

AGENDA
Municipal Services Committee
October 27, 2014
6:30 P.M. – Council Chambers

1. **Call to Order & Roll Call**
2. **Establishment of Quorum**
3. **New Business**
 - a. **2601 75th Street, Mi Hacienda** – Petitioner seeks approval of a variation to reduce the required corner side yard setback from 50 feet to zero feet for a patio for outdoor dining
 - b. **1000 N. Frontage Road, Unit C Miskatonic Brewing** – Petitioner seeks approval of the following:
 1. Text amendment to the Zoning Ordinance listing a brewery with taproom as a special use within the OR&I Office, Research and Light Industrial District
 2. Special use approval for a brewery with taproom within the OR&I Office, Research and Light Industrial District
 3. A variation from the Zoning Ordinance to reduce the required corner side yard setback from 50 feet to 24 feet in order to construct a patio
 4. A variation from the Sign Code to permit a 100 square foot identification sign on the overhead door where 16 square feet is otherwise permitted
 - c. **Ordinance** – Amending the Liquor Control Regulations, Section 3-3 of the City Code, to create a new liquor license, a Class N License.
 - d. **Discussion** – Request from Jim’s Quality Meats, Ltd.
 - e. **Discussion – Neighborhood Parking Issues/Hinsdale South High School** – Discussion regarding overflow Hinsdale South High School special event parking on Poplar Lane, Eleanor Place and Elm Street
 - f. **Minutes** – September 22, 2014 Municipal Services Committee
4. **Director’s Report**
 - a. **Discussion - BYOB Survey**
5. **Next scheduled meeting** – November 24, 2014
6. **Adjournment**

AGENDA MEMO
MUNICIPAL SERVICES COMMITTEE
MEETING DATE: October 27, 2014

Issue Statement

PZC 2014-07:

2601 75th Street, Mi Hacienda: Petitioner seeks approval of a variation to reduce the required corner side yard setback from 50 feet to zero feet for a patio for outdoor dining.

Discussion/Overview

The following item was removed from the October 6, 2014, City Council Agenda. The item is being revisited for language clarification. At the October 6, 2014, City Council Meeting, Mr. Rodriguez forwarded a signature page supporting the Mi Hacienda patio. The signatures were from patrons of the restaurant and not the residents. Staff had met with Mr. Rodriguez on Tuesday, October 7, and he was informed that the signatures must be from all of the residents on Main Street indicating support or opposition along with signatures and addresses.

Attached and dated October 14, 2014, is a memo from Attorney Murphey regarding an opinion for the use.

In summary, The Planning and Zoning Commission and the Municipal Services Committee considered this matter. The Commission held the required public hearing on August 20, 2014 and recommended denial of the petition. The MS Committee considered this item on September 22, 2014, and recommended denial with conditions as noted below:

1. The improved landscape area, constructed without a permit, shall be allowed to extend a maximum of 12 feet from the existing east wall of the building.
2. The remainder of the yard is to be restored with sod or other landscaping.
3. The fence is to be removed.
4. The patio is not to be used for eating, or drinking.

The Committee has the option of recommending removal of the entire patio and returning the area to a turf area.

Since the Commission recommended denial, per Section 5A-2-2-3(F)(2) of the Zoning Ordinance, *a 2/3 vote approving the ordinance is required to grant the variation.* A draft ordinance has been prepared reflecting the Committee's recommendation.

The full discussion follows as "Additional Information."

Decision Mode

Planning and Zoning Commission:	August 20, 2014
Municipal Services Committee:	September 22, 2014
City Council:	October 6, 2014
Municipal Services Committee:	October 27, 2014

Additional Information

Issue Statement

PZC 2014-07:

2601 75th Street, Mi Hacienda: Petitioner seeks approval of a variation to reduce the required corner side yard setback from 50 feet to zero feet for a patio for outdoor dining.

Applicable Regulations:

Zoning Ordinance: 5A-5-7-3: Permitted Obstructions in Required Yards.

Zoning Ordinance: 5A-8-3-8: Yard Requirements.

General Information

Petitioner/Owner:

Andreius Presniakouas
14144 131st Street
Lemont, IL 60439

Property Location:

2601 75th Street

PIN:

09-29-300-009

Existing Zoning:

B-2 Community Shopping Center Business District

Existing Land Use:

Restaurant, café, gift store

Comprehensive Plan Update: Commercial

Surrounding Zoning and Land Use:

North: B2 General Retail Business (Downers Grove): commercial/retail

South: R-2 Single-Family Residence District: single-family home, landscape business

East: B-1 Neighborhood Convenience Shopping District: commercial/retail, vacant, former Wolf Camera shop

West: B-3 General Business District: commercial/retail, Chestnut Court Shopping Center

Size of Property:

0.598 acres

Floodplain:

None.

Natural Features:

None.

Transportation:

Property has frontage on 75th Street and Main Street with access from Main Street only.

History:

In 2003, the City Council granted a variation, Ordinance O-02-03, to reduce the required parking setback along the front lot line and

to increase the permitted lot coverage. In 2012, the City Council granted a special use for an eating establishment, Grand Dukes.

Documents Submitted

This report is based on the following information submitted to the Community Development Department by the Petitioner:

1. Plat of Survey, 1 sheet, prepared by Ruettiger, Tonelli & Associates, Inc., dated April 2, 2012. Patio details indicated by petitioner.

Planning Overview/Discussion

The subject property is located at the southwest corner of 75th Street and Main Street, just east of the Chestnut Court shopping center. The property contains one, 2-tenant retail building. The east half of the building is occupied by a restaurant, Mi Hacienda. The west half of the building is occupied by a restaurant and gift store, Grand Dukes.

The petitioner constructed a patio on the east side of the building for outdoor dining. The patio was constructed without a permit. Per the Zoning Ordinance, patios are required to meet the required corner side yard requirement. Currently, the Zoning Ordinance requires a 50-foot corner side yard setback in the B-2 zoning district. The building is approximately 25 feet from the lot line, therefore, any patio within this yard would also encroach. The patio extends from the building to the east lot line.

Mi Hacienda holds a liquor license. For alcohol to be served outside on the patio, the following items are required per the Liquor Code:

1. The perimeter of the outdoor area shall be enclosed.
2. The outdoor area shall be owned or leased by the licensee. (Ord. 0-31-08, 7-7-2008)
3. The outdoor area may be open only at times when food service is available in the restaurant. The restaurant must offer, and have available during all times that alcoholic liquor is available, a full menu and not the limited menu of a bar. This section shall not be deemed to permit activities such as outdoor beer gardens, large scale celebrations, or similar festivities within the outdoor seating area. (Ord. 0-32-08, 7-21-2008)
4. Access to the outdoor area shall be limited to entrances from within the licensed establishment only and not from a sidewalk or parking lot.
5. Seating in the outdoor area shall not be included to meet the required maximum capacity or occupancy restrictions for any license classification as established by this title.
6. Sale of alcoholic liquor shall be for consumption on the licensed premises only.
7. The outdoor area shall be closed at eleven o'clock (11:00) P.M. on Sunday through Thursday, and at twelve o'clock (12:00) midnight on Friday and Saturday.
8. A revised plat of survey must be submitted showing the location of the outdoor area, along with the enclosure details.
9. The licensee shall be required to take all necessary measures to prevent the level of noise and music from the outdoor area from causing any unreasonable

- disturbance to any nearby residentially zoned area.
10. Live entertainment is not permitted in the outdoor area.
 11. An annual permit is required to serve alcoholic liquor at an outdoor area. The liquor commissioner may impose such terms and conditions on the licensee as shall be necessary to cause the fulfillment of these standards to be met. Because of the potential for the disturbance of the public health and safety when alcoholic liquor is sold outdoors or in a not fully enclosed structure, service of liquor in an outdoor area may be canceled, suspended or not renewed by the liquor commissioner. (Ord. 0-31-08, 7-7-2008)

The plat of survey shows 36 parking stalls. The Zoning Ordinance requires 4 parking stalls/1,000 gross square foot of building area for multi-tenant buildings, or 24 parking stalls in this case. There are 2 handicapped accessible parking stalls, which complies.

The variation request must address the following criteria for approval:

1. Whether the general character of the property will be adversely altered.
2. Whether the overall value of the property will be improved and there will not be any potential adverse effects on the neighboring properties.
3. Whether the alleged need for the variation has been created by any person presently having a proprietary interest in the premises.
4. Whether the proposed variation will impair an adequate supply of light and air in adjacent property, substantially increase congestion in the public streets, increase the danger of fire or endanger the public safety.
5. Whether the proposed variation will adversely alter the essential character of the neighborhood.

Staff Findings/Recommendations

While Staff does not object to the patio, there are residences directly to the south of the proposed patio. Consideration shall be taken regarding the carrying of voices to the adjacent neighbors. The petitioner will need to apply to serve alcohol outdoors and comply with the applicable regulations.

The proposed variation will not adversely alter the essential character of the property, the variation will not impair an adequate supply of light and air in adjacent property, substantially increase congestion in the public streets, increase the danger of fire or endanger the public safety.

Therefore, staff recommends the Planning and Zoning Commission make the following recommendation granting the variation petition:

Based upon the submitted petition and the information presented, the request associated with PZC 2014-07 is in conformance with the standards of the Darien City Code and, therefore, I move the Planning and Zoning Commission approve the petition, subject to the following:

1. **Compliance with the Liquor Code regarding outdoor alcohol service and consumption, Section 3-3-24 of the City Code.**

consumption, Section 3-3-24 of the City Code.

Planning and Zoning Commission Review – August 20, 2014

The Planning and Zoning Commission considered this matter at their meeting on August 20, 2014. The following members were present: Beverly Meyer – Chairperson, Ronald Kiefer, John Lind, Louis Mallers, Raymond Mielkus, Pauline Oberland, Kenneth Ritzert and Michael Griffith – Senior Planner.

Absent: Susan Vonder Heide and Elizabeth Lahey – Secretary.

Andrius Presniakouas, the petitioner, was present.

Michael Griffith, Senior Planner, reviewed the agenda memo describing the requested variation, he noted the patio is for outdoor dining.

He noted the required corner side yard setback of 50 feet, that the existing building currently encroaches 25 feet into the setback and therefore, any patio within this yard would also encroach. He noted the patio extends to the property line. He noted the patio was constructed without a permit, that the petitioner is seeking to bring the matter into compliance.

Mr. Griffith noted the petitioner plans to serve alcohol outdoors, he noted the applicable regulations related to serving and consuming alcohol outdoors per City Code.

Commissioners Oberland and Mallers stated they were bothered by the petitioner not obtaining a building permit before constructing the patio.

Commissioner Oberland asked what was south of the property.

Mr. Griffith stated there is a home to the south, but that a landscape business is operated from the home so it is not exclusively a residential property. He noted the home is not up next to the subject property.

Chairperson Meyer questioned the fence enclosure.

Mr. Griffith stated the Liquor Code does not require a certain type or fence height, the Code requires the area is to be enclosed.

Mr. Presniakouas stated he owns the building. He stated Enrique Rodriquez, who runs Mi Hacienda, approached him about business being slow and suggested a patio would help. He said he did not have a problem with the patio and thought Mr. Rodriquez was obtaining the permit. He stated Mr. Rodriquez owns the first two homes across the street on Main Street.

Commissioner Oberland asked when the petitioner bought the property and if he owned other property.

Mr. Presniakouas stated he bought this property in 2011 and owns other commercial property.

Commissioner Oberland stated he should have known a building permit is required.

It was noted the enclosure is intended to route customers into the restaurant for service and to prevent customers from wandering off the patio.

Luanne Spirros, 7521 Main Street, stated she opposed the variation. She stated the variation will adversely impact the quality of life. She stated congestion on Main Street will increase, noting that vehicles are currently parked on both sides of Main Street, that it is difficult to see when exiting Main Street. She stated allowing the patio without a permit sends a mixed message.

Joe Weber, 7521 Main Street, stated he opposed the variation. He stated the site does not have enough parking and the patio will increase the capacity making parking more of a problem. He stated the parking standards for a stand-alone restaurant, based on seating, should be applied instead of the standard for a multi-tenant building.

Commissioner Oberland asked the petitioner how many tables would be on the patio.

Mr. Presniakouas stated 4 tables, 4 seats per table.

