hardware.

Solar Energy System, Building Mounted: A solar energy system that is professionally mounted on the roof of a principal building or accessory structure. A building mounted solar energy system includes building integrated, flush- mounted and non-flush mounted systems.

Building Integrated: A building mounted solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural part of the building. Building integrated systems include but are not limited to, photovoltaic or hot water systems that are contained within roofing materials, skylights, shading devices and similar architectural components.

Flush Mounted: A building mounted solar energy system that is mounted to a finished roof surface where the solar collector, once installed, projects no further than six (6) inches in height beyond the roof surface.

Non-flush Mounted: A building mounted solar energy system that is mounted to a finished

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roof surface where the solar collector, once installed, projects more than six (6) inches in height beyond the roof surface.

Solar Energy System, Ground Mounted: A free-standing solar energy system that is placed or mounted to the ground.

Solar Energy System, Large: A solar energy system that contains multiple solar collectors and is primarily used to produce energy to be sold commercially.

Solar Energy System, Self-Contained: A professionally manufactured device that utilizes solar collector(s) to produce small amounts of power that are generated exclusively for the device. A self-contained solar energy system is typically located in areas that are not in close proximity to a utility power source. Examples of these types of self-contained solar energy systems include, but are not limited to: light poles in parks for security or safety reasons, pedestrian street crossing signs that alert oncoming traffic of the crossing, natural resource observation systems (such as tracking flood level depths), pumps that aerate an isolated pond, and attic fans mounted on a roof that are used for ventilation purposes.

Solar Energy System, Small: A professionally manufactured system accessory to the principal use that utilizes solar collectors to convert solar energy from the sun into thermal mechanical or electrical energy for storage and use and is intended to primarily reduce on-site consumption of utility power. Energy produced in excess of on-site consumption may be sold back to the electric utility service provider that serves the proposed site for use with the existing energy grid. For the purposes of this ordinance a solar energy system includes building mounted and ground mounted solar energy systems.

4-1-13-3: REFERENCES: All references to the International Plumbing Code in the ISEP shall be stricken and replaced with the Illinois Plumbing Code.

SECTION 2: 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 that the terms of this ordinance should be

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inconsistent with any non-preemptive state law, that this ordinance shall supersede state law in that regard within its jurisdiction.

SECTION 3: 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 BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this 6th day of November, 2017.

AYES: 5 - Beilke, Belczak, Chlystek, Marchese, Schauer

NAYS: 0 - NONE

ABSENT: 2 - Kenny, McIvor

APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this 6th day of November, 2017.


KATHLEEN MOESLE WEAVER, MAYOR

ATTEST:


JOANNE E. RAGONA, CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY




STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

I, JoAnne E. Ragona, do hereby certify that I am the duly qualified CITY CLERK of the CITY OF DARIEN of DuPage County, Illinois, and as such officer I am the keeper of the records and files of the City;

I do further certify that the foregoing constitutes a full, true and correct copy of **ORDINANCE NO. O-18-17 "AN ORDINANCE AMENDING TITLE 4, BUILDING REGULATIONS, DARIEN BUILDING CODE, OF THE DARIEN CITY CODE (SOLAR CODES)"** of the City of Darien, Du Page County, Illinois, duly passed and approved by the Mayor and City Council at a meeting held on November 6, 2017.

IN WITNESS WHEREOF, I have hereunto affixed my official hand and seal this 6th day of November, 2017.




City Clerk



11/08/2017 04:53

11
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ZONING REVIEW - Darien

PZD-1a: Review zoning requirements and identify restrictions that intentionally or unintentionally prohibit solar PV development. Compile findings in a memo. (Required)

To assist your community, the national solar experts at SolSmart have conducted a review of your community's zoning code to assess possible barriers (i.e. height restrictions, set-back requirements, etc.) and gaps related to solar PV development. Below, please find the outcome of their review. By reading the narrative, reviewing the example code language provided, and signing the statement at the bottom of the page, your community will satisfy PZD-1a and be one step closer to achieving SolSmart designation.

