

CITY OF DARIEN

PLANNING AND ZONING COMMISSION

Wednesday, December 5, 2018

7:00 PM

City Hall Council Chambers

1702 Plainfield Road

AGENDA

1. Call to Order

2. Roll Call

3. Regular Meeting:

A. Public Hearing

Case: PZC 2018-08 Zoning Text Amendment (Variation Criteria)

City of Darien has petitioned for approval of a text amendment of the Zoning Code regarding the standards used to review requests for variations, currently in the City Code, Title 5A, Section 5A-2-2-3(G).

4. Correspondence

5. Old Business

6. New Business: 2019 Schedule

7. Approval of Minutes: July 18, 2018
October 3, 2018

8. Next Meeting: December 19, 2018

9. Public Comments [On any topic related to planning and zoning]

10. Adjournment

AGENDA MEMO
PLANNING AND ZONING COMMISSION
December 5, 2018

Case

PZC 2018-08

Zoning Text Amendment

Variation Criteria

Petition

The City of Darien has petitioned for approval of a text amendment of the Zoning Code regarding standards used to review requests for variations, currently in the City Code, Title 5A, Section 5A-2-2-3(G).

Background

Starting with the Planning Workshop conducted on September 20, 2017, the PZC has been meeting in a series of workshops to discuss various procedures that pertain to their hearings. Current Darien code and policy was reviewed along with state statutes, examples from other municipalities, and published research from professional organizations such as American Planning Association and Illinois Municipal League. We have compiled various procedures and other useful information into a manual for PZC members.

The PZC has given special attention to the process for zoning variations for several reasons:

1. Darien is mostly built out with few vacant lots, so for growth and development to occur, variations are frequently needed.
2. Most of the recent caseload of PZC has been variation requests.
3. The criteria for evaluating variations currently in code are vague and not very helpful in guiding residents, developers, PZC, and City Council in making these important decisions.

The PZC has been working on improving these criteria. By studying the past two years of petitions and the best examples of criteria in the planning literature and other municipalities; the PZC has developed a series of decision criteria that not only elaborates on state statutes and case law, but also explains in plain language the most important reasons to be used to approve or deny the type of variation cases recently in Darien. Attached is a summary of the background research and a draft of the proposed variation criteria revisions. The City Attorney has reviewed this effort and supports these revisions to the variation criteria.

On August 1, 2018 the PZC voted 6-0 to recommend that the City Council authorize a public hearing to consider these revisions. On September 24, the Municipal Services Committee reviewed the PZC findings and voted 2-0 with 1 abstention to recommend a hearing. On October 1, the City Council voted 7-0 to authorize a hearing for a text amendment.

Meeting Schedules

Planning and Zoning Commission

December 5, 2018

Municipal Services Committee

January 28, 2019

City Council

February 4, 2019

1. **ELIGIBILITY:** The City may grant variations to any provision of this Zoning Code, except for variations to the 'Non-Conforming Buildings, Structures, and Uses' provisions, which are in Chapter 4 of this Zoning Code, and the 'Permitted Uses' and 'Special Uses' provisions of each zoning district, which are in Chapters 7,8, and 9 of this Zoning Code.
2. **STATE DECISION CRITERIA:** The City may grant variations only if the finding-of-fact supports each of the following, as required by the Illinois Municipal Code, Sections 11-13-4 and 5.
 - a. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the zone.
 - b. The plight of the owner is due to unique circumstances.
 - c. The variation if granted will not alter the essential character of the locality.
3. **CITY DECISION CRITERIA:** The City may grant variations only if the finding-of-fact supports one or more of the following criteria that are determined by the City to be the most relevant to the subject property situation.
 - a. **ESSENTIAL NEED?** The owner would suffer substantial difficulty or hardship and not mere inconvenience or lesser profit if the variation is not granted.
 - b. **PROBLEM WITH PROPERTY?** There is some feature of the property such as slope or shape or some change made to the property that other nearby properties does not have that makes it unreasonable for the owner to make the proposed improvement and still conform to code. Such feature or change was not created by the current owner and was not knowable when the current owner decided to purchase the property.
 - c. **SMALLEST SOLUTION?** There is no reasonable way to redesign the property or the desired improvements to avoid the substantial difficulty or hardship or reduce the amount of variation needed.
 - d. **CREATE NEIGHBOR PROBLEM?** The variation if granted would not cause a substantial difficulty or hardship, unreasonable burden, or loss of value for neighboring property.
 - e. **CREATE COMMUNITY PROBLEM?** The variation if granted and repeated for similar properties throughout the community would not cause a problem, unreasonable burden, or undesirable result throughout the community.
 - f. **NET BENEFIT?** The positive impacts to the community outweigh the negative impacts.
 - g. **SACRIFICE BASIC PROTECTIONS?** The variation if granted would still uphold the purposes and intent of this Zoning Code, which are presented in Section 5A-1-2(A) and are summarized as follows; to lessen congestion, avoid overcrowding, prevent blight, facilitate public services, conserve land values, protect from incompatible uses, avoid nuisances, enhance aesthetic values, ensure an adequate supply of light and air, and protect public health, safety, and welfare.

CURRENT

VARIATION CONDITIONS

Illinois Municipal Code 65 ILCS Sections 11-13-4, 11-13-5

A variation shall be permitted only if the evidence sustains each of the following conditions:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone.
2. The plight of the owner is due to unique circumstances.
3. The variation if granted will not alter the essential character of the locality.

The corporate authorities may provide general or specific rules implementing, but not inconsistent with, the rules herein provided.

VARIATION STANDARDS

Darien Zoning Code Section 5A-2-2-3(G)

Standards: The zoning board of appeals or plan commission shall not recommend a variation and the city council shall not vary the provisions of this title as authorized in this section, unless findings of fact have been made on those of the following which relate to the variation being sought:

1. Whether the purpose of the variation is not based primarily upon a desire to increase financial gain and 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. (Ord. 0-29-05, 10-3-2005)

The city council shall not grant variations from the provisions of this title contained in chapter 4 of this title. Provided however, that the city council may grant variations to nonconforming buildings, structures, and uses from other provisions of this title other than the provisions contained in chapter 4 of this title except that the city council shall not grant use variations.

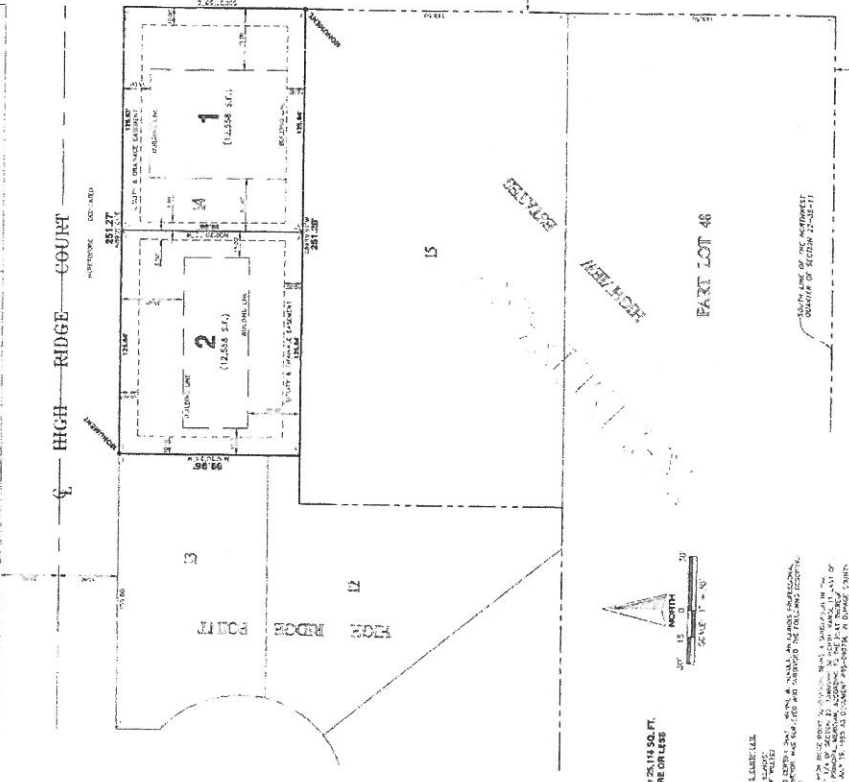
	CASE EXAMPLES						
<u>Variation</u>	<u>Criteria</u>						
	<u>a</u>	<u>b</u>	<u>c</u>	<u>d</u>	<u>e</u>	<u>f</u>	<u>g</u>
DARIUS	x	x		x		x	
DEOLITSIS	x		x	x			
DIETRICH				x			
IDE SCHOOL	x	x				x	
KELLY			x				
LOUGHRAN			x	x			
ROLOWICZ	x		x		x		
SALVERREDY	x	x	x	x			
SCHIMEL	x	x		x			

DARIUS SUBDIVISION

OF PART OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 08 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS

PIN 09-22-104-056

City of Danon
Received
FEB 15 2018
Community Development



AREA = 24,116.00 FT.
MORE OR LESS



PLANNED LAYOUT FOR
COUNTY OF DUPage

THIS SUBDIVISION IS SUBJECT TO THE FOLLOWING EASEMENTS:
1. A 10' EASEMENT FOR UTILITY LINES, AS SHOWN ON THE PLANS.
2. A 10' EASEMENT FOR A DRIVEWAY, AS SHOWN ON THE PLANS.
3. A 10' EASEMENT FOR A SIDEWALK, AS SHOWN ON THE PLANS.
4. A 10' EASEMENT FOR A FENCE, AS SHOWN ON THE PLANS.
5. A 10' EASEMENT FOR A GROUND SURFACE ELEVATION, AS SHOWN ON THE PLANS.
6. A 10' EASEMENT FOR A FUTURE DEVELOPMENT, AS SHOWN ON THE PLANS.
7. A 10' EASEMENT FOR A FUTURE DEVELOPMENT, AS SHOWN ON THE PLANS.
8. A 10' EASEMENT FOR A FUTURE DEVELOPMENT, AS SHOWN ON THE PLANS.
9. A 10' EASEMENT FOR A FUTURE DEVELOPMENT, AS SHOWN ON THE PLANS.
10. A 10' EASEMENT FOR A FUTURE DEVELOPMENT, AS SHOWN ON THE PLANS.

GENERAL NOTES:

- ALL DIMENSIONS ARE IN FEET AND INCHES.
- ALL CORNERS ARE TO BE SET BY THE CITY OF DANON.
- ALL UTILITIES ARE TO BE DEEPENED AND REPAIRED BY THE CITY OF DANON.
- ALL UTILITIES ARE TO BE DEEPENED AND REPAIRED BY THE CITY OF DANON.
- ALL UTILITIES ARE TO BE DEEPENED AND REPAIRED BY THE CITY OF DANON.
- ALL UTILITIES ARE TO BE DEEPENED AND REPAIRED BY THE CITY OF DANON.
- ALL UTILITIES ARE TO BE DEEPENED AND REPAIRED BY THE CITY OF DANON.
- ALL UTILITIES ARE TO BE DEEPENED AND REPAIRED BY THE CITY OF DANON.
- ALL UTILITIES ARE TO BE DEEPENED AND REPAIRED BY THE CITY OF DANON.
- ALL UTILITIES ARE TO BE DEEPENED AND REPAIRED BY THE CITY OF DANON.

