

CITY OF DARIEN
PLANNING, ZONING, AND ECONOMIC DEVELOPMENT COMMISSION

Wednesday, June 18, 2025

7:00 PM

Council Chambers

1702 Plainfield Road

AGENDA

1) Call to Order

2) Roll Call

3) Regular Meeting – New Business

a. PZC2025-13

7800 Cass Avenue – Darien Study Center Inc.

Petition from Darien Study Center Inc. for a variation from Section 5A-9-2-8-B-1(a) of the City Code to permit a concrete patio within the side yard, five feet from the side property line, within the Office (O) District located at 7800 Cass Avenue, Darien IL 60561 (PIN 09-28-410-019).

b. PZC2025-04

Text amendments to Title 5A (Zoning Regulations) to update commercial vehicle parking restrictions and overweight vehicle parking restrictions on private property, including overnight parking. (City Initiated)

4) Regular Meeting – Old Business

5) Staff Updates & Correspondence

6) Approval of Minutes May 21, 2025

7) Next Meeting July 2, 2025

8) Public Comments [On Any Topic Related to Planning and Zoning]

9) Adjournment

AGENDA MEMO
PLANNING, ZONING AND ECONOMIC DEVELOPMENT COMMISSION
JUNE 18, 2025

CASE

PZC2025-13

Variation

Darien Study Center Inc. – 7800 Cass Avenue

ISSUE STATEMENT

A petition from Darien Study Center Inc. for a variation from Section 5A-9-2-8-B-1(a) of the City Code to permit a concrete patio within the side yard, five feet from the side property line, within the Office (O) District located at 7800 Cass Avenue, Darien IL 60561 (PIN 09-28-410-019)

GENERAL INFORMATION

| | |
|---------------------------|----------------------------------------------|
| Petitioner: | Darien Study Center Inc. |
| Property Owner: | Darien Study Center Inc. |
| Property Location: | 7800 Cass Avenue |
| PIN Number: | 09-28-410-019 |
| Existing Zoning: | Office (O) |
| Existing Land Use: | Religious Institution |
| Comprehensive Plan: | Commercial |
| Surrounding Zoning & Uses | |
| North: | Multi-Family Residential (R-3); Multi-family |
| South: | Neighborhood Convenience Shopping (B-1); |
| | Office |
| East: | Single-Family Residential (R-2); Single- |
| | Family |
| West: | Multi-Family Residential (R-3); Multi-family |
| Size of Property: | 1.01 Acres |
| Floodplain: | N/A |
| Natural Features: | N/A |
| Transportation: | Accessed from two full access driveways on |
| | Cass Avenue and Regency Grove Dr. |

ATTACHMENTS

- 1) O-24-08 (CURRENT ORDINANCE)**
- 2) PLAT OF SURVEY AND SITE PLAN**
- 3) LANDSCAPING PLAN**
- 4) JUSTIFICATION LETTER**

BACKGROUND / PROPOSAL

Background: In 2008, the City Council adopted Ordinance O-24-08 (see Attachment 1), approving a Special Use and variations from the Zoning Ordinance to allow the construction and establishment of a 23,860, 2-story building for a religious institution at 7800 Cass Avenue, formerly known as the Euclid Foundation. Now known as the Darien Study Center, the building, operated by Darien Study Center Inc. in collaboration with the Roman Catholic Prelature of Opus Dei, is used for various activities including education courses, classes and conferences, religious assembly, and as a residence/dormitory for clergy and other fraternal/academic persons.

According to the petitioner, there are currently 12 residents (three priests and nine laymen). Six of them are aged 74 to 91, and some of them have health and mobility issues.

Proposal: As depicted in the plat of survey (see Attachment 2) and landscape plan (see Attachment 3) the petitioner proposes to demo a small concrete landing outside of a door on the north side of the building and construct an enhanced concrete patio for use by residents, which would extend to within five feet of the property line to the north, within the required side yard setback. Trees are protected and additional garden enhancements including trellises are proposed, which are not regulated under the City's Zoning Code.

ANALYSIS

Zoning Code Regulations: Section 5A-9-2-8-B-1(a) of the Darien Zoning Code requires that side yards abutting a residential district be a minimum of 25 feet in depth. While there are exceptions for unenclosed patios and porches in other yards such as rear yards, no such exception is present for side yards.

Variation: In order to allow the construction of the patio, a variation from Section 5A-9-2-8-B-1(a) would have to be obtained by the petitioner that would allow the paving to encroach within the required setback, up to five feet from the property line.

Staff Review: City staff have reviewed the existing ordinance, the as-built and grading plans for the facility, and documents submitted by the petitioner, and found that the facility complies with the ordinance and all other applicable Zoning Regulations. Staff engaged the City's Engineering consultant via email on May 28, 2025, who did not object to the plan provided existing drainage patterns can be maintained. The Building Division will require an additional inspection to verify drainage has been preserved, if the variation is approved.

Justification Letter: The petitioner submitted a Justification Letter (see Attachment 4) with a detailed description narrative of the project and requested relief, supporting the variation request. For reference, the criteria the Planning and Zoning Commission and City Council votes on for City Variation requests are included below.

Variation Criteria:

The City may grant variations based on the finding-of-fact that supports the following criteria outlined below by the City to be the most relevant to the subject property situation.

- 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.*
- d) Essential Need: The owner would suffer substantial difficulty or hardship and not mere inconvenience or a decrease in financial gain if the variation is not granted.*
- e) Problem with Property: There is a feature of the property such as slope or shape or change made to the property, which does not exist on neighboring properties, which makes it unreasonable for the owner to make the proposed improvement in compliance with this title. Such feature or change was not made by the current owner and was not known to the current buyer at the time of purchase.*
- f) Smallest Solution: There is no suitable or reasonable way to redesign the proposed improvements without incurring substantial difficulty or hardship or reduce the amount of variation required to make such improvements.*

- g) Create Neighbor Problem: The variation, if granted, will not cause a substantial difficulty, undue hardship, unreasonable burden, or loss of value to the neighboring properties.*
 - h) Create Community Problem: The variation, if granted, may result in the same or similar requests from other property owners within the community, but will not cause an unreasonable burden or undesirable result within the community.*
 - i) Net Benefit: The positive impacts to the community outweigh the negative impacts.*
 - j) Sacrifice Basic Protections: The variation, if granted, will comply with the purposes and intent of this title set forth in subsection 5A-1-2(A) of this title and summarized as follows: to lessen congestion, to avoid overcrowding, to prevent blight, to facilitate public services, to conserve land values, to protect from incompatible uses, to avoid nuisances, to enhance aesthetic values, to ensure an adequate supply of light and air, and to protect public health, safety, and welfare.*
-

DECISION MODE

The Planning and Zoning Commission will consider this item at its meeting on June 18, 2025.

MEETING SCHEDULE

| | |
|--------------------------------|---------------|
| Planning and Zoning Commission | June 18, 2025 |
| Municipal Services Committee | June 23, 2025 |
| City Council | July 7, 2025 |

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

ORDINANCE NO. O-24-08

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

(PZC 2006-09: 7800 Cass Avenue, Euclid Foundation)

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

THIS 2nd DAY OF June, 2008

**Published in pamphlet form by authority
of the Mayor and City Council of the City
of Darien, DuPage County, Illinois, this 3rd
day of June, 2008.**

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

(PZC 2006-09: 7800 Cass Avenue, Euclid Foundation)

WHEREAS, the City of Darien is a home rule unit of local government pursuant to the provisions of Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, as a home rule unit of local government, the City may exercise any power and perform any function pertaining to its government except as limited by Article VII, Section 6; and

WHEREAS, the property legally described in Section 1 (the "Subject Property"), is zoned O Office District pursuant to the Darien Zoning Ordinance; and

WHEREAS, the petitioner has requested approval of a special use in order to establish a religious institution within the O Office zoning district; and

WHEREAS, the petitioner has requested variations in order to construct a 23,000 square foot, 2-story facility for said religious institution; and

WHEREAS, pursuant to proper legal notice, a public hearing on said petitions were held before the Planning and Zoning Commission on July 5, 2006, and on May 16, 2007; and

WHEREAS, the Planning and Zoning Commission at its regular meeting of May 16, 2007, has forwarded its findings and recommendation of approval of said petitions to the City Council; and

WHEREAS, on May 20, 2008, the Planning and Development Committee of the City Council reviewed the petition and has forwarded its recommendation of approval of said petitions to the City Council; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:

SECTION 1: Subject Property. This Ordinance is limited and restricted to the property generally located at 7800 Cass Avenue, Darien, Illinois, and legally described as follows:

LOT 1 IN DALLNER'S ASSESSMENT PLAT NO.1 OF THE SOUTHEAST ¼ OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 29, 1958 AS DOCUMENT NO. 881621, IN DUPAGE COUNTY, ILLINOIS.

