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**PRE-COUNCIL WORK SESSION — 7:00 P.M.**  
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Agenda of the Regular Meeting  
of the City Council of the  
**CITY OF DARIEN**  
November 2, 2015  
7:30 P.M.

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Declaration of Quorum
5. Questions, Comments and Announcements — **General (This is an opportunity for the public to make comments or ask questions on any issue – 3 Minute Limit Per Person, Additional Public Comment Period - Agenda Item 18)**
6. Approval of Minutes — [October 19, 2015](#)
7. Receiving of Communications
8. Mayor's Report
9. City Clerk's Report
10. City Administrator's Report
11. Department Head Information/Questions
12. Treasurer's Report
  - A. Warrant Number — [15-16-13](#)
13. Standing Committee Reports
14. Questions and Comments — **Agenda Related (This is an opportunity for the public to make comments or ask questions on any item on the Council's Agenda – 3 Minute Limit Per Person)**
15. Old Business
  - A. Consideration of a Motion to Approve the [Payment in the Amount of \\$20,000 to the DuPage County Senior Citizens Council](#)

16. Consent Agenda
  - A. Consideration of a Motion to Approve an Ordinance Approving a Special Use and Variation to the Darien Zoning Ordinance (PZC 2015-10: [TCF Bank ATM, 7335 Cass Avenue](#))
  - B. Consideration of a Motion to Approve an Ordinance Approving a Special Use for Dental Clinic (PZC 2015-11: [Elite Smiles Dental Care, 7511 Lemont Road, Chestnut Court Shopping Center](#))
  - C. Consideration of a Motion to Approve an Ordinance Revoking a Previously Approved Special Use to the Darien Zoning Ordinance (PZC 2015-12: [1033 S. Frontage Road](#))
  - D. Consideration of a Motion to Approve an Ordinance Approving a Site Plan and Final Plat of Subdivision (PZC 2015-13: [Horizon Academy, 17w125 S. Frontage Road](#))
  - E. Consideration of a Motion to Approve an Ordinance Waiving the Requirements of Sections 3-3-6(C) and 3-3-6(I) of the Darien City Code ([Central Florida Restaurants/T.G.I. Friday's](#))
17. New Business
18. Questions, Comments and Announcements — **General (This is an opportunity for the public to make comments or ask questions on any issue – 3 Minute Limit Per Person)**
19. Adjournment

**EXECUTIVE SESSION – PERSONNEL SECTION 2(C)(1) OF THE OPEN MEETINGS ACT**

It was moved by Alderman Kenny and seconded by Alderman Beilke to go into Executive Session for the purpose of discussion of Personnel Section 2(C)(1) of the Open Meetings Act at 7:00 P.M.

Roll Call: Ayes: Beilke, Belczak, Chlystek, Kenny, Marchese, McIvor, Schauer

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0

**MOTION DULY CARRIED**

It was moved by Alderman Marchese and seconded by Alderman Chlystek to adjourn Executive Session.

Roll Call: Ayes: Beilke, Belczak, Chlystek, Kenny, Marchese, McIvor, Schauer

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0

**MOTION DULY CARRIED**

Executive Session adjourned at 7:43 P.M.

**Minutes of the Regular Meeting**

**of the City Council of the**

**CITY OF DARIEN**

**OCTOBER 19, 2015**

**7:45 P.M.**

1. **CALL TO ORDER**

The regular meeting of the City Council of the City of Darien was called to order at 7:45 P.M. by Mayor Weaver.

2. **PLEDGE OF ALLEGIANCE**

Mayor Weaver led the Council and audience in the Pledge of Allegiance.

3. **ROLL CALL** — The Roll Call of Aldermen by Clerk Ragona was as follows:

Present:	Tina Beilke	Joseph A. Marchese
	Thomas J. Belczak	Sylvia McIvor
	Thomas M. Chlystek	Ted V. Schauer
	Joseph A. Kenny	

Absent: None

Also in Attendance: Kathleen Moesle Weaver, Mayor  
JoAnne E. Ragona, City Clerk  
Michael J. Coren, City Treasurer  
Bryon D. Vana, City Administrator  
Ernest Brown, Police Chief  
Daniel Gombac, Director of Municipal Services

4. **DECLARATION OF A QUORUM** — There being seven aldermen present, Mayor Weaver declared a quorum.

5. **QUESTIONS, COMMENTS AND ANNOUNCEMENTS - GENERAL**

There were none.

6. **APPROVAL OF MINUTES**

A. September 24, 2015 Special Town Hall Meeting

It was moved by Alderman Marchese and seconded by Alderman Belczak to approve the minutes of the Special Town Hall Meeting of September 24, 2015.

**City Council Meeting**

**October 19, 2015**

Roll Call: Ayes: Beilke, Belczak, Chlystek, Kenny, Marchese, McIvor, Schauer  
Nays: None  
Absent: None  
Results: Ayes 7, Nays 0, Absent 0  
**MOTION DULY CARRIED**

**B. October 5, 2015 City Council Meeting**

It was moved by Alderman Schauer and seconded by Alderman Kenny to approve the minutes of the City Council Meeting of October 5, 2015.

Roll Call: Ayes: Beilke, Belczak, Chlystek, Kenny, Marchese, McIvor, Schauer  
Nays: None  
Absent: None  
Results: Ayes 7, Nays 0, Absent 0  
**MOTION DULY CARRIED**

**7. RECEIVING OF COMMUNICATIONS**

Alderman Kenny received communication from Stan Niemiec regarding overnight parking on 7100 block of Hudson; issue was resolved.

Alderman Chlystek shared communication about the great job Municipal Services has done fixing sidewalks and planting parkway trees.

Alderman Marchese received numerous inquiries from residents in Sawmill Creek about crack seal debris deposited on their lawns. Director Gombac to investigate.

Alderman McIvor received correspondence about the early start time of construction and the amount of dust being generated at the Rolling Knolls development. Director Gombac advised dust control measures are in place and a water truck will be on site.

Mayor Weaver received a text from Gerry Leganski that he would not be able to attend the meeting this evening due to an emergency.

**8. MAYOR'S REPORT**

**A. SWEARING IN OF POLICE LIEUTENANT: EDWARD RENTKA**

Chief Brown commended Lieutenant Rentka on his 27 years of distinguished service. Mayor Weaver administered the Oath of Office to Lieutenant Edward Rentka. There was a round of applause from the Council Members and the audience.

**B. SWEARING IN OF SERGEANT: NICHOLAS SKWERES**

Chief Brown recognized Sergeant Skweres for his knowledge and leadership within the department.

Commissioner Scharnak administered the Oath of Office to Sergeant Nicholas Skweres. There was a round of applause from the Council Members and the audience; Mrs. Skweres and their two sons had the honor of placing recognition pins on Sergeant Skweres.

**C. CONSIDERATION OF A MOTION TO APPROVE THE REAPPOINTMENT OF MEMBERS TO THE HOLIDAY HOME DECORATING COMMITTEE: ELIZABETH HAYES, JIM KISER, AND GERRY LEGANSKI**

It was moved by Alderman Chlystek and seconded by Alderman Belczak to approve the reappointment of members to the Holiday Home Decorating Committee: Elizabeth Hayes, Jim Kiser, and Gerry Leganski.

**VIA VOICE VOTE – MOTION DULY CARRIED**

Clerk Ragona administered the Oath of Office to Elizabeth Hayes and Jim Kiser.

**D. CONSIDERATION OF A MOTION TO APPROVE THE REAPPOINTMENT OF MEMBERS TO THE CITIZEN OF THE YEAR COMMITTEE: BARBARA BOYER, BONNIE KUCERA, CAROL MALLORS AND LINDA ZEMAN**

It was moved by Alderman Beilke and seconded by Alderman Marchese to approve the reappointment of members to the Citizen of the Year Committee: Barbara Boyer, Bonnie Kucera, Carol Mallers and Linda Zeman.

**VIA VOICE VOTE – MOTION DULY CARRIED**

Clerk Ragona administered the Oath of Office to Barbara Boyer, Bonnie Kucera, Carol Mallers, and Linda Zeman.

**E. DOWNERS GROVE TOWNSHIP – THERESA A. COCKRELL, ASSESSOR**

Mayor Weaver introduced Theresa A. Cockrell, Downers Grove Township Assessor.

Assessor Cockrell shared the duties of her office, explained how assessments are calculated, and reviewed the process residents need to take prior to November 2, 2015 to challenge their assessed property valuation.

Assessor Cockrell addressed questions from the Council and residents. Assessor Cockrell provided her complete contact information and invited residents to call her office at 630-719-6630 should they have questions.

Mayor Weaver thanked Assessor Cockrell for taking the time to meet with Council and residents about assessment concerns.

#### **F. DARIEN CHAMBER OF COMMERCE UPDATE**

Clare Bongiovanni provided the following update:

- Darien Chamber Women in Business and the Cancer Smashers were on hand to light up the Pink Breast Cancer Ribbon at the 1<sup>st</sup> Annual Tree Lighting Ceremony held on October 1, 2015 at the Darien Pointe Park clock tower. Meals for women going through breast or any cancer treatment are being provided by the Darien Chamber Women in Business by calling the Chamber Office at 630-968-0004.
- Darien Chamber Women in Business is hosting their mini expo and networking event at the Wild Orchid Salon on October 20, 2015 from 5:00 – 8:00 P.M.
- The Darien Chamber of Commerce is hosting a free Health & Wellness Fair on October 28, 2015 at Chuck's Southern Comforts Café from 1:00 – 7:00 P.M.
- Join chamber members for the Darien Chamber Coffee Connection networking event on October 27, 2015 at First Merchants Bank in Darien, at 8:00 A.M.
- The 2<sup>nd</sup> Annual Dancing with the Chamber Starz Gala Fundraiser will be held on Saturday, November 14, 2015 at Ashton Place.
- Nominations are being accepted through November 1, 2015 at the Chamber Office for the 7<sup>th</sup> Annual Darien Chamber of Commerce Excellence Awards. Winners will be announced at the Excellence Awards and State of the Chamber Luncheon on January 26, 2016 at Chuck's Southern Comforts Café.
- The Darien Chamber Holiday Luncheon will be held on December 15, 2015 at Zazzo's Pizza and Catering.

- Remember to support Darien Chamber businesses and shop local during the holidays.
- Save the date for the Darien Chamber Winter BrewFest on February 27, 2016 at Chuck's Southern Comforts Café.

9. **CITY CLERK'S REPORT**

**A. 2016 VEHICLE STICKER LOTTERY**

Clerk Ragona provided a brief history of the Darien Identification Vehicle Sticker Program and shared the list of non-profit organizations that were offered the opportunity to participate. Clerk Ragona advised the eligible Darien Community organizations that expressed an interest in selling the vehicle stickers were: Darien Historical Society and Darien Lions Club. Clerk Ragona conducted the 2016 Vehicle Sticker Lottery; the winner was the Darien Lions Club.

10. **CITY ADMINISTRATOR'S REPORT**

There was no report.

11. **DEPARTMENT HEAD INFORMATION/QUESTIONS**

**A. POLICE DEPARTMENT REPORT - 9<sup>TH</sup> PERIOD 2015**

The 9<sup>th</sup> Police Period Report (August 24, 2015 –September 20, 2015) is available on the City website.

As this was Chief Brown's last City Council meeting, he shared his parting sentiments. Chief Brown thanked everyone for their support and the endearing friendships he has made. Chief Brown thanked Mayor Weaver and Administrator Vana on their leadership and vision in allowing him the opportunity to serve the Citizens of Darien.

Mayor Weaver thanked Chief Brown for his leadership and for all his achievements over the last four years.

Chief Brown announced that his new position is Executive Director for the Cook County Department of Homeland Security.

Director Gombac reminded residents the last brush pickup will take place the week of October 26 – October 30, 2015.

12. **TREASURER'S REPORT**



**A. WARRANT NUMBER 15-16-12**

It was moved by Alderman Belczak and seconded by Alderman Chlystek to approve payment of Warrant Number 15-16-12 in the amount of \$798,720.71 from the enumerated funds; and \$246,513.11 from payroll funds for the period ending 10/01/15; for a total to be approved of \$1,045,233.82.

Roll Call: Ayes: Beilke, Belczak, Chlystek, Kenny, Marchese, McIvor, Schauer

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0

**MOTION DULY CARRIED**

**B. TREASURER’S REPORT – SEPTEMBER 2015**

Treasurer Coren reviewed year-to-date sources of revenue, expenditures, and fund balances through the month of September 2015:

<u>General Fund:</u>	Revenue \$6,961,161; Expenditures \$4,611,032; Current Balance \$2,967,271
<u>Water Fund:</u>	Revenue \$2,071,661; Expenditures \$2,407,710; Current Balance (\$302,030)
<u>Motor Fuel Tax Fund:</u>	Revenue \$131,575; Expenditures \$159,296; Current Balance \$254,366
<u>Water Depreciation Fund:</u>	Revenue \$349,697; Expenditures \$92,045; Current Balance \$132,321
<u>Capital Improvement Fund:</u>	Revenue \$2,221,555; Expenditures \$2,822,916; Current Balance \$5,086,095
<u>Capital Projects Debt Service Fund:</u>	Revenue \$472,287; Expenditures (\$0); Current Balance of \$472,287

Treasurer Coren shared that due to a budget impasse the State of Illinois has temporarily suspended payment of the Motor Fuel Tax and Use Tax.

Treasurer Coren advised that Comcast will be issuing a check for taxes that were incorrectly listed as unincorporated instead of City of Darien.

13. **STANDING COMMITTEE REPORTS**

**Administrative/Finance Committee** – Chairman Schauer advised the next meeting of the Administrative/Finance Committee is scheduled for November 2, 2015 at 6:00 P.M.

**Municipal Services Committee** – Chairman Marchese advised the next meeting of the Municipal Services Committee is scheduled for October 26, 2015 at 6:30 P.M.

**Police Committee** – Chairman McIvor announced the next meeting of the Police Committee is scheduled for November 16, 2015 at 6:00 P.M. in the Police Department Training Room.

**Police Pension Board** – Liaison Coren announced the next quarterly meeting of the Police Pension Board has been scheduled for Tuesday, October 27, 2015 at 7:00 P.M. in the Council Chambers.

**Goal Setting** – a Goal Setting Session has been scheduled for October 27, 2015 at 6:30 P.M. in the Police Department Training Room.

14. **QUESTIONS AND COMMENTS – AGENDA RELATED**

Alderman Beilke...

...inquired about Consent Agenda Item A tax levy determination. Treasurer Coren explained the process and advised the City is collecting all that has been levied.

...asked for clarification on Consent Agenda Item C Section 8 of Lease Agreement with the Darien Historical Society (DHS) and School District 61; Administrator Vana advised the City may be responsible for payment if the DHS is unable to pay utility and custodial service bills; the Lease Agreement can be terminated with 30 days notice.

...suggested meeting with the Darien Historical Society on an annual basis to discuss financial accountability.

15. **OLD BUSINESS**

There was no old business.

16. **CONSENT AGENDA**

It was moved by Alderman Chlystek and seconded by Alderman Belczak to approve by Omnibus Vote the following items on the Consent Agenda:

**A. CONSIDERATION OF A MOTION TO APPROVE THE TAX LEVY DETERMINATION FOR GENERAL AND SPECIAL PURPOSES FOR FISCAL YEAR 2015-2016**

**B. RESOLUTION NO. R-99-15**      **A RESOLUTION APPROVING THE “RECIPROCAL AGREEMENT ON EXCHANGE OF INFORMATION BETWEEN THE CITY OF DARIEN AND THE ILLINOIS DEPARTMENT OF REVENUE”**

**C. RESOLUTION NO. R-100-15**      **A RESOLUTION TO ENTER INTO A LONG TERM LEASE AGREEMENT WITH THE DARIEN HISTORICAL SOCIETY AND SCHOOL DISTRICT 61 FOR THE PROPERTY KNOWN AS “OLD LACE SCHOOL HOUSE”**

Roll Call:      Ayes:      Beilke, Belczak, Chlystek, Kenny, Marchese, McIvor, Schauer

Nays:      None

Absent:      None

Results: Ayes 7, Nays 0, Absent 0

**MOTION DULY CARRIED**

17. **NEW BUSINESS**

**A. CONSIDERATION OF A MOTION TO APPROVE THE PAYMENT IN THE AMOUNT OF \$20,000 TO THE DUPAGE COUNTY SENIOR CITIZENS COUNCIL**

It was moved by Alderman Schauer and seconded by Alderman Beilke to approve the motion as presented.

Alderman Schauer shared his recommendation to honor the agreement for \$20,000 this year and to remove this item from the budget next year.

Treasurer Coren reviewed Income Tax Form 990 received from the DuPage Senior Citizens Council (DSCC). Council would like the DSCC to advise why other communities are not contributing and to confirm the number of Darien residents being served.

**MOTION TO POSTPONE**



**VIA VOICE VOTE – MOTION DULY CARRIED**

The City Council meeting adjourned at 9:31 P.M.

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Mayor

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City Clerk

All supporting documentation and report originals of these minutes are on file in the Office of the City Clerk under File Number 10-19-15. Minutes of 10-19-15 CCM.

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**CITY OF DARIEN**

**EXPENDITURE APPROVAL LIST  
FOR CITY COUNCIL MEETING ON  
November 2, 2015**

Approval is hereby given to have the City Treasurer of Darien, Illinois pay to the officers, employees, independent contractors, vendors, and other providers of goods and services in the indicated amounts as set forth.

A summary indicating the source of funds used to pay the above is as follows:

General Fund		<b>\$28,889.23</b>
Water Fund		<b>\$36,834.21</b>
Motor Fuel Tax Fund		<b>\$25,865.82</b>
Water Depreciation Fund		
Debt Service Fund		
Capital Improvement Fund		<b>\$9,253.12</b>
Special Service Area Tax Fund		
Federal Equitable Sharing Fund		
	<i>Subtotal:</i>	<u><u>\$100,842.38</u></u>
General Fund Payroll	10/15/15	\$ 217,090.83
Water Fund Payroll	10/15/15	\$ 21,659.14
	<i>Subtotal:</i>	<u><u>\$ 238,749.97</u></u>
<i>Total to be Approved by City Council:</i>		<u><u>\$ 339,592.35</u></u>

*Approvals:*

\_\_\_\_\_  
Kathleen Moesle Weaver, Mayor

\_\_\_\_\_  
JoAnne E. Ragona, City Clerk

\_\_\_\_\_  
Michael J. Coren, Treasurer

\_\_\_\_\_  
Bryon D. Vana, City Administrator

**CITY OF DARIEN**  
**Expenditure Journal**  
**General Fund**  
**Administration**  
**From 10/20/2015 Through 11/2/2015**

Vendor Name	Invoice Description	Session ID	Acct Code	Acct Title	Dept Amount
BLOOMING COLOR	NEIGHBORS MAG PRINTING NOV/DEC ISSUE	AP110215-2	4239	Public Relations	1,781.80
BLOOMING COLOR	REPLACE CHECK 044825 WITH CORRECT AMOUNT-NEIGHBORS MAG	AP110215-4	4239	Public Relations	1,727.07
BLOOMING COLOR	WRONG AMOUNT	APCREDIT044...	4239	Public Relations	(1,781.80)
CALL ONE, INC.	CALL ONE	AP110215	4267	Telephone	4,739.45
CDW GOVERNMENT, INC.	PRINTER	AP110215	4253	Supplies - Office	169.00
CDW GOVERNMENT, INC.	PRINTER	AP110215-5	4253	Supplies - Office	180.40
CDW GOVERNMENT, INC.	WRONG AMOUNT	APCREDITS10...	4253	Supplies - Office	(169.00)
CINTAS #769	CITY HALL -FLOOR MAT RENTAL	AP110215	4345	Janitorial Service	28.04
CINTAS #769	PUBLIC WORKS -FLOOR MAT RENTAL	AP110215	4345	Janitorial Service	29.35
CINTAS #769	POLICE DEPT -FLOOR MAT RENTAL	AP110215	4345	Janitorial Service	34.38
COM ED	ELECTRIC- CLOCK TOWER	AP110215	4271	Utilities (Elec,Gas,Wtr,Sewer)	107.85
COMCAST CABLE	CABLE FRONT DESK CITY HALL	AP110215	4271	Utilities (Elec,Gas,Wtr,Sewer)	8.42
GREAT MIDWEST OFFICE SPECIAL.	SHREDDING OLD DOCUMENTS	AP110215	4253	Supplies - Office	210.00
HORTICULTURAL SPECIALTIES, INC	VINES ALONG FENCE /PLAINFIELD	AP110215	4330	Contingency	1,050.00
OFFICE DEPOT	CITY HALL ERASABLE CALENDAR	AP110215-3	4253	Supplies - Office	11.89
UNITED STATES POSTAL SERVICE	POSTAGE FOR NEIGHBORS MAG-NOV/DEC ISSUE	AP110215-2	4239	Public Relations	1,418.20
				Total Administration	9,545.05