Paul Jope, 7518 Cambridge Drive, stated his concern with the fence up against the sidewalk. He stated there is an overhead power line and questioned the safety of it being over a patio. He stated the street is a residential street.

Chairperson Meyer asked if there would be live entertainment on the patio, noting the property borders a residential area.

Mr. Presniakouas stated no.

Mr. Griffith stated the Liquor Code does not permit live entertainment outdoors.

Commissioners Kiefer and Oberland stated their concern with the patio encroaching all the way to the sidewalk.

Commissioner Ritzert stated his concern with noise bothering the residents to the south.

Chairperson Meyer noted the Lithuanian restaurant has a small seating area and is mostly carry-out.

Commissioner Oberland asked when Mi Hacienda was busy. She stated her concern with the patio being so close to the sidewalk with people walking on the sidewalk next to the patio with people eating.

Mr. Presniakouas stated the main business nights are Fridays.

Commissioner Lind stated the parking situation is on-going and it should not be aggravated. He stated one vehicle on the street is too many.

Commissioner Kiefer and Chairperson Meyer stated their concerns with the patio activity in a residential area.

Without further discussion, Commissioner Mallers made a motion to recommend denial of the variation petition, seconded by Commissioner Oberland.

**Upon a roll call vote, THE MOTION CARRIED by a vote of 7-0.
(Commissioner Vonder Heide was absent.)**

Municipal Services Committee – September 22, 2014

Based on the Planning and Zoning Commission's recommendation, staff recommends the Committee make the following recommendation to deny the variation petition:

Based upon the submitted petition and the information presented, the request associated with PZC 2014-07 IS NOT IN CONFORMANCE with the standards of the Darien City Code and, therefore, I move the Municipal Services recommend denial of the petition.

Municipal Services Committee Review – September 22, 2014

The Municipal Services Committee considered this matter at their meeting on September 22, 2014. The following members were present: Alderman Joseph Marchese – Chairman, Alderman Tina Beilke, Alderman, Joerg Seifert, Dan Gombac – Director, Michael Griffith – Senior Planner and Elizabeth Lahey – Secretary.

Michael Griffith, Senior Planner, reviewed the agenda memo briefly and noted the Commission's recommendation to deny the variation petition. He noted the concerns raised by the Commission in making their decision.

Chairman Marchese and Alderman Seifert stated they had a problem with the patio being constructed without a permit.

Alderman Beilke asked if the patio could be minimized in terms of the distance to the sidewalk and still be acceptable to the residents. She asked if the parking would change due to the patio.

Andrius Presniakouas, the petitioner, stated the closest homes are owned by the ones who run the restaurant. He stated the parking stays the same. Mr. Presniakouas provided the Committee with photos of the patio.

Alderman Seifert stated he is concerned this changes the character of the area. He stated it was the same concern when the sports bar was proposed for the former Wolf Camera shop, the bar and this patio changes the character of the these properties abutting residential area.

Chairman Marchese asked if the petition is denied does that mean the patio is required to be removed.

Dan Gombac, Director, stated yes.

The Committee discussed other uses for the patio other than eating and drinking, a way to allow the property owner to maintain his investment in the patio but still avoid the negative impacts of using the patio as intended.

Joe Weber, 7521 Main Street, stated the patio and fence encroach into the street right-of-way.

Art Donner, Cambridge Drive, stated parking will remain a problem if the patio remains. He stated if the patio remains it will encourage people to use it, to congregate on it and will force the residents to monitor it. He stated the fence next to the sidewalk creates a safety concern with children on bikes possibly running into the fence.

The Committee discussed cutting the patio in half in terms of the distance between the building and lot line, not approving the use of the patio for eating and drinking and requiring the fence to be removed.

Enrique Rodriquez, 7505 Main Street, stated his sisters run the restaurant. He stated no one uses that sidewalk, the sidewalk does not extend past the property on that side of Main Street.

Mr. Donner objected to the smaller patio, stating the concerns remain.

Without further discussion, the Chairman Marchese made a motion to recommend denial of the variation subject to the following conditions, seconded by Alderman Beilke:

- 1. The patio, constructed without a permit, shall be allowed to extend a maximum of 12 feet from the existing east wall of the building.**
- 2. The yard is to be restored with sod or other landscaping.**
- 3. The fence is to be removed.**
- 4. The patio is not to be used for eating, drinking or a smoking area.**
- 5. The patio is to be a landscape feature only.**

Upon a voice vote, THE MOTION CARRIED by a vote of 3-0.

City Council Review – October 6, 2014

Item removed from the agenda, item to be reconsidered by the Municipal Services Committee.

Neighbors

Wednesday, October 01,

MI HACIENDA OUTDOOR PATIO

OUR NEW OUTDOOR PATIO IS NOT A BAR. IT IS AN EXTENSION OF OUR RESTAURANT. THIS ADDITION IS IN RESPONSE TO OUR CUSTOMERS' REQUEST FOR OUTDOOR DINING. IT IS MI HACIENDA'S INTENTION TO MANAGE THE OUTDOOR PATIO AS CAREFULLY AND CONSCIENTIOUSLY AS WE CURRENTLY MANAGE OUR INDOOR RESTAURANT AND BAR AREA.

SIGNATURE

COMMENTS

Elegan Bocan

no comment

A. W. Baker

Ann Richards

Ann Richards

Cary Owen 630 853 1670

Stephen Mitchell 7506 Main St

7517 Main St

7513 Main St

7509 Main St

7505 Main St

MI HACIENDA OUTDOOR PATIO

OUR NEW OUTDOOR PATIO IS NOT A BAR. IT IS AN EXTENSION OF OUR RESTAURANT. THIS ADDITION IS IN RESPONSE TO OUR CUSTOMERS' REQUEST FOR OUTDOOR DINING. IT IS MI HACIENDA'S INTENTION TO MANAGE THE OUTDOOR PATIO AS CAREFULLY AND CONSCIENTIOUSLY AS WE CURRENTLY MANAGE OUR INDOOR RESTAURANT AND BAR AREA.

SIGNATURE	PHONE NUMBER	COMMENTS
John Bonifant	630-240-0569	We Support this happening!
Catherine Michael	630-841-4673	Students need outdoor dining!!!
Diana K. Rott	630-410-4602	We support the outdoor patio
Antonia M. Nove	630-940-4602	I support the outdoor patio!!!
Ben K.	847-343-1089	I support the outdoor patio
Bernadette Taylor	630-541-9999	I support the patio. Would be a
Deanna	(630) 389-1380	I support the patio!! Great addition!
Charmaine P. Rott	630-434-9947	I support the outdoor patio!
J. J.	758-301-0547	GOOD IDEA
Karen L. Rott	312-886-7560	I look forward to it.
Joseph P. Rott	630-975-2847	We support the outdoor
Greg P. Rott	630-308-2847	We support the outdoor
Rachel Becerra	630-888-4584	We Believe! DO IT!
Scott Scherman	630-327-1861	We support the patio!
Linda Scherman	630-277-6525	I support the patio
Joe Orlando	312-671-576	I support the patio.
Ray Kern	630-241-2250	TRYING TO IMPROVE BUSINESS
Monica Eldridge	630-863-0011	I support the patio
Shirley Jones	630-835-6140	LET THEM KEEP THE PATIO.
Carol Ostrowski	630-863-0009	I support the patio.

Rosenthal, Murphey, Coblenz & Donahue

30 North LaSalle St. Suite 1624 ~Chicago, Illinois 60602

Phone (312) 541-1070 ~ Fax (312) 541-9191

JBM Direct Dial (312) 541-1072

JBM e-mail: jmurphey@rmcj.com

Memorandum

Via E-Mail

To: Dan Gombac
Fr: John B. Murphey
Date: October 14, 2014
Re: La Hacienda Zoning Request

Since the matter of the La Hacienda patio request is back before Committee, I thought it might be helpful if I shared a few thoughts on a moving-forward basis. Most of these thoughts deal not simply with legalities, but with practicalities relating to present and future enforcement issues.

From a zoning lot standpoint, La Hacienda is a legal non-conforming use. The building was already constructed at the time the property was annexed into the City. Therefore, the current structure is legal in spite of the fact it may not meet all of the City yard setback requirements.

The owner built the patio without City review and permission. When an owner takes an action like that, he does so at his own risk. The City would be within its rights to require the non-conforming patio structure to be removed.

It is my understanding that the patio was constructed by the owner, not as a visual amenity, but for business purposes – the owner wants to enhance business by having an outdoor area for patrons to dine, have a cocktail, or simply wait for their table during the warm weather months. Both the Commission and the Committee (based in part upon objections from neighboring homeowners) are opposed to the use of the outdoor expansion area. The Committee indicated that it would be amenable to allowing the outdoor area structure to remain if it is scaled back on a square footage basis.

This combination of recommended actions may result in mixed messages and unintended consequences. In effect, the “approval” appears to be: “Mr. Owner, you may not keep the patio as is; you may keep it there if you spend additional money to cut the size in half. But . . . you may not use this outdoor area for the use which you intended when you built the patio in the first place – no seating, no outdoor activity, no use of any kind as part of the restaurant.”

In many ways, this approval is a non-approval. To use a simplistic example, it is like the City telling a homeowner: “The treehouse you built in the back yard is way too big. You can keep the treehouse if you reduce the size by half, but even when you reduce the size in half, you are not allowed to let the kids play in the smaller treehouse.”

From a staff standpoint, the major concerns we would have regarding such a mixed message are what might be called the “human nature problem” and the “passage of time” problem. The first concern should not be construed as any sort of aspersion on the integrity of the current owner. But human nature being what it is, there would be a natural tendency to utilize this patio area for overflow or casual, minimal outdoor eating and drinking activity; particularly as one year turns into another.

The second problem relates to the fact that most restaurants have a relatively short life expectancy in any given format. Owners come and go as do formats. A new entity purchasing that restaurant in the future would likely see the outdoor patio as a potential warm month revenue generator. If the City notifies the future owner after he buys the property that the patio is off limits for human activity, that future owner’s investment expectations may be hurt.

Then there is the problem of enforcement. If there are going to be violations on the outdoor activity prohibition of the patio area in the future, they are likely to occur in the evening and especially on the weekends, when there is no City staff on duty other than the police department. Neighbor complaints will then have to be dealt with by the police. This is probably not the best use of police resources.

Finally, the scaled-back patio recommendation may be counterproductive to the owner. The owner has already spent money in anticipation of getting a return on that investment by way of outdoor sales revenue. It does not appear that this expectation will be realized because the Committee is opposed to the use. The patio reduction requirement will in effect force the owner to spend more money with no expectation of any return. Given the rejection of the outdoor use, the owner may decide that it’s cheaper to just take out the concrete all together.

Ultimately, these are policy matters for the Council to consider. The decision mode is awkward because of the owner's decision to move forward with the expansion without clearing it with the City. I hope these thoughts will assist the Committee and the Council in its ultimate determination. Please feel free to call with questions. Thanks.

