

CITY OF DARIEN
PLANNING AND ZONING COMMISSION

Wednesday, August 7, 2019
7:00 PM
City Hall Council Chambers
1702 Plainfield Road

AGENDA

1. Call to Order
2. Roll Call
 - Welcome new members
 - Hilda Gonzalez and Julie Kasprovicz
3. Regular Meeting
 - A. Training
 - B. Comprehensive Plan
4. Correspondence
5. Old Business
6. New Business
7. Approval of Minutes
 - March 6, 2019
 - March 20, 2019
8. Next Meeting
 - August 21, 2019
9. Public Comments
 - [On any topic related to planning and zoning]
10. Adjournment

CITY OF DARIEN

PLANNING AND ZONING COMMISSION
MANUAL OF PROCEDURES

Table of Contents

Revised 2.6.19

1. Member Contact List
2. Orientation Guide
3. Schedule of Meetings
4. Duties
5. Open Meetings Act
6. City Council Rules for Compliance
7. Typical Agenda Format
8. Affirmation / Oath
9. Public Hearing Guidelines
10. Hearing Discussion Outline
11. Decision Criteria in Code
12. Variation Petition Findings of Fact
13. LaSalle Factors
14. Votes
15. Citizen Planner Workshop 9/20/17
16. Roles
17. Informational Literature:
 - “Running Efficient, Effective, and Shorter Meetings”
 - “Findings of Fact for Planning Commissions”
 - “Getting the Most Out of Staff Reports”
 - “Ending or Avoiding Commission Wars”
 - “Much To Do About Process”
 - “Zoning Handbook”
 - “Zoning Ordinance Variances”

Duties of the Planning and Zoning Commission
From City of Darien City Code Title 5A Zoning Regulations

Section 5A-2-1-4: PLAN COMMISSION

(A) Creation: A Plan Commission is previously authorized to be established in Title 2, Chapter 5 of this Code. The Commission shall consist of nine (9) members, appointed by the Mayor, with the advice and consent of the City Council, who shall serve without salary, and a member of the City Council, who shall be an ex officio member without the power to vote. A maximum of two (2) members may be from without the City but within the planning jurisdiction of the City as provided by statute. The nine (9) members shall serve for staggered five (5) year terms, ending January 18 of the year of termination. Annually, one of the members of the Commission shall be designated as chairperson by the Mayor, with the advice and consent of the City Council. Vacancies upon the Commission shall be filled for the unexpired term of the member whose place has become vacant, in the manner herein provided for the appointment of such a member. Members may be removed for cause by the Mayor and the City Council upon written charges and after public hearing.

(B) Jurisdiction: The Plan Commission shall discharge the following duties:

1. Review all applications for amendments to the Zoning Ordinance (text or map) and for special uses, hold public hearings thereon, and report its findings and recommendations to the Planning and Development Committee and City Council;
2. Review all applications for companion variations made as a part of a petition for an amendment, annexation, special use, and/or plat application, hold hearings thereon, and report findings and recommendations to the Planning and Development Committee and City Council;
3. Initiate, direct, and review, from time to time, studies of the provisions of the Zoning Ordinance, and make reports of its recommendations relative to proposed amendments to the Planning and Development Committee and City Council;
4. Initiate, review, and make recommendations to the Planning and Development Committee and City Council regarding amendments to the Comprehensive Plan and the Official Map;
5. Review and make recommendations to the Planning and Development Committee and City Council regarding proposed plats of subdivisions within the territorial jurisdiction of the City;
6. Act on all other matters which are referred to it, from time to time, or as required by the provisions of the Zoning Ordinance; and
7. Keep records of its meetings, hearings, findings, recommendations, and reports.

(C) Meetings And Rules: The Plan Commission shall meet on the first and third Wednesday of each month. All other meetings of the Plan Commission under this Chapter shall be held at the call of the chairperson or of any three (3) members of the Commission and at such other times as the Commission may determine. All hearings conducted by said Plan Commission under the authority conferred by this Chapter shall be open to the public and shall be announced as provided by law. In all proceedings of the Plan Commission provided for in this Chapter, the chairperson, and in the chairperson's absence, the acting chairperson, shall have the power to administer oaths. The Plan Commission shall keep minutes of its proceedings, showing the vote,

Community Development Department

Community Development

Application for Building/Public Works Permit Building Department Survey
Building Permit Info Packet Comprehensive Plan 2002 Comprehensive Plan Amendment 2006
Contractor License Application Form Current Building Codes Do I Need A Permit
Informational Sheets Permit Application Procedure Permit Fees Sign Permit Application
Zoning Map

See below for department functions. Click on links for further information. Contact us for assistance.