Potential barriers in current code language

Section(s)	Element	Reviewer Comments	Example(s) from Other Codes	Priority Level
5A-5-9-4: Accessory Buildings, Structures, And Uses Not Specifically Listed Or Normally Allowed (B)	Accessory Buildings, Structures, And Uses Not Specifically Listed Or Normally Allowed	Including "large ground arrays of solar energy collectors" on this list may dissuade development and limit the opportunities for community solar. Although Darien may want to set strict guidance and requirements for these arrays, would it be more appropriate to do so through the "Special Use" sections for each zone and Darien's permitting process?	Massachusetts Executive Office of Energy and Environmental Affairs – <u>Model Zoning for the Regulation of Solar Energy</u> (p. 6)	Medium
5A-5-9-2: Location And Yard Regulations Of Accessory Buildings, Structures, And Uses Of Land (A) 2. (b) (1)	Setbacks	This section outlines the permitted encroachments into the required yards. Solar could be allowed a minimal encroachment into the setback, while still preserving the purpose of requiring accessory uses to be set back from the lot line. This is for consideration if the Darien permits ground-mounted systems. If Darien does want to permit ground-mounted systems, it may want to consider reducing the setback requirements	More permissive option: (1) Small- and medium-scale ground-mounted solar energy systems accessory to principal use may be located no closer than [1/2 of the setback that would otherwise apply] from the front, side or rear lot line. All ground-mounted solar energy systems in residential districts shall be installed either in the side yard or rear yard to the extent practicable (Massachusetts Executive Office of Energy and Environmental Affairs – <u>Model Zoning for the Regulation of Solar Energy Systems</u>) Less permissive option: (2) Small- and medium-scale	Low

		for solar energy systems and/or allow them to encroach reasonably into the setback so that they can receive adequate sunlight to make them efficient.	ground-mounted solar energy systems accessory to a principal use may be located no closer than [twenty (20) feet] from the front, side or rear lot line. All ground-mounted solar energy systems in residential districts shall be installed either in the side yard or rear yard to the extent practicable. (<u>Massachusetts Executive Office of Energy and Environmental Affairs – Model Zoning for the Regulation of Solar Energy Systems</u>) <u>Delaware Valley Regional Planning Commission – Renewable Energy Ordinance Framework (Section 4)</u>	
5A-5-9-5: Permitted Percentage Of Rear Yard Occupied By Accessory Structures	Impervious Coverage	Counting solar systems as impervious coverage could limit a resident's ability to place solar on their property because a parcel that already has a house, driveway, patio, etc. could be close to, or at, a zoning district's impervious coverage limit. Many municipalities explicitly exclude solar from this calculation so long as the ground beneath the panel is pervious.	More permissive: For purposes of determining compliance with building coverage standards of the applicable zoning district, the total horizontal projection area of all ground-mounted and free-standing solar collectors, including solar photovoltaic cells, panels, arrays, inverters, shall be considered pervious coverage so long as pervious conditions are maintained underneath the solar photovoltaic cells, panels, and arrays. (<u>Renewable Energy Ordinance Framework, DVRPC</u>) Less permissive: For purposes of determining compliance with building coverage standards of the applicable zoning district, the total horizontal projection area of all ground-mounted and free-standing solar collectors, including solar photovoltaic cells, panels, arrays, inverters and solar hot air or water collector devices, shall be considered ___% impervious coverage. For example, if the total horizontal projection of a solar energy system is 100 square feet, XX square feet shall count towards the impervious coverage standard. For a tracking array or other moveable system, the	Low

			horizontal projection area shall be calculated at a 33 degree tilt angle. (<u>Renewable Energy Ordinance Framework, DVRPC</u>)	
5A-5-12: Height Limitations (B)	Maximum Height Exemptions	It is recommended that solar energy systems should be allowed to exceed the maximum building height in all applicable districts. For buildings that are already built to the maximum height limit – especially buildings with flat roofs - this may limit their ability to install solar. Energy systems on flat roofs may be more than six (6) feet tall.	<p>Most permissive option: “For a roof-mounted system installed on a flat roof, the highest point of the system shall be permitted to exceed the district’s height limit of up to fifteen (15) feet above the rooftop to which it is attached.” (<u>Renewable Energy Ordinance Framework, DVRPC</u>)</p> <p>Less permissive option: Municipalities can be more restrictive than this, though it is not recommended that they limit to less than six (6) feet above the rooftop surface.” (<u>Renewable Energy Ordinance Framework, DVRPC</u>)</p> <p>Additional language</p> <p>Solar Simplified – Model Solar Zoning Ordinance (p. 7)</p> <p>Massachusetts Executive Office of Energy and Environmental Affairs – Model Zoning for the Regulation of Solar Energy (p. 7)</p>	Medium