PIN: 09-28-410-019

SECTION 2: Special Use Granted. A special use is hereby granted to allow a religious institution under Section 5A-9-2-4: Special Uses, O Office District, of the Darien Zoning Ordinance.

SECTION 3: Variations from Zoning Ordinance Granted. The following variations from the Zoning Ordinance are hereby granted:

- A. Section 5A-9-2-8(A)1.(a): Yard Requirements, O Office District, to reduce the required front yard parking setback from 30 feet to 18.8 feet.
- B. Section 5A-9-2-8(A)1.(a): Yard Requirements, O Office District, to reduce the required corner side yard parking setback from 30 feet to 7.2 feet.
- C. Section 5A-11-3(B)1.(b): Driveway Requirements, Minimum Width, to increase the driveway width from 30 to 40 feet on Wildwood Lane.
- D. Section 5A-10-7(A): Foundation and Refuse Disposal Area Landscaping, to reduce the building foundation landscape strip from 10 to 6 feet wide along the south side of the building.
- E. Section 5A-5-8-2(C)2: Fences, Office-Industrial Districts, to permit a solid fence/wall within the front and corner side yards where 50% of the fence/wall is required to be open.
- F. Section 5A-11-5: Off-Street Parking and Loading Table; Parking and Loading Classes, to reduce the required number of parking stalls from 46 to 43.

SECTION 4: Site Plan Approval. The Subject Property shall be developed in substantial compliance with the following plans:

- A. Site Plan/Landscape Plan, 1 sheet, prepared by Harrison & Associates Architects, latest revision dated April 21, 2008.
- B. Photometric Plan, 1 sheet, prepared by Harrison & Associates Architects, latest revision dated March 24, 2008.
- C. Building Elevations, 2 sheets, prepared by Harrison & Associates Architects, latest revision dated July 26, 2007.
- D. Engineering Plans, 8 sheets, prepared by Hoefflerle-Butler Engineering, Inc., latest revision dated March 19, 2008.

SECTION 5: Conditions of Approval: The special use and variations herein granted are subject to the following conditions:

- A. Compliance with comments in the City Engineer's letter, dated April 7, 2008, prepared by Dan Lynch, PE, Christopher B. Burke Engineering, Ltd.
- B. Permit from DuPage County for a curb cut/driveway onto Cass Avenue and for all other work within the Cass Avenue right-of-way (DuPage County right-of-way.)

SECTION 6: Home Rule. This ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the City of Darien that to the extent of the terms of this ordinance should be inconsistent with any non-preemptive state law, that this ordinance shall supercede state law in that regard within its jurisdiction.

ORDINANCE NO. O-24-08

SECTION 7: Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE

COUNTY, ILLINOIS, this 2nd day of June, 2008.

AYES: 7 - Avci, Durkin, Galan, Gattuso, Marchese, McIvor, Poteraske

NAYS: 0 - NONE

ABSENT: 0 - NONE

APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY,

ILLINOIS, this 2nd day of June, 2008.

ATTEST:

Kathleen Moesle Weaver
KATHLEEN MOESLE WEAVER, MAYOR

Joanne F. Coleman
JOANNE F. COLEMAN, CITY CLERK

APPROVED AS TO FORM:

[Signature]
CITY ATTORNEY


STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

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

I do further certify that the foregoing constitutes a full, true and correct copy of

ORDINANCE NO. O-24-08 – “*AN ORDINANCE APPROVING A SPECIAL USE AND VARIATIONS TO THE DARIEN ZONING ORDINANCE (PZC 2006-09: 7800 CASS AVENUE, EUCLID FOUNDATION*” OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, duly passed and approved by the Mayor and City Council members of the city at a meeting held on June 2, 2008.

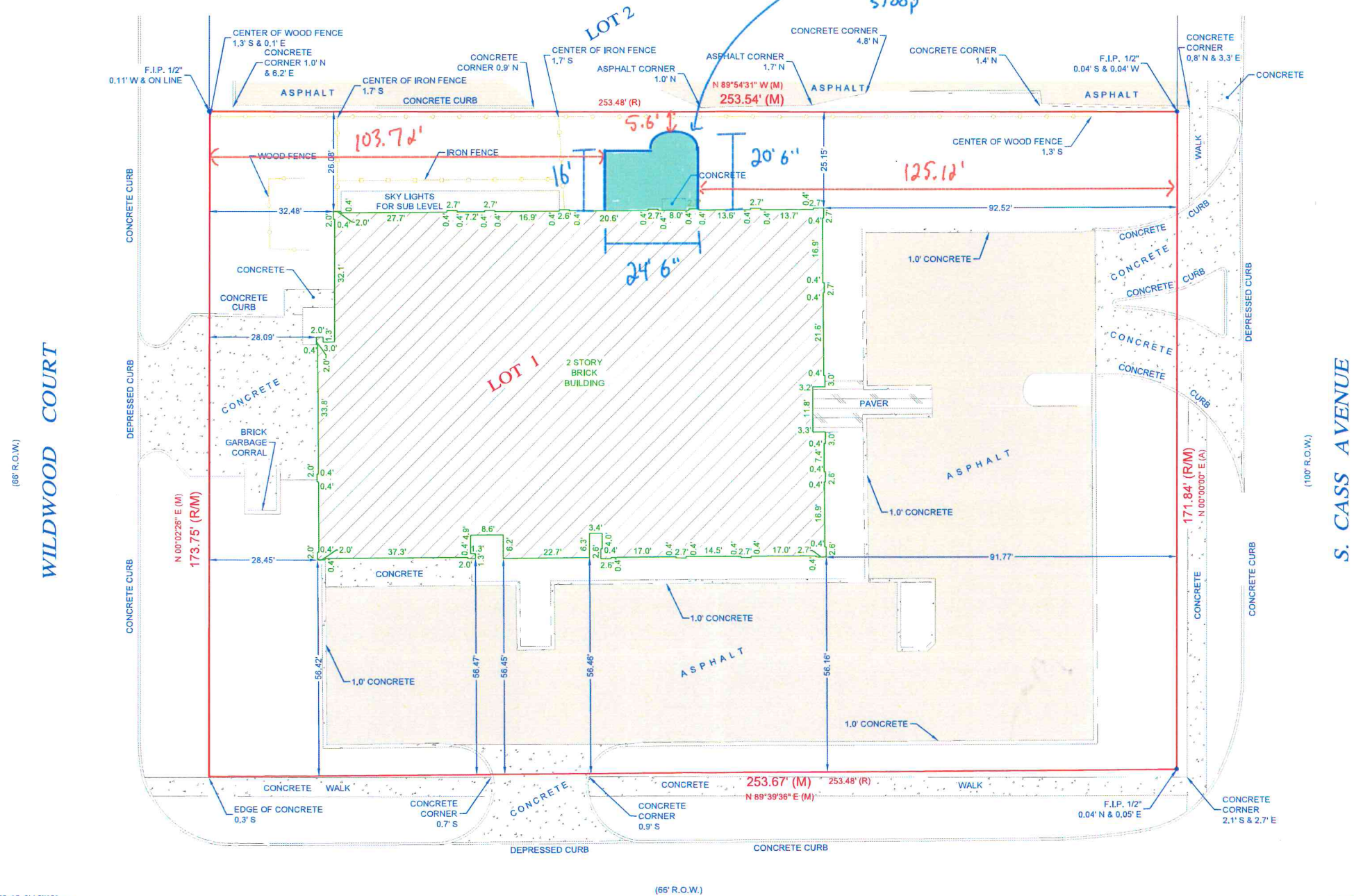
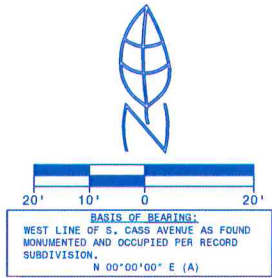
IN WITNESS WHEREOF, I have hereunto affixed my official hand and seal
this 2nd day of June, 2008.


City Clerk



LOT 1 IN DALLNER'S ASSESSMENT PLAT NO. 1 OF PART OF THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 29, 1958 AS DOCUMENT NO. 881621, IN DUPAGE COUNTY, ILLINOIS.

AREA OF SURVEY:
"CONTAINING 43,822 SQ. FT. OR 1.01 ACRES MORE OR LESS"

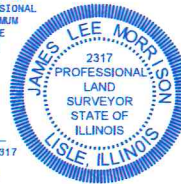


Morris Engineering, Inc.
515 Warrenville Road, Lisle, IL 60532
Phone: (630) 271-0770
FAX: (630) 271-0774
WEBSITE: WWW.ECIVIL.COM

STATE OF ILLINOIS }
COUNTY OF DUPAGE }SS
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 9TH DAY OF MAY, A.D.,
2025, AT Lisle, Illinois.