CONVEYANCE:

THE CITY OF DANON, ILLINOIS, DOES HEREBY CONVEY TO THE CITY OF DANON, ILLINOIS, THE PART OF LOT 48, SECTION 22, TOWNSHIP 08 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS, AS SHOWN ON THE PLANS.

PLANNED LAYOUT:

THE PLANNED LAYOUT FOR THE PART OF LOT 48, SECTION 22, TOWNSHIP 08 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS, IS AS SHOWN ON THE PLANS.

GENERAL NOTES:

- ALL DIMENSIONS ARE IN FEET AND INCHES.
- ALL CORNERS ARE TO BE SET BY THE CITY OF DANON.
- ALL UTILITIES ARE TO BE DEEPENED AND REPAIRED BY THE CITY OF DANON.
- ALL UTILITIES ARE TO BE DEEPENED AND REPAIRED BY THE CITY OF DANON.
- ALL UTILITIES ARE TO BE DEEPENED AND REPAIRED BY THE CITY OF DANON.
- ALL UTILITIES ARE TO BE DEEPENED AND REPAIRED BY THE CITY OF DANON.
- ALL UTILITIES ARE TO BE DEEPENED AND REPAIRED BY THE CITY OF DANON.
- ALL UTILITIES ARE TO BE DEEPENED AND REPAIRED BY THE CITY OF DANON.
- ALL UTILITIES ARE TO BE DEEPENED AND REPAIRED BY THE CITY OF DANON.
- ALL UTILITIES ARE TO BE DEEPENED AND REPAIRED BY THE CITY OF DANON.

CONVEYANCE:

THE CITY OF DANON, ILLINOIS, DOES HEREBY CONVEY TO THE CITY OF DANON, ILLINOIS, THE PART OF LOT 48, SECTION 22, TOWNSHIP 08 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS, AS SHOWN ON THE PLANS.

PLANNED LAYOUT:

THE PLANNED LAYOUT FOR THE PART OF LOT 48, SECTION 22, TOWNSHIP 08 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS, IS AS SHOWN ON THE PLANS.

GENERAL NOTES:

- ALL DIMENSIONS ARE IN FEET AND INCHES.
- ALL CORNERS ARE TO BE SET BY THE CITY OF DANON.
- ALL UTILITIES ARE TO BE DEEPENED AND REPAIRED BY THE CITY OF DANON.
- ALL UTILITIES ARE TO BE DEEPENED AND REPAIRED BY THE CITY OF DANON.
- ALL UTILITIES ARE TO BE DEEPENED AND REPAIRED BY THE CITY OF DANON.
- ALL UTILITIES ARE TO BE DEEPENED AND REPAIRED BY THE CITY OF DANON.
- ALL UTILITIES ARE TO BE DEEPENED AND REPAIRED BY THE CITY OF DANON.
- ALL UTILITIES ARE TO BE DEEPENED AND REPAIRED BY THE CITY OF DANON.
- ALL UTILITIES ARE TO BE DEEPENED AND REPAIRED BY THE CITY OF DANON.
- ALL UTILITIES ARE TO BE DEEPENED AND REPAIRED BY THE CITY OF DANON.

NEKOLA SURVEY, INC.

REGISTERED PROFESSIONAL SURVEYOR

400 N. RICHMOND STREET, SUITE 200
DUPAGE COUNTY, ILLINOIS 60440
(630) 231-1234
WWW.NEKOLASURVEY.COM

© COPYRIGHT NEKOLA SURVEY, INC. 2017. ALL RIGHTS RESERVED.

DETAILED GRADING PLAN FOR POOL ADDITION

REAR PORTION OF LOT 47 IN SMART OAKS GLEN - UNIT 2, BEING A SUBDIVISION OF PART OF LOTS 4, 5, 6 AND 7 AND ALL OF LOT 11A IN SMART ACRES, BEING A SUBDIVISION OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 30 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND ALSO OUTLOT A IN SMART OAKS GLEN, A SUBDIVISION OF PART OF SECTION 33, TOWNSHIP 30 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, AFORESAID, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 5, 1987 AS DOCUMENT R97-03148S, IN DU PAGE COUNTY, ILLINOIS.

NOTES:
 EROSION CONTROL TO BE APPLIED PER THE ILLINOIS URBAN MANUAL, LATEST EDITION
 CONTRACTOR MUST VERIFY ALL EXISTING CONDITIONS PRIOR TO COMMENCING WORK AND DETERMINE IF ANY CONDITIONS EXIST. THE DESIGN ENGINEER MUST BE NOTIFIED PRIOR TO START OF CONSTRUCTION
 FOR UNDERGROUND UTILITY LOCATIONS AND PRIOR TO ANY CONSTRUCTION, CONTACT JULLIE, TOLL FREE 1-800-682-0123
 EXISTING TOPOGRAPHIC SURVEY PROVIDED BY SCHOMIG SURVEYING 708-352-1452
 OWNER: GEORGE DEOLITSIS



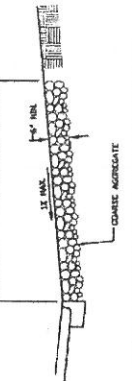
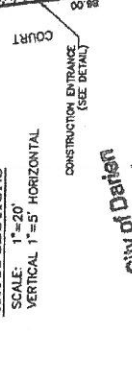
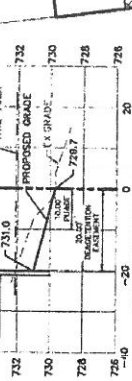
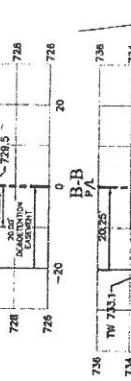
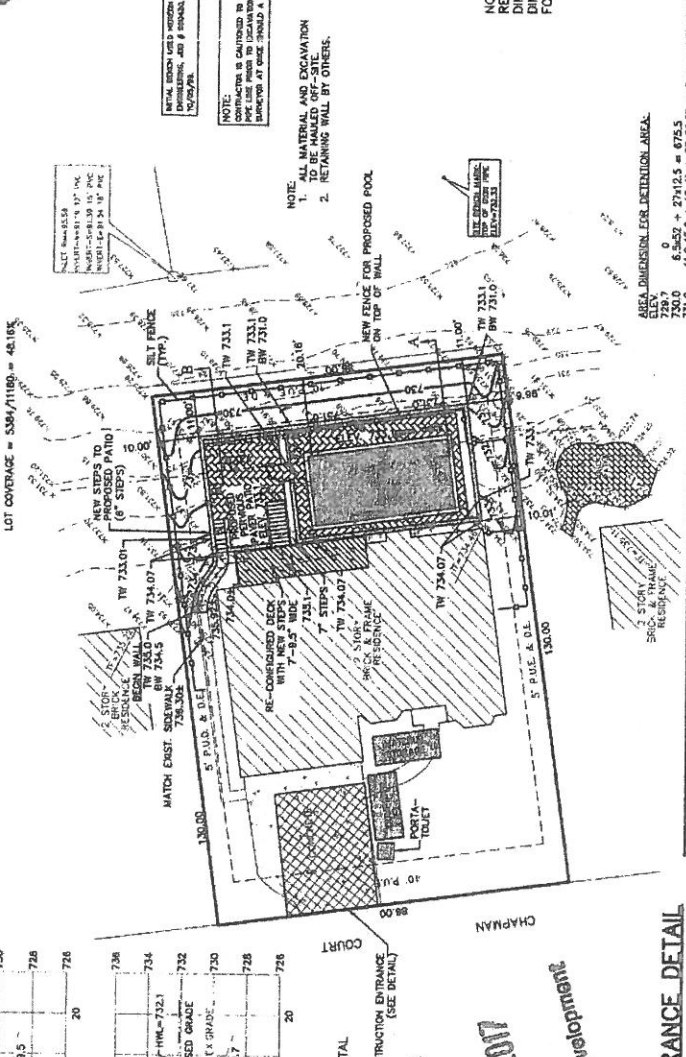
NEW CALCULATIONS

INTERIM SURFACE CALCULATIONS

EXISTING BLDG = 2975 SF
 EXISTING DRIVEWAY = 554 SF
 EXISTING DRIVEWAY = 47 SF
 EXISTING DECK = 185 SF
 EXISTING DECK = 224 SF
 EXISTING DECK (RE-CONSTR.) = 0 SF
 EXISTING DECK (RE-CONSTR.) = 0 SF
 TOTAL = 3384 SF
 LOT COVERAGE = 5384/11180 = 48.18%

EXISTING CALCULATIONS

EXISTING BLDG = 2975 SF
 EXISTING DRIVEWAY = 554 SF
 EXISTING DRIVEWAY = 47 SF
 EXISTING DECK = 185 SF
 EXISTING DECK = 224 SF
 EXISTING DECK (RE-CONSTR.) = 0 SF
 EXISTING DECK (RE-CONSTR.) = 0 SF
 TOTAL = 3384 SF
 LOT COVERAGE = 5089/11180 = 45.48%



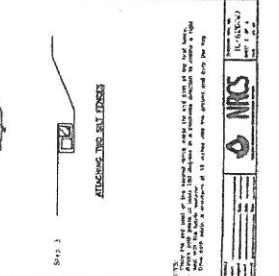
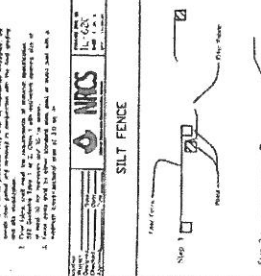
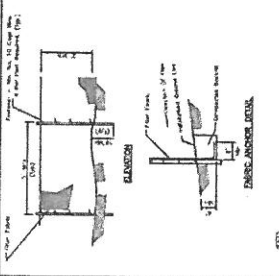
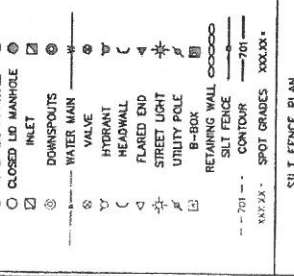
WHEN IN OTHER BEHIND CURBS FROM THE SITE ON VEHICLES BE SAFELY MAINTAINED ON CURBS DURING THE CONSTRUCTION PERIODS. VEHICLES LEAVING THE CONSTRUCTION SITE MUST BE KEPT ON A STABILIZER AREA.
 VENT THROUGH THE PLUMBING OR EXHAUST INTO MAIN STREETS WILL BE PROHIBITED. ALL VENTS SHALL BE PROTECTED WITH ANTI-BACKFLOW DEVICES. ALL VENTS SHALL BE PROTECTED WITH ANTI-BACKFLOW DEVICES. ALL VENTS SHALL BE PROTECTED WITH ANTI-BACKFLOW DEVICES. ALL VENTS SHALL BE PROTECTED WITH ANTI-BACKFLOW DEVICES.