Potential gaps in current code language

Element	Reviewer Comments	Example(s) from Other Codes	Priority Level
5A-13-1: Definitions	The zoning code provides no definition for solar energy systems. It may be prudent to provide a definition of solar energy systems – either broadly or broken out into the various types – so that Darien can define how solar energy systems are zoned and how/where solar development can occur.	<p>Delaware Valley Regional Planning Commission – Renewable Energy Ordinance Framework (Section 2, p. 8-9)</p> <p>Massachusetts Executive Office of Energy and Environmental Affairs – Model Zoning for the Regulation of Solar Energy Systems (p. 2-3)</p>	High
5A-13-1: Definitions: Accessory Building, Structure Or Use: (B)	Allow small rooftop solar energy systems as accessory uses or as a use-by-right (allowed without special review) in all major zoning districts. Including solar energy	<p>More permissive: “Solar Energy Systems as described in this Article are permitted in all zoning districts as an accessory use to a permitted principal use subject to the standards for accessory uses in the applicable zoning district and the specific criteria set forth in this article.”</p>	High

	<p>systems in the list of permitted accessory uses and structures in residential districts may reduce system costs, expedite installations, and increase development locally.</p>	<p><u>(Renewable Energy Ordinance Framework, DVRPC)</u></p> <p>Less permissive: "Solar Energy Systems shall be considered an accessory use and permitted by right if mounted to an existing structure and if any percentage of the energy is used for one or more of the principal uses on the same lot." <u>(Renewable Energy Ordinance Framework, DVRPC)</u></p>	
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Additional notes

- Does Darien allow for small, ground-mounted systems?

I, STEVEN MANNING, as CITY PLANNER of DARIEN, IL
(Name) (Title) (Community) (State)
 have received the zoning review and read its findings.

Signature Steven Manning

Date 10/18/17



**MINUTES
CITY OF DARIEN
PLANNING & ZONING COMMISSION MEETING
October 18, 2017**

PRESENT: Chairperson Lou Mallers, Robert Cortez, Robert Erickson, Bryan Gay, Andrew Kelly, John Laratta, Brian Liedtke, Ray Mielkus, Mary Sullivan, Steven Manning
- City Planner, Elizabeth Lahey, Secretary

ABSENT: None

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

- A. Public Hearing Case: PZC 2017-04 Evergreen Lane (Carriage Way Unit 6) Petitioner Brian Broderick seeks approval of an amendment to the Carriage Greens Planned Unit Development that would include a subdivision of a 28 acre parcel to create 2 new single family lots that would front Evergreen Lane southwest of the house at 1524 Evergreen Lane.**

Mr. Steven Manning, City Planner reported that the petitioner, Mr. Brian Broderick, owner of the Carriage Greens Country Club is seeking approval to subdivide a 28 acre parcel of the golf course into three lots, two of which would become single family homes that would front Evergreen Lane and that the third lot would remain used for the golf course.

Mr. Manning reported that the subdivision would increase the density of the PUD that was approved for this property. He reported that he received correspondence regarding the public hearing from Richard Marchese and Kenneth Kufner which was provided in the agenda packet. He further reported that the petitioner, his attorney and the engineer are present.

Mr. Pat Clancey, Attorney for the petitioner provided a brief overview of the request to subdivide the proposed property into two lots. He stated that the development will benefit the City as well as the neighborhood.

Mr. Juang Lin, Project Engineer provided drawings of the proposed plan and stated that the sanitary and water main are available. He stated that they followed the strict storm water management and provided water drains to the low point of the property to a catch basin to carry water to a storm sewer. Mr. Lin stated that more than half of the lot will flow to the street and the other half to the creek. He stated that the development will help the storm water and that it was designed to meet the storm water management ordinance. Mr. Lin stated that he is working very closely with Mr. Manning and Dan Lynch, City Engineer.

Commissioner Laratta questioned how long it takes for the rain to gather.

Mr. Lin reported that there is ten minutes to flow before it drains into the open grid. He stated that half will sheet drain to the creek which takes approximately thirty minutes. Mr. Lin stated that the longer it drains it allows for more time to soak into the grass.