**CITY OF DARIEN  
Expenditure Journal  
General Fund  
Community Development  
From 10/20/2015 Through 11/2/2015**

<u>Vendor Name</u>	<u>Invoice Description</u>	<u>Session ID</u>	<u>Acct Code</u>	<u>Acct Title</u>	<u>Dept Amount</u>
OFFICE DEPOT	2016 CALENDAR FOR MICHALE GRIFFITH	AP110215-3	4253	Supplies - Office	16.79
ROYAL OAKS LANDSCAPING	6902 HIGH ROAD MOWING	AP110215-2	4328	Const/Prof Reimbursable	210.00
ROYAL OAKS LANDSCAPING	3228 87th ST MOWING	AP110215-2	4328	Const/Prof Reimbursable	210.00
ROYAL OAKS LANDSCAPING	Plainfield & Clarendon Hills MOWING	AP110215-2	4328	Const/Prof Reimbursable	210.00
				Total Community Development	646.79



**CITY OF DARIEN**  
**Expenditure Journal**  
**General Fund**  
**Public Works, Streets**  
**From 10/20/2015 Through 11/2/2015**

<u>Vendor Name</u>	<u>Invoice Description</u>	<u>Session ID</u>	<u>Acct Code</u>	<u>Acct Title</u>	<u>Dept Amount</u>
CARLSEN'S ELEVATOR SERVICES	2014/15 ELEVATOR UPGRADES	AP110215	4223	Maintenance - Building	2,783.00
CARLSEN'S ELEVATOR SERVICES	ANNUAL PRESSURE TEST FOR PD ELEVATOR	AP110215	4223	Maintenance - Building	500.00
CENTRAL SOD FARMS	STREET DEPT RESTORATION	AP110215	4257	Supplies - Other	276.00
CHICAGO METROPOLITAN FIRE PREV	POLICE DEPT- FD RADIO MONITORING	AP110215	4223	Maintenance - Building	105.00
CHICAGO METROPOLITAN FIRE PREV	CITY HALL -FD RADIO MONITORING	AP110215	4223	Maintenance - Building	105.00
CHICAGO METROPOLITAN FIRE PREV	3rd/4th QTR- INV (107841,114522,114178)	AP110215	4223	Maintenance - Building	315.00
CHICAGO METROPOLITAN FIRE PREV	CITY HALL- FD RADIO MONITORING	AP110215-3	4223	Maintenance - Building	105.00
CHICAGO METROPOLITAN FIRE PREV	POLICE DEPT - FD RADIO MONITORING	AP110215-3	4223	Maintenance - Building	105.00
CHICAGO METROPOLITAN FIRE PREV	POLICE DEPT - JULY thru SEPT 2015 FD MONITORING	AP110215-3	4223	Maintenance - Building	105.00
CHICAGO METROPOLITAN FIRE PREV	DUPL ENTRIES-INV 114178 and 114522	APCREDIT102...	4223	Maintenance - Building	(315.00)
CHICAGO METROPOLITAN FIRE PREV	DUPL ENTRIES-INV 114178 and 114522	APCREDIT102...	4223	Maintenance - Building	(210.00)
COM ED	SW CORNER 75th St PLAINFIELD RD	AP110215	4359	Street Light Oper & Maint.	554.12
COM ED	UTILITIES FOR PW SHOP	AP110215	4359	Street Light Oper & Maint.	28.05
DUPAGE TOPSOIL, INC.	EAB RESTORATION	AP110215	4375	Tree Trim/Removal	960.00
FIRE & SECURITY SYSTEMS, INC.	PW -FD RADIO MONITORING	AP110215	4223	Maintenance - Building	52.50
GRADE A	7702 AND 7706 STRATFORD DRAINAGE PROJECT	AP102115	4374	Drainage Projects	3,444.00
GRADE A	CLAREMONT/HOLLY DRAINAGE PROJECT	AP102115	4374	Drainage Projects	3,180.00

**CITY OF DARIEN**  
**Expenditure Journal**  
**General Fund**  
**Public Works, Streets**  
**From 10/20/2015 Through 11/2/2015**

<u>Vendor Name</u>	<u>Invoice Description</u>	<u>Session ID</u>	<u>Acct Code</u>	<u>Acct Title</u>	<u>Dept Amount</u>
GREAT MIDWEST OFFICE SPECIAL.	SHREDDING OLD DOCUMENTS	AP110215	4253	Supplies - Office	208.00
IMAGE SYSTEMS/BUSINESS SOLUTIO	TONER FOR PUBLIC WORKS COPIER	AP110215	4253	Supplies - Office	80.00
JAKE THE STRIPER	GRAPHICS FOR TRUCK #120	AP110215	4815	Equipment	715.00
NORWALK TANK	MISSION COUPLING	AP110215	4257	Supplies - Other	195.32
OFFICE DEPOT	PW OFFICE SUPPLIES and 2016 CALENDARS	AP110215-3	4253	Supplies - Office	358.58
ORKIN LLC	POLICE DEPT-GERMAN ROACHES	AP110215	4223	Maintenance - Building	175.00
RED WING SHOES	JEFF CORNEILS	AP110215	4269	Uniforms	191.24
RIC MAR INDUSTRIES, INC.	SHOP SUPPLIES	AP110215	4223	Maintenance - Building	476.33
SEASON COMFORT, CORP.	VENTIL SYSTEM IN PD ARMORY ROOM	AP110215	4223	Maintenance - Building	2,300.00
SNAP ON TOOLS	MECHANICS TOOLS	AP110215	4259	Small Tools & Equipment	403.00
SUBURBAN DOOR CHECK & LOCK SVC	LOCK AND KEYS FOR PD	AP110215	4223	Maintenance - Building	903.80
WESTOWN AUTO SUPPLY COMPANY	GUAGE FOR AIR HOSE @ PW	AP110215	4223	Maintenance - Building	44.00
				Total Public Works, Streets	18,142.94

**CITY OF DARIEN**  
**Expenditure Journal**  
**General Fund**  
**Police Department**  
**From 10/20/2015 Through 11/2/2015**

<u>Vendor Name</u>	<u>Invoice Description</u>	<u>Session ID</u>	<u>Acct Code</u>	<u>Acct Title</u>	<u>Dept Amount</u>
GREAT MIDWEST OFFICE SPECIAL.	SHREDDING OLD DOCUMENTS	AP110215	4253	Supplies - Office	208.00
PEP BOYS	BATTERY	AP110215	4229	Maintenance - Vehicles	126.20
PETTY CASH	PETTY CASH FOR POLICE DEPT	AP110215	4217	Investigation and Equipment	27.26
PETTY CASH	PETTY CASH FOR POLICE DEPT	AP110215	4225	Maintenance - Equipment	6.97
PETTY CASH	PETTY CASH FOR POLICE DEPT	AP110215	4235	Printing and Forms	24.90
PETTY CASH	PETTY CASH FOR POLICE DEPT	AP110215	4253	Supplies - Office	5.24
PETTY CASH	PETTY CASH FOR POLICE DEPT	AP110215	4253	Supplies - Office	6.37
PETTY CASH	PETTY CASH FOR POLICE DEPT	AP110215	4265	Travel/Meetings	10.00
PETTY CASH	PETTY CASH FOR POLICE DEPT	AP110215	4265	Travel/Meetings	75.00
SAM'S CLUB	CAKE FOR CHEUARE	AP110215	4253	Supplies - Office	<u>64.51</u>
				Total Police Department	<u>554.45</u>
				Total General Fund	<u>28,889.23</u>

**CITY OF DARIEN**  
**Expenditure Journal**  
**Water Fund**  
**Public Works, Water**  
**From 10/20/2015 Through 11/2/2015**

Vendor Name	Invoice Description	Session ID	Acct Code	Acct Title	Dept Amount
CENTRAL SOD FARMS	WATER RESTORATIONS	AP110215	4231	Maintenance - Water System	148.00
CENTRAL SOD FARMS	WATER REPAIR RESTORATION	AP110215	4231	Maintenance - Water System	276.00
CENTRAL SOD FARMS	WATER REPAIR RESTORATION	AP110215	4231	Maintenance - Water System	296.00
CENTRAL SOD FARMS	SEED, FERTILIZER, SOD RESTORATION	AP110215	4231	Maintenance - Water System	513.00
CENTRAL SOD FARMS	WATER RESTORATION	AP110215	4231	Maintenance - Water System	296.00
CENTRAL SOD FARMS	SOD FOR RESTORATION	AP110215	4231	Maintenance - Water System	276.00
CHRISTOPHER B. BURKE ENG, LTD	ENGINEERING /FUTURE WATER MAIN PROJECTS	AP110215	4325	Consulting/Professional	1,161.00
COM ED	UTILITIES FOR PW SHOP	AP110215	4271	Utilities (Elec,Gas,Wtr,Sewer)	28.04
COM ED	UTILITIES FOR PLANT #3	AP110215	4271	Utilities (Elec,Gas,Wtr,Sewer)	50.09
COM ED	WE PAID DYNEGY AND THEN DYNEGY PAYS COM ED	APCREDITS10...	4271	Utilities (Elec,Gas,Wtr,Sewer)	(50.09)
DUPAGE COUNTY PUBLIC WORKS	METER READING AND BILLING	AP110215	4336	Data Processing	25,646.50
DUPAGE TOPSOIL, INC.	EAB RESTORATION	AP110215	4231	Maintenance - Water System	640.00
DUPAGE TOPSOIL, INC.	WATER RESTORATION	AP110215	4231	Maintenance - Water System	340.00
DYNEGEY ENERGY SERVICES	UTILITIES FOR WELL #7	AP110215	4271	Utilities (Elec,Gas,Wtr,Sewer)	30.37
DYNEGEY ENERGY SERVICES	UTILITIES FOR PLANT #2	AP110215	4271	Utilities (Elec,Gas,Wtr,Sewer)	2,397.45
DYNEGEY ENERGY SERVICES	UTILITIES FOR PLANT #5	AP110215	4271	Utilities (Elec,Gas,Wtr,Sewer)	123.27
FIRE & SECURITY SYSTEMS, INC.	PW -FD RADIO MONITORING	AP110215	4223	Maintenance - Building	52.50
HD SUPPLY WATERWORKS, LTD	REPAIR CLAMPS, HYMAX COUPLINGS, WRENCH	AP110215	4231	Maintenance - Water System	1,693.50
HD SUPPLY WATERWORKS, LTD	REPAIR CLAMPS, HYMAX COUPLINGS, WRENCH	AP110215-5	4231	Maintenance - Water System	1,625.50
HD SUPPLY WATERWORKS, LTD	WRONG AMOUNT	APCREDITS10...	4231	Maintenance - Water System	(1,693.50)
IMAGE SYSTEMS/BUSINESS SOLUTIO	TONER FOR PUBLIC WORKS COPIER	AP110215	4255	Supplies - Operation	80.00

**CITY OF DARIEN**  
**Expenditure Journal**  
**Water Fund**  
**Public Works, Water**  
**From 10/20/2015 Through 11/2/2015**

<u>Vendor Name</u>	<u>Invoice Description</u>	<u>Session ID</u>	<u>Acct Code</u>	<u>Acct Title</u>	<u>Dept Amount</u>
LORD & MURPHY, INC.	TECH SUPPORT FOR WATER DEPT/SOFTWARE	AP110215	4325	Consulting/Professional	300.00
McMASTER-CARR	SPRAY NOZZLES FOR WATERDOG	AP110215	4225	Maintenance - Equipment	76.52
McMASTER-CARR	EXTRA SPRINKLER HEADS	AP110215	4231	Maintenance - Water System	75.93
NICOR GAS	UTILITIES FOR PLANT #5	AP110215	4271	Utilities (Elec,Gas,Wtr,Sewer)	47.70
NICOR GAS	UTILITIES FOR PLANT #3	AP110215	4271	Utilities (Elec,Gas,Wtr,Sewer)	50.37
NICOR GAS	UTILITIES FOR PLANT #4	AP110215	4271	Utilities (Elec,Gas,Wtr,Sewer)	28.33
PATTEN INDUSTRIES, INC.	HOSE AND TRANS FLUID FOR #406	AP110215	4225	Maintenance - Equipment	417.53
RED WING SHOES	KEITH SCHUSTER-SHOES	AP110215	4219	Liability Insurance	115.20
TAMELING, INC.	BAILEY & LAKEVIEW RESTORATION	AP110215	4231	Maintenance - Water System	118.00
TESTING SERVICES CORP	SOIL TESTING FOR 63RD ST WATER MAIN BREAK	AP110215	4231	Maintenance - Water System	1,675.00
				Total Public Works, Water	36,834.21
				Total Water Fund	36,834.21

**CITY OF DARIEN**  
**Expenditure Journal**  
**Motor Fuel Tax**  
**MFT Expenses**  
**From 10/20/2015 Through 11/2/2015**

<u>Vendor Name</u>	<u>Invoice Description</u>	<u>Session ID</u>	<u>Acct Code</u>	<u>Acct Title</u>	<u>Dept Amount</u>
ELMHURST CHICAGO STONE COMPANY	ROAD MATERIAL	AP110215	4245	Road Material	1,065.30
MORTON SALT, INC.	SALT	AP110215	4249	Salt	14,008.40
MORTON SALT, INC.	SALT	AP110215	4249	Salt	9,442.48
QUARRY MATERIALS	ROAD MATERIAL	AP110215	4245	Road Material	216.00
QUARRY MATERIALS	ASPHALT & PRIME FOR POTHOLE PATCHING	AP110215	4245	Road Material	153.00
QUARRY MATERIALS	ROAD MATERIAL	AP110215	4245	Road Material	541.62
QUARRY MATERIALS	PATCH FROM CENTRAL-KFIVE NOT RUNNING PLANT	AP110215	4245	Road Material	439.02
				Total MFT Expenses	25,865.82
				Total Motor Fuel Tax	25,865.82

**CITY OF DARIEN**  
**Expenditure Journal**  
**Capital Improvement Fund**  
**Capital Fund Expenditures**  
**From 10/20/2015 Through 11/2/2015**

<u>Vendor Name</u>	<u>Invoice Description</u>	<u>Session ID</u>	<u>Acct Code</u>	<u>Acct Title</u>	<u>Dept Amount</u>
CHRISTOPHER B. BURKE ENG, LTD	CARLISLE COURT CONSTRUCTION OBSERVATION	AP110215	4376	Ditch Projects	3,945.00
ELMHURST CHICAGO STONE COMPANY	69TH ST STONE DELIVERED TO PW SHOP	AP110215	4376	Ditch Projects	5,308.12
				Total Capital Fund Expenditures	9,253.12
				Total Capital Improvement Fund	9,253.12
Report Total					100,842.38



**AGENDA MEMO-Additional Info Added**  
**City Council**  
**November 2, 2015**

**ISSUE STATEMENT**

A motion approving the payment in the amount of \$20,000 to the DuPage County Senior Citizens Council.

**BACKUP**

**BACKGROUND/HISTORY**

The City of Darien has budgeted an amount of \$20,000 to assist funding the DuPage County Senior Citizens Council, a 501(c)3 Charitable Organization. The City Council was able to obtain information regarding this organization and its contributions to the Seniors of Darien. The City has not contributed since FYE 2013. There is a contribution schedule from the various communities over the years as well as the Tax return for 2013 for the agency for your review. The Tax return contains notes made by Treasurer Coren, which will be reviewed at the work session.

**ADDITIONAL INFO**

Staff followed up on several questions from council members as follows:

1. Can you explain the discrepancy between the number on the tax return and the number in your information regarding the number of Darien residents that received assistance in comparison to the total?
2. Is there any formula that you use to request a specific amount from a particular municipality?

Those responses are attached in an email from Executive Director Krolak.

In addition staff asked several surrounding communities how they came up with the amount to pay and here are their responses. The Village of Bartlett and Bloomingdale responded, by stating that they were given a report from the Senior Citizens Council of how many residents participated in the organization's programs and how that number correlated to the amount requested of them to donate. The Village of Downers Grove stated that they were also given a similar report but that the council members voted on what the overall amount should be donated, if any. I have not yet heard back from the Village of Woodridge, Carol Stream, or Glendale Heights.

**COMMITTEE RECOMMENDATION**

The council had no recommendation at this point and wanted to some additional information.

**ALTERNATE CONSIDERATION**

As directed.

**DECISION MODE**

It will be placed on the November 2, 2015, City Council Agenda for approval.





**From:** [Marylin Krolak](#)  
**To:** [Paul Nosek](#)  
**Subject:** RE: Final Questions  
**Date:** Wednesday, October 28, 2015 2:42:04 PM  
**Importance:** High

---

Paul,

Questions answered are below. Please confirm that you received this email.  
Thanks....

Marylin Krolak

1. Can you explain the discrepancy between the number on the tax return and the number in your information regarding the number of Darien residents that receive assistance in comparison to the total.

**The 2013 DSCC 990 form has two numbers listed on page 2, those numbers are both rounded and are 2,100 for Nutrition community dining participants and 1,200 for Nutrition home delivered participants; the total would be 3,300 participants in the county-wide DSCC Nutrition Program.**

**There are no individual municipality numbers listed in a 990 form. The period covered in the 2013 DSCC 990 form was for between 10/1/2013 – 9/30/2014.**

**The number quoted in our proposal for Darien, dated 2/3/2015, was 95 seniors in our DSCC Nutrition Program. This number was for the period between 10/1/2014 – 9/30/2015, for which a 990 form has not yet been submitted.**

**Note 1: Regardless of DSCC's fiscal year, Darien's fiscal year, or calendar year, the amount of Darien seniors DSCC serves through our Nutrition Program in any given 12 month period has been holding at 85 – 95. If calculated, that is approximately 2.5 to 3% of the total seniors served in DSCC's Nutrition Program in DuPage County.**

**Note 2: The 95 seniors quoted in our proposal for Darien, dated 2/3/2015, does not include the additional seniors served through our other programs, i.e. Home Maintenance Program.**

2. Is there any formula that you use to request a specific amount from a particular municipality.

**DSCC's proposals to each municipality show the cost gap that is specific to the seniors served in their incorporated area. There is NO formula for the amount of the specific request in our proposals – the request amount is merely a mirror of what the individual municipality's giving history has been for the past several years. It is a**

**suggested amount.**

Marylin Krolak  
**Executive Director**  
**DuPage Senior Citizens Council**

---

**From:** Paul Nosek [mailto:pnosek@darienil.gov]  
**Sent:** Tuesday, October 27, 2015 11:22 AM  
**To:** Marylin Krolak  
**Subject:** Final Questions

Good morning Marylin,

I appreciate all of the efforts you have put in with this and as you requested I'm emailing you the final questions that the Council has:

1. Can you explain the discrepancy between the number on the tax return and the number in your information regarding the number of Darien residents that receive assistance in comparison to the total.
2. Is there any formula that you use to request a specific amount from a particular municipality.

Thanks again for your assistance with these questions and I look forward to hearing back from you soon. We are re-visiting the topic on Monday Nov. 2 so if you can respond by tomorrow so we can include the information in the packet for the Alderman that would be great.

Paul S. Nosek, CPA  
Assistant City Administrator  
City of Darien  
(630) 353-8104  
(708) 609-5441 cell

To receive important information from the City of Darien sign up for our electronic newsletter:

DARIEN DIRECT CONNECT

Follow the link below and subscribing is simple! <http://www.darien.il.us/Reference-Desk/DirectConnect.aspx>



**AGENDA MEMO**  
**CITY COUNCIL**  
**MEETING DATE: November 2, 2015**

**Issue Statement**

**PZC 2015-10: TCF Bank ATM, 7335 Cass Avenue:** Petitioner requests special use approval to allow the establishment of an ATM drive-thru facility and a variation to reduce the required vehicle stacking for the ATM from 20 to 3.

**[ORDINANCE](#)**

**[BACKUP](#)**

**Discussion/Overview**

**Both the Planning and Zoning Commission and the Municipal Services Committee have considered this matter, both bodies recommend approval of the petition as presented. The Commission held the required public hearing on October 7, 2015.**

Draft ordinance accompanies this memo.

Full discussion follows as “Additional Information.”

**Decision Mode**

Planning and Zoning Commission:	October 7, 2015
Municipal Services Committee:	October 26, 2015
City Council:	November 2, 2015

### **Additional Information**

#### **Issue Statement**

**PZC 2015-10: TCF Bank ATM, 7335 Cass Avenue:** Petitioner requests special use approval to allow the establishment of an ATM drive-thru facility and a variation to reduce the required vehicle stacking for the ATM from 20 to 3.

#### **General Information**

Petitioner: Catalyst Exhibits, Inc.  
Ken Kahle  
7809 100<sup>th</sup> Street  
Pleasant Prairie, WI 53158

Property Owner: Jewel-Osco  
150 Pierce Road, Suite 400  
Itasca, IL 60143

Property Location: 7335 Cass Avenue

PIN: 09-27-108-026

Existing Zoning: B-2 Community Shopping Center Business District

Existing Land Use: Shopping Center, grocery store with pharmacy and bank inside, drive-thru facility for pharmacy.

Comprehensive Plan Update: Commercial

Surrounding Zoning and Land Use:  
North: R-2 Single-Family Residential: single-family residential  
South: B-2 Community Shopping and R-3 Multi-Family Residential:  
commercial/retail and multi-family residential  
East: R-2 Single-Family Residential: single-family residential  
West: R-2 Single-Family Residential (City) and R-4 Single-Family Residential  
(County): Lace School and single-family residential

Size of Property: 8.21 acres

Floodplain: None.

Natural Features: None.

Transportation: Property has frontage on Cass Avenue with access to 75<sup>th</sup> Street through shopping center.

