CITY OF DARIEN Memorandum

TO:	Mayor, City Council, City Clerk, City Treasurer
FROM:	Bryon D. Vana, City Administrator
DATE:	August 31, 2018
RE:	Revised Packet

The packet for the September 4, 2018, meeting was placed on the City's website last night. After reviewing the packet this morning, and due to the length of the packet, it didn't lay out as the actual paper packet. Therefore, the packet and website have been revised to include the ordinance for the warehouse as a separate and additional document. The staff also made minor revisions to the ordinance and exhibits as recommended by Attorney John Murphey.

Feel free to contact me if you have any additional questions.

CITY OF DARIEN

DU PAGE COUNTY, ILLINOIS

ORDINANCE NO._____

AN ORDINANCE APPROVING A VARIATION FROM THE DARIEN ZONING ORDINANCE AND GRANTING SITE PLAN APPROVAL

(PZC 2018-06 1035 S. Frontage Road Sterling Bay)

ADOPTED BY THE

MAYOR AND CITY COUNCIL

OF THE

CITY OF DARIEN

THIS_____DAY OF_____, 2018

Published in pamphlet form by authority of the Mayor and City Council of the City of Darien, DuPage County, Illinois, this day of _____, 2018.

AN ORDINANCE APPROVING A VARIATION FROM THE DARIEN ZONING ORDINANCE AND GRANTING SITE PLAN APPROVAL

(PZC 2018-06 1035 S. Frontage Road Sterling Bay)

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

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

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

WHEREAS, the contract purchaser of the Subject Property has requested approval of a variation from the requirement of Section 5A-9-4-8 of the Darien Zoning Ordinance to allow a thirty-nine (39) foot building height for their proposed office/warehouse building; and

WHEREAS, pursuant to proper legal notice, a public hearing on said petition for variation was held before the Planning and Zoning Commission on July 18, 2018; and

WHEREAS, the Planning and Zoning Commission at its regular meeting of July 18, 2018 recommended approval of the petition herein described and has forwarded its findings and recommendation of approval to the City Council; and

WHEREAS, on August 27, 2018, the Municipal Services Committee of the City Council reviewed the petition and the site plans of the Petitioner and has forwarded its recommendation of approval of said petition to the City Council; and

2

ORDINANCE NO.

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

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY

OF DARIEN, DU PAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE

POWERS, as follows:

SECTION 1: Subject Property. This Ordinance is limited and restricted to the property

generally located at 1035 S. Frontage Road, Darien, Illinois, and legally described as follows:

PARCEL 1: LOTS 2 AND 3 IN DARIEN PUBLIC WORKS SUBDIVISION, BEING A SUBDIVISION IN PART OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 24, 2004 AS DOCUMENT R2004-075594, IN DUPAGE COUNTY, ILLINOIS. PARCEL NUMBERS 0-9-34-303-025 & 09-34-303-027

PARCEL 2: LOT 2 IN GREAT DANE RESUBDIVISION, BEING A RESUBDIVISION OF LOT 1 IN DARIEN PUBLIC WORKS SUBDIVISION, BEING A SUBDIVISION IN PART OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED DECEMBER 8, 2011 AS DOCUMENT R2011-150249, IN DUPAGE COUNTY, ILLINOIS. PARCEL NUMBER 09-34-303-029

SECTION 2: Variation from Zoning Ordinance Granted. A variation from the Zoning

Ordinance, Section 5A-9-4-8 is hereby granted to allow a maximum building height of thirty-

nine (39) feet.

SECTION 3: Site Plan Approval. Pursuant to the Zoning Ordinance, Section 5A-2-2-1,

site plan approval is hereby granted, subject to the following:

A. Development of the Subject Property shall be in substantial conformance to the

following plan documents attached hereto as Exhibits numbered as follows:

- 1. "Proposed Facility" 08/27/18, Cornerstone Architects
- 2. "Preliminary Grading & Utility Plan" Revised 06/19/18, Spaceco, Inc.
- 3. "Landscape Plan" Revised 08/27/18, McCallum Associates
- 4. "Proposed Facility" Elevations 08/27/18, Cornerstone Architects
- 5. "Photometric Plan" 08/29/18, Connelly Electric
- B. Development of the Subject Property shall be in substantial conformance with the following conditions:
 - Letter on 'Sterling Bay Development' from Daniel L. Lynch, Christopher B. Burke Engineering Ltd, August 20, 2018, a copy of which is on file with the City.
 - 2. Comments on site plans as submitted by Tri-State Fire District, a copy of which is on file with the City.
 - DuPage County Stormwater Permit to be submitted by Sterling Bay and approved by the City.
 - Letter on 'Property located at 1035 S. Frontage Road' from Kevin Stough, Forest Preserve District of DuPage County, July 18, 2018, a copy of which is on file with the City.