JBM/sml



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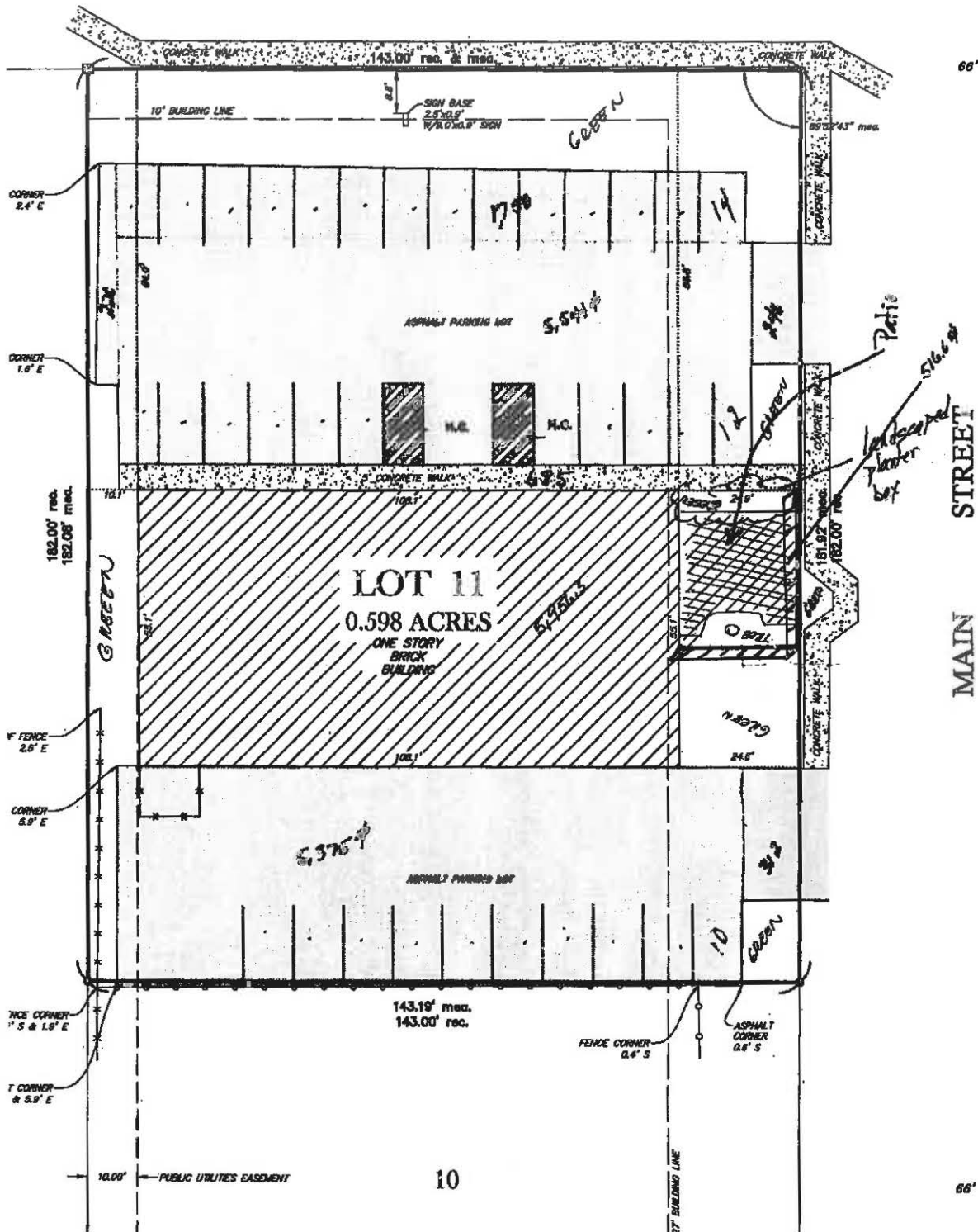
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SKU 950-208

Model T1000010
SKU 950-208



STATE OF ILLINOIS }
COUNTY OF WILL } SS

RUETTIGER, TONELLI & ASSOCIATES, INC.
No. 184-001251, HEREBY CERTIFIES THAT
DESCRIBED IN THE ABOVE CAPTION AS
WHICH IS A TRUE AND CORRECT REPRESENTATION

SURVEY FIELD WORK COMPLETED 2
GIVEN UNDER MY HAND AND SEAL THIS

BY

[Signature]

CITY OF DARIEN
DU PAGE COUNTY, ILLINOIS

ORDINANCE NO. _____

**AN ORDINANCE APPROVING A VARIATION TO THE
DARIEN ZONING ORDINANCE**

(PZC 2014-07: 2601 75th Street, Mi Hacienda)

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

THIS _____ DAY OF _____, 2014

**Published in pamphlet form by authority
of the Mayor and City Council of the City
of Darien, DuPage County, Illinois, this
_____ day of _____, 2014.**

**AN ORDINANCE APPROVING A VARIATION TO THE
DARIEN ZONING ORDINANCE**

(PZC 2014-07: 2601 75th Street, Mi Hacienda)

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-2 Community Shopping Center Business District pursuant to the Darien Zoning Ordinance; and

WHEREAS, the petitioner has requested approval of a variation from the terms of the Darien Zoning Ordinance to reduce the required corner side yard setback from 50 feet to zero feet in order to construct a patio; and

WHEREAS, pursuant to proper legal notice, a Public Hearing on said petition was held before the Planning and Zoning Commission on August 20, 2014; and

WHEREAS, the Planning and Zoning Commission at its regular meeting of August 20, 2014, recommended denial of said petition and has forwarded its findings and recommendation of denial to the City Council; and

WHEREAS, on September 22, 2014, the Municipal Services Committee of the City Council reviewed the petition and has forwarded its recommendation of approval of said petition subject to conditions to the City Council; and

WHEREAS, the City Council has reviewed the findings and recommendations described above and now 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, as follows:

SECTION 1: Subject Property. This Ordinance is limited and restricted to the property generally located at 2601 75th Street, Darien, Illinois, and legally described as follows:

LOT 11 IN SHARON ESTATES, BEING A SUBDIVISION OF TRACT "A" OF DOWNERS GROVE SUPERVISORS ASSESSMENT PLAT NUMBER 2, OF THE NORTH 1,050.0 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 THEREOF RECORDED JULY 3, 1944, AS DOCUMENT 464509 IN THE RECORDERS OFFICE OF DUPAGE COUNTY, ILLINOIS.

PIN: 09-29-300-009

SECTION 2: Variation from Zoning Ordinance Granted. A variation from the Zoning Ordinance, Section 5A-8-3-8(A): Yard Requirements, is hereby granted to reduce the required corner side yard setback from 50 feet to 13 feet in order to construct a patio, subject to the following conditions:

- A. The patio, constructed without a permit, shall be allowed to extend a maximum of 12 feet from the existing east wall of the building.
- B. The yard is to be restored with sod or other landscaping.
- C. The fence is to be removed.
- D. The patio is not to be used for eating, drinking or a smoking area.
- E. The patio is to be a landscape feature only.

SECTION 3: 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 of the terms of this ordinance should be inconsistent with any non-preemptive state law, that this ordinance shall supersede state law in that regard within its jurisdiction.

ORDINANCE NO. _____

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

PASSED AND APPROVED BY A TWO-THIRDS VOTE OF THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this _____ day of _____, 2014.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this _____ day of _____, 2014.

ATTEST:

KATHLEEN MOESLE WEAVER, MAYOR

JOANNE E. RAGONA, CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

AGENDA MEMO
MUNICIPAL SERVICES COMMITTEE
MEETING DATE: October 27, 2014

Issue Statement

PZC 2014-08: 1000 N. Frontage Road, Unit C, Miskatonic Brewing: Petitioner seeks approval of the following:

1. Text amendment to the Zoning Ordinance listing a brewery with taproom as a special use within the OR&I Office, Research and Light Industrial District.
2. Special use for a brewery with taproom in the OR&I Office, Research and Light Industrial District.
3. A variation from the Zoning Ordinance to reduce the required corner side yard setback from 50 feet to 24 feet in order to construct a patio.
4. A variation from the Sign Code to permit a 100 square foot identification sign on the overhead door where 16 square feet is otherwise permitted.

Applicable Regulations:	Zoning Ordinance: Section 5A-9-3-4: Special Uses
	Zoning Ordinance: Section 5A-9-3-8: Yard Requirements, OR&I District
	Zoning Ordinance: Section 5A-5-7-3: Permitted Obstruction In Required Yards
	Sign Code: 4-3-10(C)(1): Permitted Signs In Zoning District, Signs In The O and OR&I Districts

General Information

Petitioner:	RE-PART, LLC Kevin and Paul Schoenbeck 1000 N. Frontage Road Darien, IL 60561
Property Owner:	Kevin and Paul Schoenbeck 1000 N. Frontage Road Darien, IL 60561
Property Location:	1000 N. Frontage Road
PIN:	09-34-300-022
Existing Zoning:	OR&I Office, Research and Light Industrial
Existing Land Use:	Light industrial
Comprehensive Plan Update:	Office
Surrounding Zoning and Land Use:	
	North: OR&I Office, Research and Light Industrial – light industrial
	East: R-3 Multi-Family Residence – multi-family, daycare

South: OR&I Office, Research and Light Industrial – mini warehouse; R-1 Single-Family Residence – single-family home
West: OR&I Office, Research and Light Industrial – kennel

Size of Property: 46,626 square feet
Floodplain: None.
Natural Features: None.
Transportation: Property has frontage and access on N. Frontage Road and Wilmette Avenue.
History: None.

Documents Submitted

This report is based on the following information submitted to the Community Development Department by the Petitioner:

1. Site Plan, 1 sheet, prepared by petitioner.
2. Floor plan, 1 sheet, prepared by petitioner.
3. Patio site plan, 1 sheet, prepared by petitioner.
4. Patio fence detail, 1 sheet.
5. Identification sign detail, 1 sheet.
6. Special Use description

Planning Overview/Discussion

The subject property is located on the northwest corner of N. Frontage Road and Wilmette Avenue.

The petitioner proposes occupying the western portion of the building and establishing a brewery with a public taproom. The use is summarized as follows:

- a. Brewery, brewing specialty beers.
- b. Public taproom where patrons can purchase beer for on-site consumption as well as growler-fills to-go, less than 10% or less of volume being sold on-site, remainder sold wholesale to distributors. No on-site food preparation or service, but carry-out menus from area restaurants made available.
- c. Patio.
- d. Tours on weekends.
- e. The petitioner would also like the ability to allow groups to use the space for meetings and events.

The OR&I district permits light industrial activities. A brewery would seem to be a light industrial activity. However, the public taproom, tours and event space adds a unique character to the use beyond strictly industrial. Staff recommends amending the Zoning Ordinance to list a brewery with an accessory taproom as a special use. Staff finds the use a good addition to the community.

The area surrounding the proposed use is a mix of light industrial activities to the north, mini-warehouse storage to the south, a kennel to the west, with a daycare center and residence to the east and west across streets.

Once distribution has been established, they plan to provide local businesses with craft beer.

The petitioner proposes constructing a 16' x 32' patio on the south side of the building, along N. Frontage Road. The Zoning Ordinance requires a 50-foot corner side yard setback, the building is located 40 feet from the lot line. The patio will extend 16 feet out from the building, resulting in a 24-foot setback from the lot line.

The patio will be enclosed by a wood fence with an emergency exit, 42 inches tall, and landscaping. There will be a door between the patio and the taproom. For outdoor liquor service and consumption, the Liquor Code requires the outdoor area is to be enclosed, the fence meets this requirement. Furthermore, the Code requires the outdoor area to close at 11:00 PM on Sunday through Thursday and at 12:00 midnight on Friday and Saturday.

There is a single-family home to the south across the street from the patio. The petitioner should address how they will mitigate any impacts the patio may have on the resident.

The petitioner proposes a 100 square foot identification sign on their overhead door. The Sign Code permits identification signs up to 16 square feet. These signs are defined as a wall sign used to display and identify the name of the individual, business, profession, organization or institution occupying the premises. The overhead door faces the parking lot on the north side of the building and not onto a street.

The site plan shows 25 parking stalls, 2 are handicapped accessible. The petitioner should comment on the time of day they expect their parking demands to peak versus the other businesses on the property.

The City Council will need to amend the Liquor Code to create a liquor license to fit the proposed use. The Code requires establishments serving liquor be at least 100 feet from a church, school, hospital or home for the aged or indigent persons. No such uses are near the subject property.

The special use request is to address the following criteria for approval:

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 a 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 planning and Zoning Commission and the Planning and Development Committee

The variation request is to address the following criteria for approval:

1. Whether the general character of the property will be adversely altered.
2. Whether the overall value of the property will be improved and there will not be any potential adverse effects on the neighboring properties.
3. Whether the alleged need for the variation has been created by any person presently having a proprietary interest in the premises.
4. Whether the proposed variation will impair an adequate supply of light and air in adjacent property, substantially increase congestion in the public streets, increase the danger of fire or endanger the public safety.
5. Whether the proposed variation will adversely alter the essential character of the neighborhood.

When considering a sign variation, the Commission shall consider the following:

1. The available locations for adequate signage on the property.
2. The effect of the proposed sign on pedestrian and motor traffic.
3. The cost to the applicant in complying with the Sign Code as opposed to the detriment, if any, to the public from granting of the variance.
4. If undue hardships and practical difficulties result in complying with the Sign Code and if these hardships are a result of previous actions of the applicant.
5. The general intent of the Sign Code.

The general intent of the Sign Code:

1. To promote and protect the public health, safety, comfort, morals, convenience and general welfare of the residents of the City.
2. To enhance the physical appearance of the City by preserving the scenic and natural beauty of the area.
3. To promote the safety and recreational value of public travel.
4. To protect the public investment in streets and highways by reducing sign or advertising distractions that may increase traffic accidents.