J. L. Morrison
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-2317
LICENSE EXPIRATION DATE NOVEMBER 30, 2026
ILLINOIS BUSINESS REGISTRATION NO. 184-001245



REGENCY GROVE DRIVE

RECEIVED

MAY 14 2025

Community Development
City of Darien

NOTE:

1. ALL TIES SHOWN ON THIS SURVEY ARE MEASURED TO THE BUILDING'S SIDING (BRICK, FRAME, STUCCO, METAL, ETC.) AND NOT TO THE FOUNDATION, UNLESS NOTED OTHERWISE.
2. ROOF LINES AND OVERHANGS ARE TYPICALLY NOT SHOWN HEREON.
3. COMPARE ALL DISTANCES AND POINTS IN FIELD AND REPORT ANY DISCREPANCIES TO SURVEYOR AT ONCE.
4. NO DIMENSIONS SHALL BE ASSUMED BY SCALING.

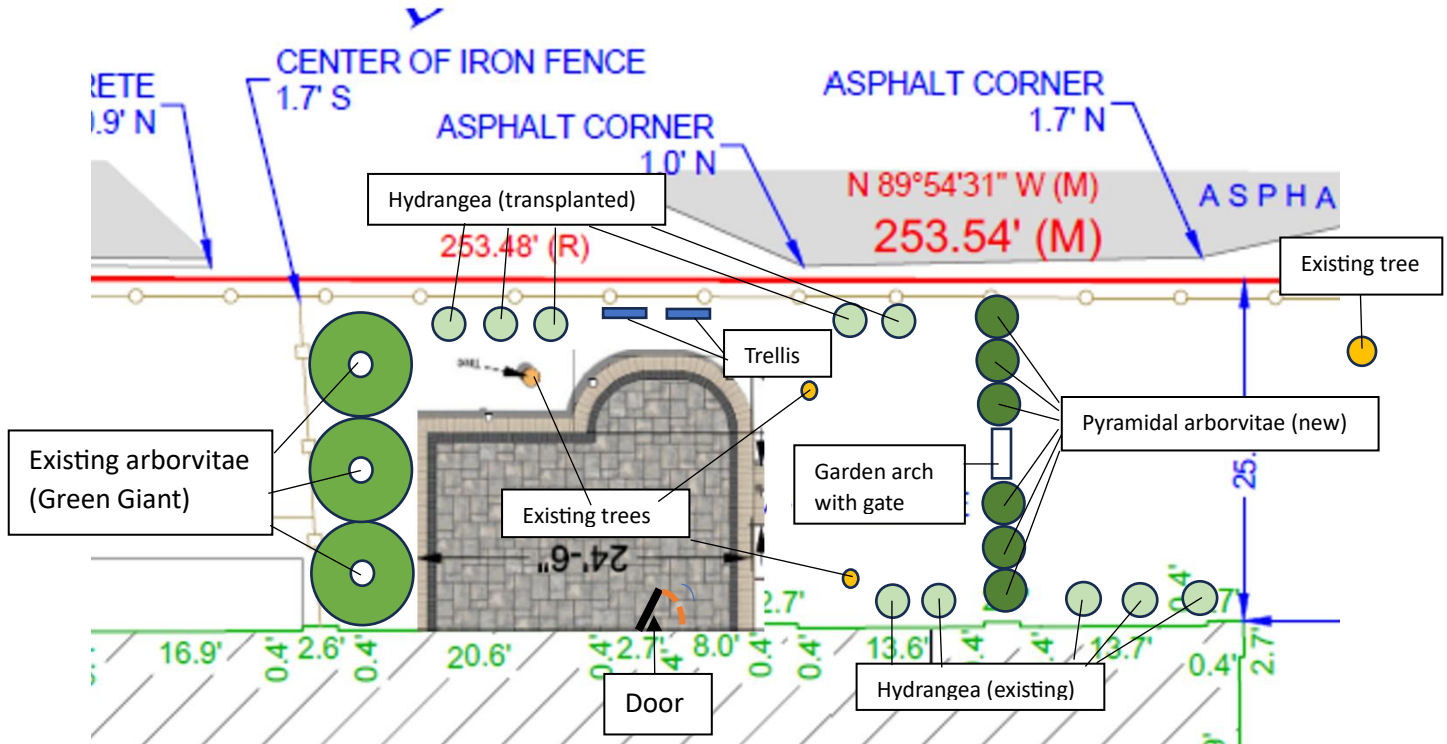
ADDRESS COMMONLY KNOWN AS 7800 S. CASS AVENUE
DARIEN, ILLINOIS

CLIENT FREDERICK A. SMITH MD

FIELDWORK DATE (CREW) 5/07/2025 (LS/SS)

DRAWN BY: AA REVISED: JOB NO. 25-04-0416

Landscaping Plan - 7800 Cass Avenue proposed patio

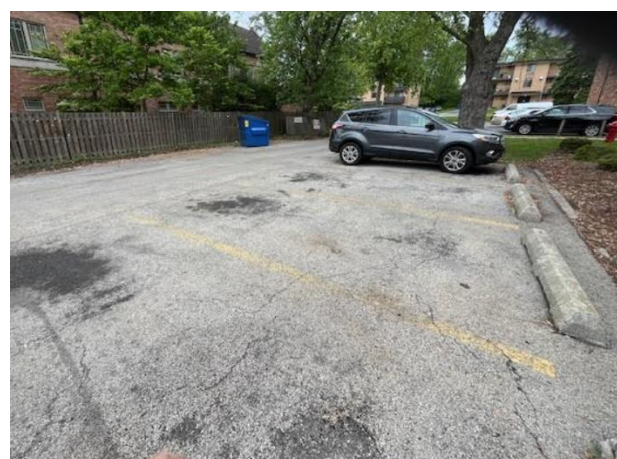


Landscaping plans:

- Preserve existing 15' arborvitae hedge at west end of patio
- Preserve existing trees in side yard
- Transplant hydrangea from side of building to fence line
- Plant 8' pyramidal arborvitae privacy hedge between patio and street, with 8' garden arch
- Install 8' trellises with climbing vines (clematis, trumpet vine, roses? Advice welcomed)
- Grade ground per advice of engineer w/o endangering trees



Side yard of 7800 Cass Ave



Neighboring yard

**Darien Study Center, Inc.
7800 Cass Ave.
Darien, IL 60561**

May 28, 2025

City of Darien
Planning, Zoning and Economic Development Commission
1702 Plainfield Road
Darien, IL 60561

To Whom It May Concern:

Darien Study Center, Inc., an Illinois not-for-profit corporation, hereby requests approval for a zoning variance for the property which it owns at 7800 Cass Ave. in Darien, in order to construct an outdoor patio for the care of elderly and infirm residents. (The deed for this property is in the name of Euclid Foundation, Inc. As evidenced by the enclosed articles of amendment filed with the Illinois Secretary of State, the Euclid Foundation, Inc. changed its name to Darien Study Center, Inc., in 2016.)

Darien Study Center, in collaboration with the Roman Catholic Prelature of Opus Dei, fosters the search for holiness in the middle of the world, by means of ordinary work and all the other circumstances of daily life. See www.opusdei.org. It provides courses, conferences and classes in Roman Catholic doctrine, philosophy and theology; spiritual, human and ethical formation; personal spiritual guidance; youth camps, and clubs, sports and cultural activities; care for elderly and incapacitated persons. To carry out these activities, it owns and operates the building at 7800 Cass Ave. in Darien, which includes a Catholic chapel used daily for holy Mass and other practices of Catholic piety and worship.

Opus Dei can be best understood as a family within the Catholic Church. We strive to give the Center the atmosphere of a welcoming family home. As in any family, its members grow old and infirm. As much as possible, we try to give them loving and competent care in the family rather than consigning them to an institution. The Darien Center is well-equipped to offer care and support to ensure their well-being, having an elevator and handicapped rooms, as well as a professional caregiver and a doctor (such as I am) on the resident staff. Currently there are 12 residents (3 priests and 9 laymen), 6 of them aged 74 to 91. Of these, one is wheelchair-bound, one requires a walker, and one has balance problems.

One thing lacking to the Center is pleasant outdoor space such as is typically available to a suburban family home. Most of the land not occupied by the building is a paved parking lot. The only green space directly accessible from the residence is the side yard to the north, measuring 25 x ~50 feet, bounded by our building on the south and a by a 6' fence along the north property line. Access to this is from a door in the living room, via a 2'x 6' concrete stoop with a step down. The yard is thus not easily accessible to the handicapped. Further, the yard is not very hospitable, as grass grows poorly despite our best efforts, due

to shade from trees we have planted therein. The ground is uneven and is frequently soft and muddy.

The health benefits, mental and physical, of being outdoors are numerous and well-documented in the medical literature. As little as 5 minutes outdoors relieves physiological and mental stress. A Google AI search, for example, of “health benefits of being outdoors” yields:

Spending time outdoors offers numerous benefits for both physical and mental health, including reduced stress, improved mood, better sleep, and a boost to the immune system. It can also help manage symptoms of mental health conditions like depression and anxiety. [Much documentation follows on Google.]