LEGEND

EXISTING
 SANITARY SEWER
 STORM SEWER
 CATCH BASIN
 OPEN LID MANHOLE
 CLOSED LID MANHOLE
 INLET
 DOWNSPOUTS
 WATER MAIN
 VALVE
 HYDRANT
 HEADWALL
 FLARED END
 STREET LIGHT
 UTILITY POLE
 B-R-BOX
 RETAINING WALL

PROPOSED
 SANITARY SEWER
 STORM SEWER
 CATCH BASIN
 OPEN LID MANHOLE
 CLOSED LID MANHOLE
 INLET
 DOWNSPOUTS
 WATER MAIN
 VALVE
 HYDRANT
 HEADWALL
 FLARED END
 STREET LIGHT
 UTILITY POLE
 B-R-BOX
 RETAINING WALL

CONTOUR
 701 - 702
 SPOT GRADES XXXXX
 SILT FENCE PLAN



JGM Consulting Engineers
 10 S. 126 Altra Lane
 Mokena, Illinois 60454
 630-475-5835

LOT 47
 SMART OAKS GLEN-UNIT 2
 DARIEN, ILLINOIS

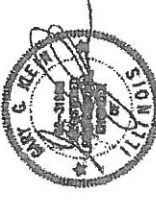
DETAILED GRADING PLAN

4	PER CITY REVIEW	10-04-17
3	PER CITY REVIEW	04-25-17
2	PER CITY REVIEW	03-27-17
1	PER CLIENT CHANGE	02-22-17
REVISION		

PROJECT NO. 16-523.dwg
CHECKED JGM
DATE: 10-14-16
SCALE: 1"=20'

PROJECT NO. 16-523
SHEET 2
OF 2

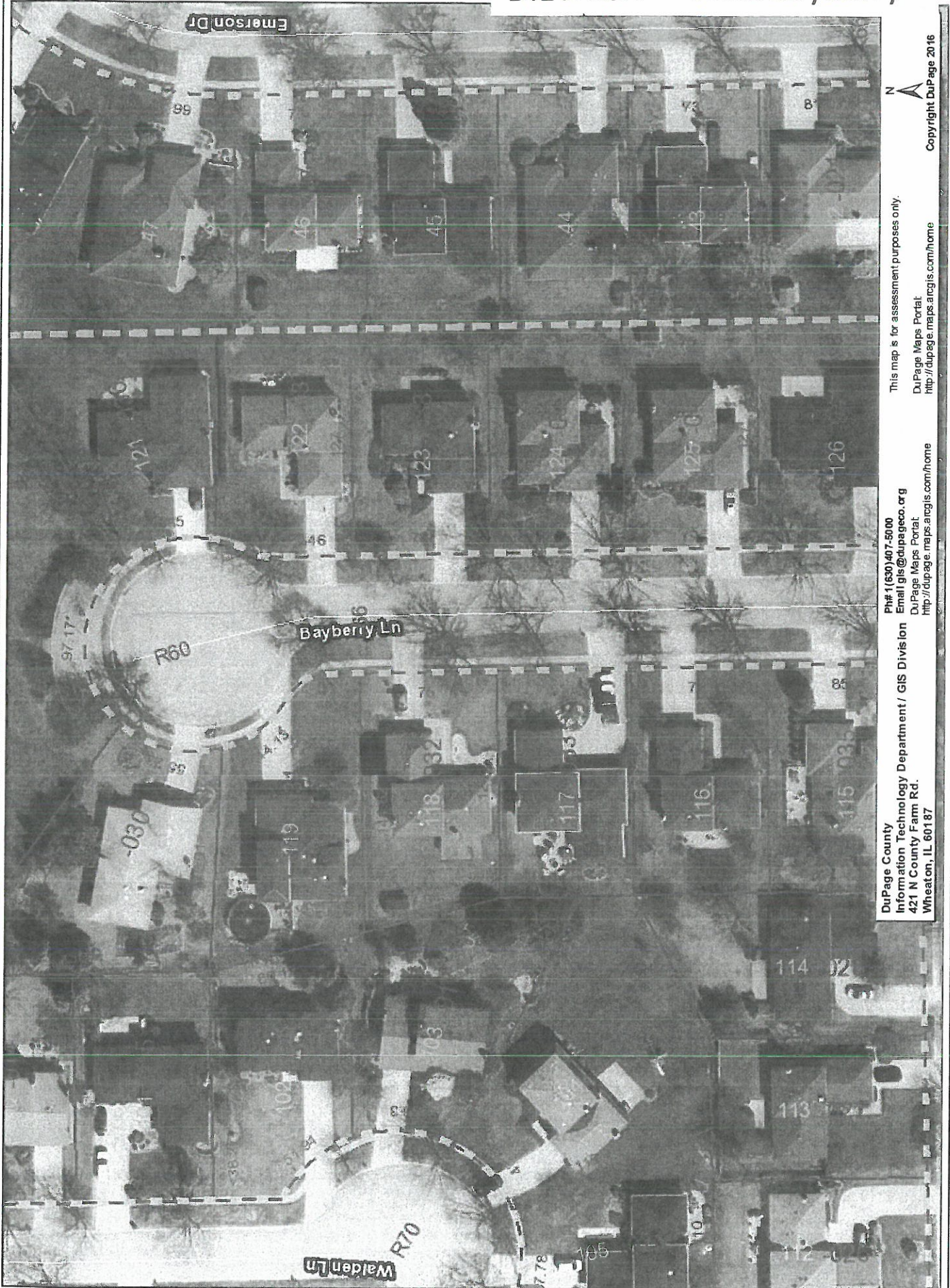
MY COMM. EXPIRES 11-30-17
 NOTE: JGM CONSULTING MAKES NO REPRESENTATION AS TO ACCURACY OF DIMENSIONS SHOWN HEREON. FOR ACTUAL DIMENSIONS OF HOME REFER TO FOUNDATION PLAN PREPARED BY OTHERS.



DIETRICH - 7218 Bayberry

ArcGIS Web Map

DuPage Web Mapping Application - DuPage County, Illinois



This map is for assessment purposes only.

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

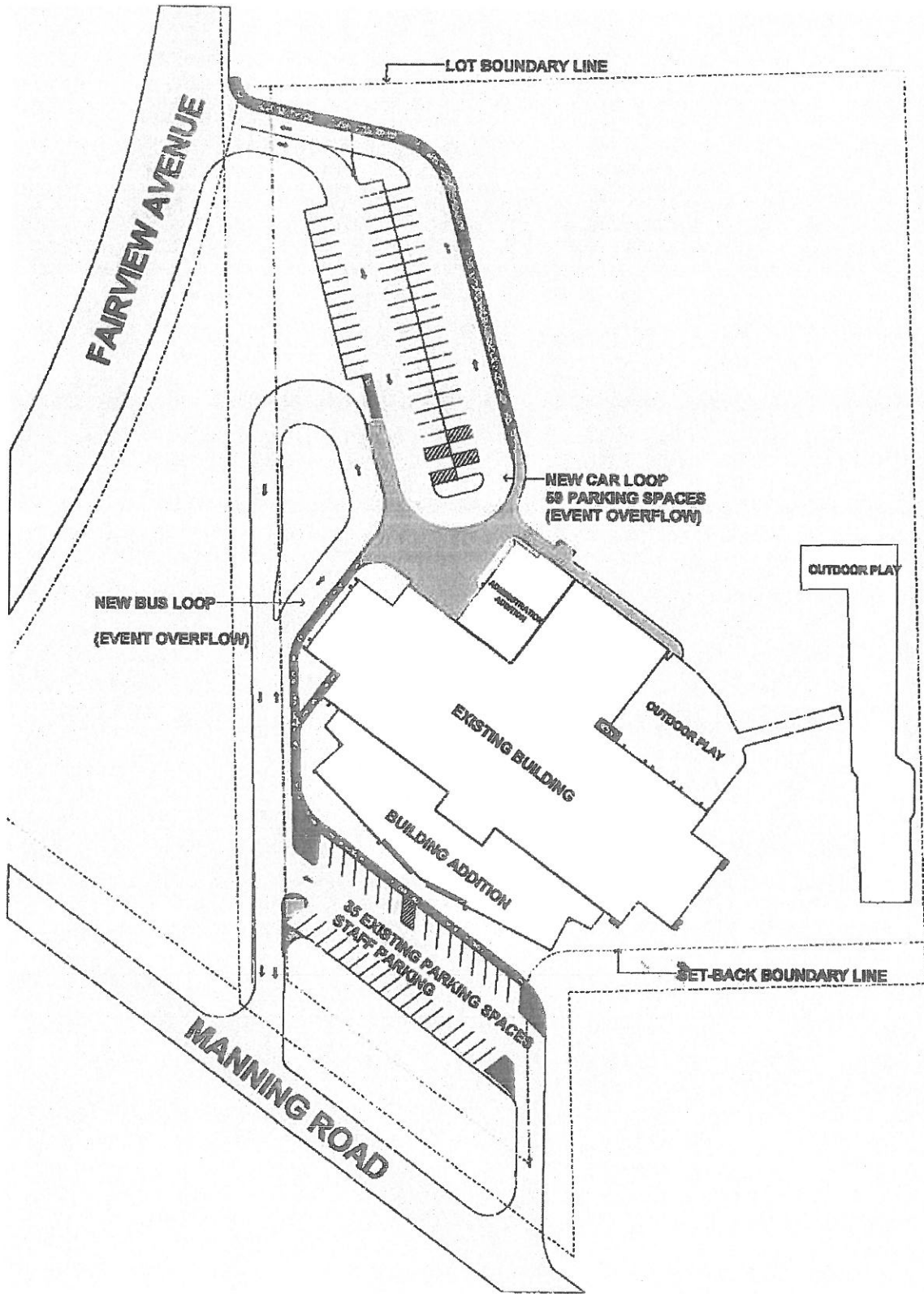
Ph# 1(630)407-5000
Email glis@dupageco.org
DuPage Maps Portal:
<http://dupage.maps.arcgis.com/home>

DuPage County
Information Technology Department / GIS Division
421 N County Farm Rd.
Wheaton, IL 60187

Copyright DuPage 2016



IDE SCHOOL - 2000 Manning SITE DIAGRAM



KELLY - 450 67th



1229 LAKEVIEW COURT
 ROMEVILLE, ILLINOIS 60446
 PH: (630) 226-9200 FAX: (630) 226-9234
 EMAIL: SURVEY@ARSSURVEY.COM



SCALE: 1"=25'

BASIS OF BEARING:

NORTH LINE OF 67TH STREET AS
 MONUMENTED AND OCCUPIED PER RECORDED
 SUBDIVISION PLAT. N 90°00'00"E(A)