ORDINANCE NO.

- 5. Contribution of \$50,000 from Sterling Bay to the City for Public Works facility site improvements, said contribution to be made at the time of issuance of building permit.
- 6. Extension of the sanitary sewer to the limits of their property for a future sanitary service for the Public Works facility.

SECTION 4: Lot Consolidation Approved. The consolidation of the Subject Property into a consolidated lot of record as shown on the plat of "Darien Subdivision," attached hereto as **Exhibit 6**, is hereby approved. City staff is hereby authorized and directed to take such actions as are necessary to cause said Plat to be recorded in the Office of the DuPage County Recorder of Deeds.

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

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

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this _____day of ______, 2018.

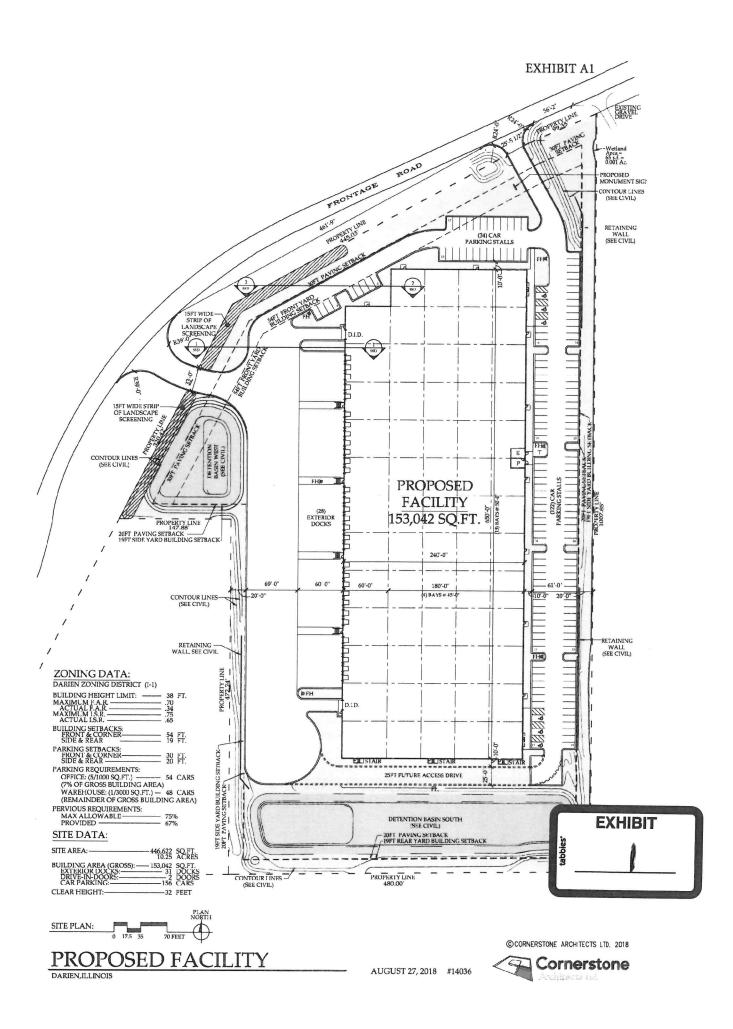
ORDINANCE NO	
AYES:	
NAYS:	
ABSENT:	
APPROVED BY THE MAYOR OF	THE CITY OF DARIEN, DU PAGE COUNTY,
ILLINOIS, this day of	, 2018.
ATTEST:	KATHLEEN MOESLE WEAVER, MAYOR
JOANNE E. RAGONA, CITY CLERK	
APPROVED AS TO FORM:	