Commissioner Laratta questioned who reviewed the wetland area.

Mr. Lin reported that a wetland consultant was hired to see if the development would be impacted. He reported that the City of Darien as well as the DuPage County review the plans and that the Army Corp of Engineers do not review the plan.

Mr. Manning stated that currently there are five catch basins with three on the property site and two on the corners. He reported that the petitioner is providing two additional catch basins which will improve the property.

Mr. Manning asked the petitioner to explain the compensatory storage system.

Mr. Lin reported that they will fill in the area and will excavate the existing creek to compensate.

Mr. Manning stated that there will be a catch basin below and an inlet above with two inlets along Evergreen Lane fronting Lot 2 and connecting to the storm sewer. He stated that the two lots will have three catch basins and four on the outside.

Commissioner Laratta questioned if there was anything in the compensatory area that is detrimental to the area.

Mr. Lin reported that there are no existing utilities. He reported that the property will also have a swale along the side yard with a 2% slope based on City Code which will flow to the curb to street and picked up by the two current structures.

Commissioner Liedtke questioned the endangered species and who determined the report.

Mr. Lin reported that they hired a wetland consultant determined that there are no endangered species nearby.

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

Mr. Rich Marchese stated that the property has been left vacant for 35 years and that the swale on the south side of Evergreen Lane has significant issues. He stated that the lots were left undeveloped because of the open area. He provided the PZC with a report showing photos of the flooding. He stated that he is not in favor of the proposal.

Chairperson Mallers questioned if the City is aware of the flooding and if anything is being done to alleviate the concerns.

Mr. Manning reported that the City is proposing to install more catch basins on Evergreen Lane. He reported that the City tested the drain tiles and found blockage. He further reported that the City is making every effort to research and provide potential solutions. He stated that the two lots are not flowing onto the street.

Ms. Kathy Abate stated that she has owned her home for 30 years and that the flooding was there since day one. She stated that this was always a problem and that she was told by the builder at the time that they would never build there because of the water. She further stated that she did not see why two homes needed to be built there.

Mr. Marchese stated that he also provided photos of the area that was repaved and continues to flood. He questioned when the property was purchased.

Mr. Brian Broderick, petitioner stated that he believed that his family purchased Carriage Greens in 1980.

Ms. Michelle Markowski stated that there is flooding in her back yard after her neighbor put in an in ground pool. She stated that she is concerned with the two lots and that they will not be part of the same covenants.

There was much discussion from the homeowners and the covenant and if the developer was aware of the covenants. Ms. Markowski stated that she would like to work with the developer to keep the covenants the same.

Chairperson Mallers stated that the covenants are not a City issue but suggested that there be discussion between the home owners and the developer.

Mr. Manning stated that the City does not have standards for architecture. He did however state that the City has Code for compatibility, lot size and building area. He reported that the lot sizes are larger and the building pad larger.

Mr. Clancey stated that the petitioner will be working with the buildings and that there is no plan for stick buildings. He stated that they believe that the new development will increase values and that they do not have any plans to allow structures that will diminish property value. Mr. Clancey stated that they can discuss with the builders to join the covenants.

Ms. Abate stated that there are only covenants and not a home owners association. She stated that the covenants are reported to the County with specified items which are stricter than City Code.

Commissioner Erickson questioned if anyone has shared the covenants with Mr. Broderick.

Mr. Manning reported that the Mr. Broderick was provided a report including the covenants.

Commissioner Gay questioned who monitors the covenants.

Mr. Abate stated that the homeowners police the covenants.

Commissioner Kelly questioned if the Engineer has specific expertise with flood plains and storm water. He asked if the Engineer could say that the homes will not flood.

Mr. Lin stated that he has been an Engineer since 2004 and is a Certified Flood Plain Manager. He stated that he provided the process of how the water will drain but it is complicated. He stated that they will provide pipes which will flow downstream and that their plan will be fair to the homeowners. Mr. Lin stated that the development will follow the storm water ordinances and that it will not adversely affect the neighbors. He reported that two thirds of the water will not be directed to the storm sewer.

Mr. Kelly questioned if Mr. Lin was sure.

Mr. Lin stated that he was sure and that he gave his word.

Ms. Maryanne Yates stated that she was one home away from the development and that she moved into the area eleven years ago. She stated that the covenants are orderly and well-kept

and that the proposed lots do not look like they will fit with the neighborhood. She questioned how a decision can be made without the builders.