5. To ensure compatibility of signs with surrounding land uses.
6. To enhance the economy of the City by promoting the reasonable, orderly and effective display of outdoor advertising.
7. To protect the pedestrians and motorists within the City from damage or injury caused by distractions, obstructions and hazards created by a proliferation of off-site advertising signs.
8. To prevent the proliferation of off-site advertising signs which distract from the development of the City in an aesthetically pleasing manner.
9. To preserve the character of the City which is a single-family residential community by assuring the compatibility of signs with the surrounding land uses.

Staff Findings/Recommendations

Staff does not object to the proposed use, to the variations related to the patio or identification sign. Staff finds the use will be a good, unique addition to the community. The proposed use is located in a mostly light industrial area of Darien, away from predominantly commercial or residential areas.

The proposed variation for the patio will not adversely alter the general character of the property or essential character of the neighborhood, nor will it impair the adequate supply of light and air in adjacent properties.

The proposed sign variation will not negatively affect pedestrian or motor vehicle traffic since the sign does not face a public street.

Therefore, staff recommends the Commission make the following motion recommending approval of the variation petition:

Based upon the submitted petition and the information presented, the request associated with PZC 2014-08 is in conformance with the standards of the Darien City Code and, therefore, I move the Planning and Zoning Commission approve the petition as presented.

Planning and Zoning Commission Review – October 20, 2014

The Planning and Zoning Commission considered this matter at its meeting on October 20, 2014. The following members were present: Beverly Meyer – Chairperson, Ronald Kiefer, John Lind, Louis Mallers, Raymond Mielkus, Susan Vonder Heide, Michael Griffith – Senior Planner and Elizabeth Lahey – Secretary.

Members absent: Pauline Oberland, Ken Ritzert

Michael Griffith, Senior Planner, reviewed the agenda memo, described the proposed use, location, the zoning requests being made, noting the petitioner needed to address parking and potential impacts to nearby residences regarding the proposed patio.

Josh Mowery, Miskatonic Brewing, stated they plan to open a craft brewery with a taproom. He stated the retail outlet of the taproom helps to market their beer, noting they plan to sell growlers which are re-sealable glass bottles people purchase and can be refilled with beer. He

stated eventually they would like to sell cases of beer. He stated the majority of sales will be to bars and restaurants. He stated the taproom is not a full service bar, but a place for people to taste their beer and gather in a coffee-house type atmosphere. He stated it will not be a brew pub, they will not provide food service. He stated they would also offer tours of the brewery and rent out the space for groups to hold events or meetings.

Art Cano, 8431 Wilmette Avenue, stated he reviewed the petition and plans at City Hall, he noted the plans show an expansion area and asked if that area would be for retail. He asked if there was adequate parking on the property. He stated his concern with parties causing traffic and overflow parking onto streets. He asked if the patio area was enclosed.

Mr. Mowery stated the expansion area will be for barrel storage and production. He stated the expansion area could be used for events. He stated there are 25 parking spots and they have permission from the property owner to the north to allow people to use their parking lot. He stated the patio will be enclosed, is located 24 feet from the property line. He stated they expect there to be at most 50 people in the taproom.

John Wyzkiewicz, Miskatonic Brewing, stated the patio would hold 4-5 tables, 15-20 people. He stated their business would be busy when the other businesses on the property are not.

There was more discussion about parking, whether the site can accommodate the proposed use. Mr. Mowery stated similarly sized breweries with a taproom have similar amounts of parking without problems.

Judy Monaco, Ready Set Grow, said she owns and operates a daycare across the street and asked if a liquor establishment could be located so close to a daycare.

Mr. Griffith stated the Liquor Code requires a separation between churches and schools but does not mention daycare centers. He said he would confirm with the City Attorney.

Paul Schoenbeck, said he owns the building with his brother. He stated they have been at this location for many years, with previous tenants that generated a lot of traffic and they never had complaints related to traffic or parking. He stated they are on-site owners. He stated they have cameras on the building which they use to monitor the property, the cameras cover activity on the nearby streets. He stated they have arrangements with the property owner to the north to allow people to park on the neighbor's property.

Kate Cratze, Dawn Lane, stated her concern with overflow traffic and noise. She stated the police do not patrol the area, she has to call every time there is a problem. She stated she is concerned if the business takes off there will be problems. She stated her concern having a brew pub there.

Mr. Mowery stated it will not be a brew pub where food is served, but a taproom for people to taste and purchase their beer. He stated the taproom is not designed to entice people to stay for long periods of time and get pickled.

Mr. Cano stated the request includes food trucks and said that sounded like a brew pub to him, it will draw people.

Mr. Mowery stated they would like to have a food truck in their parking lot, but a food truck is not the same as a restaurant, does not have the same capacity to prepare and serve food as a restaurant with a kitchen. He noted 90% of their sales will be wholesale.

Richard Vena, Dawn Lane, stated his concern with truck traffic, noting trucks routinely come down Mystic Trace.

There was a discussion concerning live entertainment such as music. The petitioner stated they would like to have live music inside the taproom but not on the patio.

Commissioner Kiefer stated he has been to a few breweries where it seemed tours drew more people than the taproom. He stated the proposal for events seems to be geared towards group meetings and not parties.

Commissioner Lind wanted confirmation on the parking count as the items submitted by the petitioner note different parking counts. He asked what signage would be in place for people trying to find the location, and asked where the public entrance would be located.

Mr. Mowery stated there are 25 parking spaces. He said they will have a wall sign on the south side of the building. He stated the public entrance is on the west side of the building.

Commissioner Vonder Heide asked if they have looked at similar establishments of the same size to determine parking needs.

Mr. Mowery said yes, similar sized establishments in the western suburbs have roughly the same amount of parking. He stated the taproom will be 1,200 square feet.

Commissioner Mielkus asked about the number of employees.

Mr. Mowery stated there will be 3 employees at the beginning, potentially 2 additional ones for the taproom.

Chairperson Meyer stated she confirmed with Dan Gombac, Director, the patio will not cause a drainage problem.

Without further discussion, Commissioner Kiefer made the following motion seconded by Commissioner Mallers:

Based upon the submitted petition and the information presented, the request associated with PZC 2014-08 is in conformance with the standards of the Darien City Code and, therefore, I move the Planning and Zoning Commission approve the petition as presented.

**Upon a voice vote, THE MOTION CARRIED by a vote of 6-0.
(Commissioners Oberland and Ritzert were absent)**

Municipal Services Committee – October 27, 2014

The petitioner has confirmed the following to address concerns/questions raised at the Commission meeting:

1. **Parking:** The petitioner has provided written approval from the adjacent property providing permission for overflow parking to occur on the neighbor's property.
2. **Hours for the taproom:**
Thursday: Noon to 9 PM
Friday and Saturday: Noon to 11 PM
Sunday: Noon to 7 PM
3. **Taproom:** Anticipated peak of 50 people. Patio can accommodate 16-20 people.
4. **Events:** They plan to hold 2-4 brewery related events yearly, anticipate no more than 50 people at the event. For private events (space rented out), year-round availability, anticipate no more than 50 people.

The City Attorney confirmed there is not a separation requirement between the proposed establishment and a daycare center.

The petitioner provided the following breweries with similar production scale with taprooms that do not provide food service:

Pollyanna Brewing Co., Lemont, IL
Buckledown Brewing Co., Lyons, IL
Solemn Oath Brewing Co., Naperville, IL
Penrose Brewing Co., Geneva, IL
Hailstorm Brewing Co., Tinley Park, IL
350 Brewing, Tinley Park, IL

Staff will contact those communities above to see what issues, if any, they have had.

Based on the Commission's recommendation and the additional information provided by the petitioner, staff recommends the Committee make the following recommendation approving the petition as presented:

Based upon the submitted petition and the information presented, the request associated with PZC 2014-08 is in conformance with the standards of the Darien City Code and, therefore, I move the Municipal Services Committee approve the petition as presented.

Decision Mode

Planning and Zoning Commission:	October 20, 2014
Municipal Services Committee:	October 27, 2014

Special Use Application for 1000 N. Frontage Rd

We request a special use allowance for our production brewery to have a public taproom on the premises.

The interior taproom area will comprise of around 1200 square feet of interior public space out of the total 9660 square feet of our two units, with a half-wall separation between the production area and public area for patrons to view the Brewhouse. We plan on having our regular hours noon to 9 PM on weekdays and noon to midnight on weekends. We will give tours on the weekend as well. There will be no food prepared on-site, but carry-out menus from surrounding area restaurants will be available, and we would like to allow food trucks on weekends in our parking lot. We will have sealed growler-fills available to-go, and eventually packaged bottles and cans to-go once we begin packaging beyond kegs. We plan on 10% or less of our volume being sold on-site in the taproom, the rest wholesale to distributors. There will be three exits in the taproom including the main entrance.

We are also requesting a 512 square foot fenced patio area with emergency exit on the Frontage Road side of the building. The patio would be set more than 20 feet back from Frontage Road.

As a part of our process in the production of oak-aged specialty beers, we will be using spirits and wine barrels to age beer for months at a time. These barrels are placed on racks along the wall and stay put for the long periods of time. The atmosphere of our barrel cellar leads us to believe it would be a nice group tasting area with which to allow people to have their group meetings or events. We would like to use this space, free of any production equipment and inventory, and connected directly to the taproom, as public space which people may reserve for their own group and possibly have the option to cater food in. We would not ourselves be catering the food, and would only work with those who have the proper licenses for catering. This would not be used as taproom space on a daily basis.

RE-PART, LLC

PHONE
(630) 434-7000

P.O. BOX 784
WESTMONT, ILLINOIS 60559



MEMO OF UNDERSTANDING

TO: Mr. Doug Jones

FROM: RE-PART, LLC
1000 No. Frontage Rd.
Darien, IL

DATED: October 21, 2014

RE: Overflow Parking

This memo is to confirm our verbal discussion and agreement for use of your parking lot in the event of overflow parking.

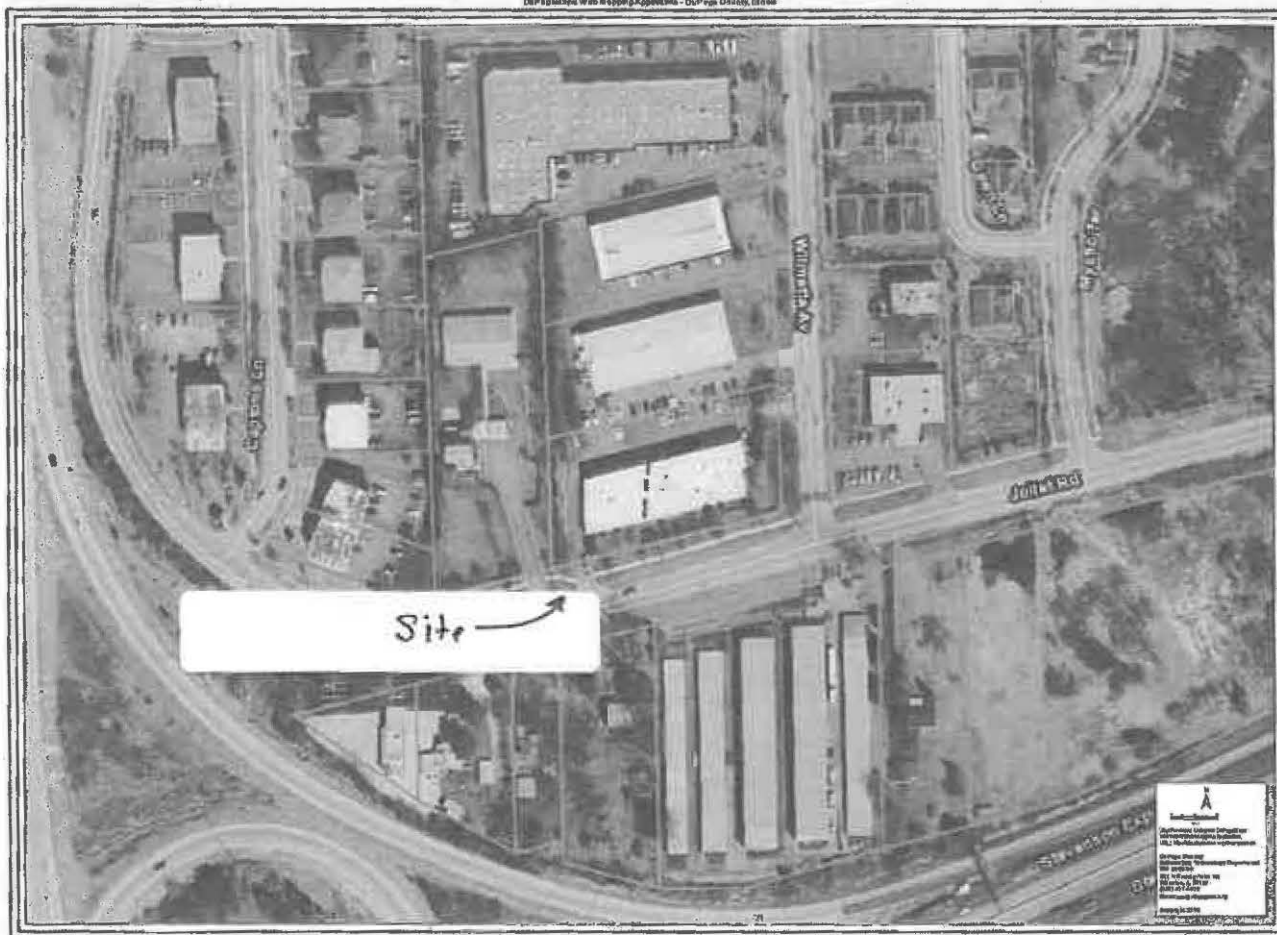
Per our discussion, from time to time the need may arise to park cars, in your lot to the North of our property. Our tenant will be responsible for all clean-up related to their operation and proper use of your property. If you have any questions, you may use our office as the contact point.