History: In 2003, the City Council approved a special use and variation to permit a drive-thru facility for the pharmacy. No issues have been reported.

### **Documents Submitted**

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

1. Site Plan, 4 sheets, prepared by Huron Design Group, dated July 30, 2015.

### **Planning Overview/Discussion**

The subject property is located on the east side of Cass Avenue, north of 75<sup>th</sup> Street.

The petitioner proposes installing a stand-alone ATM facility at the far west end of the parking lot, along Cass Avenue. The plan has vehicles approaching the ATM from the north and exiting to the south. The parking lot stripping will be altered to direct traffic through and around the ATM facility.

The plan eliminates 17 parking stalls. However, the amount of parking provided exceeds the minimum required. For a grocery store, 4 parking stalls per 1,000 square feet of gross floor area is required. The grocery store is approximately 71,636 square feet, requiring 289 parking stalls. The proposed plan provides over 330 parking stalls.

Drive-thru facilities require special use approval.

Drive-thru facilities require at least 20 vehicle stacking spaces per the Zoning Ordinance. The plan shows 3. A variation is required. A bank further south on Cass Avenue installed a stand-alone ATM drive-thru facility with similar stacking set-up. Problems have not been reported.

The special use approval criteria:

1. That the special use is deemed necessary for the public convenience at the location specified.
2. That the establishment, maintenance, or operation of the special use will not be detrimental to, or endanger the public health, safety, or general welfare.
3. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
4. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

5. That the 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.

Variation approval criteria:

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**

Staff does not object to the proposed ATM facility. The facility is located in an area of the parking lot where there is minimal traffic, where there is minimal parking. The proposed stacking is consistent with other similar facilities that have not presented problems.

Staff finds the proposed variation will not adversely alter the general character of the property, nor will it adversely affect neighboring properties, nor will it impair an adequate supply of light and air in adjacent properties, nor will it increase congestion in the public streets or endanger the public safety. Therefore, staff recommends the Planning and Zoning Commission make the following recommendation approving the special use and variation petition:

**Based upon the submitted petition and the information presented, the request associated with PZC 2015-10 is in conformance with the standards of the Darien City Code and, therefore, I move the Planning and Zoning Commission recommend to the City Council approval of the requests as presented.**

### **Planning and Zoning Commission Review – October 7, 2015**

The Planning and Zoning Commission considered this matter at their October 7, 2015, meeting. The following members were present: Beverly Meyer – Chairperson, Andrew Kelly, John Lind, Raymond Mielkus, Pauline Oberland and Michael Griffith.

Absent: Ronald Kiefer, John Laratta, Louis Mallers, Kenneth Ritzert, Elizabeth Lahey.

Michael Griffith, Senior Planner, reviewed the agenda memo. He noted the required vehicle stacking for a drive-thru lane is 20. He stated the plan provides 3. He noted there is a bank further south on Cass Avenue with a drive-thru ATM in the front with a similar vehicle stacking set up. He stated staff is not aware of any problems with that ATM.

Ken Kahle, Catalyst Exhibits, Inc., the petitioner, was present. He stated the ATM will be located at the far western edge of the Jewel parking lot.

Chairperson Meyer stated that area of the parking lot is dark.

Mr. Kahle stated the ATM will have lighting for ATM transactions, but stated further the lighting will not be excessive.

Commissioner Lind asked why the particular location was chosen.

Mr. Kahle stated the location is where Jewel wanted it to go.

Mr. Kahle stated a building permit has been submitted to remodel the TCF bank within the Jewel.

No one from the public was present to offer comments.

The Commission did not have any issues.

**Without further discussion, Commissioner Oberland made a motion to recommend approval of the petition as presented, seconded by Commissioner Kelly.**

**Upon a roll call vote, THE MOTION CARRIED by a vote of 5-0.**

**Members absent: Kiefer, Laratta, Mallers and Ritzert**

### **Municipal Services Committee – October 26, 2015**

Based on the Planning and zoning Commission's recommendation, staff recommends the Committee make the following recommendation approving the petition.

**Based upon the submitted petition and the information presented, the request**

**associated with PZC 2015-10 is in conformance with the standards of the Darien City Code and, therefore, I move the Municipal Services Committee recommend to the City Council approval of the requests as presented.**

**Municipal Services Committee Review – October 26, 2015.**

The Municipal Services Committee considered this matter at their October 26, 2015, meeting. The following members were present: Alderman Joseph Marchese – Chairperson, Alderman Thomas Chlystek, Dan Gombac – Director, Elizabeth Lahey – Secretary.

Absent: Alderman Tom Belczak, Michael Griffith – Senior Planner

The Committee did not have any objections to the petition.

**The Committee recommended approval of the petition as presented.**



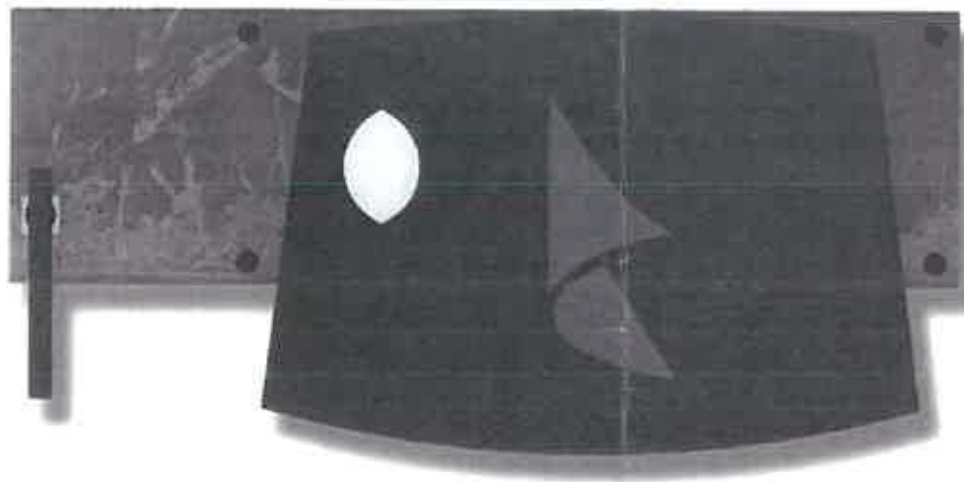


REVISION **A-1**

**PLANS**  
TCF Bank ATM  
7335 Cass Avenue  
Darien, IL

*This design is subject to engineering changes needed for manufacturability that could change the appearance of the concept.*

Top View



Side View



Front View



Perspective

- ① White
- ② Cool Grey 11
- ③ Cool Grey 2



TCF Bank

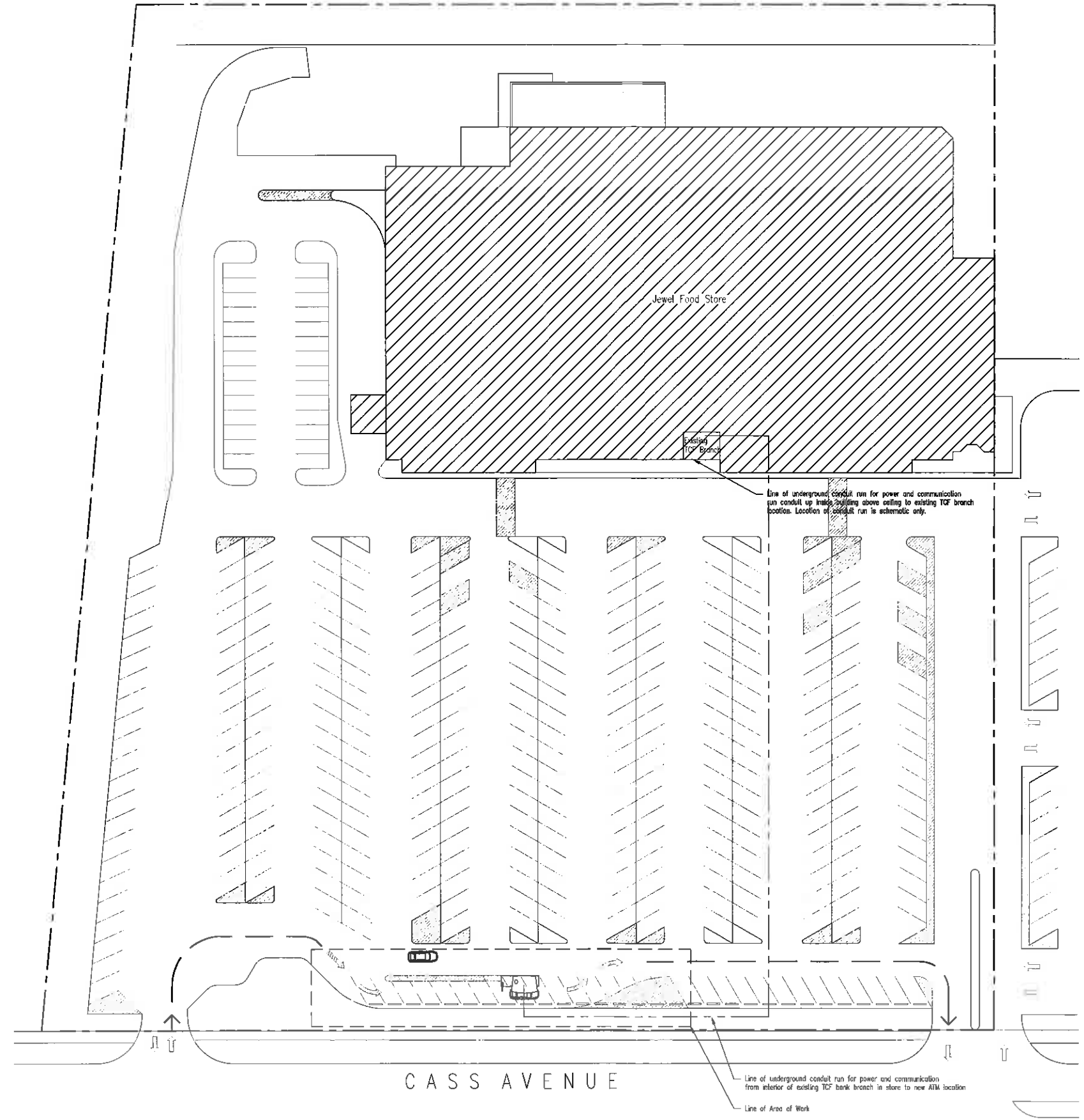
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6030.01 Canopy  
6020.08 Enclosure  
6638

Rendered: CA  
Approved:

Rev- 1  
04/02/2015

1"  
1"  
When this drawing is plotted full size this square is 1" x 1"



**Huron Design Group**  
 415 North Sangamon St  
 Chicago, Illinois 60642  
 Tel/Fax : 312.844.3285 Cell : 773.616.1888

No.	Description	Date
	Issued for Village Review	07.30.15
Revision		
Date	9 June 2015	
Scale	As noted	
Drawn	JP	
Checked	PE	
Project No.	3489	
Project	TCF ATM #228 7329 S. Cass Ave. Darien, Illinois	

Drawing Name  
**Site Plan**

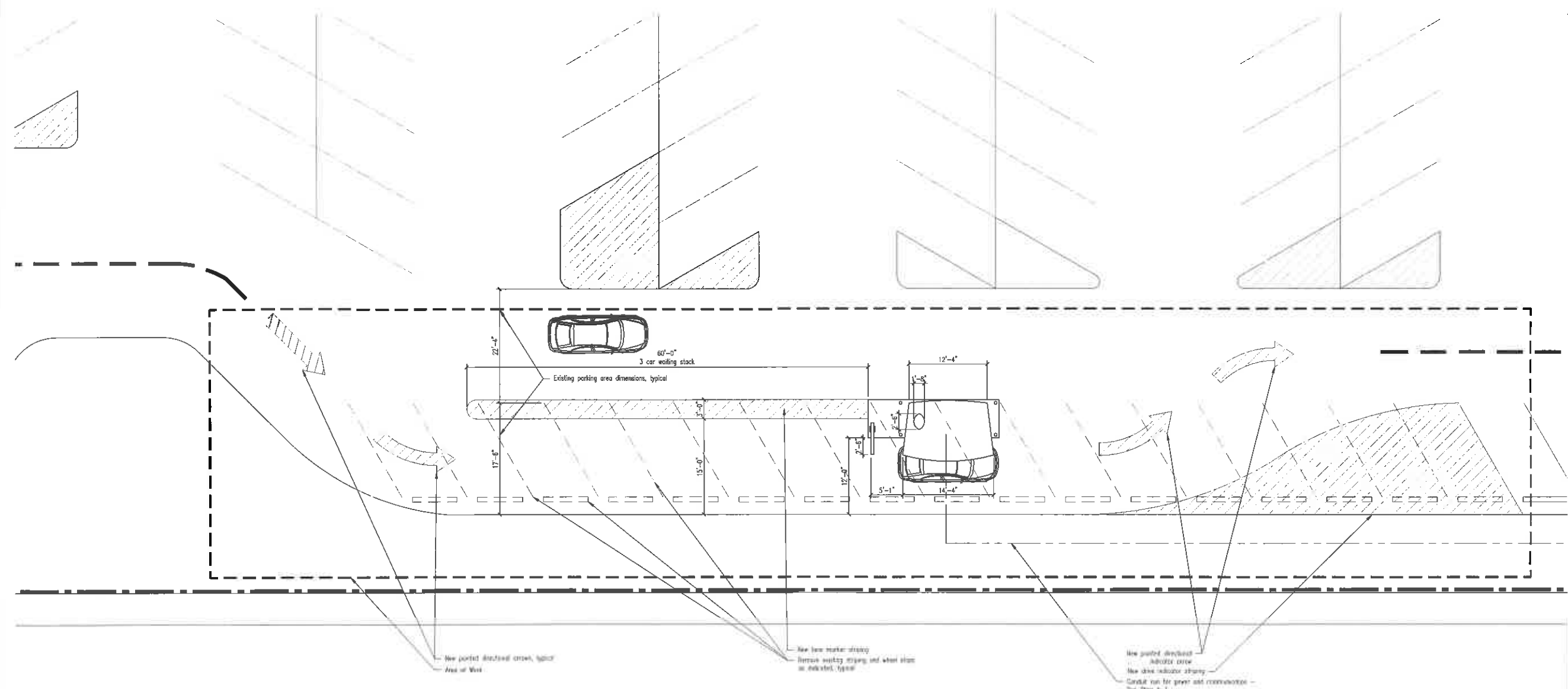
Seal Drawing #

**A-1**

**1 SITE PLAN**  
 SCALE: 1" = 30'-0"  
 North

When this drawing is plotted full size this square is 1' x 1'

**Huron Design Group**  
 415 North Sangamon St  
 Chicago, Illinois 60642  
 Tel/Fax : 312.844.3295 Cell : 773.616.1688



**1 ENLARGED SITE PLAN**  
 SCALE: 1/8" = 1'-0"  
 North

No.	Description	Date
	Issued for Village Review	07.30.15
Date	8 June 2015	
Scale	As noted	
Drawn	JP	
Checked	PE	
Project No.	3468	
Project	TCF ATM #228 7929 S. Cass Ave. Darien, Illinois	

Drawing Name  
**Enlarged Plan**

See	Drawing #
	<b>A-2</b>



**CITY OF DARIEN**  
**DU PAGE COUNTY, ILLINOIS**

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

**AN ORDINANCE APPROVING A SPECIAL USE AND  
VARIATION TO THE DARIEN ZONING ORDINANCE**

**(PZC 2015-10: TCF Bank ATM, 7335 Cass Avenue)**

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

**THIS 2<sup>nd</sup> DAY OF NOVEMBER, 2015**

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**Published in pamphlet form by authority  
of the Mayor and City Council of the City  
of Darien, DuPage County, Illinois, this  
\_\_\_\_\_ day of November, 2015.**

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

**AN ORDINANCE APPROVING A SPECIAL USE AND  
VARIATION TO THE DARIEN ZONING ORDINANCE**

**(PZC 2015-10: TCF Bank ATM, 7335 Cass Avenue)**

**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 special use under Section 5A-8-3-4, B-2 zoning district of the Darien Zoning Ordinance to allow an ATM drive-thru facility; and

**WHEREAS**, the petitioner has also requested approval of a variation from the terms of the Darien Zoning Ordinance to reduce the required number of vehicle stacking spaces from 20 to 3, Section 5A-11-5, Off-Street Parking and Loading Table, Parking and Loading Classes; and

**WHEREAS**, pursuant to proper legal notice, a Public Hearing was held before the Planning and Zoning Commission on October 7, 2015, regarding this matter; and

**WHEREAS**, the Planning and Zoning Commission at its regular meeting of October 7, 2015, has forwarded its findings and recommendation of approval of the petition to the City Council; and

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

**WHEREAS**, on October 26, 2015, the Municipal Services Committee of the City Council reviewed the petition and has forwarded its recommendations of approval of the petition 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 7335 Cass Avenue, Darien, Illinois, and legally described as follows:

THAT PART OF LOT 192 DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF LOT 192, AFORESAID, 525.00 FEET NORTH OF THE SOUTHEAST CORNER THEREOF; THENCE WEST AT RIGHT ANGLES THERETO, A DISTANCE OF 636.62 FEET TO A POINT IN THE WEST LINE OF LOT 192, AFORESAID, THENCE NORTH ALONG SAID WEST LINE (BEING ALSO THE EAST LINE OF CASS AVENUE) FOR A DISTANCE OF 493.89 FEET TO THE NORTHWEST CORNER THEREOF; THENCE EASTERLY ALONG THE NORTHERLY LINE OF LOT 192, AFORESAID, 639.79 FEET TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH ALONG THE EAST LINE THEREOF 434.79 FEET TO THE POINT OF BEGINNING, IN HINSBROOK UNIT 2, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 25, 1966 AS DOCUMENT R-66-6422 IN DUPAGE COUNTY, ILLINOIS.

AND ALSO: THE NORTH 89.90 FEET (A PORTION OF THE SOUTH LINE OF WHICH IS ALONG THE NORTH FACE OF A ONE STORY BRICK BUILDING) OF THE SOUTH 525.00 FEET OF LOT 192 IN HINSBROOK UNIT 2, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN,

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

ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 25, 1966 AS DOCUMENT R66-6422 IN DUPAGE COUNTY, ILLINOIS.

PIN: 09-27-108-026

**SECTION 2: Special Use Granted.** A special use is hereby granted to allow an ATM drive-thru facility under Section 5A-8-3-4, B-2 Community Shopping Center Business District of the Darien Zoning Ordinance.

**SECTION 3: Variation from Zoning Ordinance Granted.** A variation from the Zoning Ordinance, Section 5A-11-5, Off-Street Parking and Loading Table, Parking and Loading Classes, to reduce the required number of vehicle stacking spaces from 20 to 3 is hereby granted.

**SECTION 4: Site Plan Approved.** The drive-thru facility shall be constructed in substantial compliance with the following plan:

- A. Site Plan, 4 sheets, prepared by Huron Design Group, dated July 30, 2015.

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

**SECTION 6: Effective Date.** This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

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

**PASSED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this 2<sup>nd</sup> day of November, 2015.**

**AYES:** \_\_\_\_\_

**NAYS:** \_\_\_\_\_

**ABSENT:** \_\_\_\_\_

**APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this 2<sup>nd</sup> day of November, 2015.**

\_\_\_\_\_  
KATHLEEN MOESLE WEAVER, MAYOR

**ATTEST:**

\_\_\_\_\_  
JOANNE E. RAGONA, CITY CLERK

**APPROVED AS TO FORM:**

\_\_\_\_\_  
CITY ATTORNEY





**AGENDA MEMO**  
**CITY COUNCIL**  
**MEETING DATE: November 2, 2015**

**Issue Statement**

**PZC 2015-11: Elite Smiles Dental, 7511 Lemont Road, Chestnut Court Shopping Center:** Petitioner requests approval of a special use in order to establish a dental clinic within the B-3 General Business zoning district.

**[ORDINANCE](#)**

**[BACKUP](#)**

**Discussion/Overview**

**Both the Planning and Zoning Commission and the Municipal Services Committee have considered this matter, both bodies recommend approval of the petition as presented. The Commission held the required public hearing on October 21, 2015.**

Draft ordinance accompanies this memo.

Full discussion follows as “Additional Information.”

**Decision Mode**

Planning and Zoning Commission:	October 21, 2015
Municipal Services Committee:	October 26, 2015
City Council:	November 2, 2015

**Additional Information**

**Issue Statement**

**PZC 2015-11: Elite Smiles Dental, 7511 Lemont Road, Chestnut Court Shopping Center:**

Petitioner requests approval of a special use in order to establish a dental clinic within the B-3 General Business zoning district.

**General Information**

Petitioner: Dilip Patel  
12337 S. Route 59  
Plainfield, IL 60585

Property Owner: Inland Chestnut Court, LLC  
2901 Butterfield Road  
Oak Brook, IL 60523

Property Location: 7511 Lemont Road

PINs: 09-29-300-008; 09-29-300-022; 09-29-300-023; 09-29-300-024;  
09-29-300-025

Existing Zoning: B-3 General Business

Existing Land Use: Retail shopping center

Comprehensive Plan Update: Commercial

Surrounding Zoning and Land Use: (shopping center)  
North: B2 General Retail Business District (Downers Grove): retail shopping center.  
South: OR&I Office, Research and Light Industrial: Forest Preserve.  
East: B-2 Community Shopping Center Business District and R-2 Single-Family  
Residence: Retail, restaurant and single-family homes.  
West: OSB Office and Service Business District (Woodridge) and B-2 Community  
Shopping District (Woodridge): Bank, retail shopping center.