I therefore wish to encourage the handicapped persons under my care to spend time outdoors, which is simply not practicable unless we have easily accessible, pleasant outdoor space. This is our main motive in applying for a permit for a ground floor-level patio. Being outdoors is also good preventive medicine for the residents here who are not (yet) feeble, for the maintenance of physical, mental and emotional well-being—making Darien a nicer place for us to live.

Immediately north of our property line, there is a 40’ wide asphalt parking lot used by the residents of 2 apartment houses that adjoin our property. The point at which our proposed patio most closely approaches the property line is precisely where they park a dumpster. So it is not as though our neighbors gather to socialize near the patio, unless to talk trash. Seriously, we have absolutely no complaints against the neighbors, but does the Zoning Commission consider an asphalt parking lot more neighborly than a patio?

We request that you give favorable consideration to this application. In my view, a variance in this instance better meets the intent of the zoning ordinances – to make Darien a nice place to live – than does strict adherence to the code.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Frederick A. Smith". The signature is fluid and cursive, with a large initial 'F' and 'S'.

Frederick A Smith MD
Vice President, Darien Study Center Inc.
Mobile: 773.251.4013
Email: fasmith3850@gmail.com

AGENDA MEMO
PLANNING, ZONING AND ECONOMIC DEVELOPMENT COMMISSION
JUNE 18, 2025

ISSUE STATEMENT

Text amendments to Title 5A (Zoning Regulations) to update commercial vehicle parking restrictions and overweight vehicle parking restrictions on private property, including overnight parking (applies to all zoning districts within the City).

ATTACHMENTS

- 1) PROPOSED ORDINANCE REVISIONS (PARKING RESTRICTIONS)**
- 2) COMMON WORK VEHICLE WEIGHT TABLE (UNLOADED)**

BACKGROUND

In recent years, the Police Department and the Community Development Department have experienced difficulties in properly enforcing the City's adopted commercial vehicle parking regulations restricting the parking or storage of commercial vehicles on private property throughout the City, specifically relating to conflicting provisions in other sections of the Code or vague definitions of commercial vehicles.

The City adopted general restrictions on vehicles and the parking of vehicles in 1972. Additional parking restrictions were adopted in the 1990s and early 2000s. Currently, Title 5A (Zoning Regulations) restricts vehicles and the parking of vehicles based on the weight, vehicle type, whether it is "for hire", and whether or not it is being used to further a commercial enterprise. This has led to habitual offenders claiming certain vehicles are for personal use, or are hobby cars. In addition, the regulations fail to account for the mainstream adoption by the public of larger pickups, utility vans, and EV trucks. In many cases, the ordinance is not specific enough to enforce. The City also relies on Title 9 (Traffic Regulations) for parking enforcement, however those regulations are inconsistent with the Zoning Code and the Police Department does not typically enforce parking violations on private property.

Examples of commercial and overweight vehicles parked in residential properties in Darien include but are not limited to the following:

- Decommissioned military vehicles (Humvees, supply trucks, etc.)
- School buses
- Tow trucks and dump trucks
- Delivery vans
- Multiple work trucks or vehicles
- Construction machinery
- Food trucks

ANALYSIS

A) Current Regulations

Existing Zoning Regulations: The current parking restrictions in the Zoning Code are contained in Section 5A-11-2-1 (G), which states:

Overnight Parking Restrictions: There shall be no overnight parking of semitruck, semitrailer, or any truck weighing over eight thousand (8,000) pounds on private property, or on public right of way, with the exception of truck parking areas permitted by the zoning district and construction trailers permitted by the zoning enforcement officer.

This regulation, while specific with regard to vehicle weight, does not restrict the parking of commercial vehicles.

Other Parking Restrictions: Other regulations the City uses to enforce parking restrictions include Sections 9-3-1 (D) and (E), which are in Title 9 (Traffic Regulations) of the City Code. These sections state the following:

(D) **Vehicles More Than Twelve Thousand Pounds:** It shall be unlawful to park or store or allow to stand any commercial vehicle with more than a registered weight of twelve thousand (12,000) pounds, on any residential property within the city.

(E) **Vehicles Less Than Twelve Thousand Pounds:** It shall be unlawful to park or store or allow to stand more than one commercial vehicle with less than a registered weight of twelve thousand (12,000) pounds on any residential parcel or property within the City.

These regulations are unique in that usually other jurisdictions' traffic regulations concern activities in public rights-of-ways and leave parking on private property as a zoning matter. Additionally, this section is different than existing zoning restrictions in two key ways – one, it establishes a maximum number of commercial vehicles that can be parked on a residential property (a maximum of one), and two, it allows for a high weight limit than the Zoning Code permits.

Definition of Commercial Vehicle: Any vehicle operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, for-hire or not-for-hire, but not including a commuter van, a vehicle used in a ridesharing arrangement when being used for that purpose, or a recreational vehicle not being used commercially. (Section 1-3-2 of the City Code)

Penalties: Penalties for Zoning Ordinance violations are contained in Section 5A-2-5. The minimum penalty for a violation is \$100.00 and the maximum penalty for a violation is \$500.00. A separate offense shall be deemed committed on each day that such violation occurs or continues. While the City's general penalty caps out higher at \$750.00, no changes to the penalties are currently proposed by staff.

B) Proposed Ordinance Revisions

Staff researched commercial vehicle regulations in neighboring jurisdictions and spoke with Code Enforcement professionals to research appropriate changes. While the Village of Burr Ridge contained more restrictive parking regulations (no outdoor storage or parking of any commercial/overweight vehicles are allowed), provisions were contained in their code that provided very clear criteria/identifiers for what a commercial vehicle is. Those criteria have been included in a set of comprehensive ordinance revisions, as well as other clarifying changes. See Attachment 1 for the proposed ordinance revisions in full. For reference, staff compiled the estimated weights of common work trucks, vans, and step-vans into a table (see Attachment 2).

Summary of Key Changes: The following key changes are contained within the proposed ordinance revisions:

- Inserts new table establishing vehicle classes.
- Continues to limit vehicle weight to 8,000 pounds and ties the limit to the vehicle class chart.
- Updates definition for a commercial vehicle for the purposes of Section 5A-11-2 (Off-Street Parking) to include descriptors such as signage, mounted equipment, registered weight, and physical descriptions.
- Provides for a maximum of one (1) commercial vehicle to be stored or parked outdoors.
- Allows for and clarifies that a total of two (2) commercial vehicles may be parked or stored on a residential property, including those stored within an enclosed building such as a garage.
- Uses language that is consistent with other provisions of the Code such as Title 9.

STAFF RECOMMENDATION

Staff recommend that the Planning, Zoning and Economic Development Commission recommend approval of the proposed text amendments to Municipal Services Committee and City Council, with any modifications or additions as directed.

DECISION MODE

The Planning, Zoning and Economic Development Commission will consider this item at its meeting on June 18, 2025.

MEETING SCHEDULE

| | |
|------------------------------------------------------|---------------|
| Planning, Zoning and Economic Development Commission | June 18, 2025 |
| Municipal Services Committee | June 23, 2025 |
| City Council | July 7, 2025 |

ATTACHMENT 1
ORDINANCE REVISIONS (COMMERCIAL VEHICLE PARKING)

5A-11-2: OFF-STREET PARKING:

5A-11-2-1: GENERAL REQUIREMENTS:

(A) Location:

1. All Uses: All off-street parking spaces required to serve a building, structure, or use erected or established after the effective date hereof or any amendment hereto, or subsequently altered or enlarged, shall be located on the same lot as the building, structure, or use served, or, except for single-family and two-family residences, within three hundred feet (300') walking distance of such building, structure, or parcel of land if said spaces are located in the same zoning district.

2. Nonconforming Parking Lots: Owners of property nonconforming as to off-street parking, except for single-family and two-family residences, who elect to provide off-street parking and become conforming, may locate such parking on land other than the lot on which the building, structure, or use is located; provided, that such parking shall be located within three hundred feet (300') walking distance of said building, structure, or parcel of land. Provided, however, that the owners of such property may only provide off-street parking for a nonresidential use within a residential area after having received approval to do so by the City Council.

(B) Joint Parking Facilities:

1. Off-street parking facilities for separate uses may be provided collectively, if the total number of spaces so provided is not less than the sum of the separate requirements governing location of accessory off-street parking spaces in relation to the use served, and is located not more than three hundred feet (300') walking distance from all of the buildings, structures, and uses which such parking is intended to serve.

2. Further, no off-street parking space or portion thereof shall serve as a required space for more than one use unless a variance is granted pursuant to the provisions of Section [5A-2-2-3](#) of this Title.

3. In the case of joint parking facilities, parking may occur in the required yard without regard to side lot line or rear lot line at the point of combination of the parcels.