Overview

Provides services related to planning, zoning, building, and maintenance regulation. Updates and administers codes, reviews plans, processes applications, coordinates with other agencies, provides information and guidance to all involved in legislating, investing, developing, constructing, and occupying property. Promotes well-planned public and private investments that contributes to the City of Darien quality of life to live, work, shop, and worship.

Planning

Updates comprehensive land use plan, available commercial space inventory, compiles census demographic data; negotiates boundary agreements, annexations, and economic development incentive packages; coordinates with County, CMAP, Forest Preserves, park, school, and library districts, other municipalities, and utility companies; prepares grant applications.

Zoning

Updates codes, maps, and application packages for rezoning, text amendments, variations, special uses, planned unit developments, subdivisions, floodplain and storm water; processes applications, processes right-of-way vacations; schedules public hearings, negotiates City cell tower leases.

Building

Updates applications and information brochures; coordinates permit process for construction, signs, solar installations, liquor licenses, grading, storm water facilities, construction water, and demolitions; including plan review, fees, third party inspections, and certificates of occupancies; registers contractors.

Property Maintenance

Works with residents, businesses, and property managers to resolve maintenance issues; issues tickets, testifies in court; files liens; addresses new properties.

Staff

Supports the Planning and Zoning Commission, Municipal Service Committee, and City Council.

Director:	Dan Gombac	630-353-8106	dgombac@darienil.gov
Planner:	Steve Manning	630-353-8113	smanning@darienil.gov
Building:	Mary Belmonte	630-353-8115	mbelmonte@darienil.gov

Office: City Hall, 1702 Plainfield Road, Darien, IL 60561

Hours: Monday – Friday 8:30 – 5:00

Share:

Quick Links

**MINUTES
CITY OF DARIEN
PLANNING & ZONING COMMISSION MEETING
March 6, 2019**

PRESENT: Lou Mallers – Chairman, Robert Cortez, Michael Desmond, Robert Erickson, Brian Gay, Brian Liedtke, Mary Sullivan, Ralph Stompanato, Steven Manning - City Planner

ABSENT: None

Chairperson Lou 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 - Continued

Case: PZC 2018-11 Chemical Uses (zoning text amendment) City of Darien has petitioned for approval of a text amendment of the Zoning Code, Title 5A, Chapter 9: Office and Industrial Districts, Chapter 12: Performance Standards, and Chapter 13: Definitions, regarding standards for chemical-related uses and activities.

Mr. Steve Manning, City Planner reported that at the October City Council Goal Setting meeting the Council discussed land use regulation and oversight by City Council. He reported that the consensus of the Council was to review the City Code and recommend revisions in land uses with the goal of minimizing uses that may pose a hazard and requirements for public notification in the case of an EPA violation.

Mr. Manning reported that the City Administrator prepared an initial draft and a public hearing held in February and along with comments and attorney comments an updated draft was prepared. He reported that the packet included the comments received and a new draft referencing Federal Regulations Tier II.

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

Ms. Brooke Ledeman, Sterling Bay stated that they were concerned and that they would like to avoid over restricting tenants. She explained that there are hundreds of chemicals from the Tier II list and that it is difficult to identify chemicals.

Mr. Manning questioned if Sterling Bay has any prospective tenants.

Ms. Ledeman stated that she was not aware of any but that she would find out.

Chairperson Mallers stated that there are a lot of comments and that there are a lot of moving parts.

Commissioner Cortez stated that he would like to see what other communities have and provide a benchmark.

Commissioner Sullivan stated that we need to be mindful of the current owners and tenants and that leasing space is very competitive

Commissioner Erickson stated that the Fire District probably has a list of chemicals and quantities and how they are stored.

The Fire District staff was present for their hearing and answered that an annual fire inspection is done and that they will forward Mr. Manning's information to the Fire Inspection Director.