Size of Property: 18.3 acres (shopping center)

Floodplain: None.

Natural Features: None.

Transportation: Shopping center has frontage and access from Lemont Road and 75th Street.

History: Property annexed in 1986.

### **Documents Submitted**

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

1. Exhibit A-1, Site Plan of Shopping Center, 1 sheet.

### **Planning Overview/Discussion**

Chestnut Court shopping center is located at the southeast corner of the 75<sup>th</sup> Street and Lemont Road intersection. The proposed dental clinic is located in the out building located along Lemont Road, south of Chase Bank. The site plan provided shows the location of the clinic within the shopping center.

The proposed clinic is 1,500 square feet, staffed with a single dentist and up to 3 staff.

Criteria for special use 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.

### **Staff Findings/Recommendations**

Staff neither objects to the proposed nor to its location. Therefore, staff recommends the Commission make the following recommendation approving the petition:

**Based upon the submitted petition and the information presented, the request associated with PZC 2015-11 is in conformance with the standards of the Darien City Code and, therefore, I move the Planning and Zoning Commission recommend approval of the petition as presented.**

### **Planning and Zoning Commission Review – October 21, 2015**

The Planning and Zoning Commission considered this matter at their October 21, 2015 meeting. The following members were present: Beverly Meyer – Chairperson, Andrew Kelly, Ronald Kiefer, John Laratta, , Raymond Mielkus, Pauline Oberland, Kenneth Ritzert, Dan Gombac – Director and Elizabeth Lahey.

Absent: Louis Mallers

The Planning and Zoning Commission Members inquired the following of the petitioner:

- Hours of Operation  
9:00am-5:00pm
- Days of Operation  
Initially 3-4 days with the intent to eventually transition to 6-7 days
- Number of Doctors  
The total count of doctors would be two for the facility operating on alternate schedules
- Number of practices  
An additional practice is located in Plainfield
- Demographics proposed for the facility  
The practice would cater to local families and friends of the community
- How many patients would the waiting area accommodate  
Approximately up to eight-patients would be scheduled accordingly with a minimal wait time

### **Municipal Services Committee – October 26, 2015**

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

**Based upon the submitted petition and the information presented, the request associated with PZC 2015-11 is in conformance with the standards of the Darien**

**City Code and, therefore, the Planning and Zoning Commission recommends approval of the petition to the Municipal Services Committee.**

**Municipal Services Committee Review – October 26, 2015.**

The Municipal Services Committee considered this matter at their October 26, 2015, meeting. The following members were present: Alderman Joseph Marchese – Chairperson, Alderman Thomas Chlystek, Dan Gombac – Director, Elizabeth Lahey – Secretary.

Absent: Alderman Tom Belczak, Michael Griffith – Senior Planner

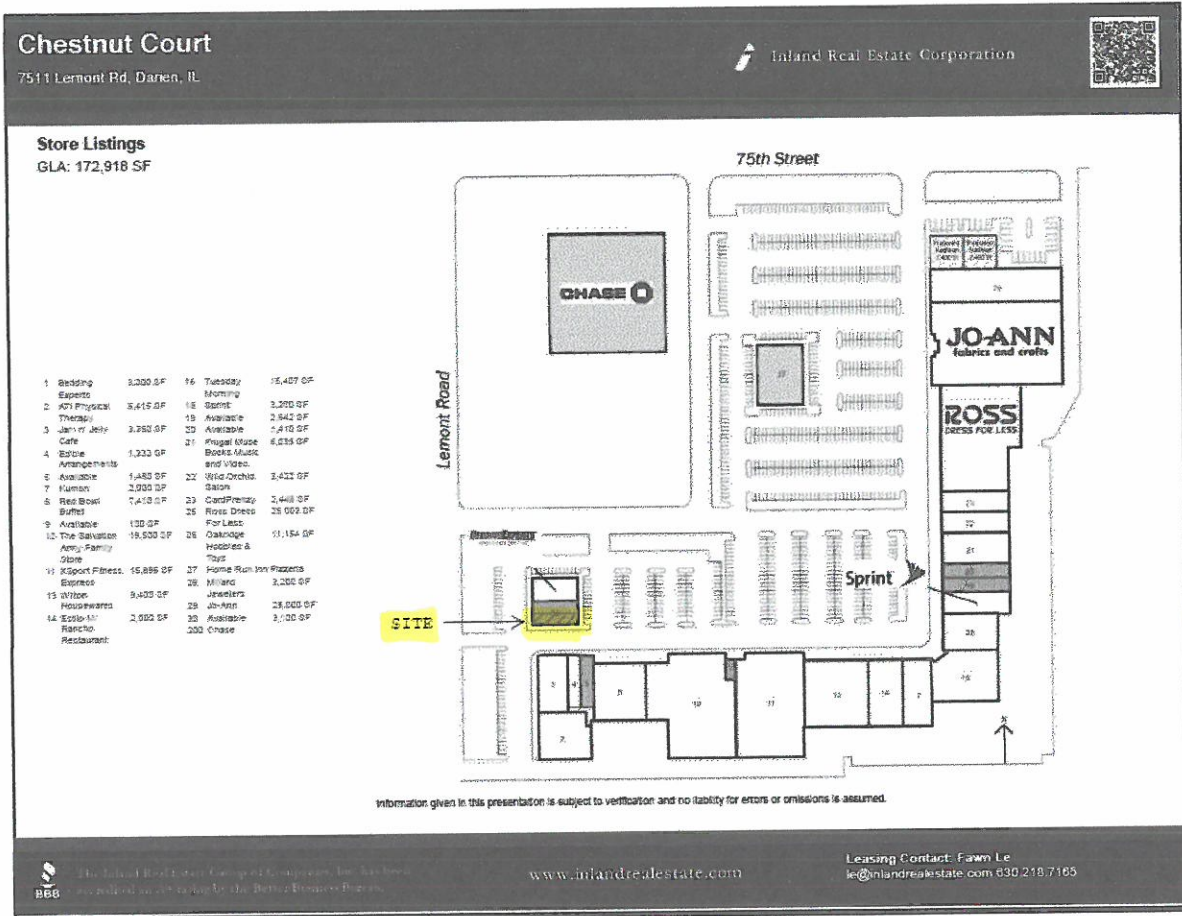
The Committee did not have any objections to the petition.

**The Committee recommended approval of the petition as presented.**

**EXHIBIT A-1**

**SITE PLAN OF SHOPPING CENTER  
AND DEPICTION OF LOCATION OF PREMISES**

This site plan is presented solely for the purpose of identifying the approximate location and size of the Premises. Building sizes, site dimensions, access and parking areas, existing tenant locations and identities are subject to change at Landlord's discretion, except as otherwise expressly restricted in the text of the Lease.





**CITY OF DARIEN**

**DU PAGE COUNTY, ILLINOIS**

---

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

**AN ORDINANCE APPROVING A  
SPECIAL USE FOR DENTAL CLINIC**

**(PZC 2015-11: Elite Smiles Dental, 7511 Lemont Road, Chestnut Court Shopping Center)**

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**ADOPTED BY THE**

**MAYOR AND CITY COUNCIL**

**OF THE**

**CITY OF DARIEN**

**THIS 2<sup>nd</sup> DAY OF NOVEMBER, 2015**

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**Published in pamphlet form by authority of  
the Mayor and City Council of the City of  
Darien, DuPage County, Illinois, this  
\_\_\_\_\_ day of November, 2015.**

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

**AN ORDINANCE APPROVING A  
SPECIAL USE FOR DENTAL CLINIC**

**(PZC 2015-11: Elite Smiles Dental, 7511 Lemont Road, Chestnut Court Shopping Center)**

**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**, the property legally described in Section 1 ("Subject Property"), is zoned B-3 General Business District pursuant to the Darien Zoning Ordinance; and

**WHEREAS**, petitioner has submitted a petition for a special use to allow a dental clinic within the B-3 zoning district; and

**WHEREAS**, pursuant to proper legal notice, a Public Hearing was held before the Planning and Zoning Commission on October 21, 2015 regarding the petitions; and

**WHEREAS**, the Planning and Zoning Commission at its regular meeting of October 21, 2015, forwarded its findings and recommendation of approval of the petitions to the City Council; and

**WHEREAS**, on October 26, 2015, the Municipal Services Committee of the City Council reviewed the petitions and forwarded its recommendation of approval of the petitions to the City Council; and



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

**WHEREAS**, the City Council has reviewed the findings and recommendations described above and has determined that it is in the best interests of the City to grant the petitions 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 7511 Lemont Road, Darien, Illinois and legally described as follows:

TRACT "C" (EXCEPT THE NORTH 100 FEET THEREOF AS TAKEN FOR HIGHWAY PURPOSES BY DEDICATION RECORDED AUGUST 17, 1950 AS DOCUMENT 601548 AND EXCEPT THE WEST 30 FEET OF THE SOUTH 545 FEET OF THE NORTH 645 FEET THEREOF, AS MEASURED FROM THE CENTER LINE OF 75<sup>TH</sup> STREET) AND THE SOUTH 5 FEET OF TRACT "E" ALL IN DOWNERS GROVE TOWNSHIP SUPERVISORS ASSESSMENT PLAT NUMBER 2 OF THE NORTH 1,050 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, DUPAGE COUNTY, ILLINOIS.

TRACT "B" IN DOWNERS GROVE TOWNSHIP SUPERVISORS ASSESSMENT PLAT NO 2, OF THE NORTH 1,050 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 DUPAGE COUNTY, ILLINOIS.

TRACTS "F" AND "G" (EXCEPT THE WEST 17 FEET OF TRACT "G" TAKEN FROM LEMONT ROAD) OF DOWNERS GROVE TOWNSHIP SUPERVISORS ASSESSMENT PLAT NO 2, OF THE NORTH 1,050 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 DUPAGE COUNTY, ILLINOIS.

PINS: 09-29-300-008; 09-29-300-022; 09-29-300-023; 09-29-300-024; 09-29-300-025

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

**SECTION 2: Special Use Granted.** Pursuant to Section 5A-8-4-4: Special Uses, of the Darien Zoning Ordinance, a special use is hereby granted to allow for the operation of a dental clinic.

**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 2<sup>nd</sup> day of November, 2015.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

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

**APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY,  
ILLINOIS, this 2<sup>nd</sup> day of November, 2015.**

\_\_\_\_\_  
KATHLEEN MOESLE WEAVER, MAYOR

ATTEST:

\_\_\_\_\_  
JOANNE E. RAGONA, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY



**AGENDA MEMO**  
**CITY COUNCIL**  
**MEETING DATE: November 2, 2015**

**Issue Statement**

**PZC 2015-12: 1033 S. Frontage Road:** Revocation of special use granted by [Ordinance O-20-11](#), which permitted the establishment of a “garage for the storage, repair and servicing of motor vehicles, including body repair, painting and engine rebuilding.”

**ORDINANCE**

**Discussion/Overview**

**Both the Planning and Zoning Commission and the Municipal Services Committee have considered this matter, both bodies recommend approval. The Planning and Zoning Commission held the required public hearing on October 21, 2015.**

The full discussion follows as “Additional Information.”

Ordinance accompanies this memo.

**Decision Mode**

Planning and Zoning Commission:	October 21, 2015
Municipal Services Committee:	October 26, 2015
City Council:	November 2, 2015

## **Additional Information**

### **Issue Statement**

**PZC 2015-12: 1033 S. Frontage Road:** Revocation of special use granted by Ordinance O-20-11, which permitted the establishment of a “garage for the storage, repair and servicing of motor vehicles, including body repair, painting and engine rebuilding.”

### **General Information**

Petitioner: City of Darien  
1702 Plainfield Road  
Darien, IL 60561

Property Owner: GD Darien LLC  
1035 S. Frontage Road  
Darien, IL 60561

Property Location: 1033-35 S. Frontage Road

PINs: 09-34-303-025; 09-34-303-027; 09-34-303-029

Existing Zoning: I-1 General Industrial

Existing Land Use: Vacant

Comprehensive Plan Update: Industry

#### Surrounding Zoning and Land Use:

North: OR&I Office, Research and Light Industry: I-55, vacant (proposed hotel).

South: R-1 Single-Family Residence District (DuPage County) – forest preserve.

East: R-2 Single-Family Residence District (DuPage County) – single-family home.

West: I-1 General Industrial District: Municipal Services Facility.

Size of Property: 10 acres

Floodplain: Floodplain extends onto the east portion of the property.

Natural Features: None.

Transportation: Frontage and access onto S. Frontage Road

History: The property has been vacant for several years. Previously, the

property was a drop yard for storing semi-trailers. In 2011, the City Council granted a special use to “garage for the storage, repair and servicing of motor vehicles, including body repair, painting and engine rebuilding”.

### **Planning Overview/Discussion**

In 2011, a petition was submitted by Great Dane L.P., 222 N. LaSalle Street, Chicago, IL 60601, requesting a special use to establish a “garage for the storage, repair and servicing of motor vehicles, including body repair, painting and engine rebuilding.” The City Council granted the special use at their regular meeting of September 6, 2011, Ordinance O-20-11.

The Darien Zoning Ordinance provides criteria for revoking a special use once granted. Per Section 5A-2-2-6(I) of the Zoning Ordinance:

(I) Revocation Of Special Use Permit:

1. A special use permit granted by the City Council shall be subject to revocation in part or in whole in the manner provided herein below under any of the following circumstances:

(a) Failure to commence construction of the proposed use within one year from and after the date of the granting of said permit. Construction shall not be deemed to have commenced unless and until: 1) all necessary permits have been obtained; 2) the site has been properly graded; 3) all foundations and footings are in place; and 4) all utilities have been provided for.

(b) Failure to carry the construction work forward expeditiously with adequate forces for a period of twelve (12) months out of any eighteen (18) month period.

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

(d) Where changed circumstances or experience derived from the exercise of the special use previously granted indicates that the continuation of the special use no longer carries out the goals of this Zoning Title. Provided, however, that any special use so withdrawn may continue to exist to the extent that it has been utilized and developed subject to the provisions of Chapter 4 of this Title.

(e) Upon written application, the City Council may authorize extensions of any time period specified hereinabove, at any time prior to the expiration of such time period but each such extension shall not exceed one year at a time.

The Planning and Zoning Commission shall prepare findings of fact and recommendation:

1. Regarding the continuation or revocation of the special use; and
2. Regarding the rezoning of the property to another classification.

The Commission's findings and recommendation will be transmitted to the City Council's Municipal Services Committee which will in turn provide a recommendation to the full City Council for final action.

In making a determination, the Commission shall consider the effect of changed conditions, if any, upon the property.

### **Staff Findings/Recommendations**

Staff finds criteria (1)(a) has been met: Since the special use was granted on September 6, 2011, construction of the proposed use has not commenced within one (1) year from and after the date of granting of a permit. A permit for said construction has not been submitted, the site has not been properly graded, foundations and footings are not in place, utilities have not been provided for.

Therefore, staff recommends the Planning and Zoning Commission make a recommendation to revoke the special use granted by Ordinance O-20-11.

### **Planning and Zoning Commission Review – October 21, 2015**

The Planning and Zoning Commission considered this matter at their October 21, 2015 meeting. The following members were present: Beverly Meyer – Chairperson, Andrew Kelly, Ronald Kiefer, John Laratta, Raymond Mielkus, Pauline Oberland, Kenneth Ritzert, Dan Gombac – Director and Elizabeth Lahey. The owner of the property was not present and three residents were present.

Absent: Louis Mallers

Director Gombac presented the petition on behalf of the City of Darien. The proposed revocation was requested by the City Council to forward the item of revocation through the Public Hearing process. The revocation of the Special Use granted to Great Dane under Ordinance O-20-11 would be rescinded as per the criteria under Section 5A-2-2-6(I) of the Zoning Ordinance and as cited above.

Director Gombac further summarized that any future petitioner would have the opportunity to request any of the above Special Uses subject to Public Hearing process. The revocation of this Ordinance will rescind the Special Use. Director Gombac also stated that the revocation will give the City an opportunity to clean up the site.

Member Oberland inquired as to whether this revocation would have a negative effect to market the property. Director Gombac replied that he did not believe that the revocation would have a negative effect on the marketing of the property.

The Commission commented on the disappointment of the Municipal Services Committee voting 2-1 in opposition of the IAC/Thermo King petition. Director Gombac further clarified that the petitioner, IAC/Thermo King had decided not to move forward with the development due to the community feedback. He also stated that the petitioner had the opportunity to move the item to the City Council and reiterated it was the petitioner's decision not to move forward. While the Commission commented positively for the IAC/Thermo King Development, Director Gombac informed the Members that IAC/Thermo King does have the opportunity to file for a Public Hearing again should they choose to.

Director Gombac inquired of the Commission Members whether there was any further thought process to re-zone the property. The commission members concluded that the property should stay zoned as Industrial.

Resident Stephen DeLurgio spoke to the Commission Members and supported the decision to revoke the use. He also spoke in opposition of the former petitioner, IAC/Thermo King.

Resident Heidi Ramirez spoke in opposition to the revocation and provided comments of disgust that Thermo King/IAC was not voted upon favorably. Director Gombac invited the resident to the upcoming Municipal Services and City Council meetings to express their comments.

Resident Brian Athern provided comments to the commission regarding the comments in opposition of IAC/Thermo King at the Municipal Services and voiced a support for the IAC/Thermo King Group.

Director Gombac invited all the residents to the upcoming Municipal Services and City Council meetings to express their comments.

**The Commission's final vote was 6-1. Member Pauline Oberland voted in opposition of the revocation.**

### **Municipal Services Committee – October 26, 2015**

Based on the Planning and Zoning Commission's recommendation, staff recommends the Committee make the following recommendation to approve the revocation:

**PZC 2015-12: 1033 S. Frontage Road:** Revocation of special use granted by Ordinance O-20-11, which permitted the establishment of a "garage for the storage, repair and servicing of motor vehicles, including body repair, painting and engine rebuilding."



**Municipal Services Committee Review – October 26, 2015**

The Municipal Services Committee considered this matter at their October 26, 2015, meeting. The following members were present: Alderman Joseph Marchese – Chairperson, Alderman Thomas Chlystek, Dan Gombac – Director, Elizabeth Lahey – Secretary.

Absent: Alderman Tom Belczak, Michael Griffith – Senior Planner

The Committee did not have any objections.

**The Committee recommended approval of the petition to revoke the special use granted by Ordinance O-20-11.**



**CITY OF DARIEN**

**DU PAGE COUNTY, ILLINOIS**

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**ORDINANCE NO. O-20-11**

**AN ORDINANCE APPROVING A SPECIAL USE AND  
VARIATIONS TO THE DARIEN ZONING ORDINANCE AND  
DARIEN SIGN CODE**

**(PZC 2011-09: 1033 S. Frontage Road, Great Dane)**

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**ADOPTED BY THE**

**MAYOR AND CITY COUNCIL**

**OF THE**

**CITY OF DARIEN**

**THIS 6<sup>th</sup> DAY OF SEPTEMBER, 2011**

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**Published in pamphlet form by authority  
of the Mayor and City Council of the City  
of Darien, DuPage County, Illinois, this 7<sup>th</sup>  
day of September, 2011.**

ORDINANCE NO.   O-20-11  

**AN ORDINANCE APPROVING A SPECIAL USE AND  
VARIATIONS TO THE DARIEN ZONING ORDINANCE AND  
DARIEN SIGN CODE**

**(PZC 2011-09: 1033 S. Frontage Road, Great Dane)**

**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 I-1 General Industrial District pursuant to the Darien Zoning Ordinance; and

**WHEREAS**, the petitioner has requested approval of a special use to permit the establishment of a garage for the storage, repair and servicing of motor vehicles, including body repair, painting and engine rebuilding; and

**WHEREAS**, the petitioner has also requested approval of a variation from the terms of the Darien Zoning Ordinance to permit an 8-foot tall fence within the front yard of the subject property; and

**WHEREAS**, the petitioner has also requested approval of a variation from the terms of the Darien Sign Code to permit a 31-foot tall, 154 square foot pole sign; and

**WHEREAS**, pursuant to proper legal notice, a Public Hearing on said petitions was held before the Planning and Zoning Commission on August 17, 2011; and

ORDINANCE NO.     O-20-11    

WHEREAS, the Planning and Zoning Commission at its regular meeting of August 17, 2011, recommended approval of said petitions and has forwarded its findings and recommendation of approval to the City Council; and

WHEREAS, on August 22, 2011, the Municipal Services Committee of the City Council reviewed the petition and has forwarded its recommendation of approval of said petitions to the City Council; and

WHEREAS, the City Council has reviewed the findings and recommendations described above and now determines to grant the petitions subject to the terms, conditions and limitations described 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 1033 S. Frontage Road, Darien, Illinois, and legally described as follows:

LOT 2 IN THE DARIEN PUBLIC WORKS SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT RECORDED ON MARCH 24, 2004, DOCUMENT NUMBER R2004-075594, IN DUPAGE COUNTY, ILLINOIS.