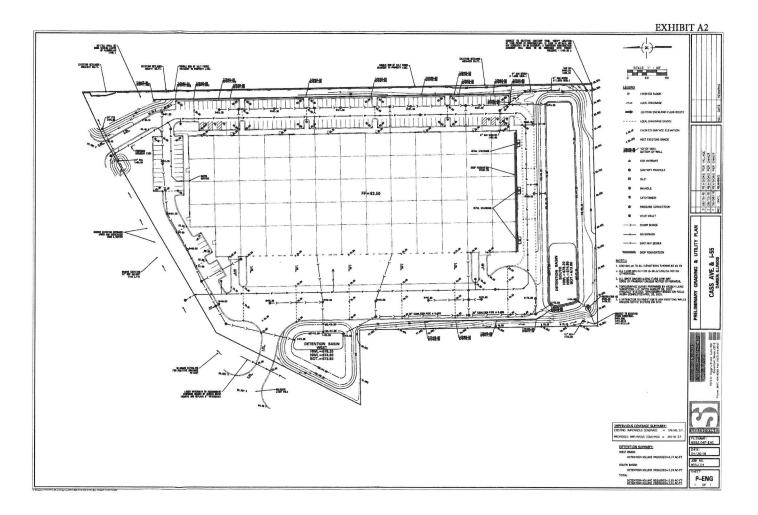
CITY ATTORNEY

ORDINANCE NO._____

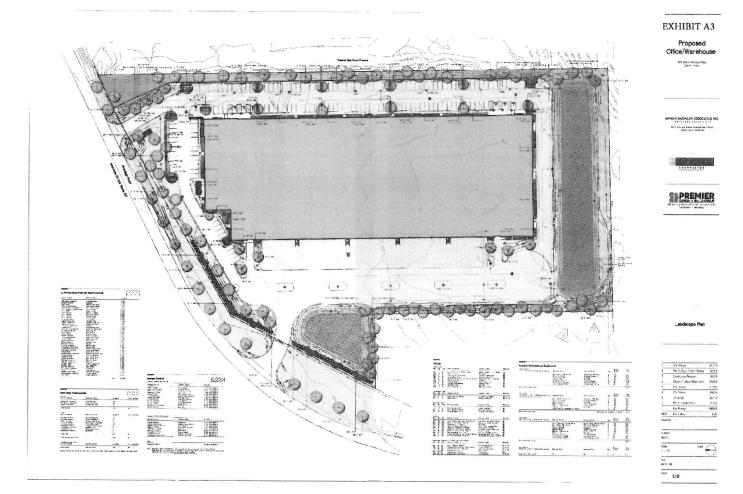
SCHEDULE OF EXHIBITS

Exhibit No.	Description
1	"Proposed Facility" 08/27/18, Cornerstone Architects
2	"Preliminary Grading & Utility Plan" Revised 06/19/18, Spaceco, Inc.
3	"Landscape Plan" Revised 08/27/18, McCallum Associates
4	"Proposed Facility" Elevations 08/27/18, Cornerstone Architects
5	"Photometric Plan" 08/29/18, Connelly Electric
6	Plat of "Darien Subdivision"









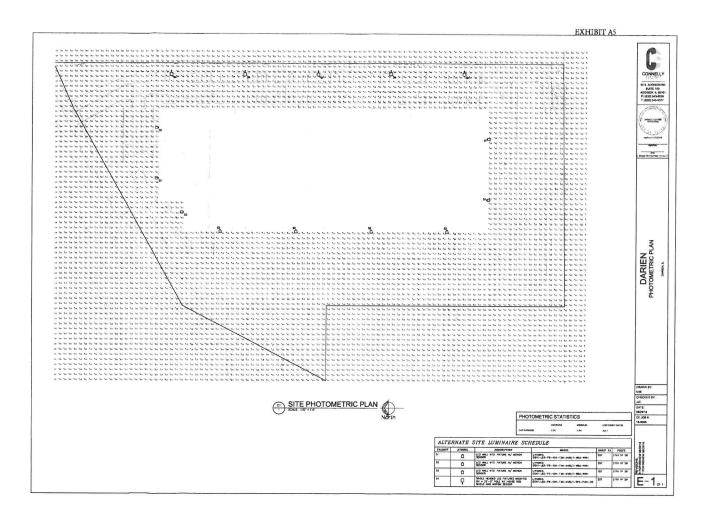


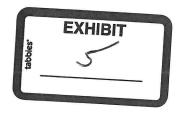


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Attachment 26