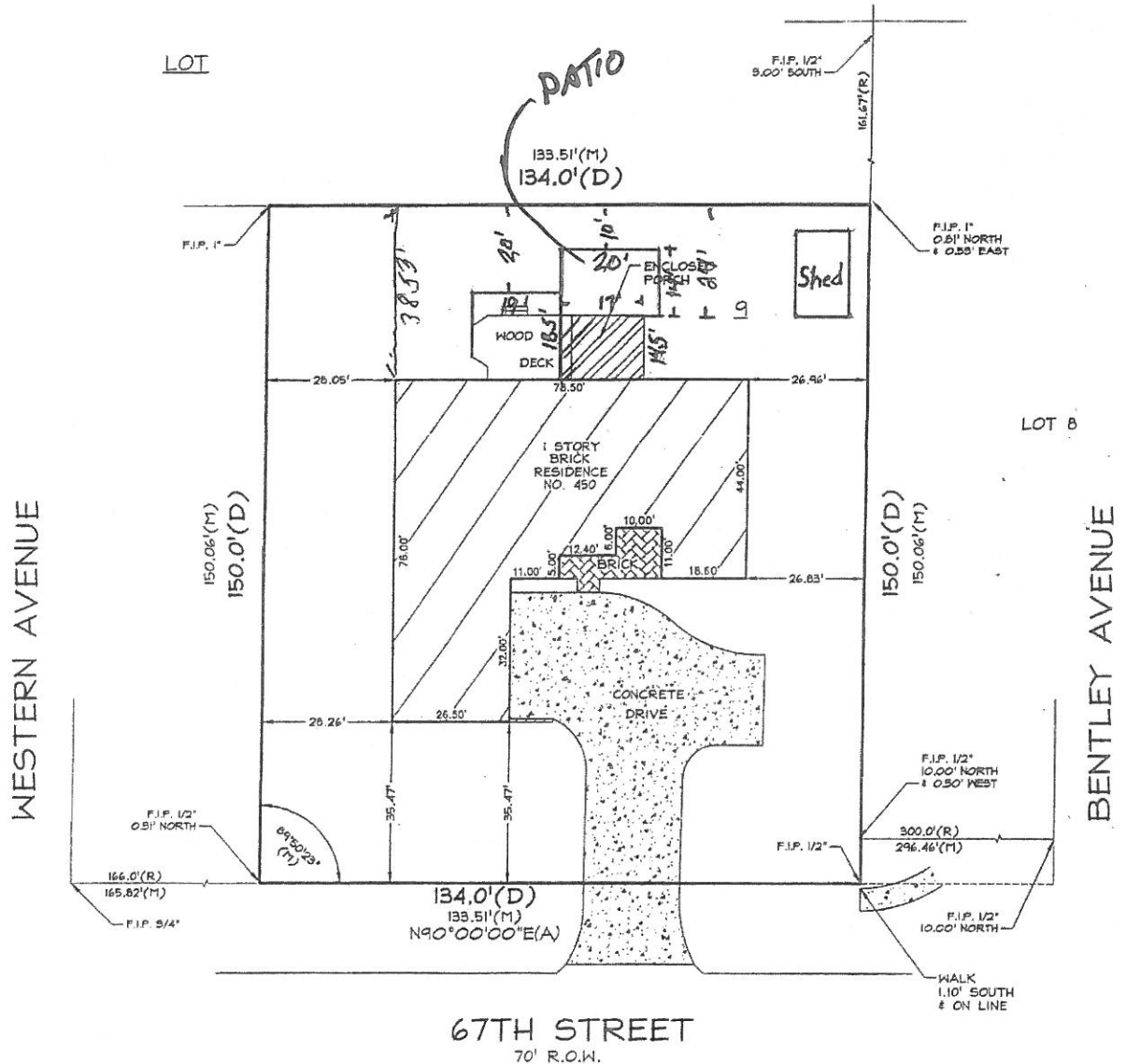
LEGEND	
(R) = RECORD	(NW) = NORTHWESTERLY
(M) = MEASURED	(NE) = NORTHEASTERLY
(D) = DEED	(SW) = SOUTHWESTERLY
(C) = CALCULATED	(SE) = SOUTHEASTERLY
(L) = ARC LENGTH	(RAD) = RADIUS
(CH) = CHORD	(A) = ASSUMED
(F.I.P.) = FOUND IRON PIPE (R.O.W.) = RIGHT OF WAY	
(F.I.R.) = FOUND IRON ROD	
—*—*—*—*—*—*—	= CHAIN LINK FENCE
—*—*—*—*—*—*—	= WIRE FENCE
—*—*—*—*—*—*—	= SPLIT RAIL FENCE
—*—*—*—*—*—*—	= WOOD FENCE
—*—*—*—*—*—*—	= METAL FENCE
—*—*—*—*—*—*—	= P.U. & D.E. = PUBLIC UTILITY & DRAINAGE EASEMENT
—*—*—*—*—*—*—	= B.S.L. = BUILDING SETBACK LINE



THE EAST 134.0 FEET OF THE SOUTH 160.0 FEET OF LOT 8 IN RICHFIELD FARMSITES, A SUBDIVISION OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 24, 1922 AS DOCUMENT 180089, IN DUPAGE COUNTY, ILLINOIS.

AREA OF SURVEY:
 CONTAINING 20,034 SQ. FT. 0.460 ACRES MORE OR LESS

Revised Proposal #2



STATE OF ILLINOIS } 55
 COUNTY OF WILL

I, THE UNDERSIGNED, 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 12TH DAY OF OCTOBER, A.D., 2015, AT ROMEVILLE, ILLINOIS.

Mark A. Lindstrom

CLIENT McDOWELL TO KELLY



ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035- 3482

JOB NO. 22867-15

LICENSE EXPIRES ON NOVEMBER 30, 2016

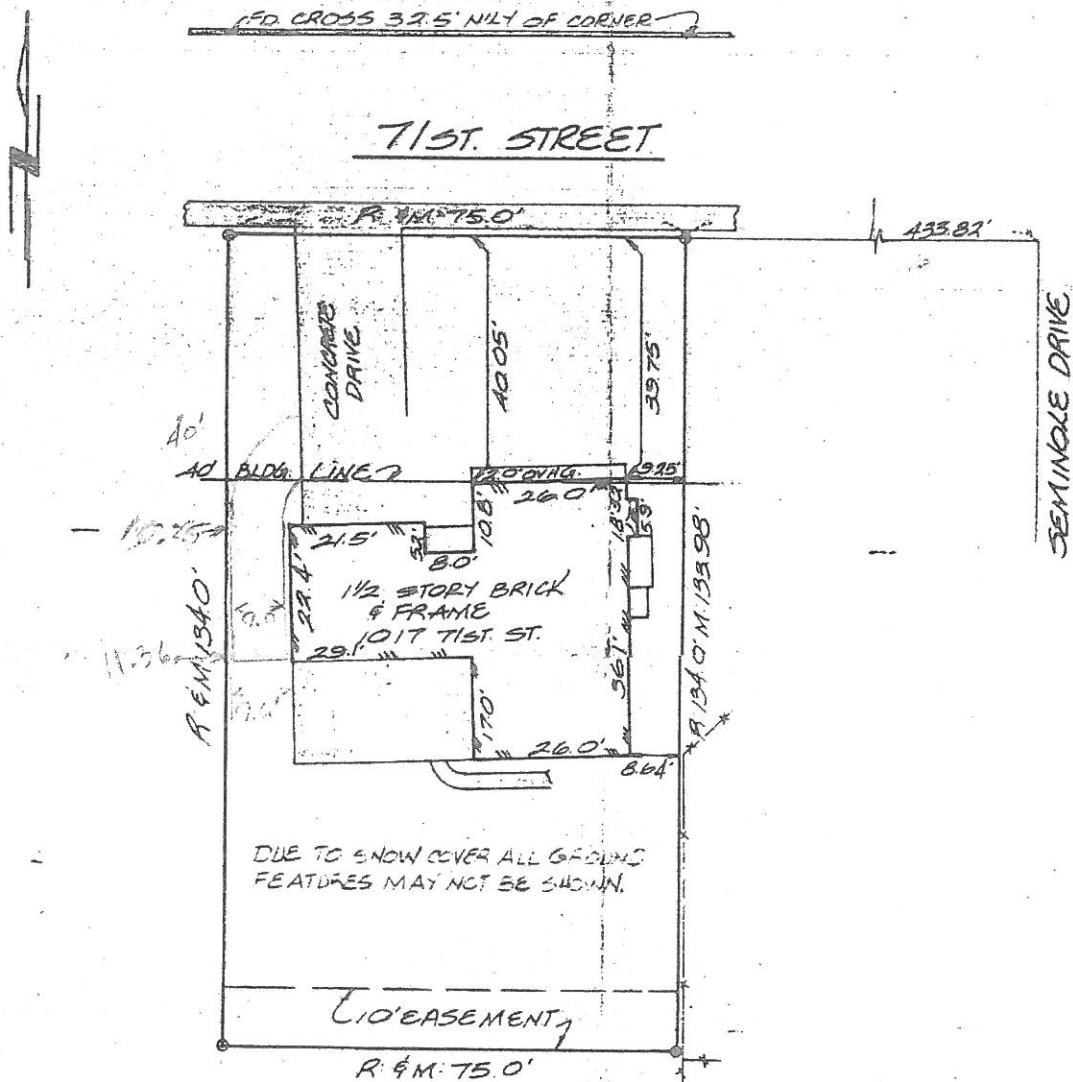
ILLINOIS PROFESSIONAL DESIGN FIRM NO. 184-2961

FIELDWORK DATE 10-09-15

PLAT OF SURVEY

Of Lot 329 in Hinsbrook Unit 4, 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 of said Subdivision recorded May 25, 1966 as Document R66-19309X in Du Page County, Illinois.

To be corrected by lawyer



SCHLAF-SEDIG & ASSOCIATES
 100 South Walnut St.
 Itasca, Illinois 60143
 (312) 773-1761

State of Illinois)
 County of Du Page)

Scale 1" = 20 feet

Date of Survey JANUARY 24, 1977

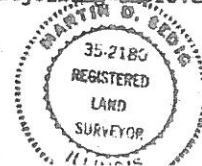
Legend

- R= record distance
- M= measured distance
- D= deed
- CH= chord
- Found pipe
- Set pipe
- Concrete shown shaded
- Fence line
- - - Limits of building

I hereby certify that the above described property has been surveyed, under my supervision, according to the official record and that the above plat correctly represents said survey. All distances are in feet and decimals thereof.

I hereby further certify that unless otherwise shown, the buildings on the parcel are within property lines and the adjoining improvements do not encroach on the above described property.

Martin D. Sedig
 Compare the description of this plat with deed. Refer to title policy for items of record not shown above.