Ms. Markowski stated that there are four or five homes behind the creek along the south and if they will be affected.

Mr. Lin stated that the closest home to the creek is at least 100 feet away and that the water that travels to the creek will not impact the area.

Commissioner Kelly stated that he would like further analysis of the effect on the neighbors.

Chairperson Mallers stated that there are a lot of questions and that there needs to be additional conversation between the two groups.

Mr. Ken Kufner stated that he and his family moved into their home in 1988 and flooding is always a problem. He stated that curbs and streets were redone and that the water issues still exist. Mr. Kufner stated that flooding is so bad that you have to leap over a stream to get to the mailbox. He stated that the roads are not as flat as they should be and that the sewers cannot keep up. Mr. Kufner stated that building the two lots is a huge mistake because there are a lot of unknowns. He questioned if the meeting was videotaped because the audience could not see the easel.

Mr. Mallers stated that the meetings are not videotaped and that there is secretary to take the minutes.

Mr. Kufner read his email which was provided to the City staff stating that he is concerned about the flood plain, congestion and increased noise. He noted that the City is not enforcing dog laws.

Chairperson Mallers stated that the dog laws are not reflective for the discussion regarding this proposal.

Mr. Mike Wallrick stated that he was concerned with density.

Mr. Manning reported that the proposal meets Darien Code and that the area is zoned R-3 and is called for in the Comprehensive Plan.

Mr. Brian Broderick stated that he would be more than respectful to the home owner covenants and that he and his attorney are willing to work together with the neighbors.

Mr. Clancey stated that his contact information can be obtained from the City staff.

Commissioner Kelly stated that there is a lack of clarity on flooding and he would like to continue the hearing after the two groups have talked. He stated that he was concerned if the plan will adversely affect the area and that the Engineer could not support his storm water plan.

It was agreed that Mr. Lin supported his plan.

At 8:10 p.m. Chairperson Mallers closed the public hearing.

Commissioner Gay stated that the petitioner provided the best management practices. He stated that he is confident that there is less than a 3% overall change. He further stated that it does change the character of the area because it has been open space.

Commissioner Erickson stated that Mr. Broderick is open for discussion and Mr. Lin cannot correct the 30 year problem but that this is valid plan for two lots.

Commissioner Liedtke stated that he did not believe that any other information was needed. He stated that the covenants are a separate issue and not a City issue.

Commissioner Liedtke made a motion and it was seconded by Commissioner Gay recommending approval of PZC 2017 -04 an amendment to the Carriage Greens Planned Unit Development that would include a subdivision of a 28 acre parcel to create 2 new single family lots that would front Evergreen Lane southwest of the house at 1524 Evergreen Lane including:

- 1. Size-total PUD remains over 3 acres**
- 2. Compatibility – single family land use not detrimental to surrounding neighborhood**
- 3. Natural features appropriate provision is made for floodplain and other features**
- 4. Density – not exceeding density standards set for this PUD**
- 5. Parking-adequate provision is made for the single family units**
- 6. Subdivision – conforms to code standards for plan and plans**
- 7. Traffic –potential congestion is minimized**
- 8. Open Space-sufficient open space remains in the total PUD**
- 9. Yards-proposed setbacks conform to the standards set this PUD**
- 10. Exceptions-no variations are proposed**
- 11. Signs-no signs are proposed**
- 12. Performance standards –no business uses are proposed**
- 13. Landscaping – no landscaping variations are proposed**
- 14. Utilities-appropriate provision is made for storm water management**
- 15. Ownership-the site is under single ownership or unified control**

Upon roll call vote, **THE MOTION CARRIED 6-3.**

AYES: Cortez, Gay, Laratta, Liedtke, Mielkus, Mallers

NAYS: Erickson, Kelly, Sullivan

Mr. Manning reported that this would be forwarded to the Municipal Services Committee.

CORRESPONDENCE

None.

OLD BUSINESS

Mr. Manning provided an update on the Workshop on September 20th.

Commissioner Cortez stated that the Workshop was very informative and that a case study would have been helpful.

NEW BUSINESS

None.

APPROVAL OF MINUTES

Commissioner Gay made a motion and it was seconded by Commissioner Laratta to approve the June 7, 2017 Regular Meeting Minutes.