PIN: 09-34-303-025; -026; -027

**SECTION 2: Special Use from the Zoning Ordinance Granted.** A special use from the Zoning Ordinance Section 5A-9-4-4 is hereby granted to permit the establishment of a garage for

**ORDINANCE NO. O-20-11**

the storage, repair and servicing of motor vehicles, including body repair, painting and engine rebuilding.

**SECTION 3: Variation from the Zoning Ordinance Granted.** A variation from the Zoning Ordinance Section 5A-5-8-2(C)(2) is hereby granted to permit the erection of an 8-foot tall fence within the front yard of the subject property, subject to the following conditions:

1. A black, metal fence, “wrought iron style”, is to be installed along the front of the property, 8-foot tall being acceptable, instead of a chain-link fence;
2. Landscaping is to be included along the frontage of the property, street side of the fence;
3. Staff to review exterior lighting details for Code compliance.

**SECTION 4: Variation from the Sign Code Granted.** The following variations from the Sign Code are hereby granted:

1. Section 4-3-10(D)(1), Signs in the Industrial District (I-1): To permit a sign 31 feet tall and 154 square feet in area.
2. Section 4-3-7(B), Signs Specifically Prohibited: To permit a pole sign.

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

**SECTION 6: Effective Date.** This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

ORDINANCE NO. O-20-11

PASSED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this 6<sup>th</sup> day of September, 2011.

AYES: 7 – Avci, Beilke, Marchese, McIvor, Poteraske, Schauer, Seifert

NAYS: 0 – NONE

ABSENT: 0 – NONE

APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this 6<sup>th</sup> day of September, 2011.

Kathleen Moesle Weaver  
KATHLEEN MOESLE WEAVER, MAYOR

ATTEST:  
Joanne E. Ragona  
JOANNE E. RAGONA, CITY CLERK

APPROVED AS TO FORM:  
[Signature]  
CITY ATTORNEY



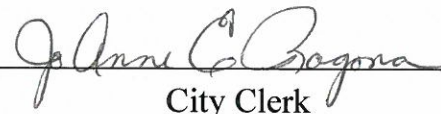
STATE OF ILLINOIS    )  
                                          ) SS  
COUNTY OF DU PAGE )

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

I do further certify that the foregoing constitutes a full, true and correct copy of **ORDINANCE NO. O-20-11 "AN ORDINANCE APPROVING A SPECIAL USE AND VARIATIONS TO THE DARIEN ZONING ORDINANCE AND DARIEN SIGN CODE (PZC 2011-09: 1033 S FRONTAGE ROAD, GREAT DANE)"**, of the City of Darien, Du Page County, Illinois, duly passed and approved by the Mayor and City Council at a meeting held on September 6, 2011.

IN WITNESS WHEREOF, I have hereunto affixed my official hand and seal this 6<sup>th</sup> day of September, 2011.



  
\_\_\_\_\_  
City Clerk



**CITY OF DARIEN**

**DU PAGE COUNTY, ILLINOIS**

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

**AN ORDINANCE REVOKING A PREVIOUSLY APPROVED  
SPECIAL USE TO THE DARIEN ZONING ORDINANCE**

**(PZC 2015-12: 1033 S. Frontage Road)**

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**ADOPTED BY THE**

**MAYOR AND CITY COUNCIL**

**OF THE**

**CITY OF DARIEN**

**THIS 2<sup>nd</sup> DAY OF NOVEMBER, 2015**

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**Published in pamphlet form by authority  
of the Mayor and City Council of the City  
of Darien, DuPage County, Illinois, this  
\_\_\_\_\_ day of November, 2015.**



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

**AN ORDINANCE REVOKING A PREVIOUSLY APPROVED  
SPECIAL USE TO THE DARIEN ZONING ORDINANCE**

**(PZC 2015-12: 1033 S. Frontage Road)**

**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 I-1 General Industry pursuant to the Darien Zoning Ordinance; and

**WHEREAS**, the City Council of the City of Darien previously approved Ordinance O-20-11 on September, 6, 2011, which granted a special use for the establishment of a “garage for the storage, repair and servicing of motor vehicles, including body repair, painting and engine rebuilding”; and

**WHEREAS**, the special use approved by Ordinance O-20-11 was never established; and

**WHEREAS**, pursuant to Section 5A-2-2-6(I): Revocation of Special Use Permit, of the Darien Zoning Ordinance, the City Council directed the Planning and Zoning Commission to hold a public hearing to consider the revocation of said special use; and

**WHEREAS**, pursuant to proper legal notice, a Public Hearing was held before the Planning and Zoning Commission on October 21, 2015, regarding this matter; and

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

**WHEREAS**, the Planning and Zoning Commission, at its regular meeting of October 21, 2015, reviewed the petition and has forwarded its findings and recommendation to revoke said special use; and

**WHEREAS**, on October 26, 2015, the Municipal Services Committee of the City Council reviewed the petition and has forwarded its recommendation to revoke said special use; and

**WHEREAS**, the City Council has reviewed the findings and recommendations described above and now determines to revoke said special use 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: Special Use Revoked.** The special use granted by Ordinance O-20-11 is hereby revoked.

**SECTION 2: 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 supercede state law in that regard within its jurisdiction.

**SECTION 3: Effective Date.** This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

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

**PASSED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE  
COUNTY, ILLINOIS, this 2<sup>nd</sup> day of November, 2015.**

**AYES:** \_\_\_\_\_

**NAYS:** \_\_\_\_\_

**ABSENT:** \_\_\_\_\_

**APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE  
COUNTY, ILLINOIS, this 2<sup>nd</sup> day of November, 2015.**

**ATTEST:**

\_\_\_\_\_  
KATHLEEN MOESLE WEAVER, MAYOR

\_\_\_\_\_  
JOANNE E. RAGONA, CITY CLERK

**APPROVED AS TO FORM:**

\_\_\_\_\_  
CITY ATTORNEY



**AGENDA MEMO**  
**CITY COUNCIL**  
**MEETING DATE: November 2, 2015**

**Issue Statement**

**PZC 2015-13: Horizon Academy, 17w125 S. Frontage Road:** Petitioner seeks final plat of subdivision approval for a 1-lot subdivision and site plan approval for a private school.

**[ORDINANCE](#)**

**[PLANS](#)**

**[MAP](#)**

**Discussion/Overview**

Both the Planning and Zoning Commission and the Municipal Services Committee have considered this matter, both bodies recommend approval of the petition, subject to the following conditions:

1. Address assignment.
2. Dumpster enclosure to be screened by masonry enclosure at least 6 feet tall.
3. Provide signage details.
4. Address City Engineer's comments noted in letter from Dan Lynch, PE, Christopher B. Burke Engineering, dated September 30, 2015.

The petitioner submitted revised plans to address engineering comments. Engineering comments have been addressed, [approval letter provided dated October 21, 2015](#), from Dan Lynch, PE, Christopher B. Burke Engineering.

Signage will be required to comply with the Sign Code.

Draft ordinance accompanies this memo. Ordinance provides an updated list of conditions to reflect above two comments.

Full discussion follows as "Additional Information."

**Decision Mode**

Planning and Zoning Commission: October 7, 2015  
Municipal Services Committee: October 26, 2015  
City Council: November 2, 2015

## **Additional Information**

### **Issue Statement**

**PZC 2015-13: Horizon Academy, 17w125 S. Frontage Road:** Petitioner seeks final plat of subdivision approval for a 1-lot subdivision and site plan approval for a private school.

### **General Information**

Petitioner/Property Owner: Bassam Osman  
8608 Johnston Road  
Burr Ridge, IL 60527

Property Location: 17w125 S. Frontage Road

PIN: 09-34-405-019

Existing Zoning: R-1 Single-Family Residence

Existing Land Use: Vacant

Proposed Land Use: Private school

Comprehensive Plan Update: Office

Surrounding Zoning and Land Use:  
North: R-3 Multi-Family Residence: I-55  
East: R-2 Single-Family Residence (DuPage County): single-family detached homes, vacant parcel  
South: R-1 and R-2 Single-Family Residence: vacant  
West: R-2 Single-Family Residence (DuPage County): single-family detached homes, vacant parcel

Size of Property: 8.99 acres

Floodplain: Property contains floodplain and wetlands.

Natural Features: Floodplain, wetlands, existing tree coverage

Transportation: Property has frontage and access onto S. Frontage Road

History: The property was annexed into Darien in 1985. In 2008, the City Council approved a 5-lot subdivision for single-family detached homes along 87<sup>th</sup> Street west of Tennessee

Avenue, far southern end of the property. However, the plat of subdivision was never recorded, thus, the homes were not built. Property remains vacant.

### **Documents Submitted**

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

1. Final Plat of Subdivision, 2 sheets, prepared by V3 Engineers Scientists and Surveyors, dated August 31, 2015.
2. Final Engineering Plans, 15 sheets, prepared by V3 Engineers Scientists and Surveyors, latest revision dated July 31, 2015.
3. Landscape Plan, 2 sheets, prepared by Buchar, Mitchell, Bajt Architects, Inc., latest revision dated August 3, 2015.
4. Photometric Plan, 1 sheet, prepared by Buchar, Mitchell, Bajt Architects, Inc., dated July 2, 2015.
5. Building Elevation Drawing, 1 sheet, prepared by Buchar, Mitchell, Bajt Architects, Inc., dated July 27, 2015.

### **Planning Overview/Discussion**

The subject property is located on the south side of S. Frontage Road, between Western Avenue and Lorraine Drive.

The property is zoned R-1 Single-Family Residence.

The petitioner proposes a private school. The plan shows a Phase I and Phase II. Phase I is the elementary school, Phase II is the middle school. An outdoor recreational area is on the east side of the Phase II building area.

Within the R-1 zoning district, public, denominational, or private schools, limited to elementary, junior or high schools, without boarding, are a permitted use.

#### *Address Assignment*

The property was annexed into Darien in 1985 yet the property retained an unincorporated address. Staff recommends assigning a new address to fit within the City's address system and to void confusion as to whether the property is incorporated vs. unincorporated.

#### *Plat of Subdivision*

The petitioner is subdividing the parcel into two lots, with the school on the north parcel. The south parcel will remain vacant at this time.

#### *Site Plan*

The building complies with required building setbacks, lot coverage and building height. Within

the R-1 zoning district, all buildings are limited to 30 feet in height. The top of the building is shown to be just under 22 feet tall, the roof top mechanical screen is shown to be at 26 feet.

Parking is shown to be located 30 feet from the front lot line and 5 feet from the west lot line. The Zoning Ordinance does not provide specific parking setbacks for schools when located within residential zoning district. Staff finds the parking lot setbacks acceptable.

Plan shows two driveway entrances off of S. Frontage Road. Both meet the minimum 20-foot setback from side lot lines.

Plan shows 126 parking spaces, including 5 accessible and 3 motorcycle parking spaces. The required number of parking spaces provides is 1 space/employee. The petitioner should confirm the anticipated number of employees. The number of accessible parking spaces provided complies.

Parking stall size complies, 9 feet x 18 feet. Driveway aisle width complies, 24 feet for two-way traffic.

S. Frontage Road is under the jurisdiction of the Downers Grove Township Highway Department. Work within the road right-of-way, including driveway locations, require a permit from the Township Highway Department.

Staff did not require a traffic study at this time. The petitioner should comment on school hours, anticipated traffic volume for employees, parents and whether students are bused.

Landscape plan shows building foundation landscaping, perimeter yard landscaping, landscape islands within the parking lot. Landscape plan complies in terms are required areas and required amount of landscaping. Along the west lot line, a combination of landscaping and privacy fence is proposed. Along the west lot line, there is 5 feet for landscaping, the petitioner should confirm this adequate to maintain landscaping. The petitioner should also be aware, any vegetation with grows over onto adjacent properties is subject to that property owner trimming, cutting vegetation. Along the south and east sides, petition proposes to maintain existing vegetation to meet requirements, which is permitted.

The refuse enclosure is located behind the proposed building. Staff recommends a masonry enclosure using materials coordinating with the building exterior.

Signage details are needed. Ground signs require a base flush with the adjacent ground, should be limited to 32 square feet in area and 6 feet in height. A landscape bed extending 4 feet from the base of the sign is required.

#### *Photometric Plan*

The photometric plan shows exterior light levels in compliance. Per the Zoning Ordinance,

lighting cannot exceed 3-footcandles in residential areas. Exterior lights are not permitted to cause glare onto adjacent properties, verified at final inspection. Light shields may be required.

#### *Building Elevations*

Exterior building materials include: stone and brick veneer, metal flashing, aluminum frame windows and doors, galvanized steel tube column with tension rod.

Roof top mechanical equipment is shown to be screened.

#### *Engineering*

The City Engineer's most recent comments are noted in a letter dated September 30, 2015, from Dan Lynch, PE, Christopher B. Burke Engineering, Ltd.

Plan shows a public sidewalk being constructed along the property frontage, within the road right-of-way.

Public water and sanitary sewer mains are being constructed along the frontage of the property.

#### **Staff Findings/Recommendations**

The proposed use is permitted. The site plan complies with the Zoning Ordinance; the petitioner has not requested any variations. Engineering comments remaining to be addressed are minor.

Therefore, staff recommends the Planning and zoning Commission make the following recommendation approving the plat of subdivision and site plan, subject to conditions:

**Based upon the submitted petition and the information presented, the request associated with PZC 2015-13 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, subject to the following conditions:**

- 1. Address assignment**
- 2. Dumpster enclosure to be screened by masonry enclosure at least 6 feet tall.**
- 3. Provide signage details.**
- 4. Address City Engineer's comments noted in letter from Dan Lynch, PE, Christopher B. Burke Engineering, dated September 30, 2015.**

#### **Planning and Zoning Commission Review – October 7, 2015**

The Planning and Zoning Commission considered this matter at their October 7, 2015, meeting. The following members were present: Beverly Meyer – Chairperson, Andrew Kelly, John Lind, Raymond Mielkus, Pauline Oberland and Michael Griffith.

Absent: Ronald Kiefer, John Laratta, Louis Mallers, Kenneth Ritzert, Elizabeth Lahey.



Bassam Osman, President, Horizon Academy, the petitioner, noted the location of the proposed school. He stated they are subdividing the parcel, stating the school will be on the north 9 acres. He noted the first phase is an elementary school and the second phase will be the middle school. He stated this will be a private school.

Chairperson Meyer asked if there will be one building or two buildings.

Mr. Osman stated one building.

Commissioner Oberland asked if this would be a charter or private school.

Mr. Osman stated private school.

Commissioner Lind asked about ownership and access to the southern end of the parcel.

Ms. Osman stated he is not aware of any change in ownership to the southern parcel.

Mr. Griffith noted the south end of the parcel has access from 87<sup>th</sup> Street via an unimproved platted public right-of-way.

The general location of the creek and floodplain located on the property were noted.

Commissioner Mielkus asked why a private school.

Mr. Osman stated the parents are choosing a private school.

Chairperson Meyer asked how children would get to the school, bused?

Mr. Osman stated about 80% of the students will be bused. He stated buses will be parked at a different location, buses only pick-up and drop off students.

Mr. Griffith, Senior Planner, stated the petitioner is not requesting any variations from the Zoning Ordinance, stating staff does not have any issues with the site plan.

No one from the public was present to offer comments.

**Without further discussion, Commissioner Oberland made the following motion, seconded by Commissioner Lind:**

**Based upon the submitted petition and the information presented, the request associated with PZC 2015-13 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, subject to the following conditions:**

- 1. Address assignment.**
- 2. Dumpster enclosure to be screened by masonry enclosure at least 6 feet tall.**
- 3. Provide signage details.**
- 4. Address City Engineer's comments noted in letter from Dan Lynch, PE, Christopher B. Burke Engineering, dated September 30, 2015.**

**Upon a roll call vote, THE MOTION CARRIED, by a vote of 5-0.**

**Members absent: Kiefer, Laratta, Mallers and Ritzert**

### **Municipal Services Committee – October 26, 2015**

Based on the Planning and Zoning Commission's recommendation, staff recommends the Committee make the following recommendation approving the petition with conditions:

**Based upon the submitted petition and the information presented, the request associated with PZC 2015-13 is in conformance with the standards of the Darien City Code and, therefore, I move the Municipal Services Committee approve the petition as presented, subject to the following conditions:**

- 1. Address assignment.**
- 2. Dumpster enclosure to be screened by masonry enclosure at least 6 feet tall.**
- 3. Provide signage details.**
- 4. Address City Engineer's comments noted in letter from Dan Lynch, PE, Christopher B. Burke Engineering, dated September 30, 2015.**

### **Municipal Services Committee Review – October 26, 2015.**

The Municipal Services Committee considered this matter at their October 26, 2015, meeting. The following members were present: Alderman Joseph Marchese – Chairperson, Alderman Thomas Chlystek, Dan Gombac – Director, Elizabeth Lahey – Secretary.

Absent: Alderman Tom Belczak, Michael Griffith – Senior Planner

The Committee did not have any objections.

**The Committee recommended approval of the petition as presented.**

**CHRISTOPHER B. BURKE ENGINEERING, LTD.**

9575 West Higgins Road Suite 600 Rosemont, Illinois 60018 TEL (847) 823-0500 FAX (847) 823-0520

October 21, 2015

City of Darien  
1702 Plainfield Road  
Darien, IL 60561

Attention: Mike Griffith

Subject: Horizon Academy  
(CBBEL Project No. 950323H188)

Dear Mike:

As requested in your transmittal received on October 16, 2015, we have reviewed the revised Plat of Subdivision prepared by V3 Companies and dated September 30, 2015. In our opinion, it would be appropriate for the City to approve the following documents:

1. Final Plat of Subdivision of Horizon Academy School as prepared by V3 Companies and dated September 30, 2015.
2. Final Engineering Plan for Horizon Academy prepared by V3 Companies and dated July 31, 2015.
3. Final Stormwater Management Report for Horizon Academy prepared by V3 Companies and dated July 31, 2015.

The following items should be incorporated into the final approval:

1. Section 5B-1-6 C.2 requires a letter of credit in the amount of 110% of the Engineer's Estimate of Cost. The engineer's estimate (copy attached) is in the amount of \$949,855.60, therefore the required Letter of Credit must be of an amount no less than \$1,044,841.
2. The City requires a stormwater permit fee of \$300 per acre. For this 8.99 acre site the fee is \$2,697.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Daniel Lynch'.