Commissioner Gay suggested having a mandatory fire inspection for specific Tier II chemicals.

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

Mr. Manning reported that the goal is to have final language by March 20th.

Commissioner Cortez made a motion and it was seconded by Commissioner Gay to continue PZC 2018-11 Chemical Uses (zoning text amendment) City of Darien has petitioned for approval of a text amendment of the Zoning Code, Title 5A, Chapter 9: Office and Industrial Districts, Chapter 12: Performance Standards, and Chapter 13: Definitions, regarding standards for chemical-related uses and activities to the March 20, 2019 meeting with Fire District information and any other public comment.

Upon roll call vote, THE MOTION CARRIED UNANIMOUSLY 8-0.

B. Public Hearing Case: PZC 2019-01 419 Plainfield Road (tower height variation) Tri-State Fire Protection District has petitioned for approval of a variation to Section 5A5-12 (C) of the Zoning Code, that otherwise limits the height of towers to 60 feet, for a proposed communications tower 150 feet tall to be built in the rear yard of the Tri-State Fire Station at 419 Plainfield Road.

Mr. Steve Manning, City Planner reported that this is a continuation of the public hearing. He reported that the Tri-State Fire District receives communications from the Addison Consolidated Dispatch Center (ACDC) via hard wire telephone lines and that they would like to convert to microwave signals between ACDC and the four stations in Darien, Willowbrook, Burr Ridge and Willow Springs. He reported that the site plan is in the packet.

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

Fire Chief Sam Molinaro reported that the purpose is for communication between the four stations. He reported that this is the most economically feasible thing to do and explained that there will be 2 three-foot dishes on the monopole with potential to add a carrier. Chief Molinaro stated that the goal is not to rely on AT&T and that they cannot afford to have any down time.

Chief Molinaro reported that they originally proposed a 150 ft. tower but that they lowered it to 130 ft. in Darien which is 30 feet taller than the Darien Park District tower.

Chairperson Mallers stated that the Fire Protection District protects the communities and that it is hard to say we can't do it. He asked if they have contacted any of the nearby residents.

Chief Molinaro reported that he talked to the manager of the apartments who passed it along to the property manager but that he never heard back. He also reported that he has contacted the high school principal.

Chairperson Mallers questioned if there are any issues with the flight pattern.

Mr. Jay Panazzo, Consultant representing the Fire District reported that there is an FAA study and that they determine if there is a hazard. He stated that the study is pending but that they do not foresee any issues.

Commissioner Desmond questioned if the tower would need a light.

Mr. Panozzo reported that lights are only required over 200 feet and that they will not require a light.

Commissioner Cortez asked what the projected cost savings would be annually.

Chief Molinaro reported that initially \$250,000. Mr. Panozzo reported that it will take 6 years to recoup the costs.

Commissioner Liedtke questioned if there are other openings to generate revenue.

Chief Molinaro stated that there would be potential to generate revenue.

Commissioner Desmond asked if there are specifications regarding safety.

Mr. Panozzo stated that they need to follow guidelines which are very stringent.

Commissioner Sullivan questioned if all the other stations need the same approval.

Chief Molinaro stated that they all need approval, so it is all or nothing.

Commissioner Erickson questioned if there is a no fall zone requirement.

Mr. Manning reported that there is nothing is Darien and that the towers are stronger than buildings.

Mr. Manning stated that he was familiar with propagation studies and questioned how they arrived at 130 feet.

Chief Molinaro reported that there were two studies completed and that the strongest signal is at 130 feet.

Mr. Manning questioned if prospective income is essential.

Chief Molinaro stated that it is not essential but irresponsible to the taxpayers if they never look into co-locations.

Mr. Manning stated that adding co-locations will be bulkier. He asked if they would consider a fence around the complex.

Chief Molinaro stated they would place a fence around the complex.

Commissioner Stompanato questioned what happens if something is built between the towers.

Mr. Panozzo stated that they it would affect the tower and that they would have to look at other options. He stated that the study considers the height of the building codes.

Commissioner Cortez questioned if they preferred 150 ft.

Chief Molinaro stated that they are comfortable with 130 ft.