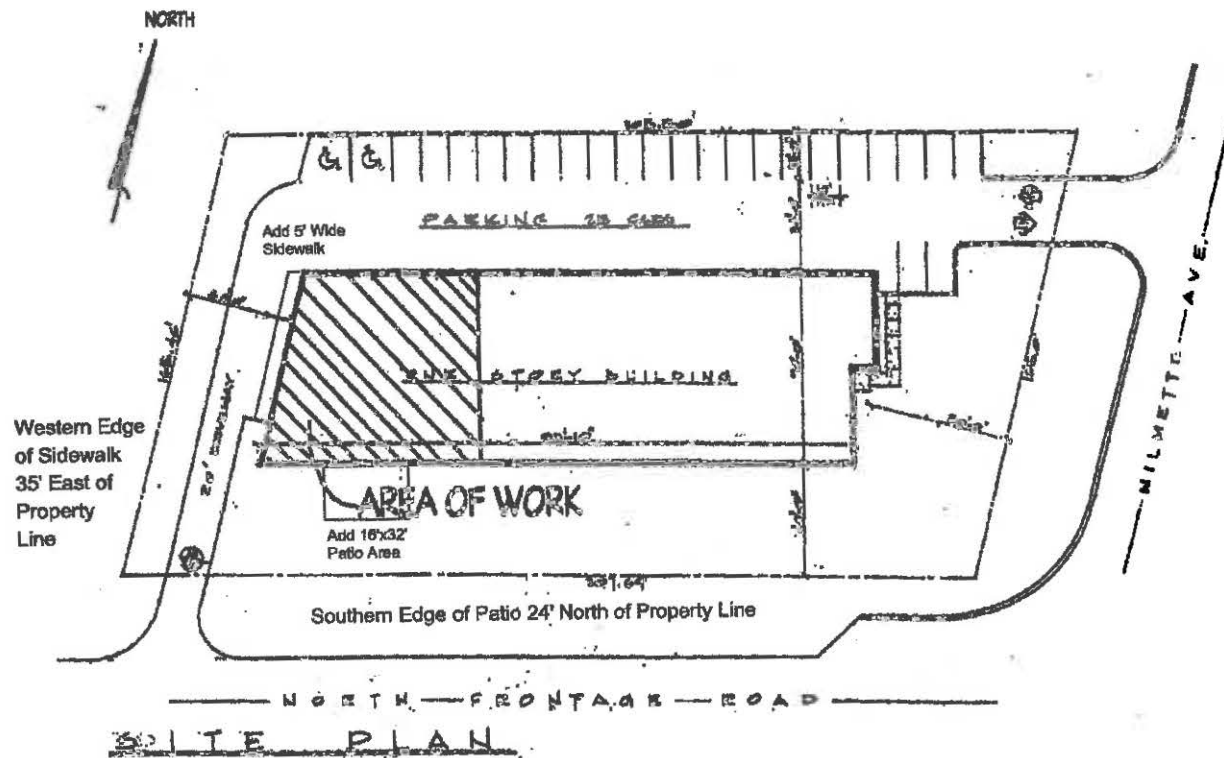
Paul Schoenbeck, Manager

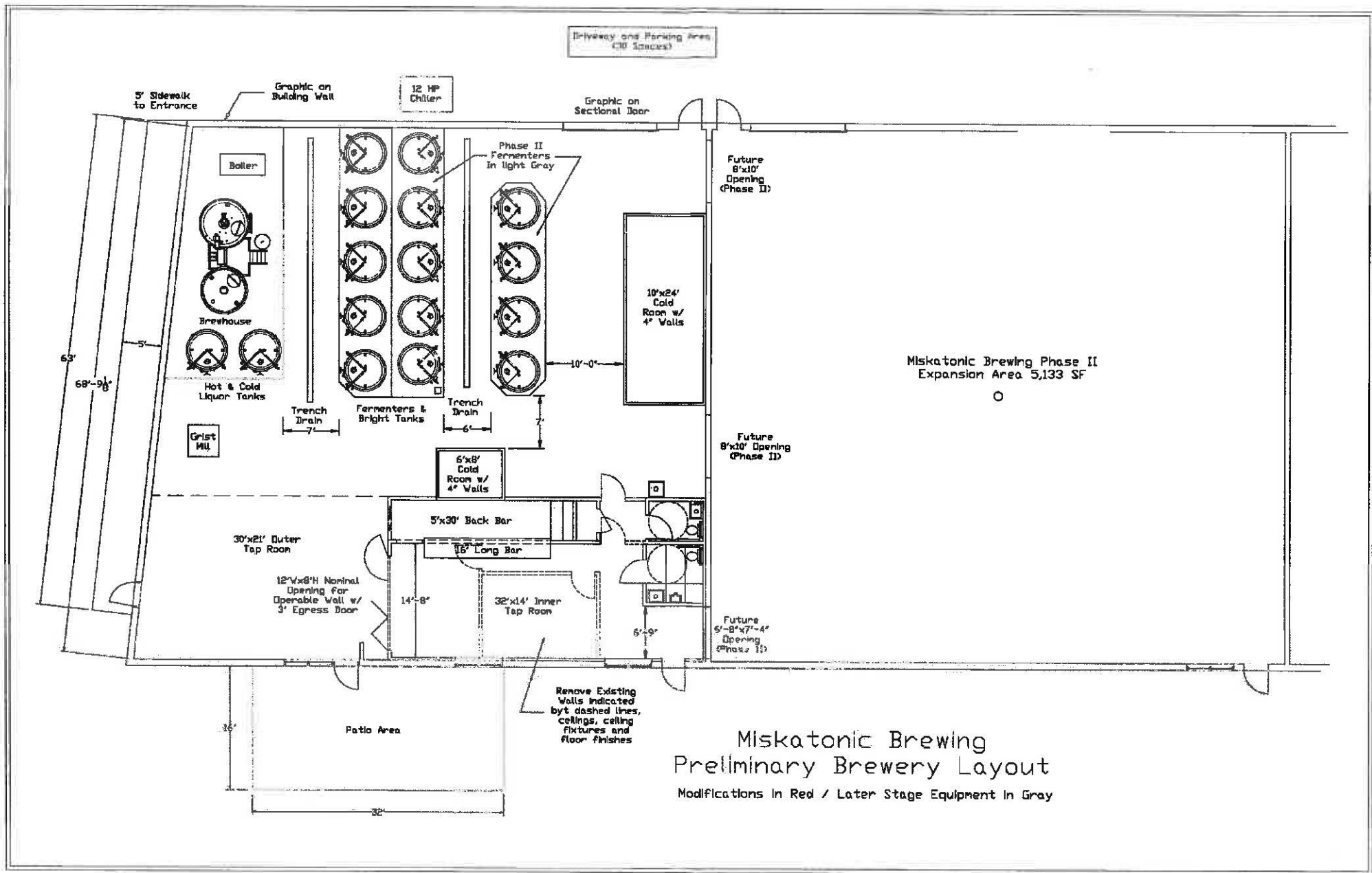


Doug Jones

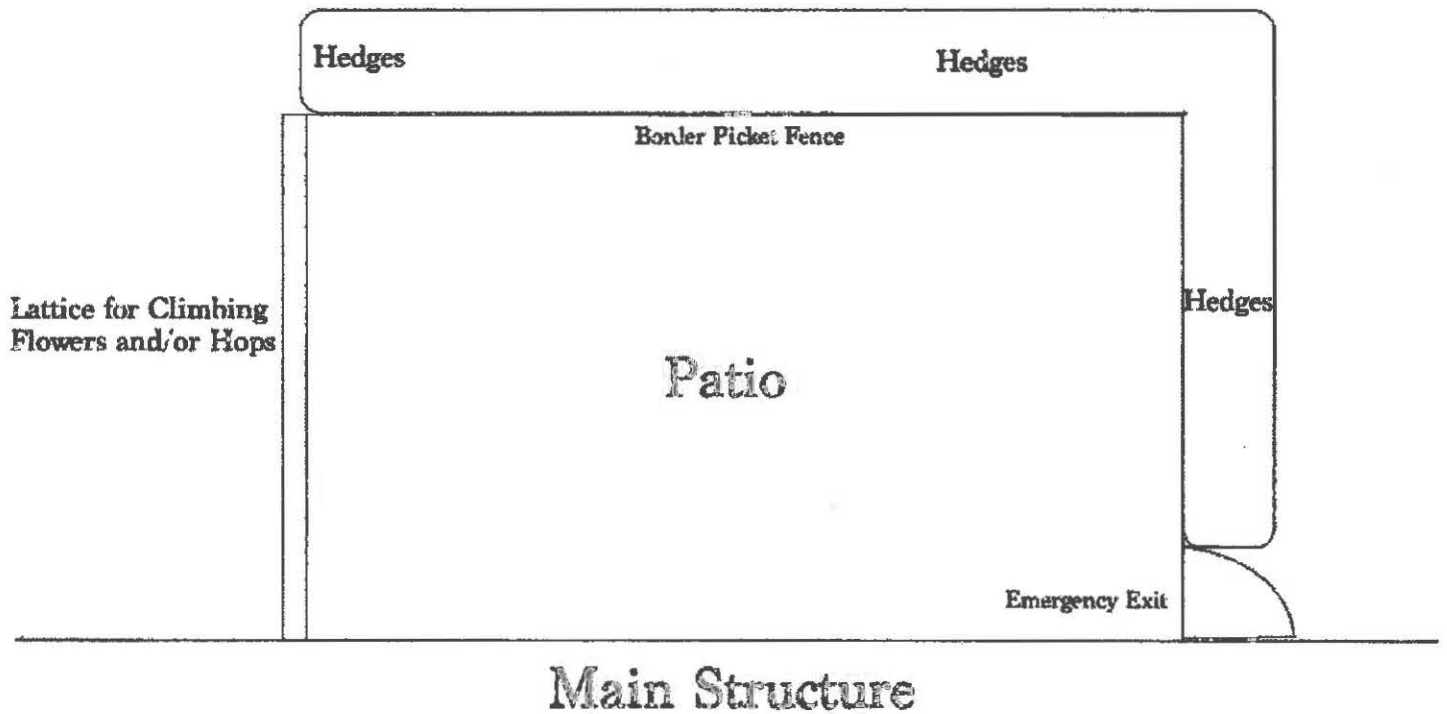


1000 N. Frontage Rd. Variance Request - Plat of Survey with Proposed Sidewalk and Patio





1000 N. Frontage Rd. Variance Request
Preliminary Landscaping Plan



1000 N. Frontage Rd. Variance Request

Fencing for Patio

French Pine Gothic-Style Picket

Height: 42 inches

Emergency exit gate will be present.