Daniel L. Lynch, PE, CFM  
Head, Municipal Engineering Department



ENGINEER'S OPINION OF PROBABLE CONSTRUCTION COST

for

Horizon Academy

City of Darien, IL

July 31, 2015

1.0	DEMOLITION	QUANTITY	UNITS	UNIT PRICE	COST
1.01	TREE AND BRUSH REMOVAL	1	allowance	\$ 10,000.00	\$ 10,000.00
1.02	PAVEMENT REMOVAL	1,350	sy	\$ 10.00	\$ 13,500.00
1.03	CULVERT REMOVAL	532	each	\$ 17.00	\$ 9,044.00
Subtotal Division 1.0:					\$ 32,544.00

2.0	EARTHWORK & EROSION CONTROL	QUANTITY	UNITS	UNIT PRICE	COST
2.01	CLAY EXCAVATION & PLACEMENT	2,500	cy	\$ 8.00	\$ 20,000.00
2.02	TOPSOIL STRIP & REPLACEMENT	1,700	cy	\$ 8.00	\$ 13,600.00
2.03	TOPSOIL REMOVAL FROM SITE	3,450	cy	\$ 12.00	\$ 41,400.00
2.04	SILT FENCE	3,250	lf	\$ 2.75	\$ 8,937.50
2.05	EROSION CONTROL BLANKET NAG S150	455	sy	\$ 2.00	\$ 910.00
2.06	STABILIZED CONSTRUCTION ENTRANCE	1	each	\$ 2,000.00	\$ 2,000.00
2.07	CLOIR LOG DITCH CHECK	8	each	\$ 100.00	\$ 800.00
2.08	INLET SEDIMENT TRAP	14	each	\$ 200.00	\$ 2,800.00
Subtotal Division 2.0:					\$ 90,447.50

3.0	SANITARY SEWER	QUANTITY	UNITS	UNIT PRICE	COST
3.01	6" PVC SANITARY SEWER, SDR-26	95	lf	\$ 18.00	\$ 1,710.00
3.02	8" PVC SANITARY SEWER, SDR-26	403	lf	\$ 30.00	\$ 12,090.00
3.03	10" PVC SANITARY SEWER, SDR-26	989	lf	\$ 35.00	\$ 34,615.00
3.04	4" SANITARY MANHOLE	7	each	\$ 2,500.00	\$ 17,500.00
3.05	SANITARY EXTERNAL DROP	1	each	\$ 2,000.00	\$ 2,000.00
3.06	TRENCH BACKFILL	1,400	cy	\$ 25.00	\$ 35,000.00
Subtotal Division 3.0:					\$ 102,915.00

4.0	WATER SUPPLY	QUANTITY	UNITS	UNIT PRICE	COST
4.01	4" WATER SERVICE W/ VALVE BOX	1	each	\$ 1,750.00	\$ 1,750.00
4.02	6" DIP, CLASS 52	74	each	\$ 32.00	\$ 2,368.00
4.03	10" DIP, CLASS 52	1,928	lf	\$ 40.00	\$ 77,120.00
4.04	FIRE HYDRANT W/ VALVE BOX	8	each	\$ 3,000.00	\$ 24,000.00
4.05	4' VALVE VAULT	4	each	\$ 2,000.00	\$ 8,000.00
4.06	CONNECT TO EXISTING 10" WATER MAIN	1	each	\$ 500.00	\$ 500.00
4.07	TRENCH BACKFILL	875	cy	\$ 25.00	\$ 21,875.00
Subtotal Division 4.0:					\$ 135,613.00

5.0	STORM SEWER SYSTEM	QUANTITY	UNITS	PRICE	COST
5.01	STORM SEWER, DIP (8")	270	lf	\$ 21.00	\$ 5,670.00
5.02	STORM SEWER, PVC (8")	16	lf	\$ 15.00	\$ 240.00
5.03	STORM SEWER, RCP (12")	289	lf	\$ 21.00	\$ 6,069.00
5.04	STORM SEWER, RCP (15")	612	lf	\$ 24.00	\$ 14,688.00
5.05	STORM SEWER, RCP (18")	158	lf	\$ 28.00	\$ 4,424.00
5.06	STORM SEWER, RCP (24")	210	lf	\$ 31.00	\$ 6,510.00
5.07	STORM INLET - 2' DIA.	7	each	\$ 900.00	\$ 6,300.00
5.08	STORM MANHOLE - 4' DIA.	8	each	\$ 1,500.00	\$ 12,000.00
5.09	STORM MANHOLE - 5' DIA.	1	each	\$ 1,800.00	\$ 1,800.00
5.10	STORM MANHOLE W/ RESTRICTOR - 5' DIA.	1	each	\$ 3,000.00	\$ 3,000.00
5.11	CATCH BASIN - 5' DIA.	1	each	\$ 2,200.00	\$ 2,200.00
5.12	FLARED END SECTION w/GRATE (12")	3	each	\$ 900.00	\$ 2,700.00
5.13	FLARED END SECTION w/GRATE (15")	2	each	\$ 1,050.00	\$ 2,100.00
5.14	TRENCH BACKFILL	890	cy	\$ 25.00	\$ 22,250.00
Subtotal Division 5.0:					\$ 89,951.00

6.0 PAVING		QUANTITY	UNITS	UNIT PRICE	COST
Onsite Regular Pavement					
6.01	BITUMINOUS SURFACE COURSE (1.5")	3,130	sy	\$ 5.50	\$ 17,215.00
6.02	BITUMINOUS BINDER COURSE (2.5")	3,130	sy	\$ 5.50	\$ 17,215.00
6.03	8" AGGR. BASE COURSE TYPE B (CA-6)	3,130	sy	\$ 9.00	\$ 28,170.00
Onsite Heavy Duty Pavement					
6.04	BITUMINOUS SURFACE COURSE (2.5")	2,650	sy	\$ 6.00	\$ 15,900.00
6.05	BITUMINOUS BINDER COURSE (3.5")	2,650	sy	\$ 6.75	\$ 17,887.50
6.06	12" AGGR. BASE COURSE TYPE B (CA-6)	2,650	sy	\$ 12.00	\$ 31,800.00
Frontage Road Pavement					
6.07	BITUMINOUS SURFACE COURSE (1.0")	1,300	sy	\$ 4.75	\$ 6,175.00
6.08	BITUMINOUS BINDER COURSE (6.0")	1,300	sy	\$ 7.75	\$ 10,075.00
6.09	9" AGGR. BASE COURSE TYPE B (CA-6)	1,300	sy	\$ 10.00	\$ 13,000.00
6.10	6" SHOULDER AGGR. BASE COURSE TYPE B (CA-6)	730	sy	\$ 8.00	\$ 5,840.00
Concrete Pavement					
6.11	8" P C CONCRETE	20	sy	\$ 5.50	\$ 110.00
6.12	6" AGGR. BASE COURSE TYPE B (CA-6)	20	sy	\$ 9.00	\$ 180.00
6.13	5" PCC SIDEWALK W/ 4" COMPACTED CA-6	6,025	sf	\$ 4.00	\$ 24,100.00
6.14	R6 12 CURB AND GUTTER W/AGGR. BASE	1,370	lf	\$ 12.00	\$ 16,440.00
6.15	BARRIER CURB W/AGGR. BASE	1,090	lf	\$ 10.00	\$ 10,900.00
6.16	CURB/WALL	365	lf	\$ 100.00	\$ 36,500.00
6.17	STRIPING & SIGNAGE	1	allowance	\$ 2,000.00	\$ 2,000.00
6.18	TRAFFIC CONTROL	1	allowance	\$ 5,000.00	\$ 5,000.00
Subtotal Division 6.0:					\$ 258,507.50

7.0 MISCELLANEOUS		QUANTITY	UNITS	UNIT PRICE	COST
7.01	RETAINING WALL	2,200	sf	\$ 25.00	\$ 55,000.00
7.02	LIGHT POLE ASSEMBLY	9	each	\$ 2,500.00	\$ 22,500.00
7.03	FENCE	124	lf	\$ 30.00	\$ 3,720.00
Subtotal Division 7.0:					\$ 81,220.00

8.0 DETENTION/SPECIAL MANAGEMENT AREAS		QUANTITY	UNITS	UNIT PRICE	COST
8.01	PLUGS AND SEED (BOTTOM OF POND)	0.30	acre	\$ 15,000.00	\$ 4,500.00
8.02	SEED AND EROSION CONTROL BLANKET	0.27	acre	\$ 8,000.00	\$ 2,160.00
8.03	MONITORING AND MAINTENANCE	3.00	year	\$ 5,000.00	\$ 15,000.00
Subtotal Division 8.0:					\$ 21,660.00

9.0 LANDSCAPING (BY J. DAVITO DESIGN, INC.)		QUANTITY	UNITS	UNIT PRICE	COST
9.01	LANDSCAPING (SEE ATTACHED BREAKDOWN)	1	lsum	\$ 136,420.00	\$ 136,420.00
Subtotal Division 9.0:					\$ 136,420.00

1.0	DEMOLITION				\$ 32,544.00
2.0	EARTHWORK & EROSION CONTROL				\$ 90,447.50
3.0	SANITARY SEWER				\$ 102,915.00
4.0	WATER SUPPLY				\$ 135,613.00
5.0	STORM SEWER SYSTEM				\$ 89,951.00
6.0	PAVING				\$ 258,507.50
7.0	MISCELLANEOUS				\$ 81,220.00
8.0	DETENTION/SPECIAL MANAGEMENT AREAS				\$ 21,660.00
9.0	LANDSCAPING (BY J. DAVITO DESIGN, INC.)				\$ 136,420.00
Subtotal:					\$ 949,278.00
20% Contingency					\$ 189,855.60
<b>TOTAL:</b>					<b>\$ 1,139,133.60</b>

The Engineer's Opinion of Probable Cost is based upon the Final Engineering Plans for Horizon Academy prepared by V3 Companies of Illinois, dated July 31, 2015. This Engineer's Opinion of Probable Construction Cost shall not be used as a bid. Actual costs on projects of this size and scope can vary widely and only contractor's bids can be used to provide actual construction costs. Since V3 Companies has no control over the cost of labor, materials, equipment or services furnished by others, or over the Contractor's methods of determining prices, or over competitive bidding or market conditions, this Opinion of Probable Construction Costs is made based on V3 Companies' best judgment as an experienced and qualified professional engineer, familiar with the construction industry; however, V3 Companies can not and does not guarantee that proposals, bids or actual Contractor Costs will not vary from Opinions of Probable Construction Costs prepared by V3 Companies. This Engineer's Opinion of Probable Construction Cost does not include landscaping.

Typical Exclusions Assumptions

- \* *This Engineer's Opinion of Probable Construction cost does not include burial of any overhead utility lines.*
- \* *Irrigation is not included.*
- \* *Landscaping itemized list is attached (by J. Davito Design, Inc.)*
- \* *Building construction is not included.*

Typical Units

lf = linear feet  
sf = square feet  
sy = square yards  
cy = cubic yards  
ea = each  
ls = lump sum  
acre  
allowance  
ton



**J. DAVITO DESIGN, INC.**  
LANDSCAPE ARCHITECTURAL DESIGN

August 3, 2015

Attn: Tom Buchar

**HORIZON ACADEMY, DARIEN**  
**Rough Landscape Cost Budget Study**

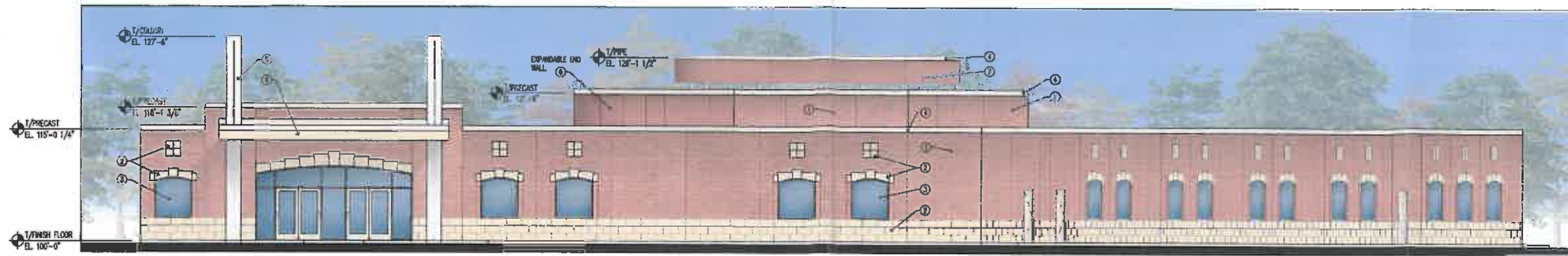
<u>Item</u>	<u>Description</u>	<u>Qty</u>	<u>UN</u>
FM	Marmo Freeman Maple	8	3"
HB	Chicagoland Common Hackberry	8	3"
HL	Skyline Thornless Honeylocust	8	3"
RL	Redmond American Linden	7	3"
SO	Swamp White Oak	7	3"
CS	Colorado Blue Spruce	15	6'
NS	Norway Spruce	14	6'
CP	Chanticleer Callery Pear	8	2"
FC	Sargent Crabapple	8	6'
JL	Japanese Tree Lilac	6	6'
SS	Shadblow Serviceberry	5	6'
WH	Washington Hawthorn	6	6'
AC	Alpine Currant 'Green Mound'	70	24"
AV	Arrowwood Viburnum	46	36"
BB	Dwarf Burning Bush	6	36"
DL	Dwarf Korean Lilac	71	24"
GS	Gro-low Sumac	159	24"
PC	Peking Cotoneaster	45	36"
TS	Birchleaf Spirea 'Tor'	28	24"
DY	Dense Yew	65	24"
KJ	Kallay's Compact Juniper	47	24"
NA	Nigra Arborvitae	11	4'
DH	Happy Returns Daylily	137	1G
EC	Purpleleaf Wintercreeper	350	QT
RG	Rozanne Geranium	95	1G
SA	Autumn Joy Sedum	40	1G
SOD	Sod	5200	SY
WS	Wesuwe Salvia	36	1G
SOD	Sod, Bluegrass Variety	5200	SY
	Shredded Hardwood Bark Mulch	100	CY
	Sand/Compost Mix	25	CY
	6' Ht. Wood Board on Board Fence	112	LF

---

**TOTAL: \$ 136,420.00**

**PLAN: Building Elevation, Site Plan**  
**Horizon Academy**  
**17w125 S. Frontage Road,**  
**Darien, IL**

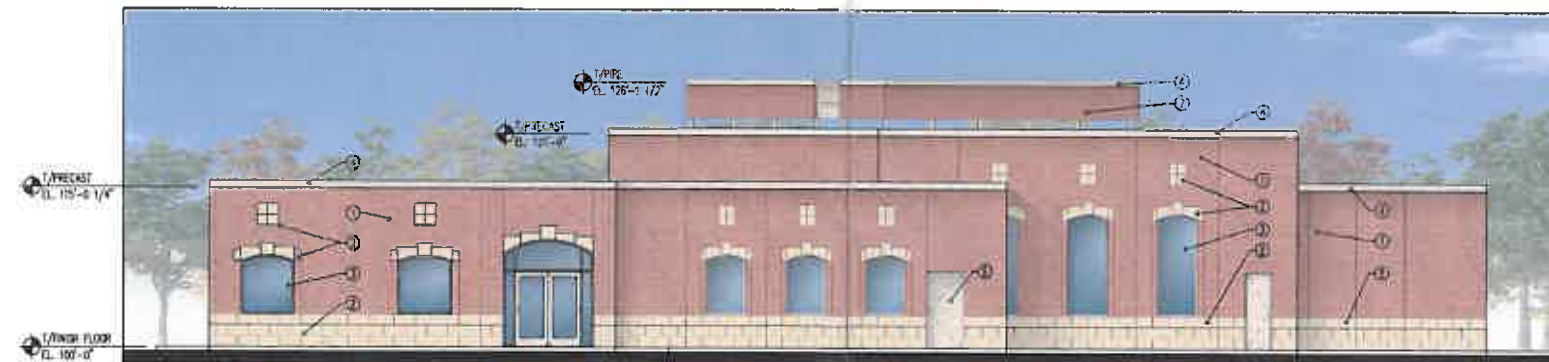
- KEY NOTES**
- ① PAINTED PRECAST PANEL WITH A BRICK VENEER EMBEDDED.
  - ② PAINTED CONCRETE PANEL WITH A STONE VENEER EMBEDDED.
  - ③ ALUMINUM FRAME WITH INSULATED GLASS.
  - ④ PREFABRICATED METAL FLASHING.
  - ⑤ INSULATED HOLLOW METAL DOOR/FRAME.
  - ⑥ EXTERIOR INSULATION AND FINISH SYSTEM AT EXPANDABLE END WALLS.
  - ⑦ MECHANICAL EQUIPMENT SCREEN WITH EXTERIOR INSULATION AND FINISH SYSTEM.
  - ⑧ PREFABRICATED METAL FLASHING/FASCIA.
  - ⑨ GALVANIZED STEEL TUBE COLUMN/TENSION ROD.



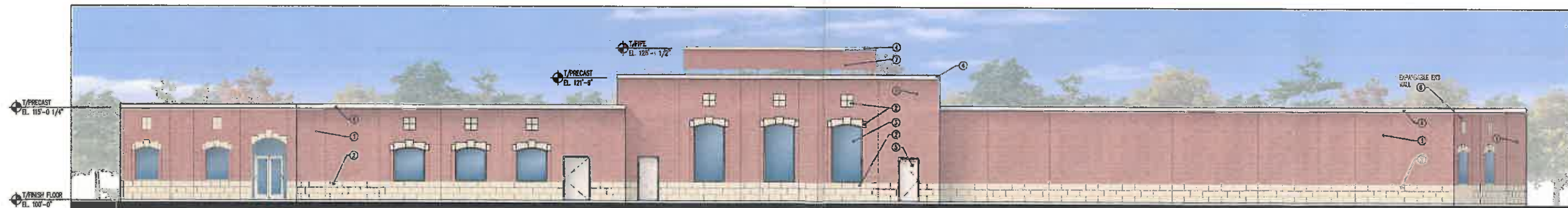
**NORTHWEST ELEVATION**  
 SCALE 1/8" = 1'-0"



**WEST ELEVATION**  
 SCALE 1/8" = 1'-0"



**SOUTH ELEVATION**  
 SCALE 1/8" = 1'-0"



**SOUTHEAST ELEVATION**  
 SCALE 1/8" = 1'-0"



FOR  
 HORIZON ACADEMY  
 SOUTH FRONTAGE ROAD  
 DARIEN, ILLINOIS 60561  
 214074-14

July 27, 2015

# EXTERIOR ELEVATIONS

HORIZON ACADEMY  
 DARIEN, ILLINOIS 60561





buchar, mitchell, bajt  
 architects, inc.

722 eastington road, suite d  
 Joliet, Illinois 60435  
 (815) 741-8229 fax (815) 741-8709

© 2015 BUCHAR MITCHELL BAJT ARCHITECTS, INC.

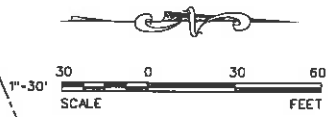


**PAVING LEGEND**

- HEAVY DUTY PAVEMENT**  
 2.5" HOT MIX ASPHALT SURFACE COURSE MIX 10, NSD  
 4" 1.5" HOT MIX BINDER COURSE IL-18, NSD  
 12" AGGREGATE BASE COURSE - CA-6 COMPACTED
- REGULAR PAVEMENT**  
 1.5" HOT MIX ASPHALT SURFACE COURSE MIX 10, NSD  
 2.5" HOT MIX BINDER COURSE IL-18, NSD  
 8" AGGREGATE BASE COURSE - CA-6 COMPACTED
- CONCRETE PAVEMENT**  
 8" P.C. CONCRETE PAVEMENT WITH (809 W2.9-W2.9) W.W.F.  
 8" AGGREGATE BASE COURSE - CA-6 COMPACTED
- SIDEWALK PAVEMENT**  
 4" P.C. CONCRETE PAVEMENT  
 4" AGGREGATE BASE COURSE - CA-6 COMPACTED

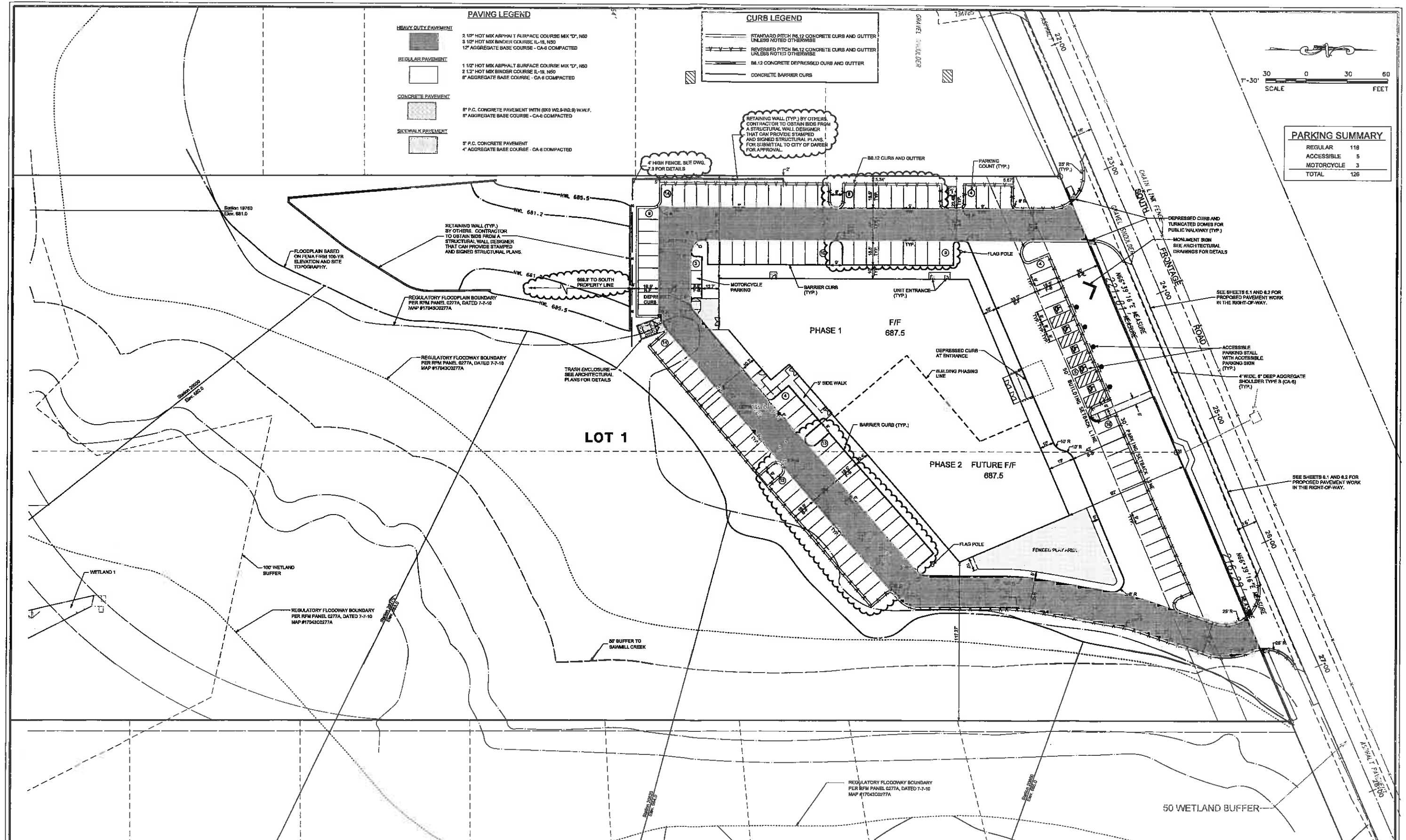
**CURB LEGEND**

-  STANDARD PITCH 8x12 CONCRETE CURB AND GUTTER UNLESS NOTED OTHERWISE
-  REVERSED PITCH 8x12 CONCRETE CURB AND GUTTER UNLESS NOTED OTHERWISE
-  8x12 CONCRETE DEPRESSED CURB AND GUTTER
-  CONCRETE BARRIER CURB



**PARKING SUMMARY**

REGULAR	118
ACCESSIBLE	5
MOTORCYCLE	3
<b>TOTAL</b>	<b>126</b>




V3 Companies  
 7325 Janes Avenue  
 Woodridge, IL 60517  
 630.724.9200 phone  
 630.724.9202 fax  
 www.v3co.com

REVISIONS					
NO.	DATE	DESCRIPTION	NO.	DATE	DESCRIPTION
1	07-31-15	PER CITY OF DARIEN			

PROJECT NO.: 00263.HA S04  
 FILE NAME: 2.1 Geo00263.HA  
 ORIGINAL ISSUE DATE: 06-11-15  
 SCALE: 1"=30'

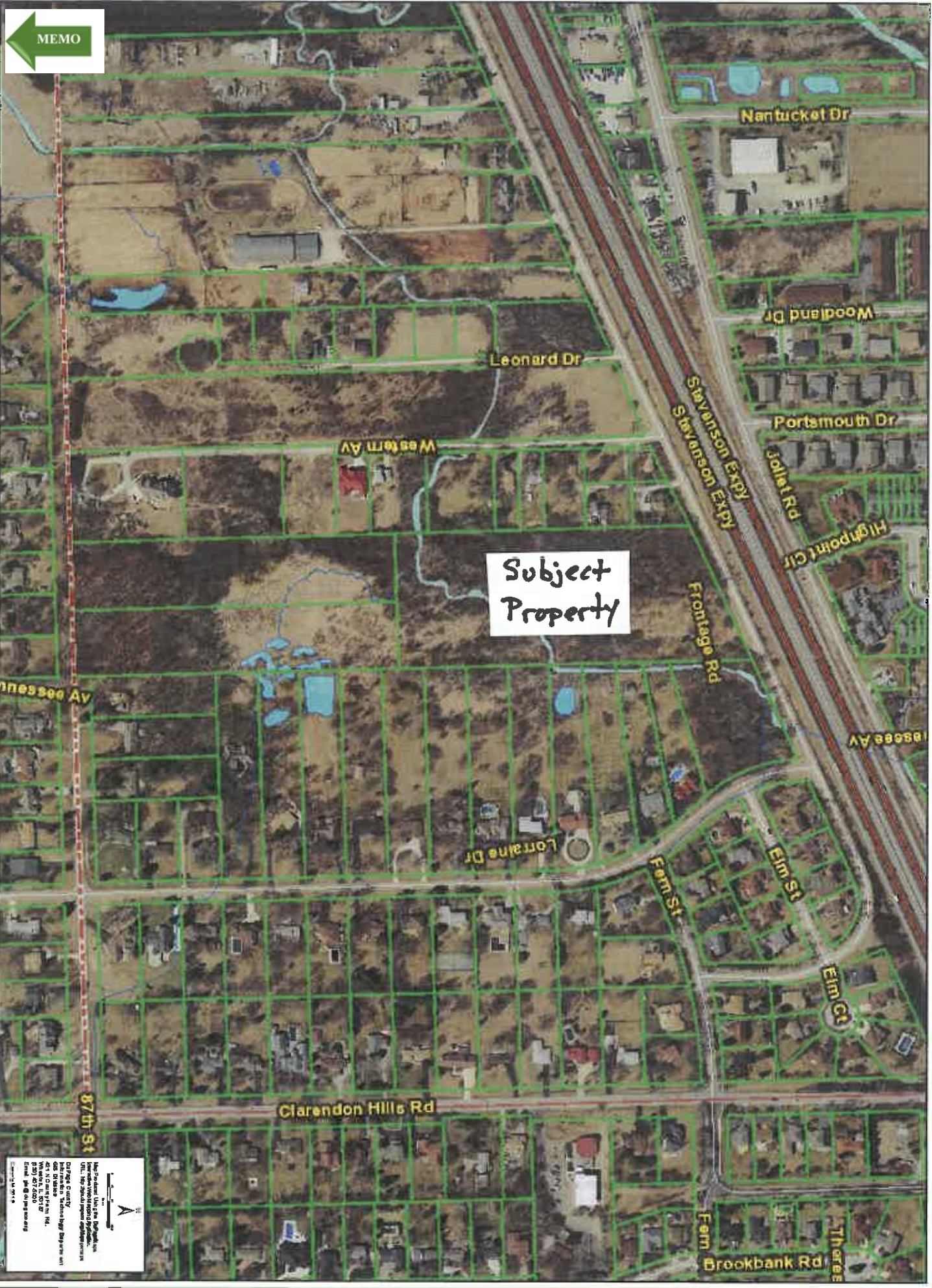
DESIGNED BY: MBI  
 DRAWN BY: NRS  
 CHECKED BY: MBI  
 PROJECT MANAGER: AMP

**HORIZON ACADEMY**

ILLINOIS

**GEOMETRY PLAN**

DRAWING NO. **2.1**



Subject  
Property

MEMO

Map provided by the DuPage County GIS Department. All rights reserved. No warranty is made for the accuracy of the information. The DuPage County GIS Department is not responsible for any errors or omissions. For more information, please contact the DuPage County GIS Department at (630) 270-2500. Website: www.dupage.org/gis





**CITY OF DARIEN**

**DU PAGE COUNTY, ILLINOIS**

---

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

**AN ORDINANCE APPROVING A SITE PLAN  
AND FINAL PLAT OF SUBDIVISION**

**(PZC 2015-13: Horizon Academy, 17w125 S. Frontage Road)**

---

**ADOPTED BY THE**

**MAYOR AND CITY COUNCIL**

**OF THE**

**CITY OF DARIEN**

**THIS 2<sup>nd</sup> DAY OF, NOVEMBER 2015**

---

**Published in pamphlet form by authority  
of the Mayor and City Council of the City  
of Darien, DuPage County, Illinois, this  
\_\_\_\_\_ day of November, 2015.**

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

**AN ORDINANCE APPROVING A SITE PLAN  
AND FINAL PLAT OF SUBDIVISION**

**(PZC 2015-13: Horizon Academy, 17w125 S. Frontage Road)**

**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 described in Section 1 of this Ordinance (the “Subject Property”) is currently zoned R-1 Single-Family Residence; and

**WHEREAS**, the petitioner filed petitions for site plan approval and for final plat of subdivision approval; and

**WHEREAS**, the Planning and Zoning Commission at its regular meeting of October 7, 2015, recommended approval of said petitions and has forwarded its findings and recommendation of approval to the City Council; and

**WHEREAS**, on October 26, 2015, the Municipal Services Committee of the City Council reviewed the petitions and has forwarded its recommendation of approval of said petitions to the City Council; and

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

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

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 17w125 S. Frontage Road:

THAT PART OF LOTS 1 AND 2 IN DOWNERS GROVE TOWNSHIP SUPERVISORS ASSESSMENT PLAT NUMBER 8, OF PART OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 3, 1946 AS DOCUMENT 505672, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST LINE OF SAID LOT 1 WITH THE SOUTHERLY LINE OF FEDERAL AID ROUTE 98 (ALSO KNOWN AS INTERSTATE ROUTE 55); THENCE SOUTH 01 DEGREES 42 MINUTES 06 SECONDS EAST ALONG SAID EAST LINE, 1059.33 FEET TO A POINT 974.07 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT 1, AS MEASURED ALONG SAID EAST LINE; THENCE SOUTH 88 DEGREES 17 MINUTES 54 SECONDS WEST, 402.24 FEET TO THE WEST LINE OF SAID LOT 2, SAID POINT BEING 974.90 FEET NORTH OF THE SOUTHWEST CORNER OF SAID LOT 2, AS MEASURED ALONG SAID WEST LINE; THENCE NORTH 01 DEGREES 44 MINUTES 05 SECONDS WEST ALONG SAID WEST LINE, 886.95 FEET TO SAID SOUTHERLY LINE OF FEDERAL AID ROUTE 98 (ALSO KNOWN AS INTERSTATE ROUTE 55); THENCE NORTH 65 DEGREES 07 MINUTES 38 SECONDS EAST ALONG SAID SOUTHERLY LINE, 438.09 FEET TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

PINS: 09-34-405-016; 09-34-405-015

**SECTION 2: Final Plat of Subdivision Approved.** Final plat of subdivision approval is hereby granted to the “Horizon Academy School”, according to the following plat drawing:

- A. Final Plat of Subdivision of Horizon Academy School, 2 sheets, prepared by V3 Engineers Scientists Surveyors, latest revision dated September 30, 2015.

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

**SECTION 3: Site Plan Approved.** Site plan approval is hereby granted pursuant to Section 5A-2-2-1: Site Plan Review of the Darien Zoning Ordinance. The development of the property shall be in substantial compliance with the following plans:

- A. Final Engineering Plans, 15 sheets, prepared by V3 Engineers Scientists and Surveyors, latest revision dated July 31, 2015.
- B. Landscape Plan, 2 sheets, prepared by Buchar, Mitchell, Bajt Architects, Inc., latest revision dated August 3, 2015.
- C. Photometric Plan, 1 sheet, prepared by Buchar, Mitchell, Bajt Architects, Inc., dated July 2, 2015.
- D. Building Elevation Drawing, 1 sheet, prepared by Buchar, Mitchell, Bajt Architects, Inc., dated July 27, 2015.

**SECTION 4: Conditions of Approval.** Site plan approval is subject to the following conditions:

- A. Property to be reassigned a new address to bring address in line with City's address grid.
- B. Dumpster enclosure to be screened by masonry enclosure at least 6 feet tall.
- C. Signage to comply with the Darien Sign Code, Title 4-3 of the City Code.

**SECTION 4: Execution.** The Mayor and Clerk are hereby authorized and directed to execute and attest respectfully the final plat of subdivision for the "Horizon Academy School". The Clerk is hereby authorized to record said final plat of subdivision.

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

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

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

**SECTION 6: Effective Date.** This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS**, this 2<sup>nd</sup> day of November, 2015.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS**, this 2<sup>nd</sup> day of November, 2015.

\_\_\_\_\_  
KATHLEEN MOESLE WEAVER, MAYOR

ATTEST:

\_\_\_\_\_  
JOANNE E. RAGONA, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY



**AGENDA MEMO**  
**City Council**  
**November 2, 2015**

**ISSUE STATEMENT**

**AN ORDINANCE WAIVING THE REQUIREMENTS OF SECTIONS 3-3-6(C) AND 3-3-6(I) OF THE DARIEN CITY CODE (CENTRAL FLORIDA RESTAURANTS/T.G.I. FRIDAY'S)**

**[ORDINANCE](#)**                      **[BACKUP](#)**

**BACKGROUND/HISTORY**

The Under Section 3-3-6(C) of the City Code, no liquor license shall be issued to “a person who has been convicted of a felony under any federal or state law.” Under subsection (I), a corporation is not eligible for a license “if any officer, manager, or director thereof, or any stockholder owning in the aggregate more than five percent (5%) of the stock of such corporation would not be eligible to receive a license under this Chapter for any reason other than citizenship.”

The material furnished to us from [the attorney for Central Florida Restaurants](#), Inc. indicates that an individual named [Romi Randhawa](#) (i) is a 12.5% shareholder of the corporation which is operating T.G.I. Friday's; and (ii) has a felony conviction for bribery of a public official. Under the literal terms of the ordinance, this corporation is ineligible for a liquor license because of the felony conviction.

The owners of Friday's have followed through and have filed a formal [petition](#) for relief from the “felony conviction” requirement of the Liquor Ordinance. It should be noted that this conviction is almost 25 years old and the attorney for the petitioner states that Mr. Randhawa has substantially rehabilitated himself.

The Committee discussed this item at its October 5<sup>th</sup>, 2015 meeting and recommends approval an ordinance providing relief under these unique circumstances.

**STAFF/COMMITTEE RECOMMENDATION**

Administrative/Finance Committee and Staff recommend approval of the ordinance.

**ALTERNATE CONSIDERATION**

As directed.

**DECISION MODE**

This item will be placed on the November 2, 2015, City Council Agenda for formal consideration.





## Rosenthal, Murphey, Coblentz & 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

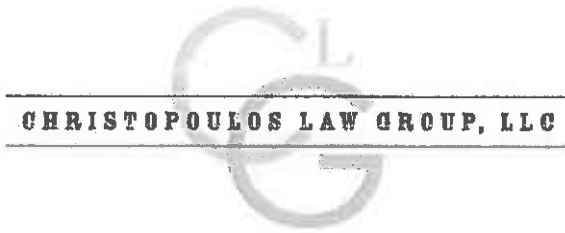
To: Bryon Vana  
Fr: John B. Murphey  
Date: August 25, 2015  
Re: T.G.I. Friday's Liquor License

Under Section 3-3-6(C) of the City Code, no license shall be issued to "a person who has been convicted of a felony under any federal or state law." Under subsection (I), a corporation is not eligible for a license "if any officer, manager, or director thereof, or any stockholder owning in the aggregate more than five percent (5%) of the stock of such corporation would not be eligible to receive a license under this Chapter for any reason other than citizenship."

The material furnished to us from the attorney for Central Florida Restaurants, Inc. indicates that an individual named Romi Randhawa (i) is a 12.5% shareholder of the corporation which is operating T.G.I. Friday's; and (ii) has a felony conviction for bribery of a public official. Under the literal terms of the ordinance, this corporation is ineligible for a liquor license because of the felony conviction.

On the other hand, it should be noted that this conviction is almost 25 years old. In the meantime, it appears that Mr. Randhawa has substantially rehabilitated himself. According to my brief internet search, he is "President and Chief Executive Officer of HPM Networks, a provider of value-added infrastructure solutions" based in Fremont, California. He is obviously only an investor in the corporation and has no involvement in the active management of the T.G.I. Friday's in Darien.

This may be a situation where the Council should consider granting some relief from the literal terms of the ordinance. I have a phone call into the attorney for the corporation to review this matter.



CHRISTOPOULOS LAW GROUP, LLC

July 29, 2015

VIA EMAIL

City of Darien - City Clerk's Office  
Attn: Ms. Maria E. Gonzalez  
1702 Plainfield Road  
Darien IL 60561  
[mgonzalez@darienil.gov](mailto:mgonzalez@darienil.gov)

**RE: Client: Central Florida Restaurants, Inc.**  
**Matter: Store #2670 (formerly #226) - 2201 75TH St., Darien**  
**Matter ID: 2015027-002-006**

Dear Ms. Gonzalez:

As you may recall, our firm represents Central Florida Restaurants, Inc. ("CFR") *d/b/a TGI Friday's* here in Illinois. In June, we filed a liquor license application (the "Application") with your office in the name of CFR to re-license the existing TGI Friday's location in your jurisdiction.

We were recently informed that a 12.5% shareholder of CFR, Mr. Harkiran Randhawa who goes by the name Romi Randhawa, has a felony conviction from approximately 24 years ago. We respectfully request that you accept the attached letter from Mr. Randhawa as a supplement to the Application along with the supporting documents relaying the details of this matter.

Thank you in advance for your assistance.

Very truly yours,

Kristina D. Dickens

Attachments

Romi Randhawa  
1037 Germano Way  
Pleasanton CA 94566  
Tel. 925-600-7662  
[romi@hpmnetworks.com](mailto:romi@hpmnetworks.com)

July 21, 2015

Dear Village Representative:

I, Harkiran Randhawa, also known as Romi Randhawa, am a 12.5% shareholder of Central Florida Restaurants, Inc. *d/b/a TGI Friday's*, a liquor license applicant in your jurisdiction. I hold no operational position in the business. I am writing to you today to disclose that I inadvertently omitted information from the liquor license application. Approximately 24 years ago, I was convicted of a felony for bribery of a public official. My understanding from prior counsel was that the felony had been expunged and was no longer on my record, but I now understand that to be untrue. I cooperated with the federal government on this matter and thus did not receive jail time, rather I received three years of probation, community service and a fine. My probation was terminated one year early for good behavior. Since that time, there have not been any allegations against me concerning criminal conduct.

By way of personal background, I immigrated to the United States of America to enhance myself as an individual and to obtain a higher education, and I feel as if I have succeeded in those goals. I moved to the U.S. after finishing high school in India and became a U.S. citizen. I attended college in Fresno, California where I studied accounting and data processing. While in college, I was recruited by the United States Marine Corps ("USMC"). I spent four years in the USMC and rose to the rank of corporal.

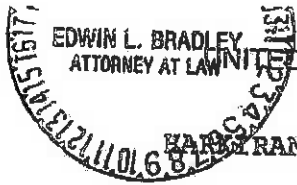
After receiving an honorable discharge from the USMC, I joined MicroAge Computers as a sales professional and was awarded top representative two years in a row. Within three years, I was promoted to the position of Vice President. After four years with MicroAge Computers, I opened my own computer hardware and services consulting company, HPM Networks. My company grew into a \$200M company with a very respected name in northern California. During this time, I also served for years as president of the SMB council for Hewlett Packard. I have since sold HPM Networks to CANCOM where I serve as the CEO of the U.S. division.

Again, I apologize for omitting this conviction and was in no way trying to hide my past. I truly regret my past action and since then have been an honest, devoted citizen and family man with a wife and three daughters. Together we donate our time and funds to many charities throughout the year and hold dear our family time. I hope that you will consider me to be rehabilitated and not permit this past indiscretion to affect the licensing of Central Florida Restaurants, Inc. Thank you in advance for your time.

Sincerely,

  
Romi Randhawa

Enclosures



UNITED STATES OF AMERICA  
V.  
HARVEY RAN SINGH RANDHAWA

(Name of Defendant)

SAN JOSE  
BRADLEY  
JUDGMENT IN A CRIMINAL CASE  
(For Offenses Committed On or After November 1, 1987)

Case Number: CR 90-20124 WAI  
EDWIN BRADLEY  
735 MONTGOMERY ST #201  
SAN FRANCISCO, CA. 94111  
Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to count(s) TWO OF A SUPERCEDING INDICTMENT
- was found guilty on count(s) \_\_\_\_\_ after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 USC 201 (b) (1) (C)	BRIBERY OF A PUBLIC OFFICIAL	JAN 15, 1991	2

The defendant is sentenced as provided in pages 2 through 3 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) \_\_\_\_\_ and is discharged as to such count(s).
- Count(s) ALL REMAINING COUNTS (is)(are) dismissed on the motion of the United States.
- It is ordered that the defendant shall pay a special assessment of \$ 50,00, for count(s) two, which shall be due  immediately  as follows:

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 574-85-3870

Defendant's Date of Birth: 12-18-66

Defendant's Mailing Address:  
34220 HEATHER TERRACE  
FREMONT, CA. 94555

Defendant's Residence Address:  
\_\_\_\_\_  
\_\_\_\_\_

SEPT. 19, 1991  
Date of Imposition of Sentence

Signature of Judicial Officer  
WILLIAM A. INGRAM  
U.S. DIST. COURT JUDGE  
Name & Title of Judicial Officer

\_\_\_\_\_  
Date

The defendant is hereby placed on probation for a term of THREE YEARS

While on probation, the defendant shall not commit another Federal, state, or local crime, shall not illegally possess a controlled substance, and shall not possess a firearm or destructive device. The defendant also shall comply with the standard conditions that have been adopted by this court (set forth below). If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant pay any such fine or restitution. The defendant shall comply with the following additional conditions:

The defendant shall perform 150 hours of Community Service Work, as directed by the probation office.

The defendant shall pay a fine in the amount of \$4,000.00 as directed by the Probation Office.

### STANDARD CONDITIONS OF SUPERVISION

While the defendant is on probation pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 12) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

**LOREN A.N. BUDDRESS**  
CHIEF PROBATION OFFICER

U.S. COURT HOUSE  
450 GOLDEN GATE AVENUE  
SUITE #18400  
POST OFFICE BOX 36057  
SAN FRANCISCO, CA 94102-3487

TEL: 415-556-0200  
FAX: 415-556-5351



EXCELLENCE IN PROBATION SERVICES

PLEASE REPLY TO:

1330 BROADWAY  
SUITE #400  
OAKLAND, CA 94612-2504

TEL: 510-273-7101  
FAX: 510-273-8350

June 25, 1993

Mr. Harkiran Randhawa  
872 Cherry Glen Circle  
Fremont, CA 94536

Dear Romi,

I am pleased to officially inform you that your probation has been modified and terminated early as of June 22, 1993. Congratulations and good luck in your future endeavors.

If I you need additional contact with our office, I can be reached at (510) 273-7392.

Sincerely,

  
Susan Portillo  
U.S. Probation Officer

# Honorable Discharge



FIDELI CERTA MERCES

from the Armed Forces of the United States of America

*This is to certify that*

CORPORAL (E-4) HARKIRAN S. RANDHAWA 547 85 3870

*was Honorably Discharged from the*

# United States Air Force

on the 17th day of NOVEMBER 1993 *This certificate is awarded*

*as a testimony of Honest and Faithful Service*

*B. G. Hollingsworth*  
B. G. HOLLINGSWORTH  
BRIGADIER GENERAL USMCR



**CITY OF DARIEN, ILLINOIS  
LOCAL LIQUOR CONTROL COMMISSION**

In Re: Liquor License Application	)
	)
Central Florida Restaurants, Inc., d/b/a	)
T.G.I. Friday's	)
	)
Applicant	)
	)
Applicant Premises located at:	)
2201 75 <sup>th</sup> Street	)
Darien, Illinois	)

**CENTRAL FLORIDA RESTAURANTS, INC.'S PETITION TO HAVE A MINORITY  
SHAREHOLDER DEEMED REHABILITATED  
FOR PURPOSES OF HOLDING A LIQUOR LICENSE**

The Applicant, Central Florida Restaurants, Inc., d/b/a T.G.I. Friday's ("CFR"), by its attorneys, the Christopoulos Law Group, LLC, hereby petitions the City of Darien Local Liquor Control Commission ("LLCC") pursuant to 235 ILCS 5/6-2(a)(4) and pursuant to any applicable City of Darien ordinances to deem a CFR minority shareholder, Mr. Romi Randhawa, rehabilitated for purposes of a holding a liquor license. In support of this petition, CFR states as follows:

- 1.) On or about June 25, 2015, CFR duly filed its retail liquor license application (the "Application") with the LLCC.
- 2.) CFR is in the process of purchasing sixty-five Friday's locations across eight different states, including Illinois. CFR's other holdings include: 250 Jack in the Box's, 40 Denny's and 6 Sizzler's. CFR has already been issued liquor licenses in other jurisdictions, including: Batavia, Bradley, Gurnee, Joliet, Lake Zurich, Lombard, Oak Lawn, Oak Park, Oswego, Tinley Park, Vernon Hills, and Wheeling, in Illinois.



3.) On July 29, 2015, CFR supplemented its Application to disclose that a 12.5% shareholder, Romi Randhawa, has a felony conviction from 1991. (Attached hereto as Exhibit A is a copy of the CFR's letter informing the LLCC of the conviction as well as follow-up correspondence regarding the same).

4.) Pursuant to the Illinois Liquor Control Act, the issuance of liquor licenses to persons convicted of a felony is permitted, if any local commission determines that "...such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the Commission's investigation..." 235 ILCS 5/6-2(a)(4).

5.) Mr. Randhawa's 1991 felony conviction was for the alleged bribery of a public official. Mr. Randhawa was sentenced to no jail time and received three years' probation. Mr. Randhawa's probation was terminated one year early for good behavior. (See Exhibit A which includes a copy of the felony judgment, probation termination letter and Mr. Randhawa's Marine Corps honorable discharge certificate).

6.) Subsequent to Mr. Randhawa's 1991 conviction, he has not been accused of any other criminal misconduct.

7.) Indeed, Mr. Randhawa is a former United States Marine Corps Corporal who was honorably discharged. After Mr. Randhawa's military career, he has enjoyed great entrepreneurial success, founding his own computer hardware and services consulting company, HPM Networks, which grew to \$200M. Mr. Randhawa sold HPM Networks to CANCOM where Mr. Randhawa serves as CEO of its U.S. division. Mr. Randhawa also served as president of the SMB council for Hewlett Packard.

8.) Mr. Randhawa is a philanthropist and married with three daughters.

9.) Mr. Randhawa's exemplary conduct and success over the past twenty-five years since his 1991 indiscretion, undoubtedly warrant the public's trust, including the trust of large computer tech companies such as CANCOM and Hewlett Packard.

WHEREFORE, the Applicant, Central Florida Restaurants, Inc., d/b/a T.G.I Friday's, respectfully requests that the City of Darien's Local Liquor Control Commission deem Mr. Romi Randhawa rehabilitated and eligible to be a shareholder of a corporation which holds a Darien, Illinois retail liquor license and for any other relief the Commission deems just and proper.

Respectfully submitted,

**Central Florida Restaurants, Inc.**

By: Kevin Gerow  
One of its Attorneys

Dimitrios G. Christopoulos  
Kevin O. Gerow  
Christopoulos Law Group, LLC  
351 W. Hubbard Street, Suite 602  
Chicago, Illinois 60654  
(312) 587-7594

**CHRISTOPOULOS LAW GROUP, LLC**

July 29, 2015

**VIA EMAIL**

City of Darien - City Clerk's Office  
Attn: Ms. Maria E. Gonzalez  
1702 Plainfield Road  
Darien IL 60561  
[mgonzalez@darienil.gov](mailto:mgonzalez@darienil.gov)

**RE: Client: Central Florida Restaurants, Inc.**  
**Matter: Store #2670 (formerly #226) - 2201 75TH St., Darien**  
**Matter ID: 2015027-002-006**


Dear Ms. Gonzalez:

As you may recall, our firm represents Central Florida Restaurants, Inc. ("CFR") *d/b/a TGI Friday's* here in Illinois. In June, we filed a liquor license application (the "Application") with your office in the name of CFR to re-license the existing TGI Friday's location in your jurisdiction.

We were recently informed that a 12.5% shareholder of CFR, Mr. Harkiran Randhawa who goes by the name Romi Randhawa, has a felony conviction from approximately 24 years ago. We respectfully request that you accept the attached letter from Mr. Randhawa as a supplement to the Application along with the supporting documents relaying the details of this matter.

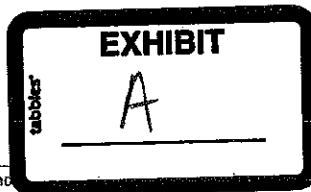
Thank you in advance for your assistance.

Very truly yours,



Kristina D. Dickens

Attachments



Romi Randhawa  
1037 Germano Way  
Pleasanton CA 94566  
Tel. 925-600-7662  
[romi@hpmnetworks.com](mailto:romi@hpmnetworks.com)

July 21, 2015

Dear Village Representative:

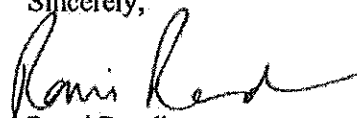
I, Harkiran Randhawa, also known as Romi Randhawa, am a 12.5% shareholder of Central Florida Restaurants, Inc. *d/b/a TGI Friday's*, a liquor license applicant in your jurisdiction. I hold no operational position in the business. I am writing to you today to disclose that I inadvertently omitted information from the liquor license application. Approximately 24 years ago, I was convicted of a felony for bribery of a public official. My understanding from prior counsel was that the felony had been expunged and was no longer on my record, but I now understand that to be untrue. I cooperated with the federal government on this matter and thus did not receive jail time, rather I received three years of probation, community service and a fine. My probation was terminated one year early for good behavior. Since that time, there have not been any allegations against me concerning criminal conduct.

By way of personal background, I immigrated to the United States of America to enhance myself as an individual and to obtain a higher education, and I feel as if I have succeeded in those goals. I moved to the U.S. after finishing high school in India and became a U.S. citizen. I attended college in Fresno, California where I studied accounting and data processing. While in college, I was recruited by the United States Marine Corps ("USMC"). I spent four years in the USMC and rose to the rank of corporal.

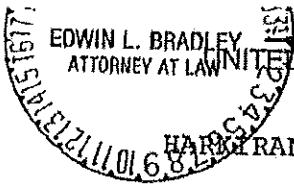
After receiving an honorable discharge from the USMC, I joined MicroAge Computers as a sales professional and was awarded top representative two years in a row. Within three years, I was promoted to the position of Vice President. After four years with MicroAge Computers, I opened my own computer hardware and services consulting company, HPM Networks. My company grew into a \$200M company with a very respected name in northern California. During this time, I also served for years as president of the SMB council for Hewlett Packard. I have since sold HPM Networks to CANCOM where I serve as the CEO of the U.S. division.

Again, I apologize for omitting this conviction and was in no way trying to hide my past. I truly regret my past action and since then have been an honest, devoted citizen and family man with a wife and three daughters. Together we donate our time and funds to many charities throughout the year and hold dear our family time. I hope that you will consider me to be rehabilitated and not permit this past indiscretion to affect the licensing of Central Florida Restaurants, Inc. Thank you in advance for your time.

Sincerely,

  
Romi Randhawa

Enclosures



EDWIN L. BRADLEY  
ATTORNEY AT LAW

UNITED STATES OF AMERICA

V.

HARVEY RAN SINGH RANDHAWA

(Name of Defendant)

SAN JOSE  
BRADLEY

**JUDGMENT IN A CRIMINAL CASE**  
(For Offenses Committed On or After November 1, 1987)

Case Number: CR 90-20124 WAI  
EDWIN BRADLEY  
735 MONTGOMERY ST #201  
SAN FRANCISCO, CA. 94111

Defendant's Attorney

**THE DEFENDANT:**

- pleaded guilty to count(s) TWO OF A SUPERCEDING INDICTMENT
- was found guilty on count(s) \_\_\_\_\_ after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 201 (b) (1) (C)	BRIBERY OF A PUBLIC OFFICIAL	JAN 15, 1991	2

The defendant is sentenced as provided in pages 2 through 3 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984..

- The defendant has been found not guilty on count(s) \_\_\_\_\_ and is discharged as to such count(s).
- Count(s) ALL REMAINING COUNTS (is)(are) dismissed on the motion of the United States.
- It is ordered that the defendant shall pay a special assessment of \$ 50,00 for count(s) two, which shall be due  immediately  as follows:

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 574-85-3870

Defendant's Date of Birth: 12-18-66

Defendant's Mailing Address:  
34220 HEATHER TERRACE  
FREMONT, CA. 94555

Defendant's Residence Address:  
\_\_\_\_\_  
\_\_\_\_\_

SEPT. 19, 1991

Date of Imposition of Sentence

Signature of Judicial Officer  
WILLIAM A. INGRAM

U.S. DIST. COURT JUDGE

Name & Title of Judicial Officer

Date

The defendant is hereby placed on probation for a term of THREE YEARS and for a

While on probation, the defendant shall not commit another Federal, state, or local crime, shall not illegally possess a controlled substance, and shall not possess a firearm or destructive device. The defendant also shall comply with the standard conditions that have been adopted by this court (set forth below). If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant pay any such fine or restitution. The defendant shall comply with the following additional conditions:

The defendant shall perform 150 hours of Community Service Work, as directed by the probation office.

The defendant shall pay a fine in the amount of \$4,000.00 as directed by the Probation Office.

#### STANDARD CONDITIONS OF SUPERVISION

While the defendant is on probation pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

**LOREN A.N. BUDDRESS**  
CHIEF PROBATION OFFICER

U.S. COURT HOUSE  
450 GOLDEN GATE AVENUE  
SUITE #18400  
POST OFFICE BOX 36057  
SAN FRANCISCO, CA 94102-3487

TEL: 415-556-0200  
FAX: 415-556-6351



EXCELLENCE IN PROBATION SERVICES

June 25, 1993

PLEASE REPLY TO:

1330 BROADWAY  
SUITE #400  
OAKLAND, CA 94612-2604

TEL: 510-273-7101  
FAX: 510-273-6360

Mr. Harkiran Randhawa  
872 Cherry Glen Circle  
Fremont, CA 94536

Dear Romi,

I am pleased to officially inform you that your probation has been modified and terminated early as of June 22, 1993. Congratulations and good luck in your future endeavors.

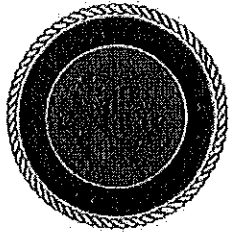
If I you need additional contact with our office, I can be reached at (510) 273-7392.

Sincerely,

Susan Portillo

U.S. Probation Officer

# Unimutable Distinction



FIDELI CERTA MERCES

from the Armed Forces of the United States of America

*This is to certify that*

CORPORAL (E-4) HARKIRAN S. RANDHAWA 547 85 3670

*was Honorably Discharged from the*

# United States Marine Corps

on the 17th day of NOVEMBER 1993 *This certificate is awarded*

*as a testimony of Honest and Faithful Service*

*B. G. Hollingsworth*

B. G. HOLLINGSWORTH  
BRIGADIER GENERAL USMCR



## Kevin Gerow

---

**From:** Kristina Dickens  
**Sent:** Monday, August 24, 2015 10:55 AM  
**To:** 'Maria Gonzalez'  
**Subject:** RE: Central Florida Restaurants, Inc. d/b/a TGI Friday's - 2201 75th St., Darien

Hi Maria, good morning.

I wanted to touch base with you regarding the below email. Has your office had a chance to review the materials and advise? Thanks much.

Kristina D. Dickens  
*Attorney at Law*  
Christopoulos Law Group, LLC  
T: 312.587.7594

---

**From:** Kristina Dickens  
**Sent:** Friday, August 7, 2015 5:47 PM  
**To:** 'Maria Gonzalez' <mgonzalez@darienil.gov>  
**Subject:** RE: Central Florida Restaurants, Inc. d/b/a TGI Friday's - 2201 75th St., Darien

Thank you, Maria.

Upon approval from your jurisdiction, Chief Legal Counsel for the Illinois Liquor Control Commission, Mr. Rick Haymaker, requested that we obtain a letter from your Liquor Control Commissioner reflecting that the Commissioner reviewed the materials and finds the shareholder to be rehabilitated and qualified to hold a liquor license. This will permit the ILCC to finalize State licensing for Central Florida Restaurants, Inc. at this location. Otherwise, please let me know what else Darien may require to approve.

We appreciate your continued assistance with this final request. Thanks and have a good weekend.

Kristina D. Dickens  
*Attorney at Law*  
Christopoulos Law Group, LLC  
T: 312.587.7594

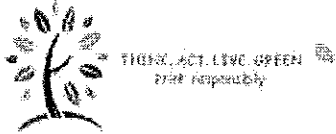
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**From:** Maria Gonzalez [<mailto:mgonzalez@darienil.gov>]  
**Sent:** Friday, August 7, 2015 4:38 PM  
**To:** Kristina Dickens <kristina@christopouloslaw.com>  
**Subject:** RE: Central Florida Restaurants, Inc. d/b/a TGI Friday's - 2201 75th St., Darien

Kristina,

Just confirming that I received the email,

Maria E. Gonzalez  
City of Darien  
City Clerk's Office  
1702 Plainfield Road  
Darien, IL 60561  
Phone: (630) 353-8110  
Fax: (630) 852-4709  
[mgonzalez@darienil.gov](mailto:mgonzalez@darienil.gov)



---

**From:** Kristina Dickens [<mailto:kristina@christopouloslaw.com>]  
**Sent:** Friday, August 07, 2015 3:40 PM  
**To:** Maria Gonzalez <[mgonzalez@darienil.gov](mailto:mgonzalez@darienil.gov)>  
**Cc:** JoAnne E. Ragona <[jragona@darienil.gov](mailto:jragona@darienil.gov)>  
**Subject:** RE: Central Florida Restaurants, Inc. d/b/a TGI Friday's - 2201 75th St., Darien

Maria, good afternoon.

I wanted to confirm that you received the below email and attached documentation. Please let me know if you have any questions relating to this disclosure. Thank you very much.

Kristina D. Dickens  
Attorney at Law  
Christopoulos Law Group, LLC  
T: 312.587.7594

---

**From:** Kristina Dickens  
**Sent:** Monday, August 3, 2015 8:29 PM  
**To:** Maria Gonzalez <[mgonzalez@darienil.gov](mailto:mgonzalez@darienil.gov)>  
**Cc:** JoAnne E. Ragona <[jragona@darienil.gov](mailto:jragona@darienil.gov)>  
**Subject:** Central Florida Restaurants, Inc. d/b/a TGI Friday's - 2201 75th St., Darien

Ms. Gonzalez, good evening.

Please see the attached documentation related to the licensing of Central Florida Restaurants, Inc. d/b/a TGI Friday's. Please reach out to me directly with any questions, concerns or need for additional information. Thank you for your ongoing assistance.

Kristina D. Dickens  
Attorney at Law  
Christopoulos Law Group, LLC  
351 W. Hubbard, Ste. 602  
Chicago, IL 60654

T: 312.587.7594  
F: 312.587.8244

**<http://christopouloslaw.com/>**

This message is intended to be a confidential, attorney-client communication. If you have received this message in error, please destroy all copies and immediately notify the sender at [kristina@christopouloslaw.com](mailto:kristina@christopouloslaw.com) of the error. Thank you.

In conformity with U.S. Treasury Department Circular 230, tax advice contained in this communication and any attachments is not intended to be used, and cannot be used, for the purpose of avoiding penalties that may be imposed under the Internal Revenue Code, nor may any such tax advice be used to promote, market or recommend to any person any transaction or matter that is the subject of this communication and any attachments. The intended recipients of this communication and any attachments are not subject to any limitation on the disclosure of the tax treatment or tax structure of any transaction or matter that is the subject of this communication and any attachments.



Romi Randhawa  
1037 Germano Way  
Pleasanton CA 94566  
No. 925.600.7662  
[romi@hpmnetworks.com](mailto:romi@hpmnetworks.com)

September 30, 2015

**VIA EMAIL**

City of Darien  
Attn: Mr. Bryon Vana, City Administrator  
1702 Plainfield Road  
Darien IL 60561  
[bvana@darienil.gov](mailto:bvana@darienil.gov)

**RE: Central Florida Restaurants, Inc. d/b/a TGI Friday's  
Store #2670 - 2201 75th St., Darien**

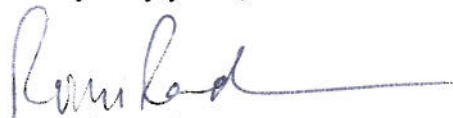
Dear Mr. Vana:

As you may recall, I am a minority shareholder of Central Florida Restaurants, Inc. d/b/a TGI Friday's, a liquor license applicant in your jurisdiction. I was convicted of a felony for bribery of a public official almost 25 years ago. Your jurisdiction asked for information about this offense in addition to the documents previously provided. Please see the below paragraph for further explanation.

The U.S. Citizenship and Immigration Services office in Salinas, California permitted individuals to apply for temporary work visas, dependent upon eligibility. In 1990, two friends of mine approached me for assistance with their temporary work visa applications. I understood at that time that the application fee was \$2,000 per applicant, which included "handling charges" per applicant. I asked an Immigration official to define the "handling charges" but did not receive a concrete answer. I later found out that these charges were actually a bribe.

I appreciate your time and review of this letter in advance. And, I truly hope that the City of Darien will now consider me to be rehabilitated and permit the licensing of this Friday's location to move forward. Thank you very much.

Very truly yours,



Romi Randhawa



**CITY OF DARIEN**

**DU PAGE COUNTY, ILLINOIS**

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

**AN ORDINANCE WAIVING THE REQUIREMENTS OF  
SECTIONS 3-3-6(C) AND 3-3-6(I) OF THE DARIEN CITY CODE  
(CENTRAL FLORIDA RESTAURANTS/T.G.I. FRIDAY'S)**

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

**THIS 2<sup>nd</sup> DAY OF NOVEMBER, 2015**

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**Published in pamphlet form by authority  
of the Mayor and City Council of the City of  
Darien, DuPage County, Illinois, this \_\_\_\_  
day of November, 2015.**

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

**AN ORDINANCE WAIVING THE REQUIREMENTS OF  
SECTION 3-3-6(C) AND 3-3-6(I) OF THE DARIEN CITY CODE  
(CENTRAL FLORIDA RESTAURANTS/T.G.I. FRIDAY’S)**

**WHEREAS**, Section 3-3-6(C) of the Darien City Code provides that no liquor license shall be issued to “a person who has been convicted of a felony under any federal or state law;” and

**WHEREAS**, Section 3-3-6(I) provides that a corporation is not eligible for a license “if any officer, manager, or director thereof, or any stockholder owning in the aggregate more than five percent (5%) of the stock of such corporation would not be eligible to receive a license under this Chapter for any reason other than citizenship;” and

**WHEREAS**, Central Florida Restaurants, Inc. (“Licensee”) operates a number of T.G.I. Friday’s restaurants throughout the country, including the restaurant in the City of Darien; and

**WHEREAS**, the Licensee voluntarily disclosed that a 12.5% shareholder of the corporation (the “Shareholder”) has a prior felony conviction; and

**WHEREAS**, said conviction is approximately 25 years old; and

**WHEREAS**, the Shareholder has substantially rehabilitated over the years; and

**WHEREAS**, the Shareholder has no active involvement in the operation of the Darien T.G.I. Friday’s; and

**WHEREAS**, the Mayor and City Council of the City of Darien have determined that the unique circumstances of this case justify granting a waiver to the Licensee from the requirements of Section 3-3-6(C) and 3-3-6(I) of the Darien City Code.

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

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: Waiver.** The City Council hereby waives the requirement of Sections 3-3-6(C) and 3-3-6(I) of the Darien City Code with respect to the Licensee.

**SECTION 2: Limitation.** This waiver applies only with respect to the prior criminal conviction of the Shareholder.

**SECTION 3: Administrative Fee.** This waiver is subject to the Licensee paying the City an administrative service fee of \$1,500.00, to defray the City's costs in investigating and processing the Licensee's request for waiver.

**SECTION 4: Home Rule Authority.** 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 5: Effective Date.** This Ordinance shall be in full force and effect from and after its passage and approval, and shall subsequently be published in pamphlet form as provided by law.

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

**PASSED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE  
COUNTY, ILLINOIS, this 2<sup>nd</sup> day of November, 2015.**

**AYES:** \_\_\_\_\_

**NAYS:** \_\_\_\_\_

**ABSENT:** \_\_\_\_\_

**APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE  
COUNTY, ILLINOIS, this 2<sup>nd</sup> day of November, 2015.**

**ATTEST:**

\_\_\_\_\_  
**KATHLEEN MOESLE WEAVER, MAYOR**

\_\_\_\_\_  
**JOANNE E. RAGONA, CITY CLERK**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**CITY ATTORNEY**