

CITY OF DARIEN
PLANNING AND ZONING COMMISSION

Wednesday, March 4, 2020
7:00 PM
City Hall Council Chambers
1702 Plainfield Road

AGENDA

1. Call to Order
2. Roll Call
3. Regular Meeting

A. Public Hearing

PZC 2020-02 / 7516 S. Cass Avenue, Suite 25B / Carla's Red Hots

Petitioner seeks approval of a special use zoning permit to operate an eating establishment as lessee of Suite 25B at 7516 S. Cass Avenue (Brookhaven Plaza Shopping Center), located within the B-2 Community Shopping Center Business District.

4. Correspondence
5. Old Business
6. New Business
7. Approval of Minutes February 19, 2020
8. Next Meeting March 18, 2020
9. Public Comments [On any topic related to planning and zoning]
10. Adjournment

**MINUTES
CITY OF DARIEN
PLANNING & ZONING COMMISSION MEETING
February 19, 2020**

PRESENT: Lou Mallers-Chairperson, Michael Desmond, Robert Erickson, Steve Hiatt, Julie Kasprovicz, Brian Gay (7:05pm), Brian Liedtke (7:12pm), Ralph Stompanato

ABSENT: Hilda Gonzalez

OTHERS: Joseph Hennerfeind-City Planner, Dan Gombac, Director

Chairperson Lou Mallers called the meeting to order at 7:00 p.m. at the Darien Police Department Training Room, 1710 Plainfield Road, Darien, Illinois and declared a quorum present and swore in the audience members wishing to present public testimony.

REGULAR MEETING:

A. Public Hearing PZC 2020-01 Case: PZC 2020-01 7532 South Cass Avenue (Sign Variations) Petitioner City of Darien requests approval to permit the construction of 2 (two) electronic message board signs adjacent Cass Avenue and Plainfield Road, located within the B-2 Community Shopping Center Business District.

Mr. Joe Hennerfeind, City Planner reported that this is a continuation of PZC 2020-01 and reported that staff investigated reducing the variations and options for one sign versus two signs. He reported that staff provided two options but that in either option there are still three variations regarding electronic message boards, permitting advertising, and illuminated signs with changing light intensity, brightness and color all still applicable.

Mr. Hennerfeind reported that as requested, staff investigated reducing the number of signs. He reported that Option 1 is for one sign placed with a direct view to the intersection of Cass Avenue and Plainfield Road and would only be viewable for traffic traveling southwest on Plainfield Road and north on Cass Avenue. Mr. Hennerfeind reported that the revised site plan has eliminated the need for a setback variation as the sign will be installed within the setback. He reported that the overall sign area for the message board portion of 7' x14' or 98 square feet is proposed from the initial 122 square feet and that staff was able to discount the area allotted to "City of Darien" as non-commercial information. Mr. Hennerfeind reported that this sign would exceed the 60 square foot requirement by 38 square feet.

Mr. Hennerfeind reported that Option 2 is for two signs and the preferred staff option. He reported that the sign location would be located 1.93' from the Cass Avenue property line which an improvement from the initial request and requires a variation of 2.07' to the required 4' setback.

Mr. Hennerfeind reported that staff worked with Chicago Billboards to overcome the issues of building over the sanitary sewer line and merging the two signs into one perceived grouping. He reported that there is very little difference between one sign or two as the landscaping, base walls and water feature will be crafted into a monumental entry gateway. He further reported that the second sign would be viewed when traveling south on Cass Avenue capturing an additional 25% of motorists.

Mr. Hennerfeind reported that the proposed signs would be constructed on brick bases similar and compatible to the brick used on the adjacent commercial building. He reported that landscaping and further design features would be coordinated by the City, including a planned water feature integrated into the base to match the water feature across the street.

Mr. Hennerfeind reported staff recommends Option 2 specifically for the civic communication engagement, additional business exposure, and opportunity to create a greater presence to the gateway intersection. He reported that the City is interested in providing a community digital network as a new communication tool for events, public meetings, and alerts throughout the year and that placing this at a prominent corner will create additional civic engagement as it has proven for other local communities.

Mr. Dan Gombac, Director reported that staff was directed by a goal setting workshop that there is not enough communication to residents. He reported that the goal of the signs is to capture northbound, southbound and westbound traffic and to enhance the area with a water feature like the clock tower which has been viewed as a landmark in the City of Darien.

Mr. Gombac stated that a sign at 75th and Cass would be much larger and more obtrusive. He reported that there is no cost to the City of Darien and that staff worked with the vendor to get the smallest size possible so that motorists can see but not get too distracted. He further reported that the big businesses such as Walmart, Home Depot, etc. are not likely to advertise.

Commissioner Desmond questioned if the water feature is available for both sign options.

Mr. Gombac reported that the water feature can be done for Option 1 or Option 2.

Commissioner Hiatt acknowledged the sign company and thanked them for listening.