1000 N. Frontage Rd. Variance Request

Identification Sign Graphic for Overhead Door

Approximate Size: 10' x 10'



Daycare a school → Liq. Code?

Michael Griffith

From: John Murphey <jmurphey@rmcj.com>
Sent: Tuesday, October 21, 2014 9:29 AM
To: Michael Griffith
Cc: Dan Gombac; Judy Kolman
Subject: RE: Brewpubs

Agree. Judy will put together the draft ords.

From: Michael Griffith [mailto:mgriffith@darienil.gov]
Sent: Tuesday, October 21, 2014 9:27 AM
To: John Murphey
Cc: Dan Gombac
Subject: RE: Brewpubs

Spoke to Judy, she said school isn't defined in either state or city liq code, sees no problem.

Michael Griffith
Senior Planner
City of Darien
630.353.8113

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<http://www.darien.il.us/Departments/Administration/CityNews.html>

From: Michael Griffith
Sent: Tuesday, October 21, 2014 9:03 AM
To: John Murphey (JMurphey@rmcj.com) (JMurphey@rmcj.com)
Cc: Dan Gombac
Subject: RE: Brewpubs

Morning John,

Question: Is there a required separation between a daycare and the brewery? There is a daycare on the east side of Wilmette from the building to house the brewery. Keep in mind, they plan to sell growlers and also cases of beer. See attached map.

<http://readysetgrowchildcare.com/>

3-3-8: CONDITIONS AND RESTRICTIONS OF LICENSE:

(A) Location:

1. Authorized Location: No liquor shall be sold, offered for sale, kept, advertised or displayed for sale or delivered to any person purchasing the same except at the location, place or premises described in the liquor license.

2. Location Of Premises: **No license shall be issued for the sale at retail of any alcoholic liquor within one hundred feet (100') of any church, school, hospital or home for the aged or indigent persons.** In the case of a church, the distance of one hundred feet (100') shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries. The word "premises" as used herein, shall mean the lot, plot or parcel of land upon which alcoholic liquors are sold.

Nothing in this section shall prohibit the issuance of a temporary liquor license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors. Such temporary licenses shall be subject to the conditions set forth in section 3-3-7-10 of this chapter. (Ord. 0-39-94, 9-19-1994)

3. City Owned Buildings: The following city owned buildings may sell or have alcoholic beverages delivered to said buildings upon the issuance of a liquor license as provided in this chapter:

(a) 7515 Cass Avenue. (Ord. 0-26-13, 10-7-2013)

Michael Griffith
Senior Planner
City of Darien
630.353.8113

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<http://www.darien.il.us/Departments/Administration/CityNews.html>

From: John Murphey [<mailto:jmurphey@rmcj.com>]
Sent: Monday, October 20, 2014 9:17 AM
To: Dan Gombac
Subject: FW: Brewpubs

Please review, share with Mike, and call. Thanks.

From: Enza Petrarca [<mailto:epetrarca@downers.us>]
Sent: Monday, October 20, 2014 9:02 AM
To: John Murphey
Subject: Re: Brewpubs

See attached.

On Sat, Oct 18, 2014 at 10:51 AM, John Murphey <jmurphey@rmcj.com> wrote:

AGENDA MEMO
MUNICIPAL SERVICES COMMITTEE
MEETING DATE: October 27, 2014

Issue Statement

Class N Liquor License: Discussion on amending the Liquor Control Regulations, Section 3-3 of the City Code, to create a new liquor license, a Class N License.

Overview/Discussion

Miskantonic Brewing is proposing to locate at 1000 N. Frontage Road. The brewery will include the following activities:

- a. Brewery, brewing specialty beers.
- b. Public taproom where patrons can purchase beer for on-site consumption as well as growler-fills to-go, less than 10% or less of volume being sold on-site, remainder sold wholesale to distributors. No on-site food preparation or service, but carry-out menus from area restaurants made available.
- c. Patio.
- d. Tours on weekends.
- e. The petitioner would also like the ability to allow groups to use the space for meetings and events.

Currently, there is not a liquor license that meets their needs. Creating a new liquor license requires amending the City Code. Draft license language is attached.

Staff Findings/Recommendations

Staff recommends the Committee make a recommendation to approve the attached draft license language for a Class N liquor license.

Decision Mode

Municipal Services Committee: October 27, 2014

CITY OF DARIEN
DU PAGE COUNTY, ILLINOIS

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE 3, CHAPTER 3, SECTION 3-3-7,
"CLASSIFICATION OF LICENSES AND FEES", OF THE DARIEN CITY CODE**

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

THIS 3rd DAY OF NOVEMBER, 2014

**Published in pamphlet form by authority of
the Mayor and City Council of the City of
Darien, DuPage County, Illinois, this
_____ day of November, 2014.**

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE 3, CHAPTER 3, SECTION 3-3-7,
"CLASSIFICATION OF LICENSES AND FEES",
OF THE DARIEN CITY CODE**

WHEREAS, the City of Darien is a home rule unit of 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, Title 3, Chapter 3, of the Darien City Code regulates alcoholic liquor sales in the City; and

WHEREAS, Section 3-3-7 of the Darien City Code provides for various classes of liquor licenses; and

WHEREAS, the City Council has determined that it is in the best interests of the City to amend Section 3-3-7 of the Darien City Code to provide for a Class N license to regulate the manufacture, packaging, distribution, storage and retail sale and serving of alcoholic liquor for "brewing facilities".

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 3, Chapter 3, Section 3-3-7, "Classification of Licenses and Fees", of the Darien City Code, as amended, is hereby further amended by adding new Subsection 3-3-7-14, "Class N License", to read as follows:

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE 3, CHAPTER 3, SECTION 3-3-7,
"CLASSIFICATION OF LICENSES AND FEES",
OF THE DARIEN CITY CODE**

3-3-7-14: CLASS N LICENSE:

- (A) A class N license shall authorize the on-premise consumption and retail sale of craft beer where the premises is that of a brewing facility. For the purposes of this subsection, "brewing facility" is defined as a place in which the primary business is the manufacturing, packaging, distribution, sale and storage of craft beer produced on the premises in compliance with federal and state laws. The following regulations shall apply to the class N license:
1. No more than a total of 50,000 gallons of beer shall be sold at retail in growlers, cans and/or bottles for off-premises consumption per year.
 2. All growlers, cans and beers sold at retail for off-premises consumption must be properly sealed.
 3. Retail sales for off-premises consumption and on-premises consumption shall be limited to the retail portion of the licensed premises; except, however, on-premises consumption may be allowed in other areas of the licensed premises during supervised tours and private events. The retail portion of the licensed premises shall not exceed 3,000 square feet.
 4. Product sampling shall be permitted in accordance with state law, at no charge.
 5. Patrons under twenty-one (21) years of age shall be allowed on the premises when accompanied by a person twenty-one (21) years of age or older; except, however, classes and seminars on alcoholic related subjects shall only be open to patrons twenty-one (21) years and older.
 6. Live entertainment is restricted to the indoor retail portion of the premises; except, however, live entertainment may be permitted in other indoor areas of the licensed premises during private events.
- B. It shall only be lawful to sell at retail or offer for sale at retail craft beer in conjunction with a class N liquor license for off-premises and/or on-premises consumption Thursdays between twelve o'clock (12:00) P.M. and nine o'clock (9:00) P.M., Fridays and Saturdays between twelve o'clock (12:00) P.M. and eleven o'clock (11:00) P.M. and Sundays between twelve o'clock (12:00) P.M. and

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE 3, CHAPTER 3, SECTION 3-3-7,
"CLASSIFICATION OF LICENSES AND FEES",
OF THE DARIEN CITY CODE**

seven o'clock (7:00) P.M. It shall be unlawful to sell at retail or offer for sale at retail craft beer in conjunction with a class N liquor license for off-premises or on-premises consumption on Mondays through Wednesdays.

- C. The annual fee for a class N license shall be twenty-five hundred dollars (\$2,500.00).
- D. The number of class N licenses shall be one (1).

SECTION 2: The existing Subsection 3-3-7-14, "Payment of Fees, Expiration Date", is hereby renumbered as Subsection 3-3-7-15.

SECTION 3: 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 inconsistent with any non-preemptive state law, that this ordinance shall supersede state law in that regard within its jurisdiction.

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 BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE
COUNTY, ILLINOIS, this 3rd day of November, 2014.**

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE 3, CHAPTER 3, SECTION 3-3-7,
"CLASSIFICATION OF LICENSES AND FEES",
OF THE DARIEN CITY CODE**

AYES: _____

NAYS: _____

ABSENT: _____

**APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY,
ILLINOIS, this 3rd day of November, 2014.**

ATTEST:

KATHLEEN MOESLE WEAVER, MAYOR

JOANNE E. RAGONA, CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

AGENDA MEMO
MUNICIPAL SERVICES COMMITTEE
MEETING DATE: October 27, 2014

Issue Statement

Neighborhood Parking Issues/Hinsdale South High School: Discussion regarding overflow Hinsdale South High School special event parking on Poplar Lane, Eleanor Place and Elm Street.

Background

Earlier this year, the City Council adopted regulations to address over flow event parking at Hinsdale South High School on Brookbank Road, Evans Place and Elm Street. Since those regulations have been in place, over flow parking has moved east to Poplar Lane, Eleanor Place and further east on Elm Street.

The City's elected officials and staff continues to receive complaints regarding the overflow parking on adjacent neighborhood streets during special events held by Hinsdale South High School. Many residents do not like the overflow parking occurring in front of their residences. Since the area is a rural cross section, many of the vehicles tend to park off the road edge/shoulder and in the turf area of the right of way, thus causing additional damage. The staff had consulted with the City's traffic engineer, KLOA, regarding the concern. Attachment A is a report dated November 27, 2013 from KLOA.

On May 19, 2014, the City Council approved the following ordinance regulating parking on Brookbank Road, Evans Place and Elm Street. The regulations are:

Brookbank Road, east side, between Janet Avenue and Elm Street, no high school or event parking any time.

Brookbank Road, west side, between Janet Avenue and Elm Street, no high school parking.

Elm Street, north side, between Clarendon Hills Road and Eleanor Place, no high school or event parking any time.

Evans Place, between Janet Avenue and Elm Street, on both sides of the street, no high school or event parking any time.

Staff Findings/Recommendation

Staff recommends surveying area residents to seek their input for the following options:

OPTION 1:

Eleanor Place and Poplar Lane, between Janet Avenue and Elm Street, **on both sides of the street, no high school or event parking any time.**

Or...

OPTION 2:

Eleanor Place and Poplar Lane, west side, between Janet Avenue and Elm Street, **no high school parking.**

A map is attached showing the proposed roadways to be effected.

Decision Mode

The Municipal Services Committee will discuss this item at the October 27, 2014.



9375 West Higgins Road, Suite 300 - Rosemont, Illinois 60018
p: 847-518-0990 | f: 847-518-0987

MEMORANDUM TO: Daniel Gombac
Director of Municipal Services
City of Darien

FROM: Eric D. Russell, P.E., PTOE, PTP, LEED AP ND
Principal

Michael A. Werthmann, P.E., PTOE
Principal

DATE: November 27, 2013

SUBJECT: Neighborhood Parking Issues
Hinsdale South High School

Based on our conversations it is understood that residents of the neighborhood immediately north of Hinsdale South High School have expressed concerns to the City regarding overflow parking onto the neighborhood streets when special events occur at the school. The streets that are most affected include Elm Street, Brookbank Road, and Evans Place.

The City advises that there are approximately 6-12 special events annually that result in the use of these streets for parking by event attendees. While there is sufficient off-street parking available for these events in the high school's west parking lot on the west side of Clarendon Hills Road, many event attendees choose instead to park along the neighborhood streets once the school's north parking lot is filled due to the proximity of these streets to the gymnasium and other event venues.

Elm Street is approximately 24 feet wide and Brookbank Road and Evans Place are each approximately 20 feet wide. All three streets are designed to a rural standard with a narrow gravel shoulder of varying width and a shallow drainage ditch. Motor vehicles that park along these streets tend to park partially on the street and partially on the shoulder and turf in front of the residences.



