

**MINUTES
CITY OF DARIEN
PLANNING & ZONING COMMISSION MEETING
April 7, 2010**

PRESENT: Beverly Meyer – Chairperson, Robert Erickson, Don Hickok, Gloria Jiskra, John Lind, Ray Mielkus, Ken Ritzert, Michael Griffith – Senior Planner, Elizabeth Lahey - Secretary

ABSENT: Ron Kiefer, Susan Vonder Heide

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

A. PZC 2010-01: 6800 Route 83, Stonecraft: Petitioner seeks a variation to construct a detached accessory structure, a gazebo, within the front yard.

Mr. Michael Griffith, Senior Planner, presented the staff report. He stated that this is a variation from the Zoning Ordinance to construct a detached accessory structure within the front yard.

Mr. Griffith reported that the petitioner proposes to construct a 12' x 12' gazebo in the northeast corner of the property. He stated that the petitioner is proposing to construct a gazebo to identify the petitioner's stone business. He further stated that the plans include an exterior stone wall and railing and that the items are in compliance with City Code. Mr. Griffith displayed the sample stone which the petitioner provided to the PZC.

Mr. Luigi Sardone, petitioner, stated that he has been at the location for 15 years and not much has been done to improve the property. He stated that his company is unique and that this will identify his business, what type of work he does. Mr. Sardone stated that he will be knocking down the old sign and constructing a new sign as well as repaving the lot once the construction is completed.

Chairperson Meyer questioned if there would be any lighting.

Mr. Sardone stated that there is going to be a light in each corner post.

Chairperson Meyer questioned if the gazebo would be constructed on the ground.

Mr. Sardone stated that the gazebo will be built on a concrete foundation and that the area around it will be grass with a flower bed.

Commissioner Jiskra asked the petitioner if this was being built for decorative purposes.

Mr. Sardone stated that it was decorative and defines his business. He stated that his work is unique and that he designed Venuti's Banquets in Addison.

Commissioner Hickok stated that it would be an improvement to the shopping center.

Commissioner Jiskra questioned how the petitioner would keep the stone clean.

Mr. Sardone stated that he would be power washing and sealing on a yearly basis.

Commissioner Ritzert asked if staff thought there was adequate vision clearance.

Mr. Griffith stated that staff looked at the site and did not believe that there will be any problems.

Commissioner Lind questioned why the plans called for wood.

Mr. Sardone stated that his computer design program only allows for wood but that it will be constructed out of stone.

Commissioner Hickok questioned if there was a sidewalk to the south.

Mr. Sardone stated that he will be far from the sidewalks.

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

Chairperson Meyer closed the public hearing at 7:10 p.m.

Commissioner Jiskra asked if the area was owned by the petitioner.

Mr. Sardone stated that Mr. Harris, Harris Management Services, Ltd. owned the building.

Commissioner Hickok made a motion, and it was seconded by Commissioner Mielkus that based upon the submitted petition and the information presented, the request associated with PZC 2010-01 is in conformance with the standards of the Darien City Code and move that the Planning and Zoning Commission approve the petition as presented.

Upon roll call vote, THE MOTION CARRIED 6-1. Commissioner Lind voted Nay. Commissioner Kiefer and Commissioner Vonder Heide were not present.

Mr. Griffith stated that this would be forwarded to the Municipal Services Committee on Monday, April 26, 2010 at 6:30 p.m.

B. Public Hearing: PZC 2010-03: PetSmart, Darien Towne Centre, 2153 75th Street: Petitioner seeks approval of a Major Amendment to the Darien Towne Centre Planned Unit Development (PUD) to allow an additional use within the PUD, a kennel (pet hotel), within the PetSmart store.

Mr. Michael Griffith, Senior Planner, presented the staff report and stated that the petitioner proposes to alter the store to provide a pet hotel within the store. He reported that the proposed use falls under the definition of a “kennel” under the Darien Zoning Ordinance which is not a permitted use.

Mr. Griffith stated that a change in the permitted uses within a PUD is considered a major change to the approved PUD. He reported that staff does not object to this petition.

Mr. John Philipchuck, the attorney representing PetSmart, introduced Mr. Andrew Whitacker, PetSmart Corporate. Mr. Philipchuck provided the PZC with a brief history of PetSmart. He explained that to help with PetSmart’s customer needs, a niche was added to their existing stores to add a pet hotel. He stated that PetSmart is now building their new stores with pet hotels.

Mr. Philipchuck stated that the pet hotel will provide a service to people that work during the day. He stated that 5,700 square feet of the interior will be remodeled to accommodate the hotel to board both dogs and cats.