There was some discussion regarding the tower being an eyesore. Chief Molinaro stated that 75-85% of the emergency calls are made with a cell phone and that this tower will benefit to have better cell coverage. He further stated that they informed the nearby residents of the meeting tonight and that there was no one in the audience.

Commissioner Sullivan questioned if there were any comments from residents.

Mr. Manning reported that there were none.

Commissioner Desmond stated that the height and location were a concern.

Commissioner Sullivan stated that she did not like the look but that they are updating technology.

Mr. Panozzo reported that if they limit the height, they will need more towers.

Commissioner Liedtke stated that he did no want to restrict the co-locations as it is irresponsible to the citizens.

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

Commissioner Gay made a motion and it was seconded by Commissioner Liedtke to approve PZC 2019-01 419 Plainfield Road (tower height variation) Tri-State Fire Protection District for approval of a variation to Section 5A5-12 (C) of the Zoning Code, that otherwise limits the height of towers to 60 feet for a proposed communications tower 130 feet tall to be built in the rear yard of the Tri-State Fire Station at 419 Plainfield Road with the following conditions:

- 1. The FAA approval of the tower and fence be placed around the tower compound;**
- 2. Based on the findings that 130 ft. height is the minimum needed for public safety and addresses decision criteria#1 which is the property be allowed to “yield a reasonable return.**

Upon roll call vote, THE MOTION CARRIED 7-1. Commissioner Desmond voted Nay based on the decision that Criteria #3 is the potential negative impact of the tower on the “essential character of the locality.”

CORRESPONDENCE

None

OLD BUSINESS

Mr. Steve Manning, City Planner reported that replacement pages for the manual were provided. There was some discussion regarding the outcome of a PZC tie or pending vote.

NEW BUSINESS

Mr. Manning reported on the draft application form and that he received no comments.

APPROVAL OF MINUTES

Commissioner Sullivan made a motion and it was seconded by Commissioner Desmond to approve the February 6, 2019 Regular Meeting Minutes.

Upon voice vote, THE MOTION CARRIED 8-0.

NEXT MEETING

Chairperson Mallers announced that the next meeting is scheduled for Wednesday, March 20, 2019 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 Sullivan. Upon voice vote, THE MOTION CARRIED unanimously and the meeting adjourned at 9:05 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

Elizabeth Lahey
Secretary

Lou Mallers
Chairperson

**MINUTES
CITY OF DARIEN
PLANNING & ZONING COMMISSION MEETING
March 20, 2019**

PRESENT: Lou Mallers, Robert Cortez, Michael Desmond, Robert Erickson, Brian Gay, Steven Manning - City Planner, Bryon Vana – City Administrator

ABSENT: Brian Liedtke, Mary Sullivan, Ralph Stompanato, Liz Lahey – recording Secretary

Chairperson Lou 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 - Continued

Case: PZC 2018-11 Chemical Uses (zoning text amendment)

City of Darien has petitioned for approval of a text amendment of the Zoning Code, Title 5A, Chapter 9: Office and Industrial Districts, Chapter 12: Performance Standards, and Chapter 13: Definitions, regarding standards for chemical-related uses and activities.

Steve Manning reported that this hearing was opened January 16 and was continued to February 6 and March 6. The staff report for this meeting includes correspondence from Aldermen Tom Chlystek and Lester Vaughan, research from Federal and State websites on Tier II regulations, and correspondence from Tri-State Fire District. This input along with testimony from property owners at the previous three hearings was used to prepare a revised draft of the zoning text amendment presented in ordinance form in the staff report. The revisions no longer have a list of uses to be deleted from the ORI and I-1 zoning district. Instead, the amendment includes a statement that businesses with Tier II reportable chemicals are to be prohibited in the ORI and I-1 districts.

Brooke Leneman, attorney from Holland & Knight, representing Sterling Bay, repeated the statement she made at the March 6 hearing and the statement made by her associate Peter Friedman for the February 6 hearing that the proposed text amendment seems overly broad and they request more time to prepare a response, such as limiting the prohibition to just the manufacture of extremely hazardous chemicals in large quantities.

Commission members asked whether there was any merit to have the Darien City Code list all the Tier II reportable chemicals, the minimum quantity thresholds specified by EPA for purposes of reporting, and setting up a special use procedure for exceptions.