Elm Street



Brookbank Street



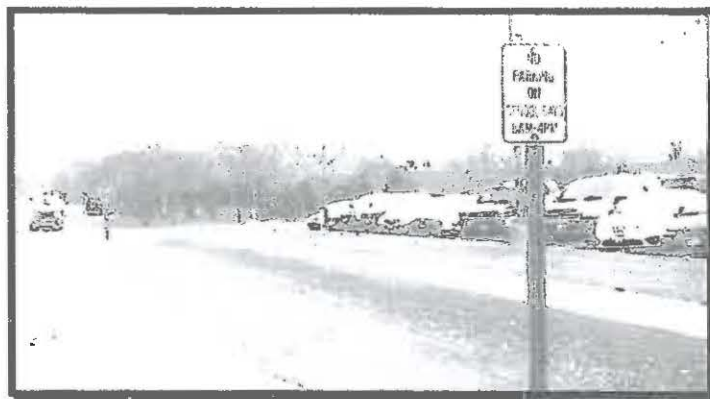
Evans Place

Current Parking Regulations

Parking is not permitted on school days between 8:00 A.M. and 4:00 P.M. on both sides of Elm Street, Brookbank Road and Evans Place. The typical parking regulation sign is shown below.



Current Street Parking Regulations

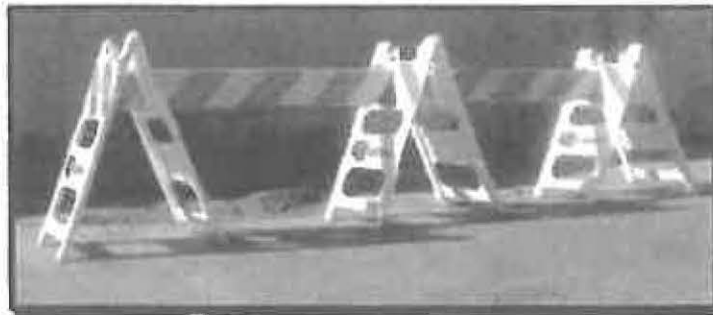


Typical Parking Regulation Sign

Potential Parking Measures

Based on our understanding of the parking issues and our field review of the area, the following outlines several measures that could be implemented to alleviate the issues.

1. Extend the school day parking regulations – The parking regulations currently extend to 4:00 P.M. on school days. Extending these regulations to 7:00 or 8:00 P.M. along both sides of Brookbank Road and Evans Place, and the north side of Elm Street, would deter those attending special events at the school from parking along the streets. This regulatory change would require police enforcement to be effective. Since the regulation applies to all motorists, it would affect homeowners as well, so the residents along these streets should be agreeable to the change.
2. Implement permit parking along Brookbank Road and Evans Place – Permit parking could be utilized on Brookbank Road and Evans Place to preserve street parking for residents while restricting parking on the street by non-residents. The time period of the permit regulations can vary from school hours only to 24 hours a day, depending on the preferences of the City and residents. Permit parking also requires enforcement to be effective. It can, however, be inconvenient to the residents themselves should they host guests that may not own a permit. It can also set a precedent that may be applicable to many other areas of the City.
3. Utilize portable barricades on Brookbank Road and Evans Place at Elm Street – Barricades could be used during special events to block vehicular access to Brookbank Road and Evans Place from Elm Street. The barricades could have a sign attached indicating “Parking Prohibited Beyond This Point”. Residents would still be able to access these streets from Janet Avenue. This measure is more manpower-intensive as a City or school staff member would need to set up and take down the barricades during special events at the school.



Portable Barricade



Sign dimensions: 18 inches x 24 inches

**NO
HIGH SCHOOL
OR
EVENT PARKING
ANY TIME
ORDINANCE
NO. O-16-14**

Sign dimensions: 18 inches x 24 inches

**NO
HIGH SCHOOL
PARKING**

**ORDINANCE
NO. O-16-14**

CITY OF DARIEN

M E M O

TO: Municipal Services Committee Members
FROM: Dan Gombac, Director of Municipal Services
DATE: October 21, 2014
SUBJECT: Request from Jim's Quality Meats

During the last six months Jim's Quality Meats had informed the developer and City staff that he was committed to leasing a new space within the Darien Pointe Center. On October 20, 2014, Edward Wedell, the owner of Jim's, had his accountant (Al Malley), submit a letter requesting a grant from the City in an amount of \$235,000. The letter and a revenue and expense list sheet prepared by Jim's accountant is attached as Attachment A.

Jim's requested the grant to be used for the tenant build out and equipment purchase. Attached and labeled as Attachment B, is a letter from Jim's Meat Market supporting his grant request. Attachment C is the responses to the questionnaire that was sent to Al Malley, representing Jim's Meat Market. Jim's Meat Market generates an estimated \$6,400 in sales taxes to the city each year.

Due to the proposed building schedule, the developer, Darien Pointe LLC, said they need to have a signed lease with Jim's no later than the November 3, 2014, Council meeting in order to meet the timeframe established by the City Council.

The request from Jim's has been forwarded to the Municipal Services Committee for initial review.

Financial ACCOUNTANTS

1009 Maple Avenue
Downers Grove, IL 60515
Phone: 630-860-0819
Fax: 630-860-2275

October 20, 2014

City of Darien
1702 Plainfield Road
Darien, IL 60561

Dear Mayor and Alderman:

I am the accountant for Edward Wedell and Jim's Quality Meats, Ltd. I was asked to put together some historical figures as well as projections on behalf of Mr. Wedell.

The attached spreadsheet was completed using actual figures for years 2010 through 2013 and a projection for 2014 for the last quarter. Years 2015-2019 are based on projections taking into account factors such as the completion of the strip mall and road construction.

The figures also include depreciation, a non-cash expense and interest.

Jim's Quality Meats, Ltd collects sales tax on its sales at a rate of 1.75%. We estimate that sales tax collections will exceed \$12,000 per year.

In order for Jim's Quality Meats, Ltd to reopen in the newly completed strip mall, we estimate the cost to be approximately \$235,000. The figure includes the actual build out and new equipment. The new equipment is necessary as the existing equipment will not meet current health code and building code standards.

We are asking that the City of Darien assist with the cost of relocating Jim's Quality Meats, Ltd in the amount of \$235,000.

Keeping this business open will be an asset to the city of Darien, and the city will be repaid in full based on future sales tax collections.

I will be happy to meet with you at any time to answer any questions or provide clarification. Please feel free to contact me any time.

Sincerely,



Al Malley
Certified Public Accountant

Jim's Quality Meats, Ltd

	31-Dec-10	31-Dec-11	31-Dec-12	31-Dec-13	31-Dec-14	31-Dec-15	31-Dec-16	31-Dec-17	31-Dec-18	31-Dec-19
REVENUE	636679	642153	644541	664897	610000	640000	700000	714000	728280	730000
PURCHASES	397369	465639	463610	442995	408700	429000	472000	481500	491000	495000
WAGES	140289	119620	97480	106438	106000	110000	115000	117300	120000	122000
ADVERTISING	546	751	168	266	270	5000	5000	5100	5000	5000
DEPRECIATION	3838	817	374	2091	2091	12000	12000	12000	12000	12000
DUES	35	110	110	120	120	120	120	120	120	150
INTEREST	0	0	0		0	6000	6000	5800	5500	5000
EQUIPMENT RENTAL	1980	1925	1883	1883	1900	1900	2000	2100	2200	2300
INSURANCE	5878	6339	4604	4809	5000	5500	5600	5700	5800	6000
UNIFORMS & LAUNDRY	1115	841	1074	1236	1250	1300	1300	1350	1400	1450
LEGAL & ACCOUNTING	4230	4230	4230	4440	4440	4500	4500	4500	4600	4650
LICENSES	250	814	779	770	770	1000	1000	1000	1000	1000
REPAIRS & MAINTENANCE	4660	4369	8611	3979	3000	3000	3000	3500	4000	5000
OFFICE EXPENSE	632	1417	1112	1180	4500	4500	4500	4550	4600	4650
OPERATING SUPPLIES	922	331	922	17024	700	700	750	800	850	900
POSTAGE	141	97	144	165	125	125	130	130	130	130
RENT	23820	22380	22355	21026	12750	13000	17000	18000	18500	19000
INCOME TAX	0	0	0	28	210	240	0	67	69	70
FICA TAX	10732	9151	7464	8154	8110	8400	8800	8976	9200	9350
UNEMPLOYMENT TAX	2725	3038	885	4212	4200	4200	4300	4300	4400	4450
TELEPHONE	1229	1731	1382	1742	1750	1750	1800	1800	1800	1800
UTILITIES	12572	12247	11241	14029	14000	15000	15250	15500	16000	16250
BANK CHARGES	10494	11670	13377	14330	14500	15250	15500	15750	15800	16000
Period Profit/(Loss)	13222	-25364	2736	13980	15614	-2485	4450	4157	4311	-2150
Sales Tax	11,142	11,238	11,279	11,636	10,675	11,200	12,250	12,495	12,745	12,775

October 21, 2014

To: The City of Darien

Jim's Quality Meats is a family-owned butcher shop located in the city of Darien, IL, on Cass Avenue between 75th St. and Plainfield Rd. Three words come to mind at first thought. Quality. Service. People.

At Jim's, *quality* for the customer always comes first. It starts by maintaining a safe, clean working environment. The quality at Jim's carries over into the product we serve. All of our beef is USDA certified choice and prime. We do not supply other shops or restaurants – only our customers. Small, weekly deliveries, allow us to inspect and approve everything we bring into the shop. If it's not of the highest quality – we send it back. Our beef is dry-aged between three and four weeks, allowing the connective tissue to break down. This makes for a more flavorful, tender cut of meat. I have yet to find a grocery store or supermarket that applies this process.

Service is another component of the Jim's Quality Meats business model that sets us apart from other meat markets. In charge of a work cookout or holiday meal? The staff at Jim's is here to help and we can assist with planning (how much to order) and preparing (how to cook). We put our community first. Whether it is organizing a deli meat/cheese tray for the Darien police department or supplying Our Lady of Peace School with ground beef for their annual Sloppy Joe Day fundraiser, we are proud to be a part of the city of Darien.

People. For over 34 years, Jim's Quality Meats has been establishing a loyal customer base. Many of our customers, whom we know by name, are weekly shoppers – they come for the quality and personalized service they cannot find elsewhere.

Thank you for your consideration,

Jim's Quality Meats

Ed Wedell, Owner

Ashley Prueter

From: Dan Gombac
Sent: Tuesday, October 21, 2014 4:25 PM
To: Ashley Prueter
Cc: Bryon Vana
Subject: FW: letter for City
Attachments: WhatMakesJimsQualityMeatsUnique.docx

Att B is attached and use the e-mail below for Att C

Daniel Gombac
Director of Municipal Services
630-353-8106

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<http://www.darien.il.us/Departments/Administration/CityNews.html>

From: Al Malley [<mailto:amalley@fastax.com>]
Sent: Tuesday, October 21, 2014 2:46 PM
To: Dan Gombac
Subject: RE: letter for City

Dan Please see answers below in Red per discussions with Ed. Question 7 is answered in an attachment. Please call me with any questions.