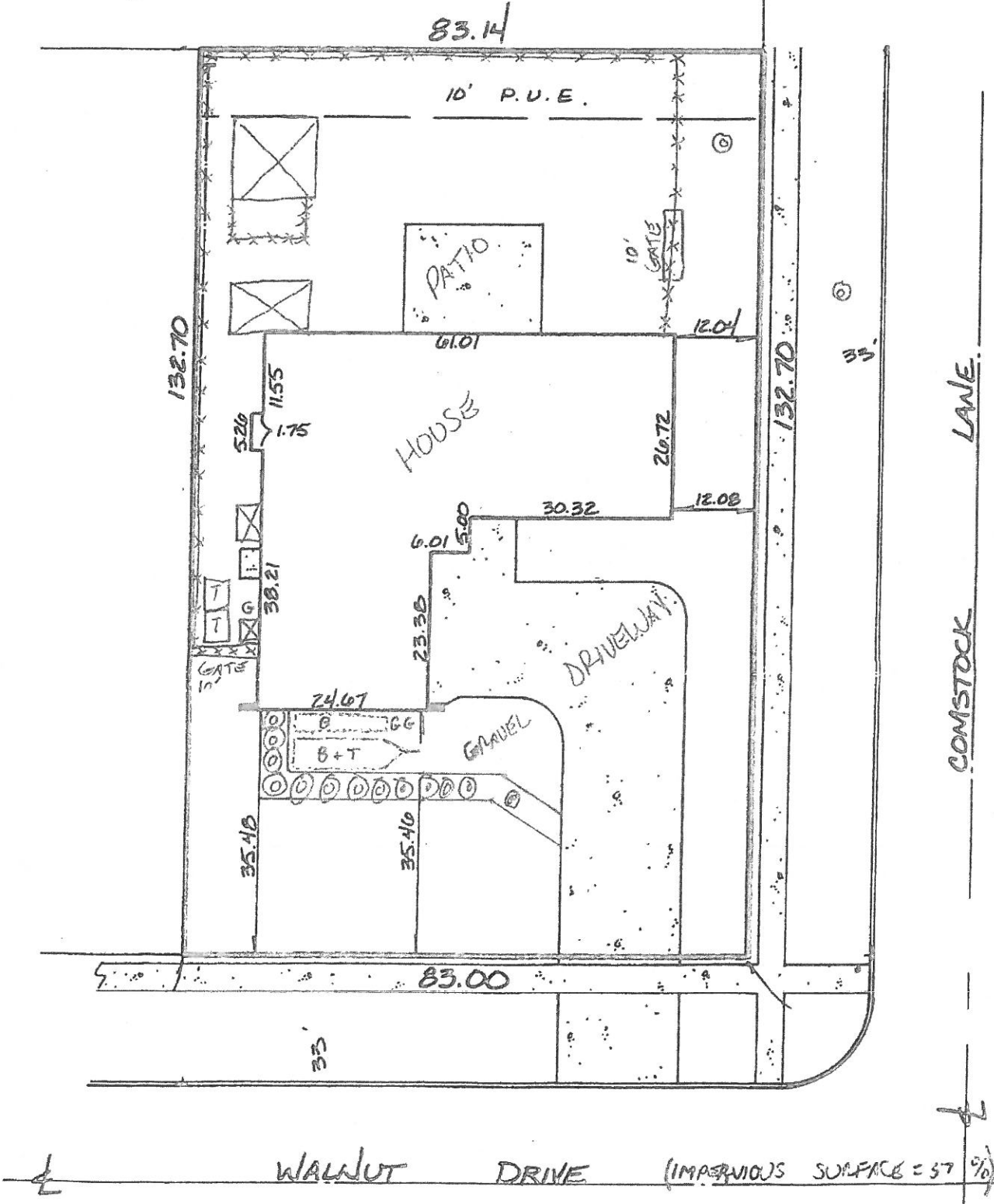
ROLOWICZ - 902 Walnut

COMMON ADDRESS: 902 WALNUT DRIVE

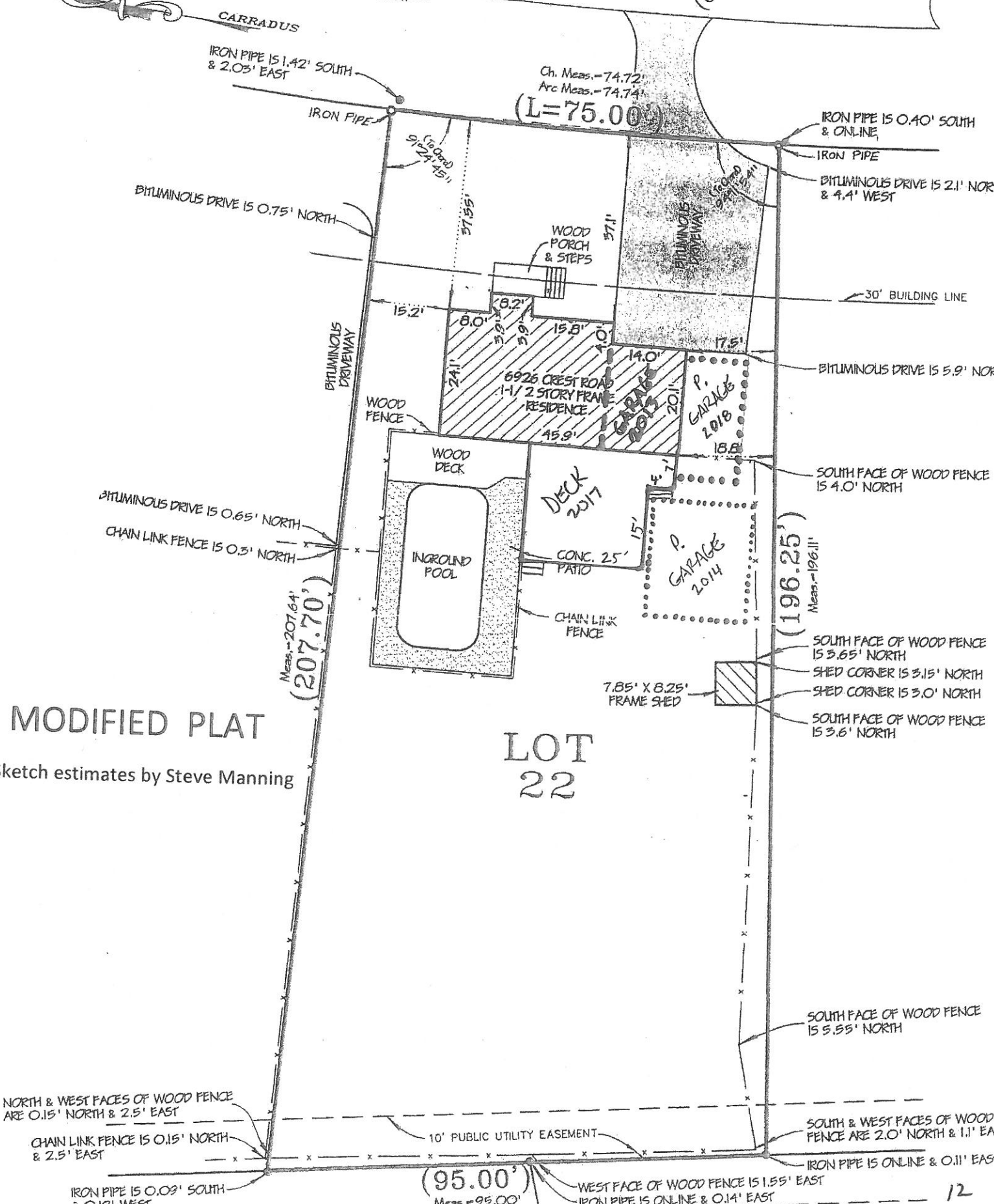
- = WING WALL
- * * = FENCE
- ⊗ = SHED
- ⊙ = TREE

- B = BOAT
- T = TRAILER
- G = GARBAGE CAN

NOTES ADDED BY
STEVES MANNING
CITY PLANNER



SALVERREDY - 6926 Crest
CREST RD.



PLAT OF SURVEY

OF SCHIMEL - 7620 Wilton

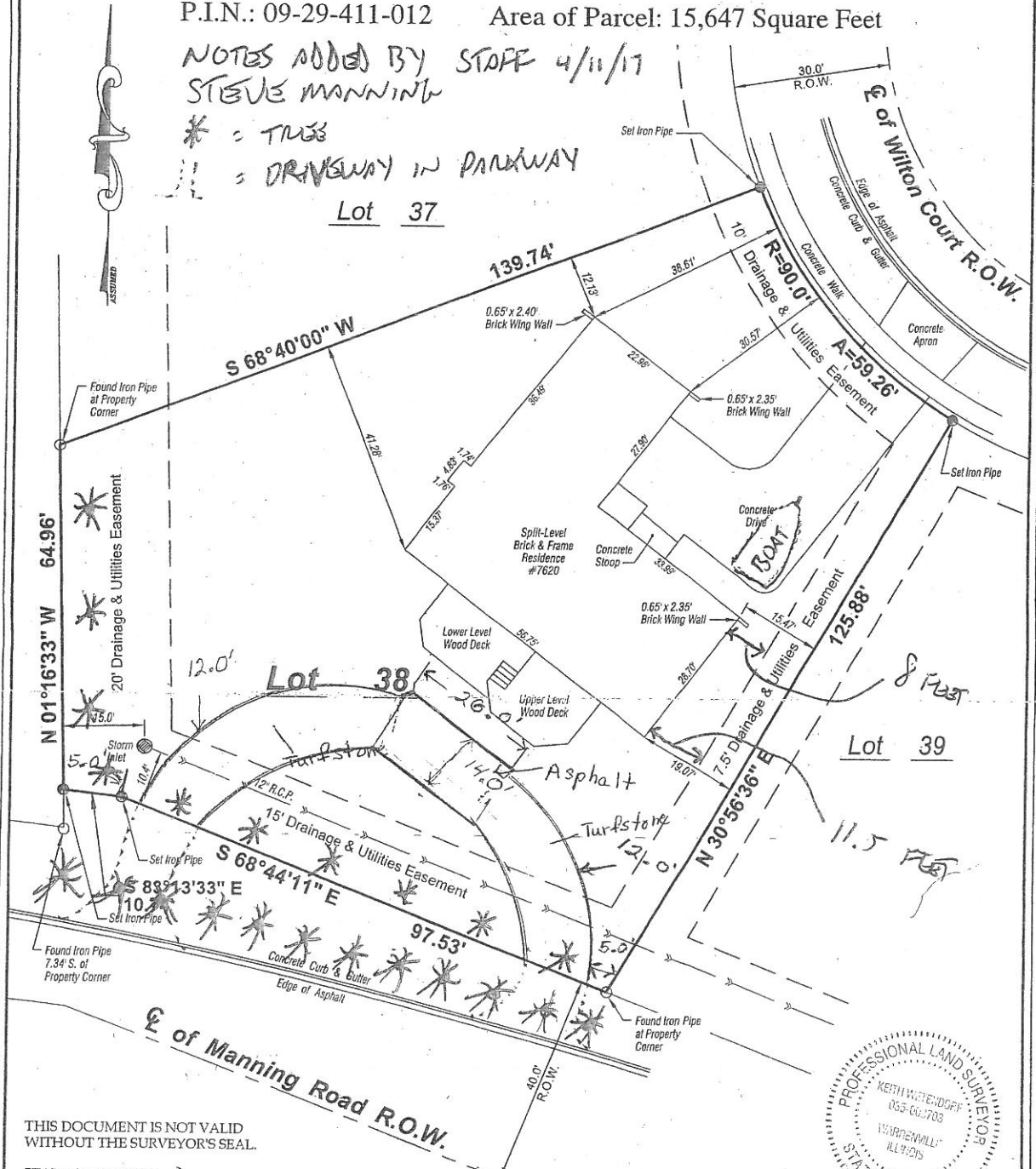
LOT 38 IN GALLAGHER AND HENRY'S FARMINGDALE RIDGE
1/4 OF SECTION 29, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO
THE PLAT THEREOF RECORDED DECEMBER 11, 1989 AS DOCUMENT R89-155664, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 09-29-411-012 Area of Parcel: 15,647 Square Feet

NOTES ADDED BY STAFF 4/11/17
STEVE MANNING

* = TRUSS
- - - = DRIVEWAY IN PARKWAY

Lot 37



THIS DOCUMENT IS NOT VALID
WITHOUT THE SURVEYOR'S SEAL.

STATE OF ILLINOIS } s.s.
COUNTY OF DUPAGE }

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS
MINIMUM STANDARDS FOR A BOUNDARY SURVEY. COMPARE THE
DESCRIPTION ON THIS PLAT WITH YOUR DEED, AND AT ONCE REPORT
ANY DIFFERENCE. BUILDING LINES AND EASEMENTS AS SHOWN ARE
BASED SOLELY ON THE DOCUMENTS PROVIDED TO US. REFER TO YOUR
DEED OR TITLE POLICY. ALL DIMENSIONS ARE GIVEN IN FEET AND
DECIMAL PARTS THEREOF. BEARINGS AS SHOWN ARE ASSUMED AND
ARE SO INDICATED FOR INTERIOR ANGLES ONLY.