(C) Control Of Off-Site Or Joint Parking Facilities:

1. Off-Site Facilities: In cases where the required off-street parking facilities are permitted on land other than the lot on which the building, structure, or use served is located, such facilities shall be in the same possession, whether by deed or long-term lease, as the lot occupied by the building, structure, or use to which the parking facilities are accessory. A copy of the deed or lease shall be filed with the City Clerk.

In addition, appropriate covenants shall be filed for record in the office of the county recorder as follows:

(a) For the lot on which the required parking is located, covenants shall be filed by the owner of said lot, providing that such lot shall provide and be maintained for the required number of off street parking spaces during the existence of the building, structure, or use for which such parking is intended.

(b) For the lot on which the building, structure, or use is located, covenants shall be filed by the owner of said lot, providing that the building or structure, shall be used or the use maintained only for as long as the required number of off street parking spaces are provided, in accordance with this title or any amendment hereto. Such covenants shall be reviewed by the city attorney as to content and form.

2. Joint Facilities: In cases where the required off street parking facilities are collectively provided and used, written covenants and easements assuring their retention, maintenance, and use for such purposes shall be executed by the parties concerned. Such covenants and easements shall be filed with the city clerk, reviewed as to content and form by the city attorney, and filed for record in the office of the county recorder.

(D) Access: Except on lots accommodating single-family dwellings, each off street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space as provided in subsection (F) of this section. All off street parking facilities shall be designed with appropriate means of vehicular access to a street in a manner which will least interfere with traffic movement and as may be provided in the applicable zoning district regulations or other ordinances of the city. All driveways shall conform to all applicable driveway specifications adopted by the city.

(E) Computation: When the determination of the number of off street parking spaces required by this title results in a requirement of a fractional space, any fraction of less than one-half ($\frac{1}{2}$) may be disregarded, while a fraction of one-half ($\frac{1}{2}$) or more shall be counted as one parking space. Off street parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.

(F) Design And Maintenance:

1. Plan: The design and construction of parking lots or areas shall be subject to the standards specified by this title, and to other such standards in this title, or other ordinances of the city, as may be adopted by the city council from time to time.

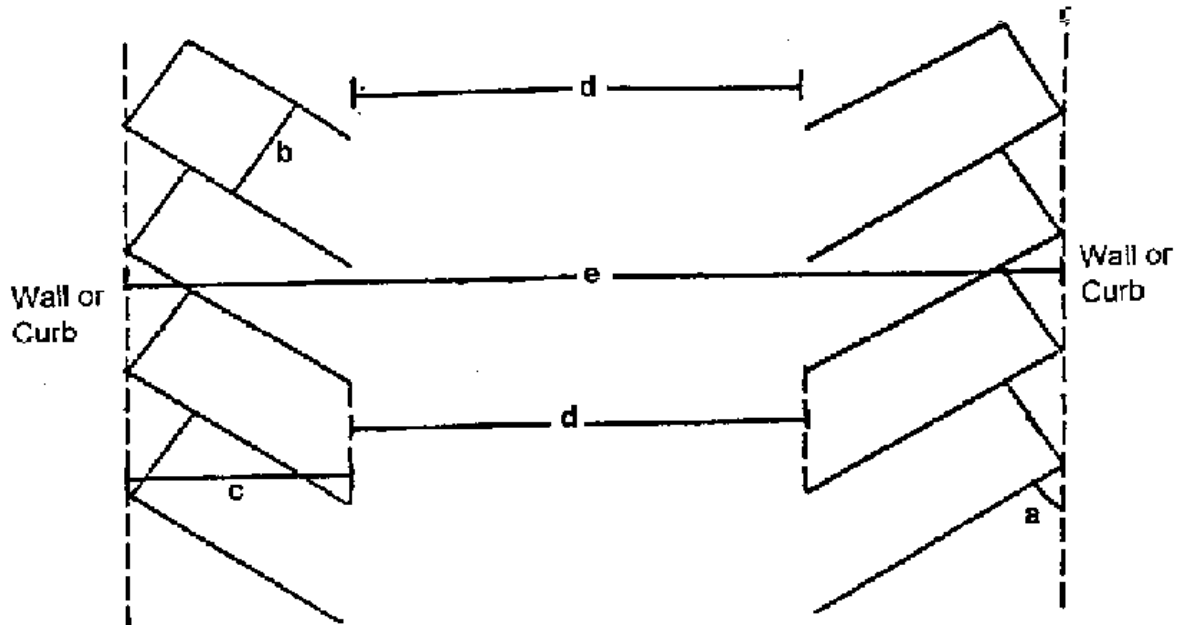
2. Character: Accessory off street parking spaces may be open to the sky or enclosed in a building, provided, that enclosed parking spaces shall have a vertical clearance of at least seven feet (7').

3. Parking Space, Stall, And Aisle Dimensions And Arrangements: The stall and aisle dimensions and arrangements of all parking areas shall meet the following criteria:

(a) The minimum stall width shall be nine feet (9').

(b) The minimum stall length shall be eighteen feet (18'), except for parallel parking which shall be twenty four feet (24') in length.

(c) The minimum aisle width shall be dependent on the parking angle of the parking stall and on whether aisle traffic is one- way or two-way. All two-way aisles shall be twenty four feet (24') in width. Parking shall be designed in compliance with the following table:



| Legend | | | | |
|--------|---------------------------------------------|--|--|--|
| a | Parking angle | | | |
| b | Stall width | | | |
| c | Depth to wall or curb | | | |
| d | Aisle width | | | |
| e | Module width (wall to wall or curb to curb) | | | |

| a | b | c | d | e |
|---------------|-------------|---------------------|-------------|---------------------|
| Parking Angle | Stall Width | Space Depth To Wall | Aisle Width | Module Wall To Wall |
| 45 degrees | 9' | 17'4" | 13' | 47'8" |
| 60 degrees | 9' | 19' | 17' | 55' |
| 90 degrees | 9' | 18' | 24' | 60' |

4. Surfacing And Striping: All open off street parking facilities and maneuvering areas, including parking spaces accessory to a single-family dwelling, shall be

constructed with asphalt, concrete or other approved hard surface paver material in compliance with the engineering specifications as approved by city council, and as may be amended from time to time. All off street parking shall be restricted to a hard surface required by this section. Residential driveways nonconforming to the surfacing requirement as of the date of this title, may be continued until such time as the principal structure is completely reconstructed.

5. Lighting: Any lighting used to illuminate off street parking areas shall be designed in accordance with the standards of the Illuminating Engineers Society (IES). The lighting shall be directed away from adjoining properties and public streets in such a way so as not to create a nuisance. (See section [5A-12-4-3](#) of this title.)































6. Storm Drainage: All parking lots or areas shall be designed and constructed in accordance with the city stormwater control regulations and subject to the review and recommendations of the city engineer.

7. Barrier Curbs Required: All parking lots shall be provided with six inch (6") barrier curbs. Wheel stops are not allowed in parking lots.

8. Landscape Requirements: All parking lots must be designed in compliance with chapter 10 of this title.

(G) ~~Overnight~~ Parking Restrictions:

1. ~~There shall be no overnight parking of semitruck, semitrailer, or any truck weighing over eight thousand (8,000) pounds on private property, or on public right of way, with the exception of truck parking areas permitted by the zoning district, and construction trailers permitted by the zoning enforcement officer,~~ **It shall be unlawful to park or allow to stand any vehicle Class 2 or higher and vehicles actually engaged in loading or unloading of merchandise or passengers.**

| | | | |
|------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| Class 1 - 6,000 & Less | | | |
|  |  |  |  |
| Minivan | Cargo Van | SUV | Pickup Truck |
| Class 2 - 6,001 to 10,000 | | | |
|  |  |  |  |
| Minivan | Cargo Van | Full-Size Pickup | Step Van |
| Class 3 - 10,001 to 14,000 | | | |
|  |  |  |  |
| Walk-in | Box Truck | City Delivery | Heavy-Duty Pickup |
| Class 4 - 14,001 to 16,000 | | | |
|  |  |  | |
| Large Walk-in | Box Truck | City Delivery | |
| Class 5 - 16,001 to 19,500 | | | |
|  |  |  | |
| Bucket Truck | Large Walk-in | City Delivery | |
| Class 6 - 19,501 to 26,000 | | | |
|  |  |  |  |
| Deverage Truck | Gingie Auto | School Bus | Rack Truck |
| Class 7 - 26,001 to 33,000 | | | |
|  |  |  |  |
| Refuse | Furniture | City Transit Bus | Truck Tractor |
| Class 8 - 33,001 & Over | | | |
|  |  |  |  |
| Cement Truck | Truck Tractor | Dump Truck | Sleeper |

2. It shall be unlawful to park or store or allow to stand more than one (1) commercial vehicle, as defined in this section, outdoors on any residentially zoned property within the City.