Mr. Philipchuck stated that the pet hotel will have round the clock staffing and that everything will be self contained. He stated that there is a great sound barrier and that there will be no negative impact outside the store.

Mr. Philipchuck stated that PetSmart will have systems for drains and disposal of waste in a flushed toilet system for dogs. He stated that cat waste will be packaged and put in dumpsters. He further stated that because dogs are allowed to be in the store that there are waste stations in the parking lot and that those are monitored and kept clean. He stated that there are good buffers and good separation of the shopping center from homes and that the petitioner is asking that this be a permitted use in the store.

Mr. Philipchuck stated that he provided staff with a list of stores with hotels. He stated that the landlord completely supports this proposal and that there will be no changes to the exterior. He further stated that the petitioner may at a later time, request a sign for the pet hotel.

Mr. Philipchuck stated that all the utilities are adequate and that this proposal will provide jobs to the City of Darien. He stated that the petitioner is excited and hope that the PZC considers the request.

Chairperson Meyer asked where the pets are walked.

Mr. Andrew Whitacker, PetSmart, Phoenix, AZ, stated that the dogs will be walked inside.

Commissioner Lind asked if the cat litter will be placed in special dumpsters.

Mr. Whitacker stated that cat litter will be a natural pine based material and bagged and placed in a scavenger dumpster.

Commissioner Lind asked for an explanation of how they will ventilate the hotel.

Mr. Whitacker stated that they will use 30% outside air and filter with a small percentage of exhausted air. He stated that the system uses a filter and UV light treatment.

Commissioner Erickson questioned how many pets are anticipated.

Mr. Whitacker stated that there will be 112 rooms. He stated that typically they will hit maximum occupancy during holidays.

Commissioner Erickson asked if there were 112 individual rooms.

Mr. Whitacker stated that sometimes pet parents board more than one dog in one room depending on the request.

Commissioner Erickson asked if there was enough insulation.

Mr. Whitacker stated that there is enough insulation to soundproof the building. He stated that PetSmart has done a sound study in Arizona and that he could provide the study to the City if desired. He further stated that in the 150 pet hotel stores that they operate, noise has not been a problem.

Commissioner Lind asked what the evacuation procedure is regarding fire safety. He asked if the employees take the animals out.

Mr. Whitacker stated that they follow the local fire department's procedures. He stated that it is preferred that the animals remain in the rooms and that the fire fighters take them out. He further stated that the entire facility is sprinklered and that there are fire walls.

Commissioner Hickok asked if the cages are metal.

Mr. Whitacker stated that the cages are metal.

Commissioner Hickok stated that there did not appear to be much space for 112 rooms. He stated that it seemed to be 15 or fewer square feet per dog.

Mr. Whitacker stated that the cages are 4x4, 4x6, 4x12 with solid bottoms and trenches. He stated that accidents don't usually occur in the cages because there are areas with pebble type textures and odors for relief rooms. He further stated that the rest of the hotel is a smooth concrete finish.

Commissioner Jiskra asked how humane it is to keep a dog caged. She asked if the cages are stacked.

Mr. Whitacker stated that the cages are stacked in the back and that PetSmart follows the Humane Society of the United States guidelines. He further stated that if pet parents are worried about their pet that they are encouraged to add playtime. Mr. Whitacker stated that the dogs are exercised two to five times per day.

Chairperson Meyer asked how many employees will be needed to operate the pet hotel.

Mr. Whitacker stated that it varies from hotel to hotel but that he would expect approximately 15 maximum and 8 minimum. He stated that there is a lot of prep involved and that there will always be two employees who will stay over night who are specially trained. He further stated that they have an arrangement with a vet if something happens. Mr. Whitacker stated that the night shift workers are working and not sleeping.

Commissioner Hickok stated that it doesn't appear to be enough room.

Mr. Philipchuck stated that there is over 5,000 square feet.

Commissioner Lind stated that this is not the first pet hotel for PetSmart, they have the details worked out. He asked if they are giving up a portion of their sales to accommodate the hotel.

Mr. Whitacker stated that will handle about the same amount of merchandise, but now they can replenish the stock more frequently instead of keeping so much of it on the shelves.

Commissioner Erickson questioned if the vet is employed by PetSmart.

Mr. Whitacker stated that the vet is not an employee of PetSmart.

Commissioner Ritzert asked if the petitioner had approval from the other proprietors.

Mr. Philipchuck stated that PetSmart does not request a sign-off from the neighbors.

Mr. Griffith stated that the adjacent businesses are not the owners of the property. He stated that Inland filed the petition and that it is up to Inland to notify the businesses.