DATED THIS 29th DAY OF APRIL, A.D. 2010

Keith Wetendorf
KEITH WETENDORF
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3703
GENESIS SURVEYING AND ENGINEERING, P.C.
LICENSE TO BE RENEWED NOVEMBER 30, 2010



PREPARED BY: *Genesis Surveying and Engineering, PC*

PROFESSIONAL DESIGN FIRM No. 184-002922
71 W. 61st STREET
WESTMONT, ILLINOIS 60559
PH (630) 271-0530 FAX (630) 271-0933

COMMON ADDRESS: 7620 Wilton Court, Darien, Illinois		
JOB NUMBER: 10-057	SCALE 1"= 20'	DRAWN BY: D.S.
CLIENT: Diane Schimel		
DATE OF FIELD WORK COMPLETION: April 19, 2010		
REVISIONS: 4-29-2010 (Added iron pipes set at lot corners as shown)		

VARIATION DECISION CRITERIA – OTHER EXAMPLES

Westmont

The particular physical surroundings, shape or topographical features of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

The conditions upon which the petition for variation is based would not be applicable, generally, to other property within the same zoning classification.

The purpose of the variation is not based exclusively upon a desire to make more money out of the property.

The alleged difficulty or hardship has not been created by the owner of the property.

The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

Willowbrook

The proposed variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship which will result if the strict letter of the regulations were carried out and which is not generally applicable to property within the same district.

The alleged hardship has not been created by any person presently having a proprietary interest in the premises.

The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

The proposed variation is in harmony with the spirit and intent of this title.

Hinsdale

No variation shall be granted pursuant to this section unless the applicant shall establish that carrying out the strict letter of the provisions of this code would create a particular hardship or a practical difficulty. Such a showing shall require proof that the variation being sought satisfies each of the standards set forth.

The aforesaid unique physical condition is not the result of any action or inaction of the owner, or of the owner's predecessors in title and known to the owner prior to acquisition of the subject property, and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this code, for which no compensation was paid.

The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation.

Downers Grove

The requested zoning exception will not have a substantial or undue adverse effect upon adjacent property, the character of the area or the public health, safety and general welfare;

Adverse impacts resulting from the zoning exception will be mitigated to the maximum extent feasible.

Woodridge

The physical condition of the premises are unique and do not apply to neighboring premises in the same district.

Strict application of the regulations of this title would deprive the owner of the reasonable use of his premises equivalent to the use of neighboring premises within the same district.

Lemont

The variation will not alter the essential character of the locality and will not be a substantial detriment to adjacent property.

Lasalle

The relative gain to the public as compared to the hardship imposed on the individual property owner.

The extent to which property values are diminished.

Orland Park

The variation granted is the minimum adjustment necessary for the reasonable use of the land.

QUICKNOTES

Zoning Ordinance Variances

OVERVIEW

A variance is a form of administrative relief from zoning regulations. It allows for the construction of or change to a structure or land that is prohibited by a zoning ordinance. A variance is granted to render justice where the strict application of a zoning ordinance results in a hardship for a property owner. A hardship arises when highly unusual circumstances prevent a property owner from securing a reasonable return from or making a reasonable use of their property. Oddly shaped or sloping lots, for example, may make it difficult for a property owner to meet setback or height requirements. A granted variance stays with the land and passes to the next purchaser.

Zoning boards of appeal are delegated the authority to grant variances by state or municipal legislative bodies. The zoning boards are constrained by limitations on this power. For example, the board has no authority to determine the validity of the zoning law and must follow proper statutory procedures for granting variances. While the zoning boards are delegated a certain amount of discretion, they are usually directed by law to grant the minimum variance necessary and adequate to readdress the complained-of "hardship." The board must consider any impact on the community and devise a solution to accommodate the applicant and the community.

TYPES OF VARIANCES

There are two types of variances: use and area. A use variance is requested when a zoning ordinance prohibits a particular use (e.g., a commercial building in a residential area). An area variance is requested if the zoning ordinance regulates a particular use (e.g., height restrictions). Eighteen states do not distinguish between use and area variances and instead set forth four basic common general criteria for granting variances: (1) the variance is not contrary to public interest; (2) there are special conditions pertaining to the parcel; (3) literal enforcement of the variance would result in unnecessary hardship; and (4) the spirit of the ordinance is observed and justice done.

Use Variances

Use variances should be difficult to obtain. In fact, 12 states prohibit zoning boards from approving use variances altogether. The rationale is that a legislative determination has been made that the proposed use is incompatible in the zoning district and therefore it can threaten adjacent land or the character of a neighborhood. This is why there is heightened scrutiny when reviewing request for relief from a legislative determination as to appropriate uses, and applicants typically have to prove that their hardship is unique and not likely to be experienced by nearby property owners. If a critical mass of property owners in the same locale start requesting use variances, the more appropriate remedy may be consideration of a rezoning.

The granting of a use variance usually requires that the applicant show unnecessary hardship. Establishing such hardship typically requires proving that the land in question cannot realize a reasonable return, that the hardship relates to circumstances unique to the parcel of land, and that granting of the variance would not adversely affect the neighborhood. Each element of the unnecessary hardship test in a particular jurisdiction must be satisfied for a variance to be granted. Some jurisdictions use the terms "undue hardship" or "unusual hardship" to refer to their specific test. There seems to be no substantive difference in the requirements. While there is some variation on how to establish the elements depending on the jurisdiction, the basic formulation of the test is similar.

A variance is granted to render justice where the strict application of a zoning ordinance results in a hardship for a property owner.



Area Variances

It is typically easier to obtain an area variance than a use variance. The test applied is usually "practical difficulties," used in three ways: (1) synonymously with "unnecessary hardship"; (2) to denote a version of the "unnecessary hardship" standard where the standard of proof for the elements is relaxed—this standard probably represents the most common usage of the term, "practical difficulties"; and (3) to describe a balancing test where various factors are weighed against one another. Many factors are considered and under this type of standard, typically no factor outweighs the others in determining whether the variance should be granted. Rather, the benefit to the applicant is weighed against the potential negative effects granting the variances would have for each factor.

Among the factors considered in most typical variations of the balancing standard are: (1) whether the property in question has any beneficial use without the variance; (2) whether the variance is substantial; (3) whether the essential character of the neighborhood would be substantially altered or whether adjoining property would suffer detriment if the variance were granted; (4) whether the difficulty was self-created; (5) whether there are alternative means to obviate the owner's predicament; and (6) whether the spirit of the ordinance can be observed and substantial justice done by granting a variance.

CONDITIONS ON VARIANCES

Where recognized, zoning boards of appeal may attach conditions to a variance. Conditions must be used to reduce any adverse impacts of the land use, such as protecting nearby property. Boards cannot impose conditions that are not rationally related to minimizing the adverse impacts of granting a variance. Boards must clearly state any conditions in its decision to grant a variance. Zoning boards may also impose time conditions. For example, a board can grant a limited variance that will lapse if not acted upon within a specified time. They may not, however, limit a variance to the period of the applicant's ownership since variances run with the land.

ALTERNATIVES TO VARIANCES

In some instances, a rezoning may be more appropriate than a use variance. If the use is deemed appropriate in the zoning district, then the community should evaluate whether the use should be permitted by right or as a conditional use in that district. Permitting a use with conditions (also known as special uses or special exception uses) allows the local planning commission, zoning board, or city council to impose additional standards to ensure compatibility and can minimize the need for use variances.

Numerous requests for area variances in a specific zoning district may indicate that there is a poor fit between the dimensional standards for a particular zoning district and the existing building stock. This mismatch means that the district has a high number of nonconforming structures. In some cases the municipality may be actively trying to promote a transition to a different development pattern. In other cases, this mismatch reflects an outdated goal to recreate suburban development patterns in traditional urban neighborhoods. In the latter case the easiest way to avoid excessive area variance requests is to amend the district standards to match the historic fabric of the neighborhood.

PAS QuickNotes is a publication of the American Planning Association's Planning Advisory Service (PAS). © 2012 by the American Planning Association. All rights reserved. No part of this publication may be reproduced or utilized in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without permission in writing. Visit PAS online at www.planning.org/pas to find out how PAS can work for you. American Planning Association staff: W. Paul Farmer, FAICP, Chief Executive Officer; William R. Klein, AICP, Director of Research and Advisory Services; Erin Musiol, AICP, QuickNotes Editor; Tim Menzel, Senior Editor; Julie Von Bergen, Assistant Editor; Susan Deegan, Senior Graphic Designer.

REFERENCES

1. Published by the American Planning Association

Kendig, Lane. 2012. "Avoiding Idiotic Variances." *Zoning Practice*, 6.

Easley, Gail and Theriaque, David. 2005. *The Board of Adjustment*. Chicago: American Planning Association (APA Planners Press).

2. Other Resources

Salkin, Patricia. 2011. "Variances." *American Law of Zoning*, (5th ed.). Thomson Reuters.

Juergensmeyer, Julian and Roberts, Thomas. 2003. "Zoning 'Forms of Action': Obtaining or Resisting Development Permission." Pg. 186 in *Land Use Planning and Development Regulation Law*. St. Paul: West Group.

MINUTES
CITY OF DARIEN
PLANNING & ZONING COMMISSION MEETING
August 1, 2018

PRESENT: Lou Mallers, Chairperson, Robert Cortez, Robert Erickson, Brian Gay, Brian Liedtke, Ralph Stompanato, Steven Manning - City Planner

ABSENT: Michael Desmond, John Laratta, Mary Sullivan

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

REGULAR MEETING:

A. Workshop - Procedures

Steve Manning provided the Committee with excerpts from a publication from the Illinois Municipal League entitled “Zoning Handbook”. He stated it is a good summary, restatement, and reinforcement of many of the concepts we have covered in our previous workshops.

A revised ‘Hearing Discussion Outline’, which is tab 10 in the Manual of Procedures, was presented. Mr. Manning said one of the main objectives during a hearing is to have thorough discussion of how the facts and findings of the case align with the decision criteria in order to come to some consensus on the reasons for approving or denying the petition. Those reasons should be stated clearly and be subject to questioning by the petitioner and the audience. Then after such discussion the motion can be made which should contain the reasons. It is a rigorous process, but it should result in fair decisions that everyone will understand.

The current and proposed ‘Decision Criteria for Variations’ were discussed. Mr. Manning recounted that these proposed criteria were developed over several PZC workshops to address the actual issues brought up in most cases. The intent was to use plain language that petitioners could understand and that were also based on state statutes and case law. Some Commissioners have said that other criteria that we have not yet anticipated may make sense depending on the unique circumstances of a future case. There was general agreement that the proposed criteria we are considering here are well worded to address most situations that we face and we should try to put them into our code now. If other criteria are proposed, even if for one case, the PZC should evaluate for fairness.

Commissioner Erickson made a motion and it was seconded by Commissioner Stompanato to recommend to the City Council to consider an amendment to the Zoning Code to adopt the proposed Decision Criteria for Variations as presented.

Upon roll call vote, THE MOTION CARRIED 6-0.

Mr. Manning reported that the process for such an amendment would involve a motion by City Council to authorize a public hearing by PZC and then the City Attorney would be asked for input. All Commissioners would then get another chance to review and revise the criteria before it is set back to City Council for final approval.