Chairperson Mallers stated that there are concerns regarding safety and motorists taking their eyes off the road and if the sign is compatible with state law. He also stated that the citizens communicated that the cannabis public hearing was not fully communicated and that this is good form of communication.

Mr. Bill Przybyski, Chicago Billboards stated that IDOT endorses what the federal guidelines regulate which is ten seconds.

There was some discussion from the Commissioners regarding one sign or two.

Commissioner Gay provided data referencing the Bolingbrook sign and a more significant setback with the same size sign as proposed in Darien. He also provided visitor data and the local businesses surrounding Darien within two miles and what will prevent them from advertising in Darien. He stated that the sign is inviting additional competition to the Darien businesses.

Mr. Gombac stated that the Darien businesses will be given priority and surrounding businesses such as Mariano's and Pete's have their own signs for advertising.

Chairperson Mallers stated that there is no real advertising for businesses in Darien.

Commissioner Liedtke stated that the sign is a gateway piece to identify Darien and that he respects the data but that the sign will be a benefit to advertise in Darien. He stated that competition is good and that he does not believe it a logical reason not have the sign.

At 7:37 pm Chairperson Mallers opened the meeting to anyone wishing to present public comment.

Mr. Ron Price, Darien stated that that the real issue of safety has not been discussed. Mr. Price read aloud research data regarding driver distractions and the increase crash risks. He stated that 10 seconds may be too short and that there is transition phase to the driver after they read the sign and there needs to be a recovery zone. Mr. Price questioned if there is data regarding accidents at that intersection.

Mr. Hennerfeind reported that that a traffic study was not done specific to this signage request.

Commissioner Hiatt stated that there are signs everywhere and that if this sign pulls people off their phone and on the street, it is a plus. He stated that he was in favor of only one sign because of the distance.

Commissioner Desmond stated that if safety is a concern that there may be need for a traffic study. He stated that he likes the idea but that he cannot support it because of the location.

Mr. Hennerfeind reported that a traffic study was not required. He noted that the location had a gas station with four curb cuts and the commercial development would reduce them to one. He stated that this is a great opportunity to the City in having a property owner on a busy intersection willing to dedicate the easement. He stated that other potential sign locations may not present the same opportunities and that this is no cost to the City.

A resident in the audience asked if the City would own the sign and asked what legal action could be taken against the City if someone gets in an accident and states that they were distracted by the sign.

Mr. Hennerfeind stated that he could not render a legal opinion, but that the City would not own the sign.

Mr. Przbylski stated that they will own the sign and that the City will get one slot. He also stated that the property owner will also get one slot split between the three businesses.

Mr. Hennerfeind reported that anyone in Brookhaven can advertise as well as nonprofit organizations.

Mr. Przbylski stated that they worked with staff and tried to incorporate the changes in the rendering. He stated that the two-sided sign incorporates brickwork, so it looks like one piece with a water feature. Mr. Przbylski stated that safety is their major concern and that they look at the proximity to residential areas. He referenced one of their sign locations at 103rd and Cicero Avenue and stated that the sign is located right on the lot line and that they have had no dialog with the police department regarding the sign causing havoc. He stated that they meet and follow all the federal guidelines and that all their signs are programmed to ten seconds and that they can adjust but it is not the standard.

At 8:20 p.m. Chairperson Mallers closed the public hearing.

Commissioner Kasprowitz stated that she thought that a traffic study was a good idea but questioned what information would be collected without the businesses in place. Commissioner Liedtke agreed.

Mr. Hennerfeind reported that although the County conducted a traffic study at some point, he was unsure of when it was completed. The study would not have addressed signage.

There was no one else wishing to present public comment.

Commissioner Hiatt made a motion and is was seconded by Commissioner Stompanato to approve Public Hearing PZC 2020-01 Case: PZC 2020-01 7532 South Cass Avenue for Option 1 – 1 sign.

Upon voice vote, THE MOTION TIED 4-4.

**Yay - Hiatt, Liedtke, Mallers, Stompanato
Nay - Desmond, Erickson, Gay, Kasprowitz**

Commissioner Hiatt made a motion and is was seconded by Commissioner Erickson to approve Public Hearing PZC 2020-01 Case: PZC 2020-01 7532 South Cass Avenue for Option 2 – 2 signs.

Upon voice vote, THE MOTION WAS DENIED 2-6.

**Yay - Erickson, Liedtke
Nay - Desmond, Gay, Hiatt, Kasprowitz, Mallers, Stompanato**

Commissioner Liedtke made a motion and is was seconded by Commissioner Erickson to amend approval of Public Hearing PZC 2020-01 Case: PZC 2020-01 7532 South Cass Avenue for Option 1 – 1 sign.
Upon voice vote, THE MOTION CARRIED 5-3.

Yay -Hiatt, Liedtke, Erickson, Mallers, Stompanato
Nay - Desmond, Gay, Kasprowitz

CORRESPONDENCE

None

OLD BUSINESS

There was no old business.