Commissioner Ritzert asked if Inland notified the businesses.

Mr. Philipchuck stated that PetSmart has not had to gain approval from the other businesses and that it is not normal business practice. He stated that pets already come into the store on a daily basis and getting in and out of cars all day. He further stated that once the dogs are inside they are kept there. Mr. Philipchuck also stated that he would think that the other businesses will welcome more cars to the parking lot for more business in the shopping center.

Commissioner Hickok stated that it was a moot point because the buildings in question are vacant.

Commissioner Ritzert stated that he still would still feel more comfortable knowing that the businesses were contacted.

Mr. Griffith stated that he received a call from Walmart when the sign was posted. He stated that the City cannot require the petitioner to get a sign-off from the businesses, it is the property owner who has the vested interest in the permitted uses within the shopping center.

Mr. Whitacker stated that PetSmart has stores across the country and that they have operating agreements in place and have history with national tenants.

Commissioner Hickok stated that the Darien PetSmart is a good store and always clean.

Mr. Whitacker stated that PetSmart does not sell dogs but have rescue cats and dogs on site.

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

Chairperson Meyer closed the public hearing at 7:50 p.m.

Commissioner Lind made a motion, and it was seconded by Commissioner Hickok that based upon the submitted petition and the information presented, the request associated with PZC 2010-03 is in conformance with the standards of the Darien City Code and move that the Planning and Zoning Commission approve the petition as presented.

Upon roll call vote, THE MOTION CARRIED 5-2. Commissioner Erickson and Commissioner Lind voted Nay. Commissioner Kiefer and Commissioner Vonder Heide were not present.

Mr. Griffith stated that this would be forwarded to the Municipal Services Committee on Monday, April 26, 2010 at 6:30 p.m.

C. Public Hearing: PZC 2010-04: 451 Plainfield Road, Sportsplex: Petitioner seeks a variation to construct a 100-foot tall cell tower where 60-feet is the maximum permitted tower height.

Mr. Michael Griffith, Senior Planner, presented the staff report. He stated that petitioner is seeking a variation to construct a 100-foot tall cell tower on the north side of the parking lot near Plainfield Road. He further stated that the Zoning Ordinance limits transmitting towers to a height of 60 feet. Mr. Griffith stated that the proposed tower will be a stealth tower resembling and flag pole and similar to the stealth tower located at Westwood Park at 75th Street and Fairview Avenue.

Mr. Griffith stated that the petitioner provided a coverage map and stated that there is a gap in coverage.

Ms. Stephanie Gurgone, Executive Director, Darien Park District, stated that she appeared before the City for the Westwood Park cell tower. She stated that T-Mobile approached the District and stated that they were interested in the Sportsplex area for an additional cell tower.

Ms. Gurgone stated that the tower at Westwood Park has been positively received and that the District appreciates revenue from the tower site. Ms. Gurgone stated that she has met with City staff and worked with T-Mobile to determine the best location for the tower.

Commissioner Erickson questioned how much revenue the District receives.

Ms. Gurgone stated that the District receives just under \$24,000 per year. She stated that this is significant revenue for the District.

Commissioner Lind questioned if there is a need for a gable roof vs. a flat roof any more for the shelter due to falling ice from the tower.

Mr. Ray Shinkle, Insite Inc., stated that there have not been any incidences with ice falling through the shelter roof. He stated that there is gable over the coax in case there is ice on the coax.

Mr. Shinkle provided a brief presentation why the Sportsplex location was a desirable location. He stated that by having the tower at Sportsplex the tower will help meet subscriber based demand. He further stated that they have had success with the Park District and that they feel it is a good location.

Commissioner Ritzert questioned the 100 foot. tower and asked if it will have multiple carriers.

Mr. Shinkle stated that 100 feet meets the coverage. He stated that sometimes trees impact the area and the need for 100 feet.

Commissioner Jiskra questioned if other carriers will be paying the Park District.

Ms. Gurgone stated that there is room for other carriers and a separate ground lease will be established with the Park District. She stated that they do not have other carriers at this time but that the District is hoping that there will be some in the future.

Commissioner Jiskra questioned why a flag pole.

Ms. Gurgone stated that the City staff and Mr. Dan Gombac suggested the flag pole.

Commissioner Jiskra stated that it looks like a tower and not like a flag pole.

Commissioner Hickok asked why the tower at Westwood Park was reduced to 75 feet after much conversation at the public hearing.