CORRESPONDENCE

None

MINUTES
CITY OF DARIEN
MUNICIPAL SERVICES COMMITTEE MEETING
September 24, 2018

PRESENT: Alderman Joseph Marchese–Chairman, Alderman Thomas Belczak, Alderman Thomas Chlystek, Dan Gombac – Director, Steven Manning - City Planner

ABSENT: None

ESTABLISH QUORUM

Chairperson Joseph Marchese called the meeting to order at 6:35 p.m. at City Hall Council Chambers, Darien, Illinois and declared a quorum present.

OLD BUSINESS

- a. **Discussion – Consideration to amend the City Code provisions on storage of refuse containers in residential areas.**

Mr. Steve Manning, City Planner reported that at the last meeting Alderman Vaughn asked that an exemption be given to houses to allow storage of refuse containers in front where side or rear locations are not practicable or reasonable.

Mr. Manning reported that he canvassed the area and surveyed other towns of refuse containers used for screening.

Mr. Dan Gombac, Director reported that there are a lot of people who claim they do not have room in their garage to store the containers. He reported that staff is researching containers and will work with Home Depot to provide residents with a discount. Mr. Gombac stated that if changes are made that the Code will need to be amended.

Alderman Belczak and Alderman Chlystek stated that they had no issues as long as there was screening.

Mr. Gombac stated that he would provide an update at the next meeting.

NEW BUSINESS

- a. **Discussion – Request from the Planning and Zoning Commission to amend the zoning variation standards.**

Mr. Lou Mallers, Chairperson - Planning and Zoning Commission reported that presented the Committee with an overview of the recent workshops, procedures and protocol that was provided by the City. He stated that the workshops have been beneficial and that the PZC felt that there are some codes that need updating.

Mr. Steve Manning, City Planner reported that the PZC looked at the standards and codes and focused on variation criteria and that the consensus was to reword the decision criteria. Mr. Manning stated that the updates address the issue that the Committee is facing and easy to read.

He reported that this was discussed with the City Attorney and that he encourages the effort and supports the upgrade to the variation criteria.

Mr. Mallers stated that he has been a member of the PZC for six years and that the intention is to enhance and update the process to better understand the variations for the Committee as well as for the resident and what is required. He stated that the PZC would also like to enhance communication between the PZC and the City Council.

Alderman Chlystek stated that the wording seems to make it harder for the petitioner and how the positives outweigh the negatives.

Mr. Mallers stated that we have to look at what makes sense.

Alderman Belczak stated that he would like to get the PZC packets.

Mr. Mallers stated that they would like to see Aldermen presence at the PZC meetings.

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

Alderman Belczak made a motion and it was seconded by Alderman Marchese approval City Council review of the criteria and send back to the PZC for permanent changes.

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

- b. Resolution – Accepting proposals for the hardware and software updates from the following: Stenstrom Petroleum Services, for the Fuel Management hardware and software update in an amount not to exceed \$11,206.**

Mr. Dan Gombac, Director reported that the Public Works facility includes a fuel station for the City's various departments, local fire departments, Park District and School District. He reported that the City upgraded the gas pumps and tanks and the computer hardware and software. He further reported that approval of the resolution is to accept proposals for the hardware and software updates.

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

Alderman Belczak made a motion and it was seconded by Alderman Chlystek approval of a resolution accepting proposals for the hardware and software updates from the following: Stenstrom Petroleum Services, for the Fuel Management hardware and software update in an amount not to exceed \$11,206.

Upon voice vote, THE MOTION CARRIED 3-0.

- c. Resolution - Accepting proposals for the hardware and software updates from the following: Computerized Fleet Analysis (dba: CFA Software, Inc.) CFA hardware and software update in an amount not to exceed \$23,682.**

Mr. Dan Gombac, Director reported that the fuel inventory data is stored within the FuelMaster hardware and software which generates a report from the Computerized Fleet Analysis CFA. He reported that that the CFA software is over 20 years and is obsolete and has no further support

CITY OF DARIEN
Planning and Zoning Commission

2019 Schedule

First and Third Mondays

Fifteen days before hearing

Forty-five days before hearing

Meeting Dates	Public Hearing Notice and Sign Posting Deadlines	Submittal Deadlines
January 2	December 19, 2018	November 19, 2018
January 16	January 2	December 3, 2018
February 6	January 23	December 26, 2018
February 20	February 6	January 7
March 6	February 20	January 21
March 20	March 6	February 4
April 3	March 20	February 19
April 17	April 3	March 4
May 1	April 17	March 18
May 15	May 1	April 1
June 5	May 22	April 22
June 19	June 5	May 6
July 3	June 19	May 20
July 17	July 3	June 3
August 7	July 24	June 24
August 21	August 7	July 8
September 4	August 21	July 22
September 18	September 4	August 5
October 2	September 18	August 19
October 16	October 2	September 3
November 6	October 23	September 23
November 20	November 6	October 7
December 4	November 20	October 21
December 18	December 4	November 4
January 1, 2020*	December 18	November 18
January 15, 2020	January 1, 2020	December 2
February 5, 2020	January 22, 2020	December 23

**Meetings are held in the Council Chambers at Darien City Hall,
1702 Plainfield Road, beginning at 7:00 PM**

* Since January 1, 2020 is a holiday, the meeting and deadlines will be rescheduled.

**MINUTES
CITY OF DARIEN
PLANNING & ZONING COMMISSION MEETING
July 18, 2018**

PRESENT: Lou Mallers, Chairperson, Michael Desmond, Robert Erickson, Brian Gay, Brian Liedtke, John Laratta, Ralph Stompanato, Steven Manning - City Planner

ABSENT: Robert Cortez, Mary Sullivan

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

Commissioner Laratta announced that he was a member of Post 2838.

REGULAR MEETING:

- A. Public Hearing Case: PZC 2018-05 801 Plainfield Road (VFW) Petitioner Darien VFW Post 2838, as lessee of Suite 12 in the building at 801 Plainfield Road, seeks approval of a special use zoning permit to operate an eating establishment with a bar serving alcohol.**

Mr. Steve Manning, City Planner reported that the petitioner, the VFW operated a drinking establishment at 7515 Cass Avenue in the former Heritage Plaza in 2013. He reported that they are proposing to operate a business with five video gambling stations and a bar and lounge serving alcohol and prepared food. Mr. Manning reported that the VFW intends to use the revenue generated for veteran assistance and community service programs.

Mr. Matt Goodwin, VFW Post 2838 Quartermaster, reported that the VFW has been in Darien since 1985 providing scholarships to schools, students, Women's Club, Rotary Club, etc. He stated that they are trying to improve fundraising efforts.

Mr. Goodwin stated that veterans are unaware that the group exists and that the old days of standing on the corner asking for donations to support the program is dangerous.

Commissioner Laratta questioned why the video gambling.

Mr. Goodwin stated that bingo and pull tabs are used but that the legalization of video gambling allows the VFW another opportunity for fundraising. He stated that the money collected will not go into anyone's pocket and that every dollar will be used for the veterans.

Commissioner Desmond questioned what approval is being requested.

Mr. Goodwin said that the City Council has created a class of liquor licenses for non-profit organizations, however the City cannot issue a liquor license to the VFW until the zoning is approved for their location. The VFW application for a video gambling license cannot be approved by the state until the VFW has a city liquor license.

Mr. Manning reported that the City zoning code does not regulate video gambling. The location sought by the VFW is zoned B-1, which City zoning allows eating establishments as a special

use but does not allow liquor only establishments. The VFW petition being presented here is for a special use for an eating establishment, which by definition can include the serving of liquor.

Commissioner Laratta questioned the VFW intent to use proceeds from this establishment to purchase or build a new building. He also stated that the VFW will receive 34% of the gambling proceeds and asked what percentage will come from liquor sales.

Mr. Goodwin stated that he did not have any percentage data.

Commissioner Laratta stated that the project is good but he stated that other groups could do the same. He questioned the sales tax and revenue for the VFW and that there is nothing concrete and that they will have a "slush fund".

Mr. Goodwin stated that "slush fund" is a gross mischaracterization. He stated that the VFW files the 990 IRS form regarding funding and who benefits and that it is all public record.

Commissioner Laratta questioned the end result? He stated that there are going to be 9 gaming locations in Darien.

Commissioner Desmond stated that the gaming aspect of this establishment is not something the PZC has any jurisdiction over. He stated that this is about the special use for an eating establishment.

Commissioner Liedtke questioned the hours.

Mr. Goodwin stated that they have restricted the hours from 11:00 am - 11:00 pm and that they will probably not stay open that late.

Commissioner Erickson questioned how frequently the programs benefit.

Mr. Goodwin stated it would be immediate and that traditional fundraising is dwindling.

Commissioner Desmond questioned if there would be prepackaged food and if the VFW intends to have a full service kitchen.

Mr. Goodwin stated that they do not plan to have a full service kitchen with a small facility and that it will not be the type of restaurant serving prepared food.

At 7:27 pm Chairperson Mallers closed the discussion portion of the public hearing.

Commissioner Desmond questioned if the liquor and gaming is already approved.

Mr. Manning stated that gaming is regulated by the State and that the City approves business licenses subject to zoning.

Mr. Goodwin stated that years back the liquor license was signed and that they did not pursue the gaming license but that with this location the VFW asked for it and the City Council approved.

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

Commissioner Liedtke made a motion and it was seconded by Commissioner Stompanato to approve the special use as presented for eating establishment in the B-1 District.

Upon roll call vote, THE MOTION CARRIED 7-0.

Mr. Manning reported that this would be forwarded to the Municipal Services Committee on July 23, 2018 and to the City Council on August 6, 2018.

B. Public Hearing Case: PZC 2018-06 1035 S. Frontage Road (Sterling Bay) Petitioner Sterling Bay, a company with contract to purchase property at 1035 S. Frontage Road, seeks approval of a variation to Section 5A-9-4-8 of the Darien Zoning Code that otherwise requires a 35 foot building height for their proposed warehouse.

Commissioner Desmond stated that he and the attorney Peter Tsantilis representing Sterling Bay were partners for years and that because of this he recuses himself from voting.

Mr. Steve Manning, City Planner reported that the petitioner has contracted to purchase three lots to build a warehouse for sale or lease, which is a permitted use in the I-1 District. He reported that the site was formerly developed for a trucking cartage business. He further reported the petitioner is requesting a variation for building height of approximately 39 feet where 35 feet is required. Mr. Manning stated that this approval is for height variance only and that legal notice was published, mailed, and posted.

Mr. Peter Tsantilis, attorney representing the petitioner stated that they are proposing a 153,000 square foot building. He displayed a rendering of the proposed building.

Mr. Matt Lucas, Project Manager for Sterling Bay described the dimensions and stated that the building exterior height is proposed at 39 feet which gives an interior clearance floor to ceiling of 32 feet for racking space. He stated that 32 feet inside meets the storage needs of their targeted market.

Mr. Jeff Fischer, Real Estate Executive representing the petitioner, stated that Sterling Bay would like to build the facility with today's standards. He stated that the facility located on Lemont Road has the same height as what is proposed and that the lower buildings are the buildings that tend to be vacant.

Commissioner Erikson questioned if they are proposing to build more in the area and Mr. Fischer reported that just the one in Darien.