Staff commented that EPA has already selected the most hazardous chemicals out of the over ½ million known and have designated this list of under a thousand as Tier II. This Tier II designation can be referenced for local regulation purposes. The chemicals included and their threshold quantities may be changed by EPA over time, so trying to list them in the Darien ordinance will become out of date. A special use procedure for allowing some Tier II chemicals

would be problematic, since we do not have a standard for determining if any would be safe in our community.

Keith Lang, a property owner of an industrial building on Wilmette Avenue in Darien, commented that by prohibiting all businesses that would have Tier II chemicals, would limit the number of potential businesses that could move into Darien. This may limit his rental income and the City's tax revenue.

Staff acknowledged that potential exists. In light of the lack of vacancies and the absence of current businesses in the ORI and I-1 district reporting Tier II chemicals, the risk of negative economic impact may be low. The risk to the health of people and the environment from a release of Tier II chemicals may be high.

Commission members commented on the potential economic benefits of the proposed regulation that may come from higher rents for Tier II chemical-free properties, lesser insurance liability for personal injury and contamination, and lesser costs for health care and cleanup of contamination.

Joseph Myczek, 8632 Ailsworth Drive in Darien, commented that even a small leak of hazardous chemical can be disastrous, such as from the Sterling Bay property into the adjacent forest preserve Waterfall Glen or from dry cleaners. He also said that all landlords have economic risks and should be willing do their part to protect the environment and our health as part of the cost of doing business.

Commissioner Cortez asked about reporting history. Staff referenced the EPA information that Tier II reporting is an honor system with penalties for non-compliance and cited recent news of forced business closing in Willowbrook. Commissioner Erickson asked about role of the fire department. Staff recounted the information obtained from the Tri-State Fire Prevention Director that their annual inspections of businesses are done with Tier II reports in hand and they are looking for proper storage and fire suppression. So far they have not found any business that failed to report as required by Tier II, however they are not tasked with finding improper handling of Tier II chemicals.

Commissioner Gay asked if the proposed text amendment would prevent a situation in Darien similar to the Sterigenics situation in Willowbrook. Bryon Vana responded that is the intent.

Steve Manning commented that the intent is to be proactive. This zoning approach is innovative and to our knowledge Darien is first community to try this approach to regulating hazardous chemicals. Holland and Knight has asked three times for more time to respond. We have continued for two months but they have not provided any further input. There is some urgency here in that the two large industrial properties in Darien, 7879 Lemont Road and 1035 S. Frontage Road, are now searching for tenants and City could be well-served by have this proposed regulation in place now. As with any new code, the language should be our best attempt to get it right, but if our experience with the new regulation reveals a need for improvement, we should be willing to consider further amendment at that time. Commissioner Cortez said he understands that one of the functions of public hearings is to give the public a chance to provide input and for all commissioners to review and comment. However, we also have the obligation to move the proposal forward in a timely manner.

Commissioner Desmond made a motion to recommend approval of the ordinance as presented with changes to the text in sections 1 and 2 adding the word 'process' after the words 'utilization' and the words 'at quantities' before the words 'subject to the Tier II

reporting' based on a finding-of-fact that the proposed zoning text amendment does comply with the decision criteria in Section 5A-2-2-5 of the Zoning Code, specifically that it would be compatible with the existing uses and trend of development in the area, it would not have a negative impact on the character of the area or the property values therein, and it would be consistent with the plans and policy of the City to protect the health safety and general welfare. Commissioner Gay seconded.

Upon roll call vote, **THE MOTION CARRIED UNANIMOUSLY 5-0.**

Staff commented that this agenda item and the PZC recommendation will be scheduled for the Municipal Services Committee on March 25.

CORRESPONDENCE

None

OLD BUSINESS

None

NEW BUSINESS

None

APPROVAL OF MINUTES

None

NEXT MEETING

Scheduled for April 3

PUBLIC COMMENTS

None

ADJOURNMENT

With no further business before the Commission, Commissioner Cortez made a motion to adjourn. Seconded by Commissioner Erickson. Upon voice vote, **THE MOTION CARRIED** unanimously and the meeting adjourned at 8:40 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

Steven Manning
Acting Recording Secretary

Lou Mallers
Chairperson