

MINUTES CITY OF DARIEN
PLANNING & ZONING COMMISSION MEETING

Wednesday, November 15, 2023

PRESENT: Lou Mallers – Chairperson, Robert Erickson, Chris Jackson, Shari Gillespie, Chris Green, John Johnson, Julie Kasprovicz

ABSENT: Bryan Gay, Hilda Gonzalez

OTHER: Jordan Yanke - City Planner

Chairperson Lou Mallers called the meeting to order at 7:00 p.m. at the Darien City Hall, Council Chambers, 1702 Plainfield Road, Darien, Illinois. Chairperson Mallers declared a quorum present and swore in the audience members wishing to present public testimony.

Regular Meeting – New Business

- a. Public Hearing – PZC2023-10 - 8413 Creekside Lane – Variation**
Petitioner Thomas Jones seeks approval of a variation from City Code Section 5A-7-2-6 (A) of the Zoning Ordinance. The petition specifically requests to allow for an addition to an existing single-family residence, with the addition being a garage expansion. Property is located within the R-2 Single-Family Residence Zoning District and the variation request is to the following standard in the R-2 District of the City of Darien Zoning Ordinance:- Section 5A-7-2-6 (A): Variation request to reduce the required corner side yard setback.

Mr. Jordan Yanke, City Planner reported that the subject property was platted in 1977 and is part of the Brookeridge Creek Subdivision. He reported that the parcel is improved with a single-family residence and that the property slopes toward its rear where a wetland feature (creek) and floodplain exist and that the natural features do not impact the proposal.

Mr. Yanke reported that the petitioner is proposing a garage expansion by adding a third bay which would result in a corner side yard setback of 17.5' from the parcel's southern property line that curves along Creekside Lane. He reported that the underlying zoning district (R-2) has a corner side yard setback of 15' regularly, but the subject lot was approved under an ordinance specifying a 25' corner side yard setback for the property and that the approval of a variance would be a 7.5' encroachment into the required 25' setback.

Commissioner Julie Kasprovicz questioned if the petitioner would need to build upward.

The petitioners Mr. Thomas Jones and Mr. Lawrence Fluppl, architect reported that they are keeping the garage floor slant and keeping the same as the two-car garage. He stated that there will be a slight berm and slight drop.

Commissioner Chris Green questioned the reason for the change in setback.

Mr. Yanke reported that the intention and best guess was it was there to maintain a relative distance to Creekside Lane.

Mr. Yanke reported that there is a 6 ft easement that was not on the original plat and that the petitioner would have to do the necessary erosion control.

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

Commissioner Jackson made a motion seconded by Commissioner Green to recommend approval of a variation from City Code Section 5A-7-2-6 (A) of the Zoning Ordinance. The petition specifically requests to allow for an addition to an existing single-family residence, with the addition being a garage expansion. Property is located within the R-2 Single-Family Residence Zoning District and the variation request is to the following standard in the R-2 District of the City of Darien Zoning Ordinance:- Section 5A-7-2-6 (A): Variation request to reduce the required corner side yard setback.

Upon roll call vote the MOTION CARRIED 7-0.

b. Public Hearing – PZC2023-11 (PAGE 28) 2019 75TH Street, 7906 Cass Avenue, and 8226 Cass Avenue – Special Use Petitioner USAgain, LLC requests approval of a special use pursuant to Section 5A-2-2-6 of the City Zoning Code. The petition specifically requests to allow for the placement of a clothing donation bin on three (3) separate properties. Properties are within the B-2 Community Shopping Center Business District, B3 General Business District, and the Office (O) District.

Mr. Jordan Yanke, City Planner reported that the petitioner is requesting approval for placement of a clothing donation bin on three (3) separate properties in the City. He reported that while the zoning ordinance does not directly regulate such use, staff has determined the request requires approval of a special use.

Mr. Yanke reported that the petitioner elected to submit a bundled application, meaning the special use request includes three properties. He reported that the most comparable case and proposal in the City's past is AMVETS, which is in the parking lot outside of Walmart and required zoning approval. He further reported that the petitioner submitted a justification narrative with a detailed description of the project, in addition to findings of fact that would support the application request.

Mr. Andrew Proctor, petitioner USAgain, LLC stated that they operate in 13 states. He stated that the corporate headquarters is in West Chicago and that there is a growing need for locations.

Chairperson Lou Mallers questioned how frequently the bins are looked at to make sure they are not overflowing.

Mr. Proctor stated that they pick up once a week or can do more if needed. He stated that there is a sensor inside the bin which notifies the staff and they can also place cameras. He further stated that they work with the property owner and they get used a lot but do not cause traffic. Mr. Proctor stated that if there is site that doesn't work that they would be happy to look at another location if needed.

Commissioner Gillespie stated that she liked the tree program. The petitioner stated that they could plant the trees in Darien. She questioned what happens once the donations are made.

Mr. Proctor stated that the items get shipped to a location where they get bailed and place in a shipping container. He stated that they work through a broker and then they get sold to thrift shops. He further stated that they are sold 25 percent in the US and 75 percent international.

Commissioner Julie Kasprovicz questioned if there is theft and lighting.

Mr. Proctor stated that they do not experience theft in Illinois but more in San Francisco. He stated that they do not have lights on the small containers. He further stated that the lease with the landlord is one year and that they are making a little revenue but no concerns.

Mr. Chris Jackson questioned the parking spot for the container.

Mr. Yanke reported that the container does take up a parking space but that the sites still meet the minimum parking requirements. He reported that there are no building codes applicable but that the PZC could suggest that the City do final inspections on placement.

There was some conversation regarding the pickup.

Mr. Proctor stated that they could get there within 24-36 hours.

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

Ms. Barb Herber, stated that she lived behind KinderCare. She stated that she has no cooperation from the KinderCare. She further stated that there are trucks coming in and out in the middle of the night and that having another bin is going to be a problem. Ms. Herber stated that she did not think KinderCare was a good location. She suggested a church or grocery store location.

Chairperson Mellers suggested that KinderCare put in a chain link.

There was no one else wishing to present public comment.

Commissioner Johnson made a motion seconded by Commissioner Green to recommend approval of a special use pursuant to Section 5A-2-2-6 of the City Zoning Code. The petition specifically requests to allow for the placement of a clothing donation bin on three (3) separate properties. Properties are within the B-2 Community Shopping Center Business District, B3 General Business District, and the Office (O) District Variation. The recommendation is subject to the following condition:

- 1. Donation bin areas shall be kept clean on properties.**

Upon roll call vote the MOTION CARRIED 7-0.

Regular Meeting – Old Business

- a. Public Hearing – PZC2023-06 – Mixed-Use District Text Amendment Petition from the City of Darien to amend the Zoning Ordinance (i.e. Text Amendment) to create a Mixed-Use Zoning District.**

Mr. Jordan Yanke, City Planner reported that he presented the PZC with some of the comments and brought it back to move it forward. He reported that he will bring it back for a final reading in December with final comments submitted to him before Thanksgiving then to the City Council.

Mr. Yanke reported that there were some comments and recommendations on prohibited uses.

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

Commissioner Jackson made a motion seconded by Commissioner Gillespie to continue the Public Hearing – PZC2023-06 – Mixed-Use District Text Amendment Petition from the City of Darien to amend the Zoning Ordinance (i.e. Text Amendment) to create a Mixed-Use Zoning District.

Upon roll call vote the MOTION CARRIED 7-0.

Staff Updates & Correspondence

Mr. Yanke reported that there is a new business going where the old Montessori School opening in Brookhaven is located.

Chairperson Mellers reported that he received a lot of correspondence regarding Gerber. He stated that there is going to be potential legal action.

Approval of Minutes

Commissioner Jackson make a motion seconded by Commissioner Kasprowicz to approve the Planning & Zoning Commission October 4, 2023 and the October 18, 2023 Meeting Minutes.

Upon voice vote the MOTION CARRIED 7-0.

Next Meeting December 6, 2023

Mr. Yanke announced that the next meeting will be held on Wednesday, December 6, 2023, 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 Johnson made a motion, and it was seconded by Commissioner Jackson. Upon voice vote, THE MOTION CARRIED unanimously, and the meeting adjourned at 8:10 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

**Elizabeth Lahey
Secretary**

**Lou Mallers
Chairperson**