3. It shall be unlawful to park or store or allow to stand more than two (2) commercial vehicles may be stored or parked overnight in a upon any lot or parcel of land, including those stored or parked in a fully enclosed building or structure.

4. For purposes of this section commercial vehicles shall be defined as follows:

a. Any vehicle exhibiting lettering or logo(s) advertising a business related enterprise (other than traditional bumper stickers).

b. Any vehicle with attached auxiliary equipment including, but not limited to plows, equipment, racks, storage boxes or lockers.

c. Any vehicle requiring a vehicle license of Class D as regulated by the State of Illinois including but not limited to trucks, cargo vans, commercial limousines, and buses.

d. Any vehicle containing products, equipment, debris, or materials intended for commercial or business use whether in the open, in a cargo storage area, or covered by removable material or fabric.

e. Any van that does not have seating behind the driver's seat and the front passenger seat or without side windows adjacent to the rear seating area such as panel vans.

(H) Display Of Vehicles For Sale: Off street parking facilities shall not be used for the parking of a motor vehicle or vehicles for the purpose of displaying the same for sale unless the primary use of the property on which the parking facility is located is in the business of selling or leasing used or new motor vehicles; however, this section shall not prohibit an owner or occupant of property in areas zoned residential from displaying vehicles for sale on the property's off street parking facilities provided the vehicle is owned by the owner or occupant of the residential property.

ATTACHMENT 2
COMMON VEHICLE WEIGHT TABLE (UNLOADED)

| Make/Model | Vehicle Type | Estimated Curb Weight (Unloaded) | Estimated Max Gross Vehicle Weight (Loaded) |
|-----------------------------|-----------------------|-----------------------------------------|----------------------------------------------------|
| RAM 1500 | Pickup Truck | 4,514 to 5,724 lbs. | n/a |
| Chevrolet Silverado | Pickup Truck | 4,521 to 5,514 lbs. | n/a |
| Ford F-150 | Pickup Truck | 4,154 to 4,930 lbs. | n/a |
| Toyota Tacoma | Pickup Truck | 4,140 to 4,285 lbs. | n/a |
| Ford F-350 DRW Super Cab | Large Pickup Truck | 7,868 lbs. | n/a |
| Ford Transit Connect | Van | 3,979 lbs. | 5,260 lbs |
| Nissan NV3500 | Van | 5,923 to 7,110 lbs. | 9,480 pounds |
| Mercedes-Benz Sprinter 3500 | Van | 5,346 to 5,776 lbs. | 9,990 lbs. |
| Ford E-450 DRW Step Van | Step-Van / Food Truck | 4,960 lbs. | 10-12,000 lbs |
| Chevrolet P30 Step Van | Step-Van / Food Truck | 5,609 to 6,249 lbs | 10-12,000 lbs |

Source: Manufacturer Data



MINUTES CITY OF DARIEN

PLANNING, ZONING, AND ECONOMIC DEVELOPMENT COMMISSION

Wednesday, May 21, 2025

PRESENT: Jonathan Christ, Shari Gillespie, Chris Green, Chris Jackson, Jonathan Johnson, Mark Kazich

ABSENT: Lou Mallers – Chairperson

OTHERS: Ryan Murphy – City Planner, Dan Gombac – Director, John Murphey – City Attorney

Mr. Ryan Murphy, City Planner called the meeting to order at 7:01 p.m. at the Darien City Hall, 1702 Plainfield Road, Darien, Illinois. Mr. Murphy declared a quorum present.

Mr. Murphy reported that Chairperson Lou Mallers would be absent, so the Commission should elect a Temporary Chairperson for the meeting.

Commissioner Kazich made a motion, and it was seconded by Commissioner Johnson to nominate Commissioner Gillespie as the temporary Chairperson for the meeting.

Upon roll call vote, the MOTION CARRIED UNANIMOUSLY 6-0.

Temporary Chairperson Gillespie swore in any audience member wishing to present public testimony.

Regular Meeting – New Business

- a. **PZC2025-12 – 7322 Darien Lane – Mark Garber – Petition for a variation from Section 5A-11-3-4 of the City Code to permit a paved accessory RV/trailer parking to be placed within the required five-foot side yard setback of 7322 Darien Lane, Darien IL 60561 (PIN 09-27-108-014).**

Mr. Murphy reported that the quarter acre parcel gently slopes west to east and that the petitioner proposes to demo and repour the driveway and apron to widen and construct the parking space adjacent to the property line on the north side outside the front yard setback. He reported that driveways are required to be at least five feet from the property line and other regulations in the City Code prohibit RVs and trailers from being parked in the front yard with limited exception to allow the proposed driveway extension. Mr. Murphy reported that he had received no public comments on this item.

Temporary Chairperson Gillespie swore in the petitioner.

Mr. Mark Garber, 7322 Darien Lane, stated that the proposed width of the driveway would allow the RV to be on the side of the house. He confirmed to the Commission that the neighbor to the north is in support of the proposal.

Commissioner Kazich questioned how the proposed concrete would affect the water runoff to the street.

Mr. Garber stated that he would slope the pad towards the street, so it would run down the driveway.

There was some further discussion regarding runoff.

Mr. Dan Gombac, Director confirmed that any runoff issues would be addressed during the permitting.

There was some discussion regarding Code requirements for an RV.

Mr. Gombac confirmed to the Commission that any drainage issues would be addressed, and the Code would dictate guidelines for the proposal.

Commissioner Jackson made a motion, and it was seconded by Commissioner Johnson to approve PZC2025-12 – 7322 Darien Lane – Mark Garber – Petition for a variation from Section 5A-11-3-4 of the City Code to permit a paved accessory RV/trailer parking to be placed within the required five-foot side yard setback of 7322 Darien Lane, Darien IL 60561 (PIN 09-27-108-014).

Upon roll call vote, the MOTION CARRIED 4-2.

AYES: Gillespie, Green, Jackson, Johnson

NAYS: Christ, Kazich

ABSENT: Mallers

Mr. Gombac announced that the petition would pass to the Municipal Services Committee on May 27, 2025.

- b. PZC2025-11 – 7415 Cass Avenue – Indvestia Darien LLC – Petition for a Special Use Permit to allow the establishment of a recreational facility/health club within an existing building located in the B-2 Community Shopping Center District at 7415 South Cass Avenue, Darien IL 60561 (PIN 09-27-108-033).**

Mr. Murphy reported that the subject application would be for the former American Freight and Sears tenant space and would be deemed a Special Use for a gym in the B-2 district. He reported that the general hours of operation would include weekday hours and some 24-hour

days, as well as various fitness equipment. He reported that he had received no public comments on this item.

Commissioner Jackson recused himself from the case as he is an interested party in the property.

Temporary Chairperson Gillespie swore in the petitioner.

The petitioner stated that he had finalized an agreement with Planet Fitness, who would offer a quality fitness center that would be a good value for the community.

Commissioner Kazich questioned if there would be staffing during the 24-hour periods of operation.

The petitioner stated that Planet Fitness is always staffed and that they may not always be open 24 hours but wanted the ability to do so.

Temporary Chairperson Gillespie closed the public comment.

There was no further discussion amongst the Commissioners.

Commissioner Johnson made a motion, and it was seconded by Commissioner Christ to approve PZC2025-11 – 7415 Cass Avenue – Indvestia Darien LLC – Petition for a Special Use Permit to allow the establishment of a recreational facility/health club within an existing building located in the B-2 Community Shopping Center District at 7415 South Cass Avenue, Darien IL 60561 (PIN 09-27-108-033).

Upon roll call vote, the MOTION CARRIED 5-0.

AYES: Christ, Gillespie, Green, Johnson, Kazich

NAYS: None

RECUSED: Jackson

ABSENT: Mellers

Mr. Murphy announced that the item would pass to the Municipal Services Committee on May 27, 2025.

Regular Meeting – Old Business

- a. **PZC2024-09 – 7511 Lemont Road – Chestnut Court Darien IL LLC – A petition for the rezoning and redevelopment of the Chestnut Court shopping center located in the B-3 (General Business) zoning district at the southeast corner of 75th Street and Lemont Road, commonly known as 7511 Lemont Road (PINs 09-29-300-008, 09-29-300-022, 09-29-300-023, 09-29-300-24, and 09-29-300-025). The project includes the following:**

- **A request to change the zoning for the project site from B-3 (General Business District) to M-U (Mixed-Use);**
- **A variation to allow for ground-floor residential for a multifamily apartment building;**
- **A variation to reduce the required parking ratio from 2 spaces per dwelling unit to 1 space per dwelling unit;**
- **A preliminary plat of subdivision to re-subdivide the site for development purposes;**
- **The construction of three (3) retail buildings totaling 107,165 square-feet and one 151,196 square-foot four-story 156-unit multifamily apartment building comprised of studio, one-bedroom and two-bedroom units, with residential amenities including a fitness room, club room, storage, and outdoor recreation areas, with an option to increase the number of units to a total of 166-units;**
- **Façade improvements for the commercial center;**
- **On-site improvements including landscaping, fencing, walkways, parking and loading areas, on-site utilities, and drainage/stormwater facilities**

Mr. Murphy reported that following the May 7, 2025 Planning, Zoning and Economic Development Commission meeting, the Commission voted 5-1 to continue the meeting in order to obtain a copy of the market study that was conducted by the petitioner prior to submission, and also for staff to provide information on reviews from the Forest Preserve District, DuPage County Department of Transportation and other City departments. He reported that the market study had been provided, the fire district had no comments, the Forest Preserve District had some comments that were addressed by the petitioner, and other City departments had no comment. He further reported that DuPage D.O.T. had not provided comments in time for the meeting but prepared a memo which outlined the County's permitting process.