Al

From: Dan Gombac [<mailto:dgombac@darienil.gov>]
Sent: 10/21/2014 11:08 AM
To: Al Malley
Cc: Paul Nosek; Bryon Vana; Kathy Weaver (Kathy_Weaver@AJG.com); Mark Morrissey; Michael J. Coren
Subject: RE: letter for City

Good morning Al:

The Mayor has forwarded the letter regarding the economic incentive to the Municipal Services Committee. The Committee will meet on Mon Oct 27, 2014 at 6:30 at the City Hall Council Chambers. Several questions have come up regarding the grant. Staff is requesting replies to the questions or statements below. If you are unable to answer any of the items below, please contact Ed for a follow up. My understanding is that Ed does not have an e-mail account. This information is required by late this afternoon:

1. The grant requested is in the amount of \$235,000. One scenario is that the grant would not be paid back by Jim's Meat Market?
This is correct
2. Based on projected sales if there was a payback from the meat market from a sales tax rebate, at 1%, the terms would be approximately 40 years?
It would be approximately 32 years based on current sales figures. Future sales increases have not been factored in beyond five years, which would generate additional sales tax. Also, sales projections have been very conservative.
3. Has the meat market exhausted any conventional loans, and based on the sales what is your opinion that he would be eligible for?
No conventional loans have been pursued at this time. It is also my opinion that he would not receive financing through traditional avenues. Also, due to the time constraints the process for financing would not be made available in time.
4. Is the meat market willing to seek a conventional loan and has he applied for any loans to date?
See question 3.
5. If the funding was granted what collateral would the city be able to secure, provided that meat market is willing to provide collateral?
The equipment would be an asset that could provide the City with a security interest.
6. Is there an opportunity to utilize used equipment to lower costs?
This is an avenue we intend to explore. If we are able to locate used/reconditioned equipment that meet all code requirements, we would be willing to consider it.
7. What makes the Meat Market unique to the City to provide economic relief to them?
See attachment

Daniel Gombac

Director of Municipal Services

630-353-8106

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From: Al Malley [<mailto:amalley@fastax.com>]

Sent: Monday, October 20, 2014 4:07 PM

To: Dan Gombac

Subject: letter for City

CITY OF DARIEN
MUNICIPAL SERVICES COMMITTEE
September 22, 2014

PRESENT: Joseph Marchese - Chairperson, Alderman Tina Beilke, Alderman Joerg Seifert, Michael Griffith - Senior Planner, Dan Gombac – Director, Elizabeth Lahey - Secretary

ABSENT: None

ESTABLISH QUORUM

Chairperson Marchese called the meeting of the Municipal Services Committee to order at 6:30 p.m. at the City Hall – City Council Chambers, Darien, Illinois and declared a quorum present,

NEW BUSINESS

- A. 2601 75th Street, Mi Hacienda - Petitioner seeks approval of a variation to reduce the required corner side yard setback from 50 feet to zero feet for a patio for outdoor dining.**

Mr. Michael Griffith, Senior Planner reported that the petitioner is seeking approval of a variation to reduce the required corner side yard setback from 50 feet to zero feet for a patio for outdoor dining. He reported that the PZC held a Public Hearing and recommended denial. He stated that the variation relates to the side yard setback. Mr. Griffith reported that the community concerns relate to quality of life, close proximity of the patio to the sidewalk, parking and how it will affect the already aggravated parking.

Alderman Seifert stated that he was not pleased that the petitioner constructed the patio without a permit for the patio.

Chairperson Marchese stated that he agreed with Alderman Seifert and that the permit was an afterthought.

Alderman Beilke questioned if the setback could be minimized to allow for more parking.

The petitioner, Mr. Andrius Presniakouas provided the Committee with photos of the patio. He stated that the patio was built by the owner of Mi Hacienda and that the company who built the patio was supposed to apply for a permit. The petitioner stated that everything was done on the weekend.

Mr. Presniakouas stated that the patio is next to a business/residence and that the owner of Mi Hacienda owns the houses nearby. He stated that the owner has signatures of residents in favor of the petition.

Chairperson Marchese questioned why the petitioner is showing the Committee the photos of the patio.

Alderman Seifert stated that he is bothered that there was no permit and that he disagreed that it is the contractor's responsibility to apply for the permit. He stated that petitioners presented a proposal for a restaurant/bar at the Wolf Camera location and that the City could not see changing the character of the area. He further stated that he could not agree with changing the character and granting the request.

Chairperson Marchese questioned if the petitioner had to remove the patio because he did not apply for a permit.

Mr. Dan Gombac, Director reported that the patio would have to be removed if the variation is denied.

Chairperson Marchese explained to the petitioner that if the Committee denies the use that the removal of the patio will be at his cost and to replace the patio area with grass. He suggested that the petitioner contact the contractor to recoup some of the costs.

Chairperson Marchese stated that he is in favor of helping out businesses but that he is bothered that there was no permit.

Alderman Beilke asked about the history of the property.

Mr. Griffith reported that the building was built prior to being annexed. He stated that it already encroaches into the setback.

Alderman Beilke stated that the patio looks nice and asked if there is another use for this that will not disturb the neighbors.

Mr. Presniakouas stated that the owner of Mi Hacienda has been there for over ten years.

Chairperson Marchese explained that the petitioner will not be able to use the patio for the restaurant area.

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

Mr. Joe Webber, Darien stated that there is a section of the sidewalk that jets out and a manhole. He stated that there is zero space.

Mr. Art Donner, Darien stated that parking is the problem and if the patio is left in place will allow people to sit and congregate. He stated that there is a concern for the setback and safety.

Alderman Beilke asked if the area could be used for a smoking area.

The petitioner stated that there is not a special smoking area. He stated that he never sees kids riding their bikes because it is a dangerous area and the driveway ends.

Mr. Gombac stated that the fence encroaches by inches into the sidewalk and that the sidewalk is compromised. He stated that if a fence was placed it would have to be moved approximately six inches.

Chairperson Marchese suggested coming out 10 feet from the side of the building to allow the petitioner to save costs. He explained that the petitioner would not be able to use the site for eating and drinking.

Alderman Seifert stated that this idea would be to minimize costs for the petitioner and to keep it aesthetically pleasing.

Mr. Gombac stated that the use would be denied and not allowed any public use. He stated that the petitioner would have to remove approximately 12.5 feet of existing patio on the east side and fill half with sod and remove the fence.

Chairperson Marchese stated that it cannot be too inviting for people to utilize it.

Mr. Enrique Rodriguez, Mi Hacienda stated that no one uses the side where the patio is located because the sidewalk ends. He stated that his children and nephews are the children in the area.

Chairperson Marchese stated that the patio was built without a permit and that the Committee is trying to help the building owner cut costs.

Alderman Beilke suggested tabling the request and ask the petitioner to come back with a new plan.

Mr. Gombac stated that perimeters need to be set and that staff recommends 1 foot between the sidewalk and barrier.

Chairperson Marchese stated that he would like to see the patio set back to the tree.

Mr. Donner stated that he still did not think that this will stop people from using the patio. He stated that there is still plenty of room for tables and chairs and the ability for people to stand out there. He stated that he can get signatures from the residents in favor of taking the patio out. Mr. Donner stated that this request is putting a burden on the residents to be the watch dog.

Chairperson Marchese stated that they are simply trying to help the owner with some of the costs. He stated that if the area is used and liquor is served could put the owner in jeopardy of losing his liquor license.

The petitioner stated that he can plant bushes that were there.

Alderman Seifert stated that he would like to see it fixed and that the Committee has to keep with the variance.

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

Alderman Seifert made a motion, and it was seconded by Alderman Beilke to deny the variance request subject to the following conditions:

- 1. The patio, constructed without a permit, shall be allowed to extend a maximum of 12 feet from the existing east wall of the building.**
- 2. The yard is to be restored with sod or other landscaping.**
- 3. The fence is to be removed.**
- 4. The patio is not to be used for eating, drinking or a smoking area.**
- 5. The patio is to be a landscape feature only.**

Upon voice vote, THE MOTION CARRIED unanimously 3-0.

Chairperson Marchese stated that if the petitioner utilizes the area that this will jeopardize the liquor license. He stated that this item will be forwarded to the City Council on October 6th and may be placed under New Business and open for discussion. He informed the petitioner in the future to apply for a permit first.

B. Resolution - Awarding a contract to Homer Tree Care, Inc. in an amount not to exceed \$78,075.00, for the City's 2014-15 Tree Trimming and Removal Program.

Mr. Dan Gombac, Director reported that the bid results for this year's program were favorable. He reported that this contract consists of the removal of various dead trees and tree trimming for 1800 parkway trees. Mr. Gombac stated that the contract also calls for private resident tree trimming including stumping at a pass through cost. He reported that there is also an opportunity for two additional contract extensions for subsequent years pending future budgeting and contractor performance.

Chairperson Marchese suggested using Direct Connect to inform the residents.

Alderman Beilke questioned how much was spent last year.

Mr. Gombac reported that there were more trees removed last year and that approximately \$10,000 more due to general removals and storm related incidences.

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

Alderman Seifert made a motion, and it was seconded by Alderman Beilke to approve a Resolution awarding a contract to Homer Tree Care, Inc. in an amount not to exceed \$78,075.00 for the City's 2014-15 Tree Trimming and Removal Program.

Upon voice vote, THE MOTION CARRIED unanimously 3-0.

C. Resolution - To increase funding for the Residential Rear Yard Drainage Assistance Program in an amount of \$20,000.00.

Mr. Dan Gombac, Director reported that the program this year is overwhelming. He reported that Attachment "A" provided in the agenda memo provides a summary of

completed rear yard drainage programs along with pending projects due to funding. The rear yard drainage program is designed to eliminate ponding water and flooding. He reported that the funding is available from the General Fund Balance.

Alderman Beilke questioned the contribution and how to get to \$5,000.

Mr. Gombac reported that the City will contribute up to \$5,000 per project and the residents are responsible for the first \$1,000 and anything additional. Each project is reviewed and a cost estimate is prepared and presented to the residents. The requests are based on a first come first served basis. He stated that the goal is to seek funding to complete all the open requests this year.

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

Alderman Seifert made a motion, and it was seconded by Alderman Beilke to approve a Resolution to increase funding for the Residential Rear Yard Drainage Assistance Program in an amount of \$20,000.

Upon voice vote, THE MOTION CARRIED unanimously 3-0.

D. Minutes – July 28, 2014 Municipal Services Committee

Alderman Seifert made a motion, and it was seconded by Alderman Beilke to approve the July 28, 2014 Municipal Services Committee Meeting Minutes.

Upon voice vote, THE MOTION CARRIED unanimously 2-0. Alderman Marchese abstained.

Minutes - August 18, 2014 Special Meeting, Municipal Services Committee

Alderman Beilke made a motion, and it was seconded by Alderman Seifert to approve the August 18, 2014 Municipal Services Committee Special Meeting Minutes.

Upon voice vote, THE MOTION CARRIED unanimously 3-0.

Minutes - August 25, 2014 Municipal Services Committee

Alderman Marchese made a motion, and it was seconded by Alderman Seifert to approve the August 25, 2014 Municipal Services Committee Meeting Minutes.

Upon voice vote, THE MOTION CARRIED unanimously 2-0. Alderman Beilke abstained.

DIRECTOR'S REPORT

Ms. Joanne Ragona, City Clerk was in the audience. She stated that she received a flyer in the mail from a business offering BYOB and questioned the City's position on BYOB and the liability.

Mr. Gombac reported that staff will research and place it on the agenda for the October 27th meeting.

Mr. Gombac reported the 75th Street project is five to six weeks behind schedule. He reported that Chase Bank is opening in approximately two months and that the developer for the Heritage Plaza is working on the asbestos abatement of the existing building.

Chairperson Marchese stated that he received correspondence from an irate resident regarding the idea for a driving range on the 13th hole at Carriage Greens. He stated that he suggested that the golf course meet with the residents first before coming to the City.

Mr. Gombac reported that Carriage Greens is not set up for a range and that they will have to come in for a special use variation.

NEXT SCHEDULED MEETING

Chairperson Marchese announced that the next regular meeting is scheduled for Monday, October 27, 2014 at 6:30 p.m.

ADJOURNMENT

With no further business before the Committee, Alderman Marchese made a motion and it was seconded by Alderman Seifert to adjourn. Upon voice vote, THE MOTION CARRIED unanimously and the meeting adjourned at 7:40 p.m.

RESPECTFULLY SUBMITTED:

Joseph Marchese
Chairman

Tina Beilke
Alderman

Joerg Seifert
Alderman

Municipality Name

BYOB (Bring Your Own Bottle) Survey

The City of Darien is considering adopting licensing requirements for BYOB establishments. We are seeking input from area communities on how they treat BYOB. We would appreciate your input by taking the time to complete and return this survey. Thank you.

Does your municipality require a liquor license for BYOB?

- ☐ Yes.
- ☐ No.

If Yes,

1. Is a fee charged? The annual fee \$_____.
2. Is the type of alcohol restricted to beer and wine only?
 - ☐ Yes.
 - ☐ No.
3. Is consumption of alcohol only permitted by patrons ordering and being served a complete meal?
 - ☐ Yes.
 - ☐ No.
4. Is BASSET training required for servers?
 - ☐ Yes.
 - ☐ No.
5. Are patrons allowed to leave the establishment with their alcohol in a sealed carryout bag?
 - ☐ Yes.
 - ☐ No.
6. Are establishments permitted to charge a corkage fee?
 - ☐ Yes.
 - ☐ No.
7. What problems, if any, has your municipality experienced with regard to BYOB?

Other Comments: