

CITY OF DARIEN
PLANNING AND ZONING COMMISSION

Wednesday, August 17, 2022

7:00 PM

City Hall Council Chambers
1702 Plainfield Road

AGENDA

- 1) Call to Order
- 2) Roll Call
- 3) Regular Meeting – New Business (See Page 2)
 - a. **Public Hearing – PZC2022-03 (REVISED FROM 07/06/2022)**
8431 Wilmette Avenue – Special Use Amendment & Variations
Petitioner (Art Cano) seeks approval for an amendment to a Special Use and Variation requests from Sections 5A-7-3-5(D) and 5A-7-3-8(B) of the Zoning Ordinance. The petition specifically requests to allow for the interior remodeling and addition of three (3) studio apartments inside an existing apartment building. Property is located within the R-3 Multi-Family Residence District and the Variation requests are from the following standards in the City of Darien Zoning Ordinance:
 - 1) Section 5A-7-3-5(D): R-3 District Land Area per Dwelling Unit Standards.
 - 2) Section 5A-7-3-8(B): R-3 District Minimum Floor Area Standards.
- 4) Regular Meeting – Old Business
 - a. None.
- 5) Staff Updates & Correspondence
- 6) Next Meeting September 7, 2022
(Second Reading – Comp. Plan Amendment)
- 7) Public Comments [On Any Topic Related to Planning and Zoning]
- 8) Adjournment

AGENDA MEMO
PLANNING AND ZONING COMMISSION
AUGUST 17, 2022

CASE

PZC2022-03

Special Use Amendment & Variations
Art Cano – 8431 Wilmette Avenue

ISSUE STATEMENT

Petitioner (Art Cano) seeks approval for an amendment to a special use and variation requests from Sections 5A-7-3-5(D) and 5A-7-3-8(B) of the Zoning Ordinance. The petition specifically requests to allow for the interior remodeling and addition of three (3) studio/efficiency apartments inside an existing apartment building. Property is located within the R-3 Multi-Family Residence District and the variation requests are from the following standards in the City of Darien Zoning Ordinance:

- Section 5A-7-3-5(D): R-3 District Land Area per Dwelling Unit Standards.
- Section 5A-7-3-8(B): R-3 District Minimum Floor Area Standards.

Applicable Regulations:

Ordinance No. O-3-12 – Special Use & Variation
Zoning Section 5A-7-3, R-3 District Standards

GENERAL INFORMATION

Petitioner/Owner:

Art Cano

Property Location:

8431 Wilmette Avenue

PIN Number:

09-34-301-022

Existing Zoning:

Multi-Family Residence District (R-3)

Existing Land Use:

Multi-Family Dwelling (i.e. Apartments)

Comprehensive Plan:

Office (Existing); Office (Future)

Surrounding Zoning & Uses

North:

Multi-Family Residence District (R-3); Townhomes

East:

Multi-Family Residence District (R-3); Townhomes
Grove)

South:

Multi-Family Residence District (R-3); Daycare Center

West:

Office Research and Light Industry (OR&I); Office and
Light Industry

History:

The property was annexed into the City of Darien in 2012 per Ordinance No. O-03-12. This ordinance also approved the property and structure as a 5-unit multi-family dwelling.

Size of Property:

0.41 Acres

Floodplain:

According to the DuPage County Parcel Viewer System, the property is partially located within a regulated floodplain area.

Natural Features:

N/A

Transportation:

The petition site gains access from Wilmette Avenue, just north of the Wilmette Avenue and Frontage Road intersection.

PETITIONER DOCUMENTS (ATTACHED TO MEMO)

- 1) APPLICATION
- 2) JUSTIFICATION NARRATIVE (UPDATED)
- 3) SITE PLAN
- 4) FLOOR PLANS & FLOOR AREAS (UPDATED)
- 5) BUILDING ELEVATION (UPDATED)

CITY STAFF DOCUMENTS (ATTACHED TO MEMO)

- 6) LOCATION MAP & AERIAL IMAGE
- 7) SITE PHOTO

PLANNING OVERVIEW/DISCUSSION

The subject property is located off Wilmette Avenue just north of the Wilmette Avenue and Frontage Road intersection. The City annexed the property in 2012 and granted special use approval for multi-family use within the site’s lone structure. The approval authorized five (5) dwelling units.

At this time, the petitioner has proposed a remodel to the building’s lower level storage area into three (3) additional studio/efficiency apartments. The three (3) additional units would result in eight (8) units total throughout the building’s three floors, and the increase in dwelling units requires an amendment to the existing special use for the site. Please see proposed breakdown below:

<u>Type of Unit</u>	<u>Number of Units</u>
2-Bedroom	1
1-Bedroom	4
Studio/Efficiency	3
Total Units	8

In addition to the special use amendment, the proposal includes variation requests. Per the applicable R-3 District standards, the project does not meet the *Minimum Land Area per Dwelling Unit* provision or the *Minimum Floor Area* provision for the studio/efficiency apartments. The zoning code requires a minimum of 31,000 square feet in land area for the site given the type and number of units proposed. The property is 17,706 square feet according to the plat of survey. The code also specifies studio/efficiency units shall contain a minimum of 750 square feet in floor area. The proposed units are slightly over 500 square feet each according to submitted documentation (see floor area attachments for details). For reference, the City’s definition of *Floor Area* is as follows:

- FLOOR AREA: The sum of the gross horizontal areas of the several floors of a building or structure measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings or structures, computed as the sum of the following areas:*
- *Floor space devoted to the principal use of the premises, including accessory storage areas located within selling or working space such as counters, racks or closets;*
 - *Floor area devoted to the production or processing of goods or to business or*

- professional offices;*
- *The basement floor area;*
- *Any basement floor area devoted to retailing activities;*
- *Elevator shafts and stairwells at each floor;*
- *Floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof);*
- *Penthouses;*
- *Attic space having headroom of seven feet (7') or more;*
- *Interior balconies and mezzanines;*
- *Enclosed porches;*
- *Space devoted to accessory uses; and*
- *Areas used for storage.*

No exterior improvements are proposed with this petition. Existing conditions, such as building setbacks, parking setbacks, and lot coverage will not be altered and are allowed to remain. Note that the site contains the required number of parking spaces for the proposed number of units. The code specifies a ratio of 2 spaces per dwelling unit are required. The site contains 16 parking spaces. Finally, the petitioner will be required to submit a building permit if the case is approved, with architect stamped and signed plans. The plans must comply with the International Building Code.

Site Plan Review & Findings of Fact

City staff has reviewed the petitioner submitted documents and staff does not have any review comments. The project meets all applicable zoning standards outside of the requested variations.

The petitioner submitted *Findings of Fact* that would support the application request. Those findings are attached to this memo under the Justification Narrative. Included below is the criteria for approving a special use and the criteria for variations.

Special Use Criteria:

No special use shall be recommended to the City Council by the Plan Commission, nor approved by the City Council, unless findings of fact have been made on those of the following factors which relate to the special use being sought:

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

proposed structure will not be at variation with either the exterior architectural design, landscape treatment, and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood.

6. *That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.*
7. *That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.*
8. *That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the City Council pursuant to the recommendations of the Plan Commission and Planning and Development Committee.*

Variation 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.*

PZC MEETING – 07/06/2022

The Planning and Zoning Commission heard this petition at its meeting on July 6, 2022. The case received an unfavorable recommendation by a vote of 6-1. After the meeting, the petitioner informed the City that the floor area calculations presented by the petitioner undercut the total (i.e. gross) floor area of the proposed units. The petitioner stated the square footage amounts (400 square feet) were calculated based off livable floor area instead of total floor area. Note that applicable city code standards pertain to total floor area pursuant to definition previously listed.

The petitioner has since submitted updated documents and the case requires another reading by the Planning and Zoning Commission. All attachments, including the updated documents, are supplementals to this report. Finally, please note links below to the minutes from the July 6, 2022 meeting and the case file that was included for that hearing:

- [Meeting Minutes \(July 6, 2022 Planning and Zoning Commission\)](#)
- [Meeting Packet and Case File \(July 6, 2022 Planning and Zoning Commission\)](#)

DECISION MODE

The Planning and Zoning Commission will consider this item at its meeting on August 17, 2022.

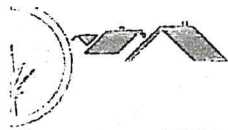
MEETING SCHEDULE

Planning and Zoning Commission
Municipal Services Committee

August 17, 2022
September 26, 2022
(August Meeting Cancelled)
October 3, 2022

City Council

ATTACHMENT 1: APPLICATION



ZONING APPLICATION

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

CONTACT INFORMATION

ARTHUR A. CANO
Applicant's Name
8431 WILMETTE AVE, DARIEN, IL
Address, City, State, Zip Code 60521
630-747-6070
Telephone
ARTCANO@AMERITECH.NET
Email

ARTHUR A. CANO
Owner's Name
SAME
Address, City, State, Zip Code
SAME
Telephone
SAME
Email

RECEIVED
MAY 23 2022
Community Development
City of Darien

PROPERTY INFORMATION

8431 WILMETTE AVE
Property address
R-3
Zoning District

09-34-301-022
PIN Number(s)
RESIDENTIAL (MULTI-FAMILY)
Current Land Use(s)

(Attach additional information per the Submittal Checklist.)

REQUEST

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

To convert from 5 apartment units to 8 apartment units. 3 studio apartments to be constructed in the lower level basement. No exterior structures to the building and no changes to the property.

As Notary Public, in and for DuPage County in Illinois, I do hereby certify that ARTHUR A CANO is personally known by me to be the same person whose name is subscribed above and has appeared before me this day in person and acknowledged that they have signed this document as their own free and voluntary act, for the purposes therein set forth.

Given under my hand and seal, this 20th day of MAY 2022

Rajini Ramchandani
Notary Public

For office use only
Date Received: 05/23/2022
Case Number: PZC2022-03
Fee Paid: \$820.00
Hearing Date: 07/06/2022



ATTACHMENT 2: JUSTIFICATION NARRATIVE

JUSTIFICATION NARRATIVE

Subject: Apartment Building

8431 Wilmette Ave

The main scope of my petition is to convert the lower level basement space of the subject building to three 500 sq ft deluxe studio apartments, thereby increasing the number of units from 5 to 8 units.

Presently, this 8 ft high ceiling basement consists of 5 storage rooms. This space was improved several years ago inasmuch as it served as training and class rooms facilities for several commercial tenants.

The proposed improvements for this conversion project will be confined to within the perimeter of the interior walls and definitely **NO** exterior structures whatsoever will be constructed.

The subject building was built in 1974 and annexed to Darien in 2012, consists of a 2 story brick apartment building made up of 5 units, (2 apartments on the 1st floor and 3 apartments on the 2nd floor). In total: 1- 2 bedroom apartment and 4 – 1 bedroom apartments.

The conversion of the basement level to three 500 sf deluxe studio apartments is considered the better economical choice for this type of space. The purposed rental income of \$950/mo will basically increase the value of the subject property and likewise improve the net operating income. The added revenue will help defray the continuing increases of property taxes, utilities and operating expenses. Otherwise, a negative income return if used as only storage or left vacant.

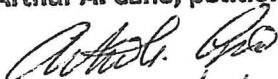
For the past 47 years, the subject 2 story apartment building and use has not imposed a negative impact, diminished property values, been detrimental to public welfare, increase traffic hazards or otherwise injurious to the surrounding neighborhood. Likewise, the 3 studio apartments located out of sight in the lower level will not cause substantial difficulty, undue hardship, unreasonable burden or loss of value to the neighboring properties . The community will not be declared undesirable because of three studio apartments situated in the remote part of the city.

Darien is considered a high rent area with a limited amount of affordable studio apartments. These studio apartments will not be catered to section 8 tenants but more so to young professionals like the seasonal student-employees at nearby Argonne Laboratory. I continue to receive rental inquires from incoming interns employed at Argonne. Very likely, these affordable studios will help the young worker to move out of the parent's house and seek independent living.

Accordingly, this conversion, of granting the variations as requested together with the approval of 3 units from 5 to 8 units, will substantially maintain the same compatibility and remain in harmony with the general purpose and intent of the City of Darien Zoning and Land Use objectives.

Your approval will be appreciated.

Arthur A. Cano, petitioner



7/21/22

ATTACHMENT 3: SITE PLAN

Associated Surveying Group, LLC

Illinois Prof. Design Firm No. 184-004973
 P.O. Box 810 Bolingbrook, IL 60440
 PH: 630-759-0205 FAX: 630-759-9291

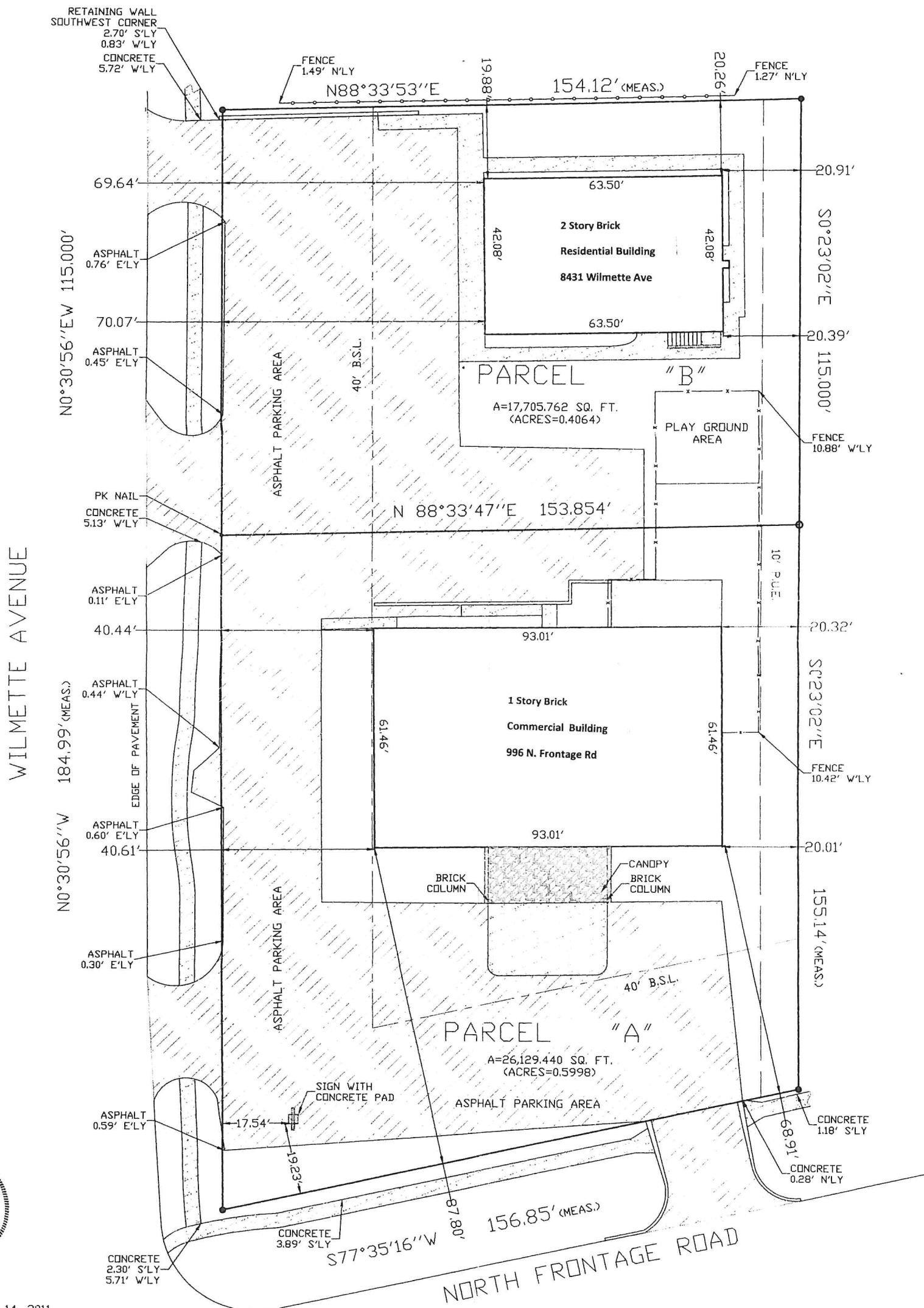
PLAT OF SURVEY

PARCEL A: LOT 1, EXCEPT THE NORTH 115 FEET, OF KLEJCH'S SUBDIVISION IN THE SOUTHWEST 1/4 OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 5, 1958 AS DOCUMENT NO. 901297 IN DUPAGE COUNTY, ILLINOIS.

ALSO KNOWN AS 17 W. 630 N. FRONTAGE RD., DARIEN, ILLINOIS.

PARCEL B: THE NORTH 115 FEET OF LOT 1 OF KLEJCH'S SUBDIVISION IN THE SOUTHWEST 1/4 OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 5, 1958 AS DOCUMENT NO. 901297 IN DUPAGE COUNTY, ILLINOIS.

ALSO KNOWN AS 9 S. 531 WILMETTE AVE., DARIEN, ILLINOIS.



WILMETTE AVENUE



REVISED: NOVEMBER 14, 2011

State of Illinois }
 County of Will }
 Michael G. Herwy, an Illinois Professional Land Surveyor, do hereby certify that "This professional service conforms to the current Illinois minimum standards for a boundary survey", and that the Plat hereon drawn is a correct representation of said survey.

Dated, this 28th day of OCTOBER, A.D., 2011, at Bolingbrook, IL. FIELDWORK DATE: OCTOBER 26, 2011

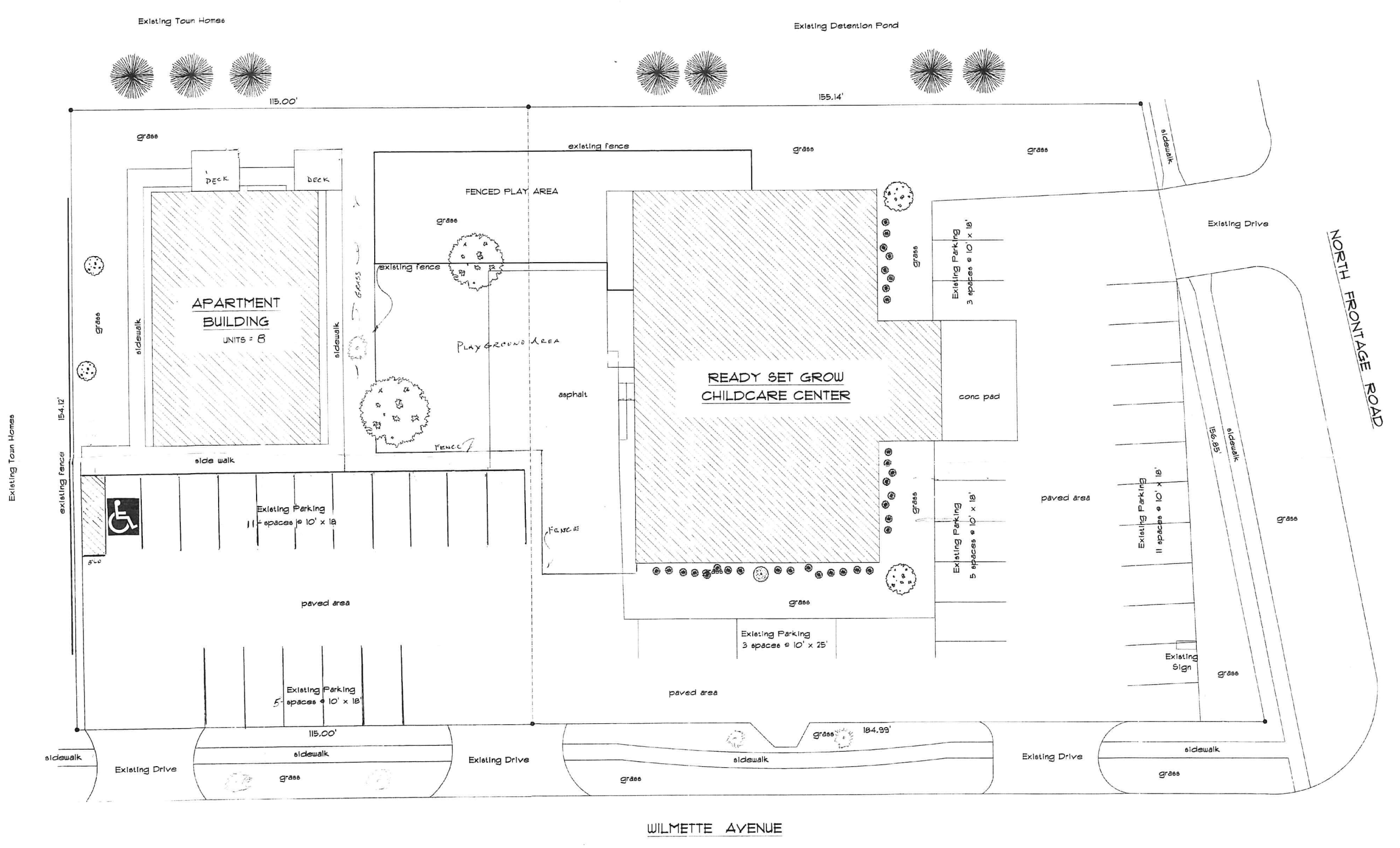
Michael G. Herwy
 Illinois Professional Land Surveyor No. 35-002909
 License Expires: November 30, 2012

CLIENT: CAND & ASSOCIATES
 JOB NO.: 71242-11

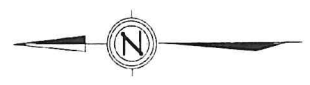
LEGEND:	
	ASPHALT
	WALL
	WOOD/PVC
	SET IRON PIPE
	REBAR/ROD NOTCH
	PK NAILS AS NOTCH
	CHAIN LINK FENCE
	WOOD FENCE
	ALL OTHER FENCE TYPES
	BRICK
	CONCRETE
	ENCLOSED COVERED

ABBREVIATIONS:	
A	= ARC LENGTH
R	= RADIUS
CH	= CHORD LENGTH
(j)	= RECORD VALUE
(m)	= MEASURED VALUE
B.S.L.	= BUILDING SETBACK LINE
P.U.E.	= PUBLIC UTILITY EASEMENT
P.U.D.E.	= PUBLIC UTILITY & DRAINAGE EASEMENT
NLY	= NORTHERLY
S'LY	= SOUTHERLY
E'LY	= EASTERLY
W'LY	= WESTERLY
TYP	= TYPICAL

NOTES: COMPARE THE LEGAL DESCRIPTION ON THIS PLAT WITH YOUR DEED, ABSTRACT, OR CERTIFICATE OF TITLE; ALSO, COMPARE ALL FIELD MEASURED LOT CORNERS & BUILDING TIES WITH THIS PLAT BEFORE CONSTRUCTION AND REPORT ANY DIFFERENCE AT ONCE. BUILDING LINES AND EASEMENTS ARE SHOWN ONLY WHERE THEY ARE SO DEPICTED ON THE RECORDED SUBDIVISION PLAT. REFER TO YOUR DEED, ABSTRACT, OR CERTIFICATE OF TITLE FOR ADDITIONAL ENCUMBRANCES. MEASURED LOT DIMENSIONS ARE SHOWN ONLY WHEN THEY DIFFER FROM RECORD DIMENSIONS BY 0.16 FEET OR MORE. CURVED LINES DENOTED WITH ARC LENGTHS UNLESS OTHERWISE NOTED. ALSO, ALL ARCS ARE TANGENT UNLESS OTHERWISE NOTED.



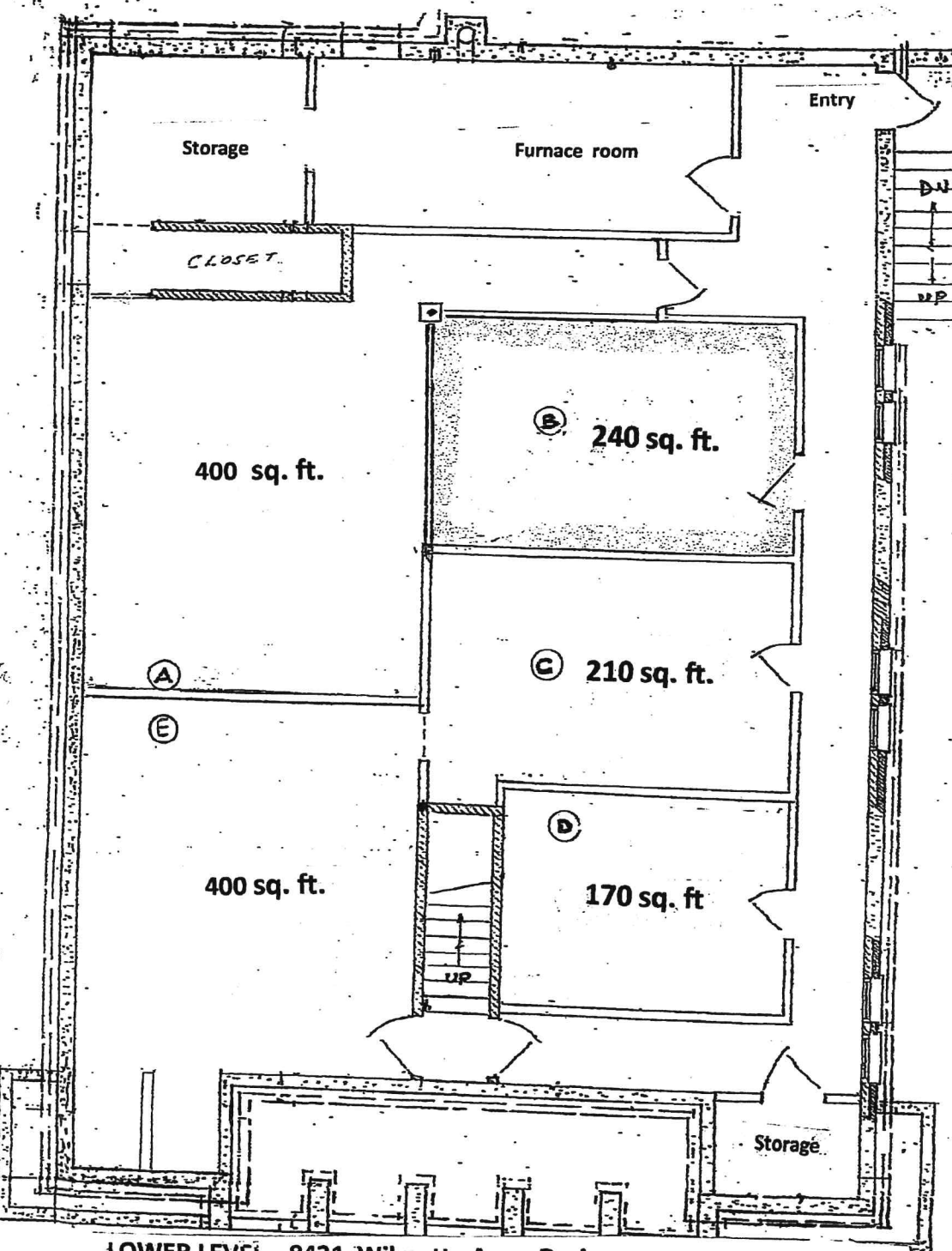
PARKING DATA
 Spaces Required: 16
 Spaces Provided: 16



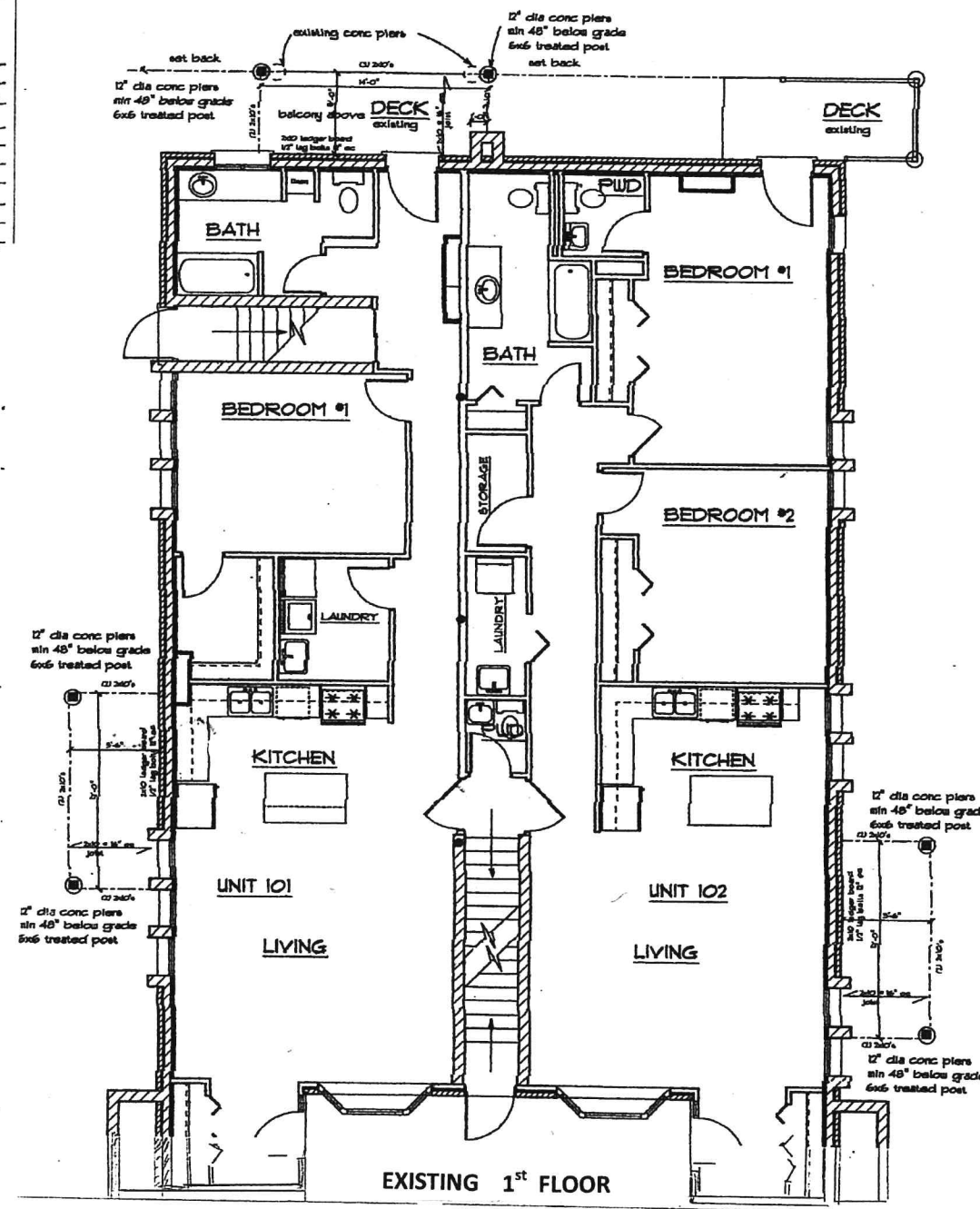
SITE PLAN
PARKING PLAN & LANDSCAPE PLAN
 (As Existing)

PARKING DATA
 10 Spaces Required
 21 Spaces Provided

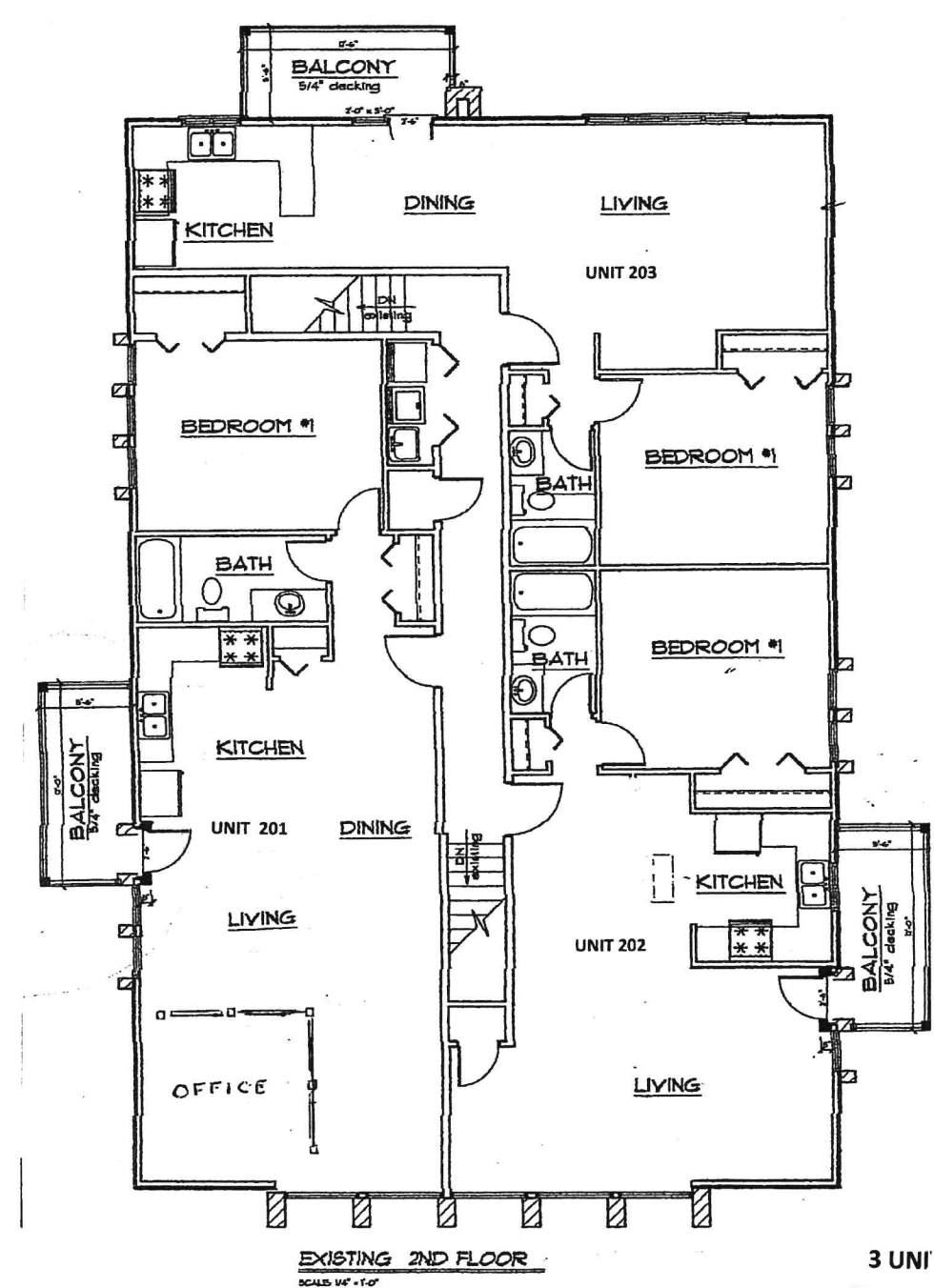
SHEET NO. **SP-1**
 FILE NO: 11-1721
 REVISED: 5/19/22
 D B K and Associates
 La Grange Highlands
 708-579-1726
 SCALE: as noted
 DRAWN BY: DBK
 DATE: 11-9-11
SITE PLAN
 NORTH FRONTAGE ROAD AND WILMETTE AVE
 DUPAGE COUNTY - DARIEN, ILLINOIS



LOWER LEVEL 8431 Wilmette Ave Darien STORAGE ROOMS

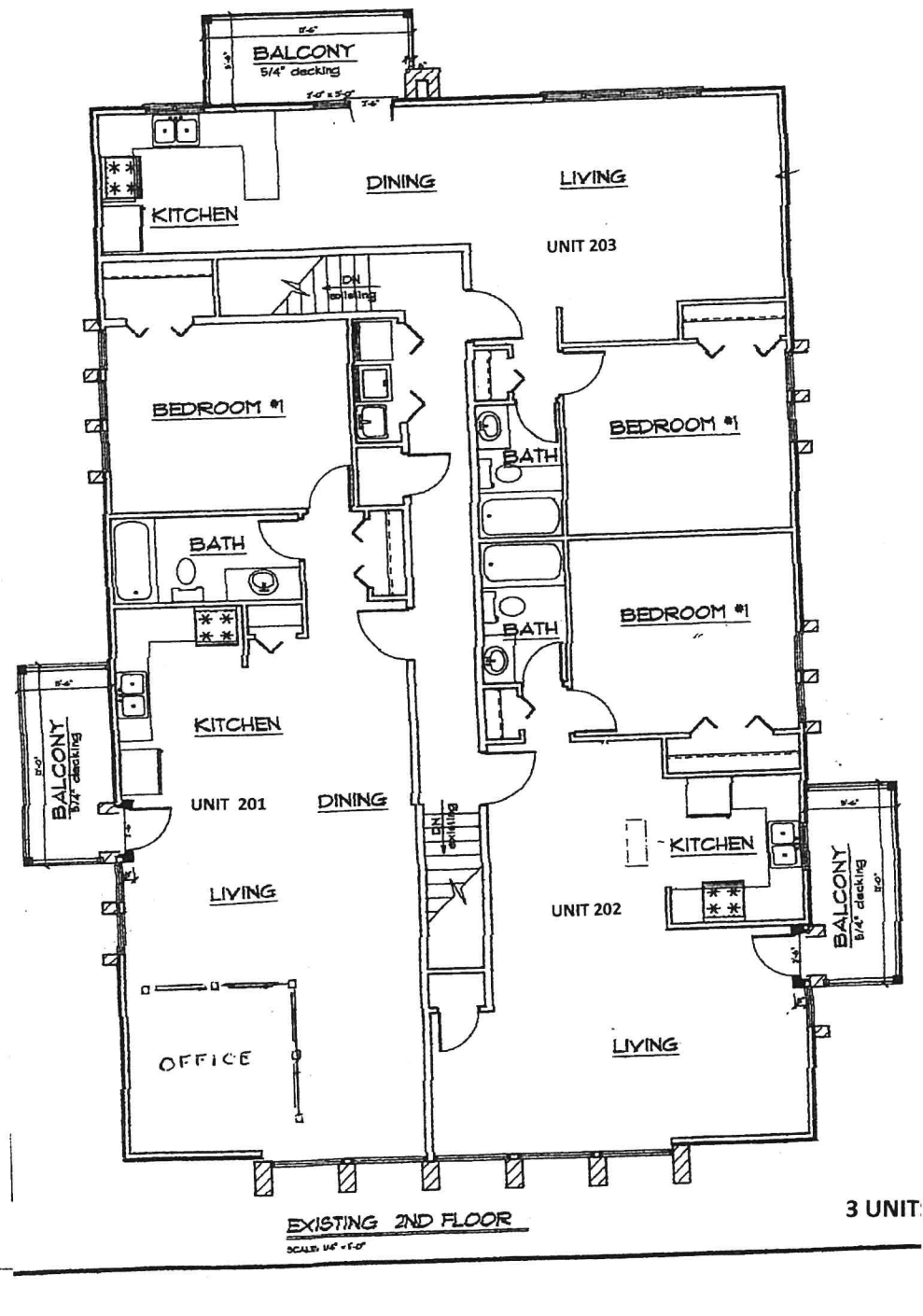
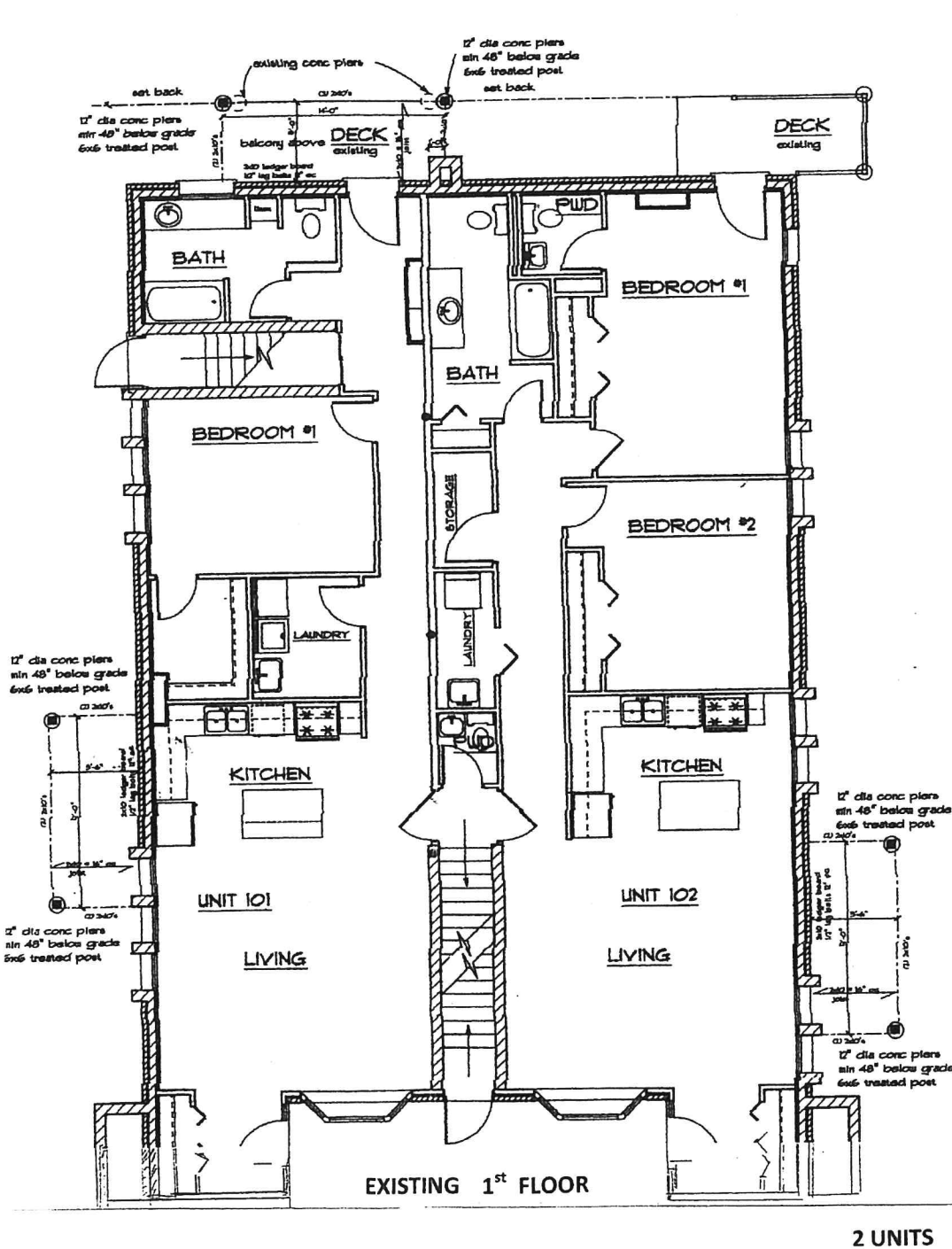
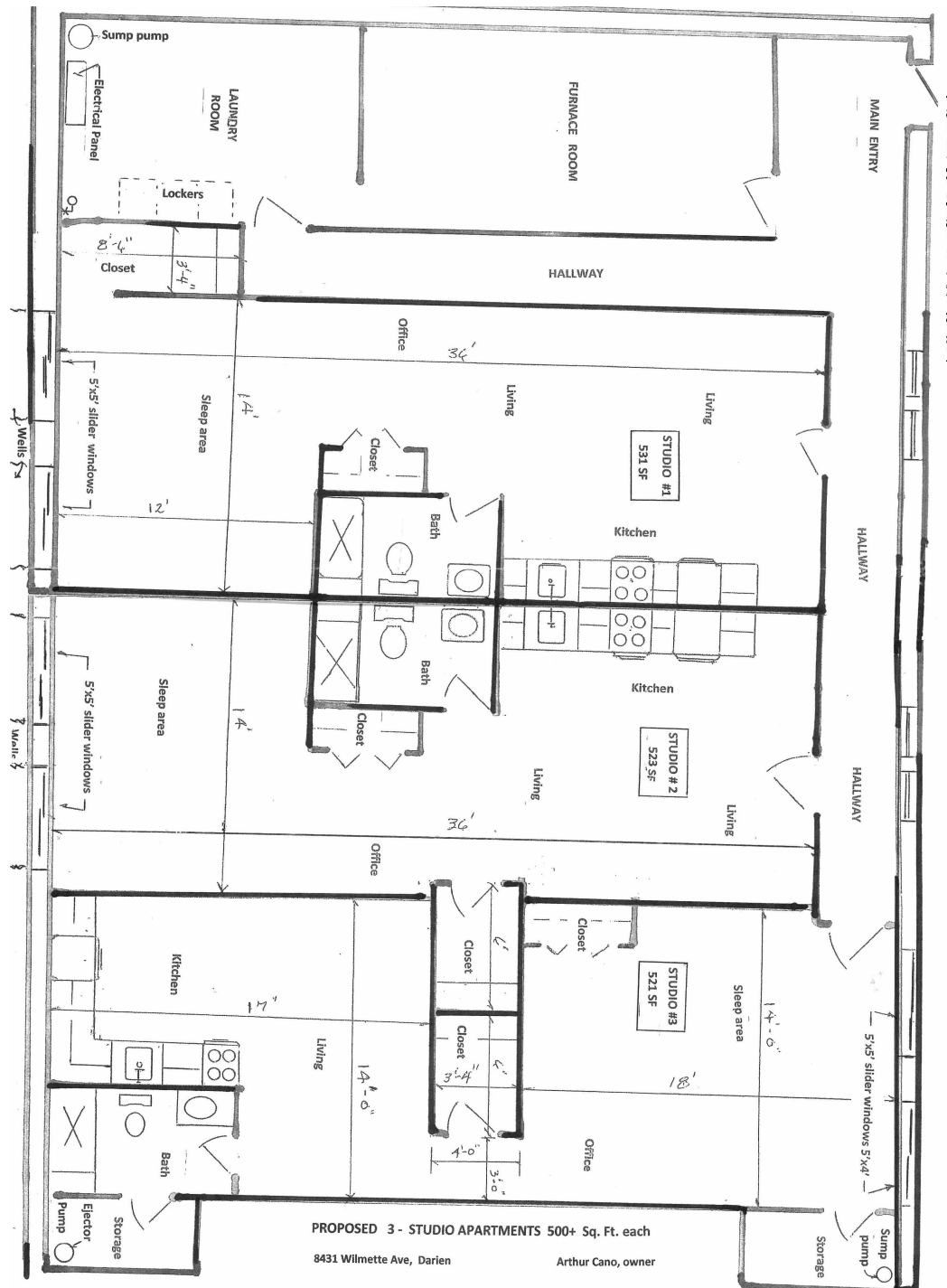


2 UNITS

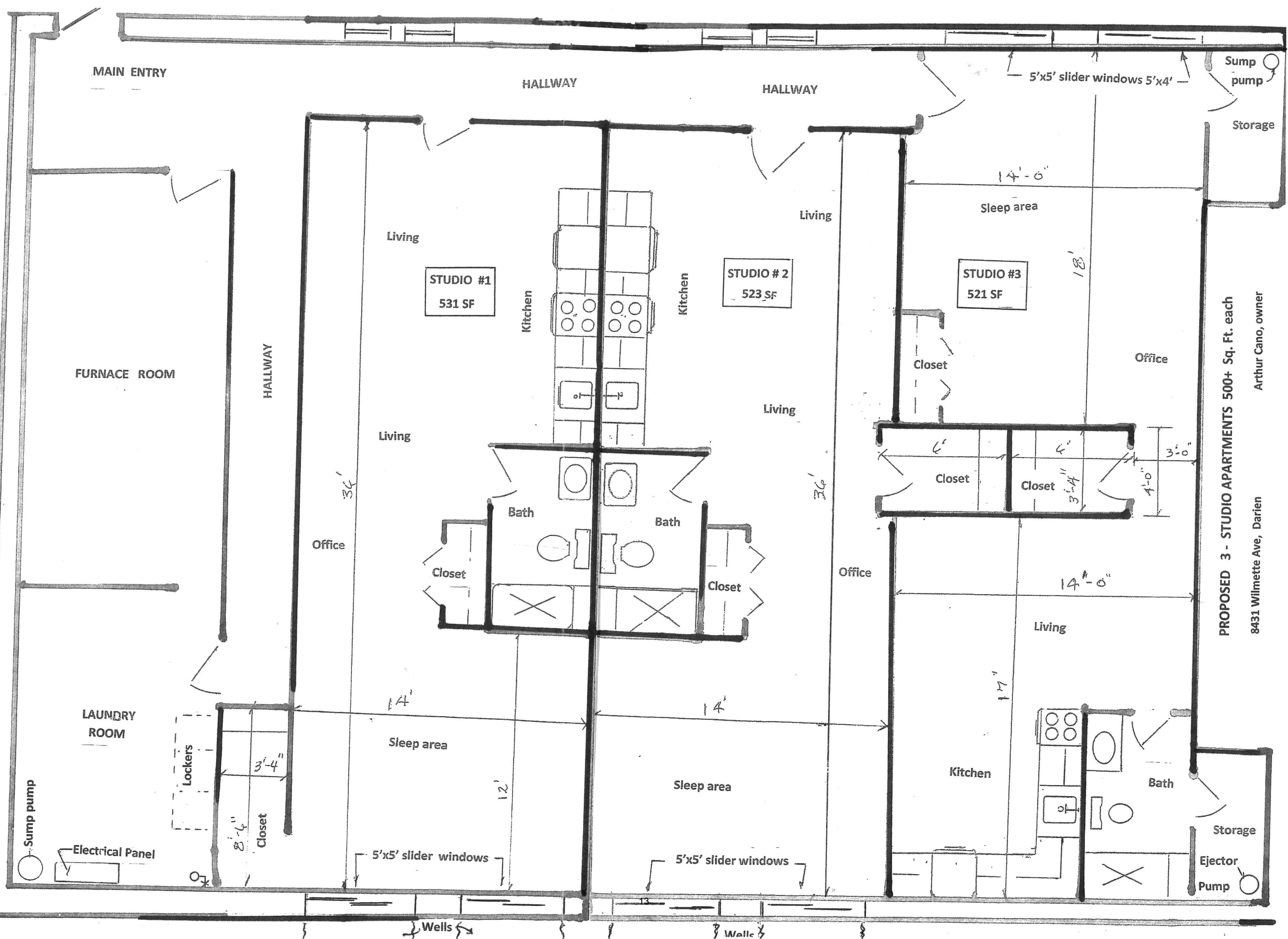


EXISTING 2ND FLOOR 3 UNITS SCALE: 1/4" = 1'-0"

AS EXISTING



PROPOSED AND EXISTING



MAIN ENTRY

HALLWAY

HALLWAY

5'x5' slider windows 5'x4'

Sump pump

Storage

Sleep area

Living

Living

STUDIO #1
531 SF

STUDIO #2
523 SF

STUDIO #3
521 SF

Kitchen

Kitchen

FURNACE ROOM

HALLWAY

Office

PROPOSED 3 - STUDIO APARTMENTS 500+ Sq. Ft. each

Arthur Cano, owner

Living

Living

Office

Bath

Bath

Closet

Closet

Closet

Closet

Office

14'-0"

Living

LAUNDRY ROOM

Lockers

Closet

Sleep area

Sleep area

Kitchen

Bath

Storage

Ejector Pump

Electrical Panel

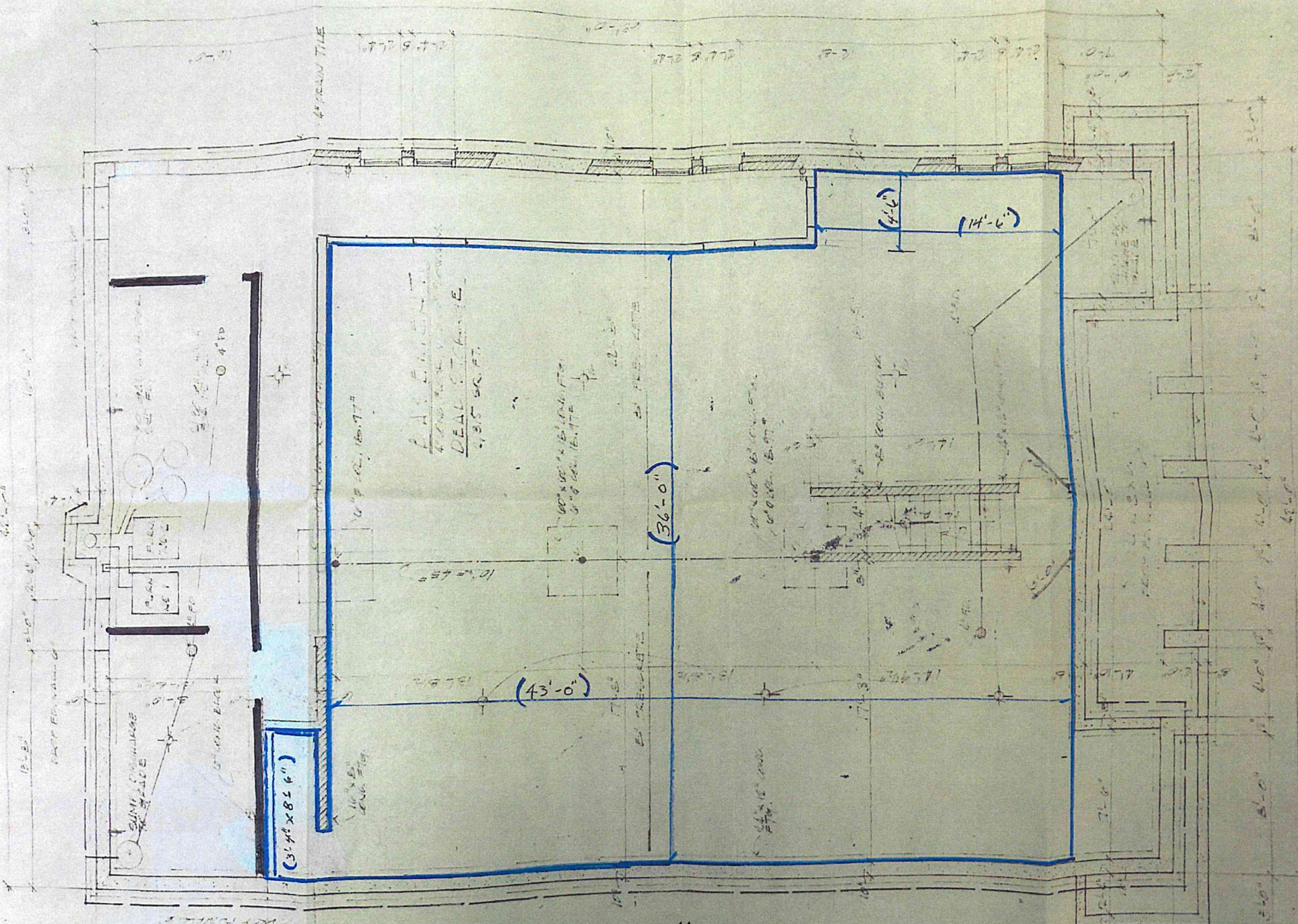
5'x5' slider windows

5'x5' slider windows

Wells

Wells

8431 Wilmette Ave, Darien



FOUNDATION PLAN SCALE: 1/4" = 1'-0"

R E C A P of entire gross area

FLOOR PLANS The square footage size of each apartment.(with dimensions)

Studio #1. Gross area 36 ft x 14 ft = 504 sq. ft.

Extra closet 3' – 4" x 8'-6" = 27.625 sq ft.

. Total.531.6 sq.ft

Studio #2. Gross area 36 ft x 14 ft = 504 sq ft.

Extra closet 3' -4" x 6' -0" = 19.5 sq ft.

Total523.5 sq ft.

Studio #3. Gross area 14 ft x 17 ft =238 sq ft

“ 14 ft x 18 ft = 252 sq ft.

Hall 3' x 4' = 12 sq ft

Extra closet 3' x 4" x 6'-0" = 19.5sq ft

Total.....521.5 sq ft

GRAND TOTAL.....1,576 sq.ft. required

FOUNDATION PLAN: Gross area of original foundation floor plan as marked.

Gross Larger area.....43 ft x 36 ft = 1548 sq ft.

Gross Small area4.5' x 4.5' = 65.25 sq ft

Closet area..... 3'- 4" x 8'-6" = 27.625 sq. ft.

Total..... 1,641 sq. ft.

GRAND TOTAL.....1,641 sq.ft. available

****1641 – 1567 =74 sq ft**

CONCLUSION: There is sufficient Existing square footage to accommodate 3 – 500 sq ft. units.

****The difference of 74 sq ft accounts for thickness of partitions and use of round numbers.**

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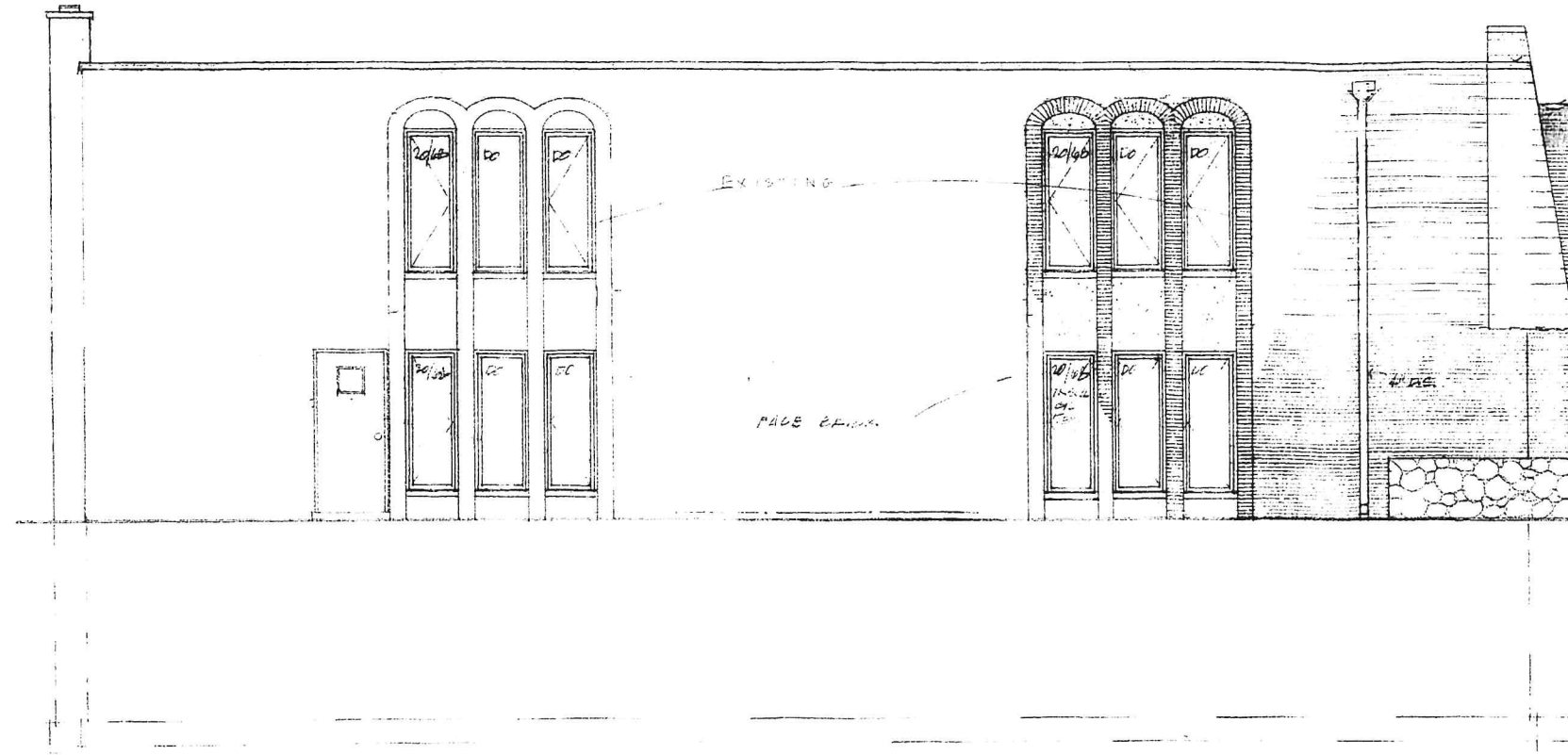
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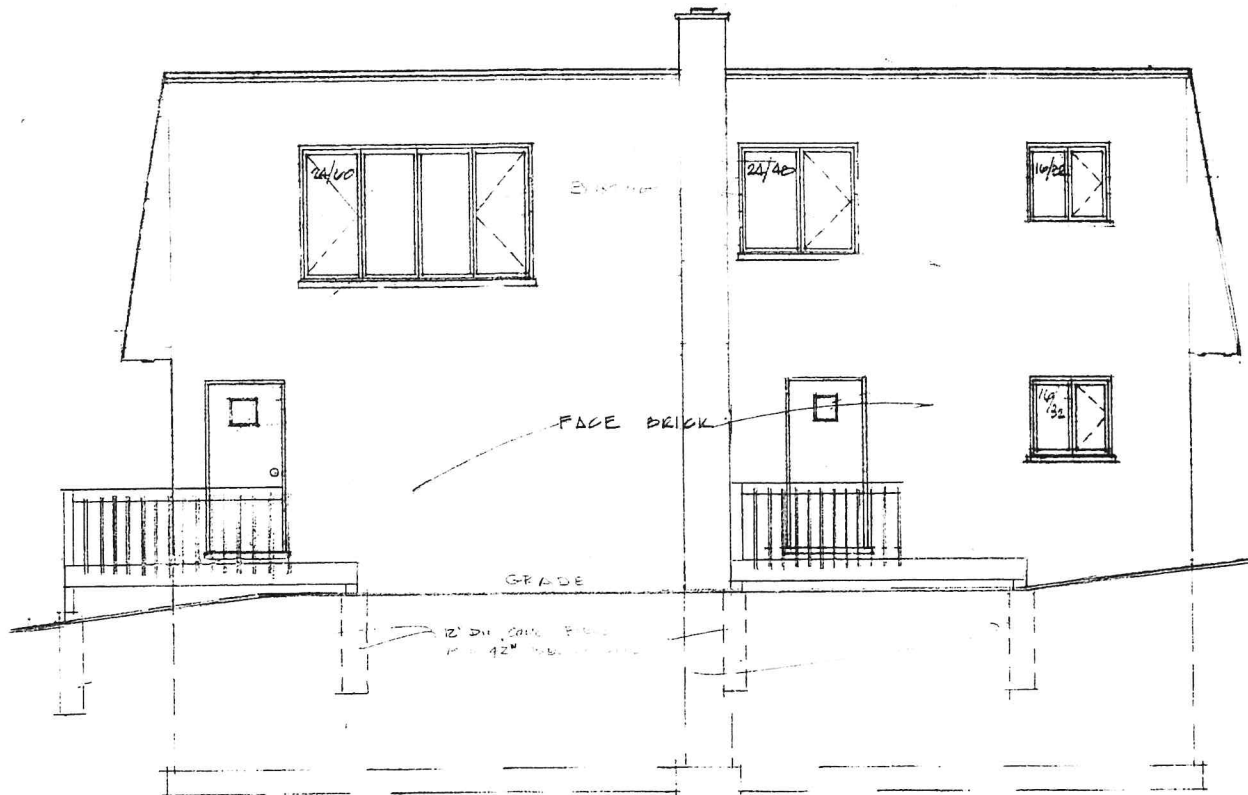
ATTACHMENT 5: BUILDING ELEVATION



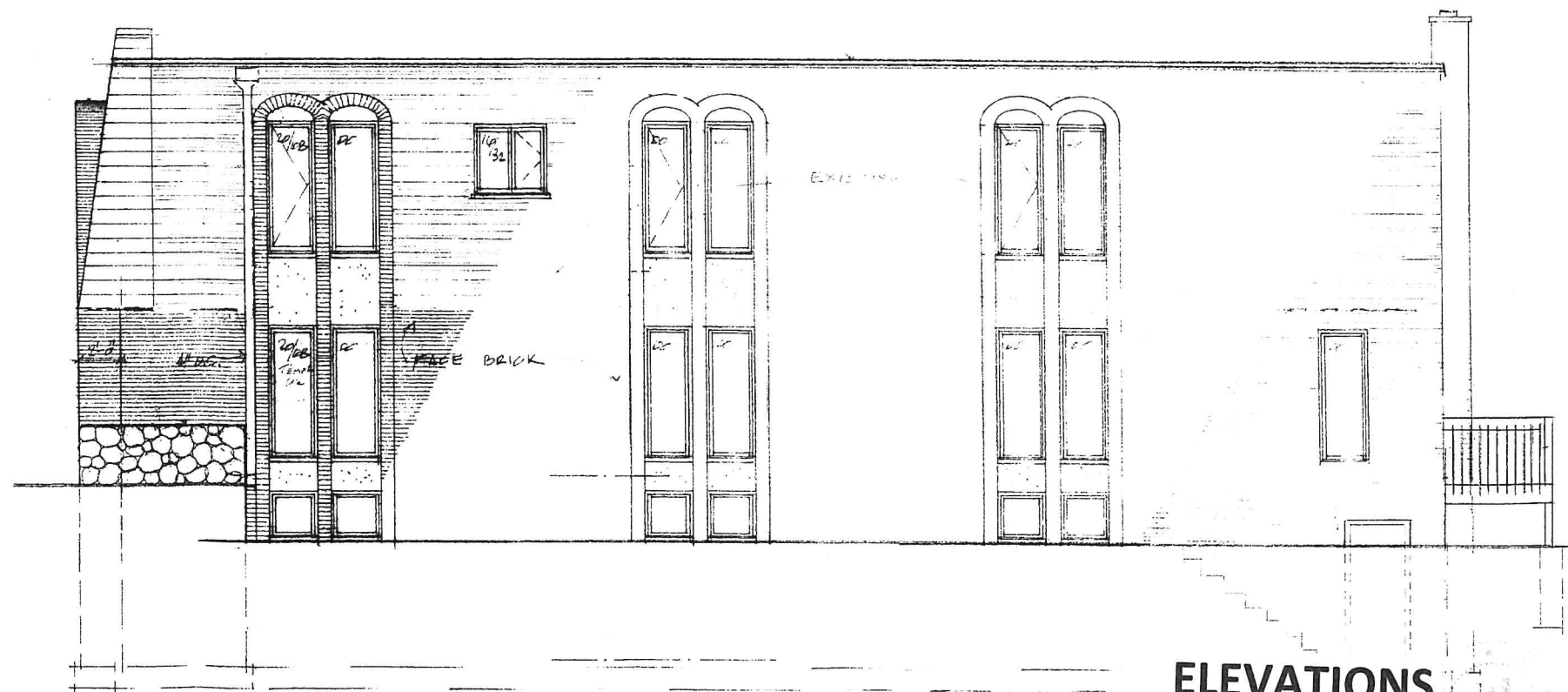
LEFT ELEVATION
SCALE 1/4" = 1'-0"