Upon roll call vote, THE MOTION CARRIED UNANIMOUSLY 9-0.

NEXT MEETING

Chairperson Mallers announced that the next meeting is scheduled for Wednesday, November 1, 2017 at 7:00 p.m.

ADJOURNMENT

With no further business before the Commission, Commissioner Erickson made a motion and it was seconded by Commissioner Cortez. Upon voice vote, THE MOTION CARRIED unanimously and the meeting adjourned at 8:41 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

Elizabeth Lahey
Secretary

Lou Mallers
Chairman

**MINUTES
CITY OF DARIEN
PLANNING & ZONING COMMISSION MEETING
November 1, 2017**

PRESENT: Chairperson Lou Mallers, Robert Cortez, Robert Erickson, Andrew Kelly, Brian Liedtke, Mary Sullivan, Steven Manning-City Planner

ABSENT: Bryan Gay, John Laratta, Ray Mielkus, Elizabeth Lahey-Recording Secretary

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

Public Hearing

A. Case PZC 2017-03 8185 Chapman Court (Deolitsis)

Steven Manning reported that the petitioner is George Deolitsis who is owner and occupant of house at 8185 Chapman Court. He is seeking approval of variations of the side and rear zoning setbacks for a pool and patio he is proposing to replace his existing pool, deck, and patio. Notices of this hearing were posted, published, and mailed as required. No comments or correspondence from neighbors or the general public were received prior to this hearing.

Matt Haber of Western DuPage Landscaping, representing the petitioner, presented plans and photos he prepared and the grading plan prepared by JGM Consulting. One of the design objectives is to pull back away from the south lot line where the existing pool and deck is 5 feet from the side lot line. He said the plans are revised from the plans submitted with the petition. The revisions include a larger pool and patio in terms of square footage. They still meet the required zoning standards for lot coverage of 50% and south side setback of 10 feet. The north side setback was increased from 8 feet to 10 feet so that a north side setback variation is no longer requested. They still have a 10 foot rear setback where 20 feet is otherwise required which is the only variation now requested. The pool will be in-ground with a wrought iron fence, which will be less massive looking than the existing above-ground pool and elevated wood deck and fence. The patio will be constructed with permeable pavers. Swales will be excavated in the side yards for storm water storage and conveyance.

Steve Manning reported that the rear 9 feet of the patio and pool would be in the drainage and detention easement thus reducing the storage area needed for storm water detention for the subdivision. The swales will be need for compensate for this loss of detention volume. The City Engineer had reviewed the previous grading plan and found the swales to be of sufficient size for compensatory storage but the revised plan was just brought in today and we have not had a chance to review the revised grading. The City Engineer also advised that the plat of easement be submitted to reflect the cut (swale) and fill (pool and patio).

Mary Sullivan asked how far the patio would be from the nearest building behind the Subject Site. Matt Haber estimated it would be about 120 feet from the one-story office building.

Robert Cortez asked if the swale excavation would impact the trees along the side lot lines. Matt Haber said he thought it would not but that he was considering adding some plantings around the project per the owner's request.

Robert Erickson asked how the drain tile would work. Matt Haber said perforated drain tile would be placed under the paver patio behind the retaining wall to collect water that would seep through the patio pavers and released at several points outside of the retaining wall.

No one else testified and no audience was present.

Mary Sullivan made a motion and it was seconded by Brian Liedtke to recommend approval of PZC 2017-03 as presented with two conditions; (1) City Engineer verify the compensatory storage grading plan is sufficient, (2) Owner provide a plat revising the drainage and detention easement.

Upon roll call vote, the motion carried 6-0.

AYES: Sullivan, Liedtke, Erickson, Cortez, Kelly, Mallers

NAYS:

Mr. Manning reported that this would be forwarded to the Municipal Services Committee and City Council on November 6.

CORRESPONDENCE - none

OLD BUSINESS - none

NEW BUSINESS - none

APPROVAL OF MINUTES - none

NEXT MEETING - Wednesday, November 15, 2017 at 7:00 p.m.

ADJOURNMENT

Robert Erickson made a motion and it was seconded by Robert Cortez. Upon voice vote, the motion carried unanimously and the meeting adjourned at 8:15 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

Steven Manning
Acting Recording Secretary

Lou Mallers
Chairman