Mr. Murphy provided a summary of the proposal, including the proposed variations listed in the agenda. He reported that staff had found the ground floor variation would meet the intent of the mixed-use district and had provided review criteria for the remaining variations.

Mr. Gombac reported that the mixed-use district had been introduced as part of a City-driven through comprehensive plan to redevelop the whole mall. He reported that though this project would be eligible for a TIF district, this Commission would not have any say in the TIF and that decision would be made by the City Council. He further reported that DuPage County, regarding the roadway, had reviewed and stated that there may be signal timing changes, but no other gleaming issues.

Commissioner Johnson questioned if there would be any tax burden on Darien residents if they were to do a TIF district.

Mr. Gombac stated that the simple answer is no. He stated that those numbers would be worked out with a consultant and the developer to make sure the numbers are tied together.

Commissioner Jackson clarified that they would solely be reviewing the bullet points listed in the agenda.

Mr. Murphy clarified further that the subject application would involve the rezone, variations and preliminary plat. He stated that if the rezone is approved, the project would be by right with exception of the variance.

Temporary Chairperson Gillespie called forth anyone wishing to present public comment.

Mr. Vic Patton, 1905 Manning Road, stated that he would not like to see a four-story building on this corner, and that he is not a big proponent of high density in Darien. He stated that he felt the developer left many things out of their presentation, including a play area for children, and that it would be dangerous for kids to play near the parking lot or the wetlands. Mr. Patton stated that the petitioner had failed to address EV parking and that there would be a lot of risk with EV causing fires. He further stated that there would be a potential for various serious waste products going into the wetlands. He questioned how they would get the amps to charge vehicles.

Mr. Mark Sewell, owner of the south five feet of tract E of Chestnut Court, stated that he had spoken to Pine Tree in the past about them purchasing the parcel or including it in a future sale, but he hadn't heard of the sale to Mr. Kumar Bahavanasi until the May 7th meeting. He stated that this parcel should be included with Chestnut Court since they are responsible for the maintenance, and he shared some of the history of the parcel. Mr. Sewell stated that there had been some confusion with the tax deeds of the parcel, but he would like to offer it to Mr. Bahavanasi to include in future development.

Ms. Liz Hayes, Darien resident, questioned what the impact on the school district would be with 150 units. She stated that from what she read, it would be District 66 and would like the Commission to consider the impact that 150 units would produce on children funneling into a single school district.

Ms. Pam Taylor, Darien resident, questioned if children would be allowed. She stated that the structure of the apartment units would not be conducive to families, but single people, and that renters are not invested in the City. She further questioned how much the rent would be and if the apartment would have a separate ingress and egress. Ms. Taylor stated that the space may be conducive to condos, but property tax-wise it would be better to build more shops and businesses.

Ms. Diana Meyer, Darien resident, stated that she has been a Darien resident most of her life and the draw to Darien is how peaceful it is. She stated that this would be a lot of apartments for such a small City and that the families would have nowhere to go with such little space and that there would be danger posed to children. Ms. Meyer stated that the development would not be an asset to Darien, that renters are transient and that other areas that have done similar developments have seen increase in crime and oversaturation of school districts. She further stated that she is shocked the police department and fire department made no comment, and

that if you squeeze 166 families into this space there would be fires, disruption and chaos. She stated that she would be all for improvements, restaurants and businesses, but not for an apartment building.

Mr. Paul Steck, 3050 Spring Green Drive, stated that he has lived in Darien almost his whole life and that he did not like the idea of a building higher than three stories or the one car parking space. He stated that he would be strongly opposed to the small sized apartments and that people would go stir crazy.

Temporary Chairperson Gillespie closed the discussion to public comment and asked the petitioner to comment.

Mr. Anders Rustin, architect for the development and representative of Mr. Kumar Bahavanasi, stated that they had sent the market study which would show rental needs in the area and show a recommendation to help understand the appropriate mix of units, rents and need for the specific neighborhood. He stated that it would be unwise for developers to deviate from the market study since it would be a proof of concept. Mr. Rustin noted that the market study recommended a maximum of five stories, but they elected four as they felt it would not be an appropriate scale perspective, and that from a density perspective, the proposed building would only be a couple feet higher than the top of the Ross structure.

Commissioner Jackson questioned if the study had been done in 212 units.

Mr. Rustin confirmed that that number had been recommended under the five-unit model, but they did not want to overpopulate the site with units that weren't needed.

Mr. Gombac requested Mr. Rustin comment on the proposed target markets.

Mr. Rustin stated that the market study suggested two-bedroom or even three-bedroom, but they would like to avoid any saturation into the school system. He stated that they would be targeting young professionals, young couples and young single people for this development, which would be the type of renters attracted to a development such as this. He further stated that he would not imagine there would be many families or kids because that isn't what the units are designed for.

Commissioner Johnson questioned what the rent would cost.

Mr. Rustin stated that there had been an estimate price provided through the market study. He further stated that all parking spaces would be EV ready, and that there would be a transformer on site and panels would run underground directly to the surfaces. He stated that electrical connection for the building would be an independent system.

Commissioner Jackson clarified that EV-ready had already been codified.

There was some debate amongst audience members which Temporary Chairperson Gillespie shut down.

Commissioner Jackson questioned if there had been any more thought as to outdoor amenities.

Mr. Rustin stated that they fully plan to amenitize the outdoor space based on the market study, it just hadn't been fully designed yet.

Commissioner Jackson questioned if it could include an outdoor pet walk area or a grilling area.

Mr. Rustin confirmed that it could.

Commissioner Green questioned if the site would be surrounded by a fence.

Mr. Rustin stated that there is one currently there and that Mr. Bahavanasi would be agreeable to replace it.

Commissioner Green questioned if the wetlands would be restricted.

Mr. Rustin confirmed that they would be and that there is a retaining wall on the south side of the property that would prohibit access into the wetlands.

Commissioner Kazich questioned if Mr. Bahavanasi had made any decision regarding pets in the building.

Mr. Rustin stated that the initial planning had accommodated a pet wash area and room for a pet run if it would be a pet friendly building, but that decision had not been made yet.

Mr. Gombac stated that there would be no criteria that the Commission would have the right to mandate pet friendly apartments or not.

Commissioner Kazich questioned, regarding Attorney Murphey, if the plat of subdivision should be recorded following approval.

Attorney Murphey stated that this would be the preliminary plat stage and that the final plat would not be recorded until final engineering is done.

Commissioner Kazich stated his assumption that the worst-case scenario would be that the preliminary plat would be filed and then the developer puts the property up for sale.

Attorney Murphey stated that this would be a unified approval and would be covered by the final planning process. He stated that they don't know if the City Council would approve a TIF but that would be the type of condition that would be set forth in the development agreement. He further stated that it would be a two-step process: the first being to get the zoning in place. Attorney Murphey stated that the zoning would be very important because this is what the city planned for the property with the new district and because unless there would be a basic zoning entitlement, the type of commercial or business service users we would want to see would not wait around. He emphasized that the zoning grant is very important to "prime the

pump” in what continues to be a competitive environment. He further referenced examples of mixed-use spaces in other municipalities.

Attorney Murphey acknowledged several of the points brought up by residents. He stated that the service road on the south edge of the property would be a private negotiation between the developer and the taxpayer of the other property. He further stated that, regarding the school issue, during the TIF process, both under law and as a requirement in the City, District 66 would be reimbursed for the children that reside there after the school year. He elaborated that it would be an unknown how many school-aged children the development would produce, but there would be an agreement in place to even up any incurred cost as part of the TIF process if the council would approve it.

Commissioner Jackson stated that the role of this body would be to make a recommendation moving forward on entitlements, which is still a concept. He stated that they would review the variations, looking at the six bullet points listed. He further stated that this isn't just a mixed-use without anything else, it would be a mixed-use for one part of it to support the other. Commissioner Jackson stated that the on-site and façade improvements would be a no-brainer.

Mr. Murphy clarified that the on-site and façade improvements would be included to ensure the public is aware of the project as a whole, and that the entitlements would include the mixed-use zoning, the variations and the plat.