Commissioner Laratta questioned the traffic back and forth on Frontage Road.

Mr. Fischer reported that most of the traffic will come off of Cass Avenue.

Commissioner Gay questioned if the City anticipates any other variations.

Mr. Manning reported that there are no other variations requested.

Mr. Lucas reported that KLOA conducted a traffic study and concluded that there is no need for further signaling. He reported that the study was submitted to the City and that the usage does not necessitate a light.

Chairperson Mallers questioned if an additional traffic study is necessary.

Mr. Manning reported that the City evaluates existing conditions and still has an opportunity to require traffic controls if warranted. He reported that the site plan will be sent to the Tri-State Fire Protection District and that they will be reviewing.

Commissioner Laratta questioned the number of docks in the building.

Mr. Fischer stated that it will depend on the tenant but that there is the ability to put in 30.

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

Mr. Pete Maslowski, Willowbrook questioned if there was a similar warehouse in the area.

Mr. Fischer stated that the building will be similar to the warehouse at 7879 Lemont Road.

Mr. Manning reported that the building on Lemont Road appears taller because of the ground elevation is about 10 feet above Lemont Road, whereas the floor elevation planned by Sterling Bay would be 2-7 feet lower than S. Frontage Road.

Mr. Brett Duffy, SpaceCo reported that the building will not be elevated like the Lemont facility.

Mr. Steve DeLurgio, Willowbrook stated that he has issues with the number of trips and that there were issues when Thermal King was there. Mr. DeLurgio stated that there were 236 trucks a day. He questioned if the zoning review is done after the height variance is approved.

Mr. Manning reported that the traffic generated will be discussed when the proposal is forwarded to the Municipal Services Committee. He stated that anyone can attend and testify. Mr. Manning further stated that the Municipal Services Committee meeting is scheduled for August 27th but that this proposal is not firm for the agenda.

Chairperson Mallers questioned the number of truck parking stalls.

The architect for the petitioner reported that there are 31 trucks stalls for the number of docks.

Mr. John Curcio, Willowbrook questioned if there were any signs on the top of the building or alongside and what is the height requirement.

Mr. Lucas reported that they will follow the ordinance requirements.

Mr. Manning reported that Darien Code allows signage on the front wall but not on top of building.

Mr. Chuck Fisher stated that he was perplexed by the number of trucks going in and out. He stated that there are 120 trucks daily and 82,000 a year with noise and air pollution and traffic congestion. He questioned if this is going to be a trucking community and that there should be serious consideration.

Chairperson Mallers stated that the area has been vacant for a while and that there were other proposals that did not work out. He stated that the City is careful in making sure that Darien is a nice place to live.

There was no one in the audience wishing to present public comment and at 8:03 pm Chairperson Mallers closed the public hearing.

Commissioner Liedtke stated that he understood the feedback but that the height requirement will bring in Class A facilities. He suggested that the Code be amended to 39 feet to accommodate this new warehousing technology.

Commissioner Liedtke made a motion and it was seconded by Commissioner Gay to recommend approval of a variation to Section 5A-9-4-8 of the Darien Zoning Code that otherwise requires a 35 foot building height as presented.

Upon roll call vote, THE MOTION CARRIED 6-0. Commissioner Desmond abstained.

C. Workshop Procedures

Mr. Steve Manning, City Planner reported that he provided the Committee with current and proposed criteria for variations that the PZC has been working on for the past several workshops.

Commissioner Desmond stated that this is good criteria to have but that the Codes need to be updated. He also stated that a motion template would be helpful.

The workshop will be continued to the next regular meeting of the PZC.

CORRESPONDENCE

None

OLD BUSINESS

None

NEW BUSINESS

Commissioner Liedtke made a motion and it was seconded by Commissioner Desmond to recommend to the City Council to consider a zoning text amendment that would increase the building height to recruit Class A type facilities.

Upon voice vote, the MOTION CARRIED UNANIMOUSLY 7-0.

APPROVAL OF MINUTES

Commissioner Erickson made a motion and it was seconded by Commissioner Stompanato to approve the June 6, 2018 Regular Meeting Minutes.

Upon voice vote, the MOTION CARRIED UNANIMOUSLY 7-0.

NEXT MEETING

Chairperson Mallers announced that the next meeting is scheduled for Wednesday, August 1, 2018 at 7:00 p.m.

PUBLIC COMMENTS (On any topic related to planning and zoning)

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

ADJOURNMENT

With no further business before the Commission, Commissioner Liedtke made a motion and it was seconded by Commissioner Gay. Upon voice vote, THE MOTION CARRIED unanimously and the meeting adjourned at 8:44 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

Elizabeth Lahey
Secretary

Lou Mallers
President

**MINUTES
CITY OF DARIEN
PLANNING & ZONING COMMISSION MEETING
October 3, 2018**

PRESENT: Lou Mallers- Chairperson, Robert Cortez, Michael Desmond, Robert Erickson, John Laratta, Ralph Stompanato, Steven Manning - City Planner

ABSENT: Brian Gay, Brian Liedtke Mary Sullivan

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

REGULAR MEETING:

A. Public Hearing Case: PZC 2018-07 7879 Lemont Road (Club Fusion) Petitioner Club Fusion, as lessee of a portion of the building at 7879 Lemont Road, seeks approval of a special use zoning permit to operate an indoor volleyball recreation business.

Mr. Steve Manning, City Planner reported that Club Fusion is looking to find an adequate facility and currently has a practice facility in Darien providing volleyball training to youth grades 4-12 and sponsor AAU teams traveling to national tournaments. Mr. Manning reported that Club Fusion has a lease pending for 30,960 square feet with plans to include two sand volleyball courts, four hard surface volleyball courts, a fitness training room, showers, concessions and offices. He further reported that they will provide practice and training sessions after school between 4:30 - 9:30 pm with up to four coaches and four employees. Mr. Manning reported that most of the youth would be dropped off and picked up by parents.

The petitioner, Mr. William Milborn stated that he along with Steve Dowjotas - NuWave Volleyball, Brian McDermant - Progression Volleyball Consulting, and Adam Kamuda - MFC Sports Performance are looking to make the Darien facility the home of Club Fusion. He reported that practices will be held after school between the hours of 4:30 and 9:30 pm to Middle School and High School athletes.

Mr. Steve Dowjotas, NuWave Volleyball stated that they have outgrown the space they lease from perfect Swing at 8251 Lemont Road and that they would like to make the program better and provide a better facility. Mr. Dowjotas stated that presently there are 25 youths from Darien and hope to expand and open the facility offering a lot with the goal of practicing and training.

Mr. Milborn stated that they are planning on providing concessions offering drinks, and snacks and that there are at least 200 parking spaces with room for additional spaces if needed.

Commissioner Laratta stated that the lighting may have not been set up for large pedestrian crowds at night and that it was a safety issue.

Mr. Milborn stated that the pick-up and drop-off will be located in the front of the building where there is lighting.

Chairperson Mallers questioned if there is any possibility for expansion.

Mr. Dowjotas stated that they took off as a club and that for the first time NuWave will have a home.

Commissioner Cortez questioned what partnering has been done with the other locations.

Mr. Dowjotas stated that they have partnered with the middle and high schools providing clinics.

Commissioner Laratta questioned how many will be in the building at one time.

Mr. Milborn stated that there will be approximately 30-50 kids from age 10-14 years that will be dropped off and picked up. He further stated that some of the 15-18 year olds will drive but mostly dropped off and picked up.

Commissioner Laratta questioned what type of strength training is offered.

Mr. Adam Kamuda - MFC Sports Performance stated that strength training will be similar to a fitness club but that they do not offer a typical gym like membership.

Commissioner Cortez questioned the beach volleyball.

Mr. Brian McDermid - Progression Volleyball Consulting stated that they are creating courts exclusively for doubles. He stated that presently there are only four in the Chicagoland area. Mr. McDermid stated that they are not looking for big leagues only four on a court so the numbers will be minimal. He further stated that most groups will be a maximum of 8 and that they are going to provide two of the nicest sand courts in the country.

Commissioner Desmond stated that his daughter played for NuWave and Steve Dowjotas coached her and that he is familiar with the Club. He questioned the length of the lease.

Mr. Milborn stated that they have not finalized the lease but it is seven years.

Commissioner Stompanato asked about a typical busiest day.

Mr. Dowjotas stated that there will be 16 teams at the same time with 150 players and spectators. He stated that this sport does not attract many spectators, and usually only parents.

Mr. Manning reported that this type of facility will be treated like other health clubs in Darien and that they will pay an amusement tax. He further reported that they will also have concessions and a pro shop and therefore will be some sales tax. He reported that staff received a letter from the Forest Preserve stating that they had no issues.

Chairperson Mallers stated that this is a useful use in a big space.

At 7:31 p.m. Chairperson Mallers opened the meeting to anyone wishing to present public comment.

Mrs. Gia Gaetto and Mr. Jonathan Tan stated that their children are players with NuWave and that they support them. They both stated that the coaching is exceptional and that they are great with the kids and that this facility will be a great addition to Darien.

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

Commissioner Laratta expressed his concern for lighting and stated that the lighting has typical warehouse lighting.

Commissioner Erickson noted the special use criteria.

Commissioner Desmond stated that this will be a significant value to Darien and that it will bring people to our restaurants, stores, etc.

Commissioner Desmond made a motion and it was seconded by Commissioner Erickson approval of a special use zoning permit to operate an indoor volleyball recreation business and that the petition satisfies the Special Use Standards 1-8 of the Zoning Code Section 5A-2-2-6(G) subject to the Municipal Services Committee reviewing the plan for adequate lighting.

Upon roll call vote, THE MOTION CARRIED 6-0.

Mr. Manning reported that this would forward to the Municipal Services Committee on October 22, 2018 and to the City Council on November 5, 2018.

CORRESPONDENCE

None

OLD BUSINESS

Mr. Steve Manning, City Planner reported that the Salverredy family petition for a variation for an attached garage withdrew their petition. He further reported that the Municipal Services Committee and the City Council gave their go ahead for the PZC to have a hearing on amending the code regarding variance criteria and that the City Attorney was very encouraging.

Chairperson Mallers reported that he provided an overview to the Municipal Services Committee and encouraged them to consider more Aldermen participation attendance at PZC meetings.

There was some discussion regarding having Aldermen at the meetings.

Chairperson Mallers stated that his intention was to enhance the relationship between the PZC and the MSC.

Mr. Manning reported that the MSC had a few comments regarding variation criteria language being general or specific, how it compared to other communities, and whether it was weighted or biased. They also were encouraging about upgrading other criteria in the City Code.

NEW BUSINESS

None

APPROVAL OF MINUTES

Commissioner Erickson made a motion and it was seconded by Commissioner Laratta to approve the August 1, 2018 Regular Meeting Minutes.

Upon roll call vote, THE MOTION CARRIED 6-0.

NEXT MEETING

Chairperson Mallers announced that the next meeting is scheduled for Wednesday, October 17, 2018 at 7:00 p.m.

PUBLIC COMMENTS (On any topic related to planning and zoning)

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

ADJOURNMENT

With no further business before the Commission, Commissioner Cortez made a motion and it was seconded by Commissioner Stompanato. Upon voice vote, THE MOTION CARRIED unanimously and the meeting adjourned at 8:12 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

Elizabeth Lahey
Secretary

Lou Mallers
President