Mr. Shinkle stated that during that time that the economy was experiencing a crisis that carriers had to tighten up. He stated that there were cutbacks made to the site and that a 75 foot stealth tower was already made and in storage so they decided to use it instead of making a new 100 foot tower. Mr. Shinkle stated that he was confident that management wanted a 100 foot tower for the Sportsplex location.

Commissioner Lind stated that no one is complaining about the tower at Westwood Park and it is not even a point of issue.

Commissioner Ritzert questioned if there should be concern for radiation.

Mr. Shinkle stated that carriers pay millions of dollars to the FCC and that there are guidelines that have to be followed. He stated that radiation is not a concern.

Commissioner Jiskra asked if T-Mobile pays the same amount at each site.

Mr. Shinkle stated that they do not. He stated that government facilities have to provide information to the public so there will always be competitive pricing.

Ms. Gurgone stated that she checked around the area and that the District's pricing is in the same range.

Commissioner Lind questioned if there will be a light.

Mr. Shinkle stated that there will not be a light.

Commissioner Hickok asked about the tower near 63rd and Fairview.

Commissioner Lind stated that he did not think that was a cell tower.

Commissioner Ritzert questioned how wide the coverage will be.

Mr. Shinkle stated that the next closest tower is the water tower. He stated that it is a quarter mile radius.

Commissioner Hickok questioned if the items for Christopher Burke Engineering were addressed.

Mr. Griffith stated that he did not see anything that could not be addressed. He did state that Municipal Services Department noted the Fairview location light is a bit intense and that the light at Sportsplex may need to be minimized.

Ms. Gurgone stated that there is a berm there but that the District will be happy to work with the City on lighting.

Mr. Griffith stated that there were not complaints from residents. He stated that it was a comment from Municipal Services.

Commissioner Mielkus asked how far the pad would be from the parking lot.

Mr. Shinkle stated that the pad is approximately ten or fifteen feet from the parking lot.

Commissioner Mielkus asked if the berm will be leveled. He stated that it appears that some of the berm will have to be taken out.

Ms. Gurgone stated that they have been out to the site and there appears to be a significant amount of room. She stated that they may have to cut into the berm.

Commissioner Mielkus asked if there is a retaining wall in back of the foundation.

Mr. Shinkle stated that there is not and that this is something that they will have to talk to the architect about.

Mr. Griffith stated that the plan will have to include a retaining wall and proof that it is a sound wall. He stated that the berm will remain.

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

Chairperson Meyer closed the public hearing at 8:23 p.m.

Commissioner Erickson made a motion, and it was seconded by Commissioner Lind that based upon the submitted petition and the information presented, the request associated with PZC 2010-04 is in conformance with the standards of the Darien City Code and move that the Planning and Zoning Commission approve the petition as presented subject to the following conditions:

- 1. Landscape screening to be adjusted to provide screening for nearby residential properties to the northwest and east.**
- 2. The flag display is to comply with the Federal flag code.**
- 3. Any lighting of the tower should minimize light pollution and not create glare onto adjacent properties or on Plainfield Road.**
- 4. Address letter from Christopher Burke Engineering dated March 17, 2010.**

Upon roll call vote, THE MOTION CARRIED 7-0. Commissioner Kiefer and Commissioner Vonder Heide were not present.

Mr. Griffith stated that this would be forwarded to the Municipal Services Committee on Monday, April 26, 2010 at 6:30 p.m.

MINUTES

Commissioner Jiskra made a motion, and it was seconded by Commissioner Hickok to waive the reading of the March 3, 2010 Meeting Minutes.

Upon voice vote, **THE MOTION CARRIED UNANIMOUSLY 7-0.** Commissioner Vonder Heide and Commissioner Kiefer were not present.

Commissioner Mielkus made a motion, and it was seconded by Commissioner Lind to approve the March 3, 2010 Meeting Minutes.

Upon voice vote, **THE MOTION CARRIED UNANIMOUSLY 7-0.** Commissioner Vonder Heide and Commissioner Kiefer were not present.

CORRESPONDENCE:

None.

OLD BUSINESS/PLANNER'S REPORT:

Mr. Griffith reported that there will be two public hearings scheduled for April 21st. He stated that both hearings were code enforcement issues regarding the Recreational Vehicle Ordinance.

NEXT MEETING:

Mr. Griffith reported that the next meeting is scheduled for Wednesday, April 21, 2010 at 7:00 p.m.

ADJOURNMENT:

With no further business before the Commission, Commissioner Lind made a motion and it was seconded by Commissioner Hickok to adjourn. Upon voice vote, **THE MOTION CARRIED** unanimously and the meeting adjourned at 8:35 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

Elizabeth Lahey
Secretary

Beverly Meyer
Chairman