Commissioner Johnson questioned if there would be enough room in the back of the property to put a park in. He stated he would want to address the safety of the residents.

Mr. Gombac stated that based on the market study, they don't know how many kids will be included in the development, and that they wouldn't want to set the precedent for children if that was not in the developer's plan.

Commissioner Jackson cited some examples including the Jade Residences in Darien, which is landlocked with no retail supporting it, Burr Ridge Village Center, which have retail but no parks or other amenities, and the Idyllwild apartments, which have some amenities but are not supported by retail and back up to wetlands. He emphasized that the proposed project would be 156 apartments supported by retail with amenities.

Commissioner Johnson stated that he understands Commissioner Jackson's point, but his concern is with the safety of any kids living there.

Commissioner Jackson stated that the building was designed in an H to support an enclosed structure.

Commissioner Johnson stated that safety is a concern for the residents that should be accommodated.

Commissioner Jackson stated that he believes the accommodations have been met. He further questioned how they would be able to modify the 166 units.

Mr. Gombac stated that they would be able to put a maximum to the number of units.

Commissioner Jackson questioned where they landed on parking. He stated that the traffic study supported about 1.2 and the site plan supported about 1.75.

Commissioner Kazich clarified the number of units per floor plan for the audience.

Commissioner Jackson stated that there would be an overreach on the ask as the design doesn't support it. He stated that he would support the retain and that this developer can attract good businesses. He further stated that he would not support the proposed parking reduction, but he would support some reduction and they would need to find the magic number.

Commissioner Christ stated that he believes it would be about 1.6.

Mr. Murphy stated that it would vary based on the petitioner's use of different unit count.

There was some discussion about the maximum unit number requested by the petitioner.

Mr. Rustin stated that based on the modular construction technique they wanted the flexibility of up to 10 units because there may be units slightly larger. He stated that when he spoke with Mr. Murphy he had stated it would be maybe three or four, but they are asking for 10 to provide the flexibility to figure that out.

Commissioner Jackson stated that he would support a modified variation on the parking and a firm unit mix.

Commissioner Christ questioned if each line item would be looked at as individual motions.

Attorney Murphey stated that that would make sense, that they should have a separate motion on the rezoning first, then the site plan. He clarified that they would be able to condition the variations subject to maximum unit number. He further clarified for Commissioner Kazich's previous question that it would not be unusual to see significant changes during final engineering. Attorney Murphey emphasized that preliminary is preliminary.

There was some further clarification amongst the Commission regarding how to vote on each item.

Commissioner Jackson made a motion, and it was seconded by Commissioner Christ to approve PZC2024-09 – 7511 Lemont Road – Chestnut Court Darien IL LLC - A request to change the zoning for the project site from B-3 (General Business District) to M-U (Mixed-Use).

Upon roll call vote, the MOTION CARRIED 5-1.

AYES: Christ, Green, Jackson, Johnson, Kazich

NAYS: Gillespie

ABSENT: Mallers

Mr. Gombac announced that this motion would carry to Municipal Services on its own merit.

The Commission confirmed that the next item they would vote on would be the variation for ground-floor residential.

Commissioner Christ questioned if there had been some comment about the ground-floor residential from staff.

Mr. Murphy stated that his staff report described two types of mixed-use, one being vertical with retail below and residential above, the other being horizontal with retail placed in front and residential behind. He stated that the horizontal style of mixed-use would be in the spirit of the mixed-use zoning district that had been adopted in 2024.

Commissioner Jackson stated that he agreed with staff on that.

Commissioner Kazich stated that his concern was that the City Council approved the mixed-use stating one floor would be devoted to non-residential uses and at least one devoted to residential uses. He stated that they would be changing the variance less than a year later.

Mr. Gombac questioned if Commissioner Jackson could give his opinion on this based on his architectural background.

Commissioner Jackson stated that Attorney Murphey had somewhat alluded to this, and that he had seen mixed-use unmixing. He stated that while it's a mixed-use development, the building itself isn't mixed-use.

Commissioner Green stated that they would be zoning it mixed-use, so it fits the spirit of the zoning, minus the variance to not have ground-floor. He stated that it would have to live within the mixed-use development requirements, not multi-family and business B-2.

Commissioner Christ questioned if Commissioner Kazich's concern would be limiting the retail.

Commissioner Jackson pointed out that Commissioner Kazich's concern would be that it's a variation.

Commissioner Kazich stated that it is because this is a variation that they created less than a year ago.

Commissioner Jackson stated that he would urge Commissioner Kazich to read through the variation criteria and see if it made sense that way. He stated that this process is in place to allow variation from the ordinance and that it does not contemplate every scenario.

Commissioner Jackson made a motion, and it was seconded by Commissioner Green to approve PZC2024-09 – 7511 Lemont Road – Chestnut Court Darien IL LLC – Item A: A variation to allow for ground-floor residential for a multi-family apartment building.

Upon roll call vote, the MOTION CARRIED 4-2.

AYES: Christ, Green, Jackson, Johnson

NAYS: Gillespie, Kazich

ABSENT: Mallers

There was much discussion amongst the Commission regarding how many parking spaces should be required.

Mr. Gombac questioned how many parking spaces they would require per unit based on 156 units.

The Commissioners confirmed that they would require 1.5 spaces per unit, regardless of the number of units.

Commissioner Johnson made a motion, and it was seconded by Commissioner Green to approve PZC2024-09 – 7511 Lemont Road – Chestnut Court Darien IL LLC – Item B: A variation to reduce the required parking ratio from 2 spaces per dwelling unit to 1.5 space per dwelling unit.

Upon roll call vote, the MOTION CARRIED UNANIMOUSLY 6-0.

There was no discussion amongst the Commission regarding Item C.

Commissioner Green made a motion, and it was seconded by Commissioner Johnson to approve PZC2024-09 – 7511 Lemont Road – Chestnut Court Darien IL LLC – Item C: A preliminary plat of subdivision to re-subdivide the site for development purposes.

Upon roll call vote, the MOTION CARRIED UNANIMOUSLY 6-0.

Mr. Gombac clarified the next item for the audience.

Commissioner Green stated that 156 would be the petitioner's minimum and his opinion would be that that is where they should keep it, and not allow the option for additional units.

Mr. Murphy clarified that the item would be approving the modification of the proposed site.

Mr. Gombac clarified further that the real issue to vote on would be the increase in number of units.

The Commission clarified that the item included an addition, new construction and a remodel.

Mr. Rustin stated that he would be concerned about locking the development in to 156 units due to the potential pricing increase.

There was some clarification of the parking density based on the 166 units.

Commissioner Green made a motion, and it was seconded by Commissioner Jackson to approve PZC2024-09 – 7511 Lemont Road – Chestnut Court Darien IL LLC – Item D: The construction of three (3) retail buildings totaling 107,165 square-feet and one 151,196 square-foot four-story 156-unit multifamily apartment building comprised of studio, one-bedroom and two-bedroom units, with residential amenities including a fitness room, club room, storage, and outdoor recreation areas.

Commissioner Kazich requested to add a condition to include balconies.

Commissioner Green stated he can make a separate motion following this vote.

Upon roll call vote, the MOTION CARRIED 4-2.

AYES: Christ, Green, Jackson, Johnson

NAYS: Gillespie, Kazich

ABSENT: Mallers

Commissioner Kazich made a motion, and it was seconded by Commissioner Jackson to approve PZC2024-09 – 7511 Lemont Road – Chestnut Court Darien IL LLC – Item D: The construction of three (3) retail buildings totaling 107,165 square-feet and one 151,196 square-foot four-story 156-unit multifamily apartment building comprised of studio, one-bedroom and two-bedroom units, with residential amenities including a fitness room, club room, storage, and outdoor recreation areas with the following condition:

- 1. To include the construction and installation of balconies for each residential unit of approximately 60 square feet.**

Upon roll call vote, the MOTION FAILS 2-4.

AYES: Gillespie, Kazich

NAYS: Christ, Green, Jackson, Johnson

ABSENT: Mallers

Mr. Gombac stated that the next two items would not need a decision, therefore would not be voted on.

Mr. Murphy announced that this item would move to the Municipal Services Committee on May 27, 2025 at 6:00 p.m.

Staff Updates & Correspondence

There were no staff updates or correspondence to discuss.

Approval of Minutes

Commissioner Jackson made a motion, and it was seconded by Commissioner Green to approve the May 7, 2025 Regular Meeting Minutes.

Upon voice vote, the MOTION CARRIED UNANIMOUSLY 6-0.

Next Meeting

Temporary Chairperson Gillespie announced that the next meeting would be June 4, 2025.

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 Christ made a motion, and it was seconded by Commissioner Kazich. Upon voice vote, the MOTION CARRIED UNANIMOUSLY, and the meeting adjourned at 8:40 p.m.

Respectfully Submitted:

Approved:

X

Jessica Plzak
Secretary

X

Lou Mallers
Chairperson