FRONT ELEVATION
SCALE 1/4" = 1'-0"

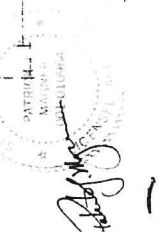


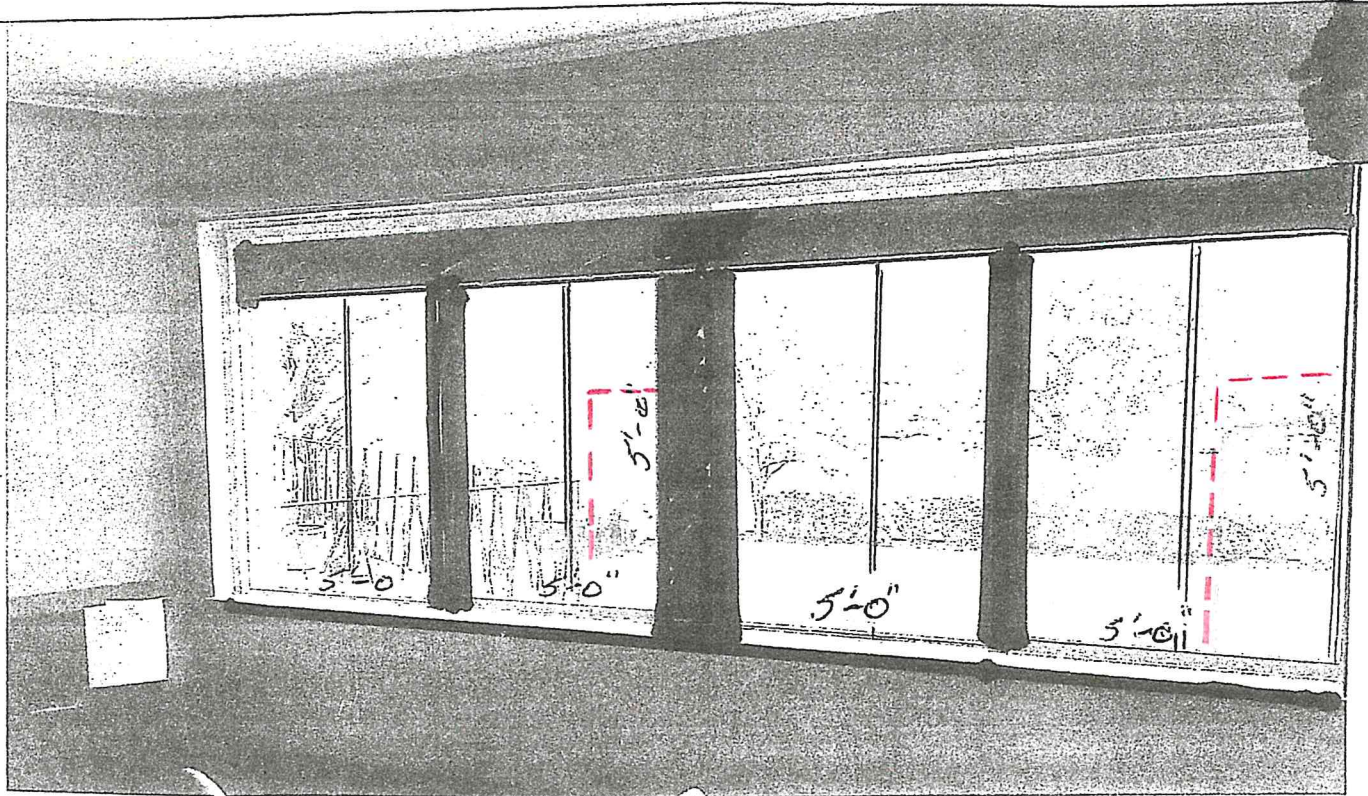
REAR ELEVATION
SCALE 1/4" = 1'-0"



RIGHT ELEVATION
SCALE 1/4" = 1'-0"

ELEVATIONS





STUDIO #2

STUDIO #1

TYPICAL PHOTO IMAGE SLIDER WINDOWS

ATTACHMENT 6: LOCATION MAP & AERIAL IMAGE

The screenshot displays the Parcel Viewer interface. The main map shows an aerial view of a residential area with several parcels outlined in red. One parcel, 8431-022, is highlighted with a cyan border. Other parcels shown include 840820, 841021, 100022, 8422, 8424, 8426, 8428, 8421, 8423, 8430, 8432, 996, and 10022. A green circle with the number 300 is visible on the left side of the map. A search results panel on the right provides details for the selected parcel.

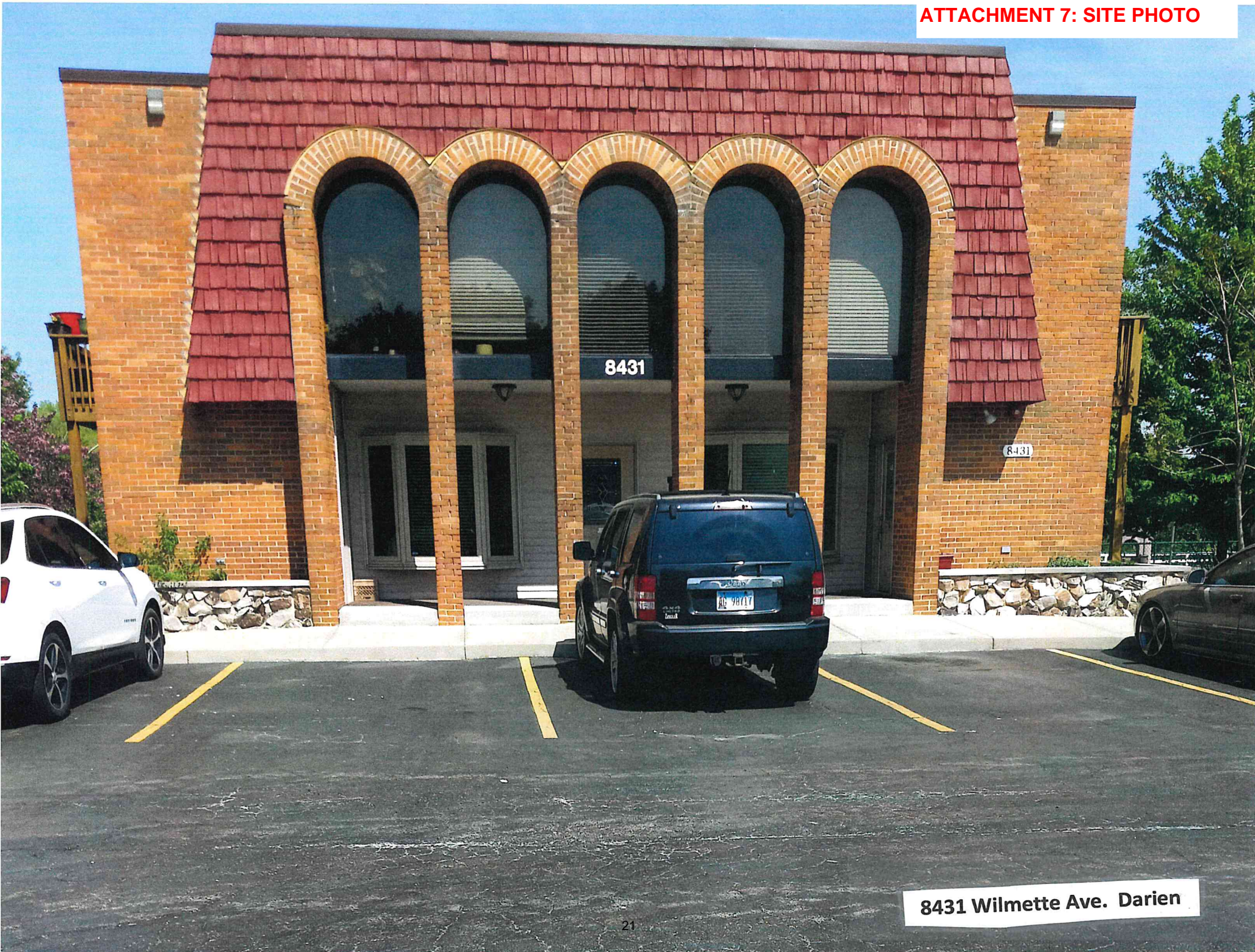
Parcel Search Results:

Field	Value
PIN	0934301022
OWNER	OLD SECOND NATL 6499
PROPERTY STREET NUMBER	8431
PROPERTY STREET DIRECTION	
PROPERTY STREET NAME	WILMETTE AVE
PROPERTY APARTMENT	
PROPERTY CITY	DARIEN
STATE	IL
PROPERTY ZIPCODE	60561
PROP_CLASS	A
FCVLAND	74,320
FCVIMP	90,740
FCVTOTAL	165,060
LEGAL DESCRIPTION 1	KLEJCHS SUB
LEGAL CODE 1	000000000
PROPERTY ADDRESS	8431 WILMETTE AVE
TOWN STATE ZIP	DARIEN IL 60561

1 - 1 of 1 results

Unincorporated Zoning Data
DTM 2017 Hillshade





8431 Wilmette Ave. Darien