NEW BUSINESS

There was no new business.

APPROVAL OF MINUTES

Commissioner Erickson made a motion and is was seconded by Commissioner Hiatt to approve the amended December 18, 2019 Regular Meeting Minutes.

Upon voice vote, THE MOTION CARRIED 8-0.

Commissioner Gay made a motion and is was seconded by Commissioner Liedtke to approve the February 5, 2020 Regular Meeting Minutes.

Upon voice vote, THE MOTION CARRIED 8-0.

NEXT MEETING

Chairperson Mallers announced that the next meeting is scheduled for March 4, 2020.

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 Desmond made a motion and it was seconded by Commissioner Stompanato. Upon voice vote, THE MOTION CARRIED unanimously, and the meeting adjourned at 8:33 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

Elizabeth Lahey
Secretary

Lou Mallers
Chairperson

AGENDA MEMO
PLANNING AND ZONING COMMISSION
March 4, 2020

Case

PZC 2020-02 7516 S. Cass Avenue, Suite 25B / Carla's Red Hots

Issue Statement

Petitioner seeks approval of a special use zoning permit to operate an eating establishment as lessee of Suite 25B at 7516 S. Cass Avenue, within the Brookhaven Plaza Shopping Center.

General Information

Petitioner:	Joel Ruiz, Carla's Red Hots
Owner:	Jemco & Assoc., LTD
Property Location / PIN#:	7516 S. Cass Avenue 25B / 09-28-402-021; -024; -026
Zoning / Land Use:	Site: B-2 / vacant - former convenience mart North: B-2 / Commercial – Walgreen's South: B-1 / Office - Cass Professional Center East: B-2 / Commercial - Darien Pointe West: R-2 / Commercial – Celestine Salon
Comprehensive Plan:	Future Land Use: Commercial
Transportation:	Driveways to Plainfield Road, Cass Avenue and 75 th Street

Zoning Provisions

Section 5A-2-2-6(G): Special Use Standards

Section 5A-8-3-4: Special use approval to permit eating establishment.

Development History and Proposal

The petitioner proposes to open an eating establishment within the Brookhaven Plaza. The petitioner provided information on the proposed use and a generic layout of their establishment, included with this memo.



The subject property is located on the west side of Cass Avenue, between 75th Street and Plainfield Road. Proposed in an available 1,200 square foot retail space in the shopping center, Suite 25B is located in the south portion of the center adjacent Brookhaven Marketplace, facing Plainfield Road. The proposed restaurant will occupy the space between American Brokers Real Estate and Dotty's Café, and was once the location of the VF Asian Mart.

Special Use

Within the B-2 zoning district, an eating establishment requires special use approval. Prior to a text amendment to the Zoning Ordinance in 2006, eating establishments were a permitted use within the B-2 zoning district.

Carla's Red Hots would serve a variety of foods including hot dogs, Italian beef and other typical fast-casual foods. Hours are proposed to be 10am to 10pm most days, with a 12am closing on Friday and Saturday nights. The space is shown with service and dining space split equally in size, and 10 tables for inside dining. The petitioner does not intend on obtaining a liquor license.

Under the Darien Zoning Ordinance, parking requirements for a shopping center are based on the square footage of the shopping center, not on individual businesses within the shopping center. Although the parking field in front of the space is shared with the Brookhaven Marketplace, additional parking is located to the west, as well as throughout the shopping center.

The special use request must address the following criteria for approval:

1. That the special use is deemed necessary for the public convenience at the location specified.
2. That the establishment, maintenance, or operation of the special use will not be detrimental to, or endanger the public health, safety, or general welfare.
3. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
4. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
5. That the exterior architectural design, landscape treatment, and functional plan of any proposed structure will not be a variation with either the exterior architectural design, landscape treatment, and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood.
6. That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.
7. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
8. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the City Council pursuant to the recommendations of the Planning and Zoning Commission and the Municipal Services Committee.

Petitioner Documents (attached to this memo)

1. Petition
2. Plat of Survey
3. Floor Plan
4. Menu, Business Narrative and Hours of Operation

Staff Documents (attached to this memo)

5. Location Map

Pending Meeting Schedule

Planning and Zoning Commission:	March 4, 2020
Municipal Services Committee:	March 23, 2020
City Council:	April 6, 2020



ZONING APPLICATION

CITY OF DARIEN
1702 Plainfield Road, Darien, IL 60561
www.darienil.us 630-852-5000

CONTACT INFORMATION

Joel Ruiz Ruiz
Applicant's Name
3116 saint charles rd
Address, City, State, Zip Code
Bellewood IL 60104
Telephone 630-694-4166
joelruiz5353@gmail.com
Email

BROOKHAVEN 15EMCO
Owner's Name
242 BUNTING LANE
Address, City, State, Zip Code BLOOMINGDALE 60108
630.212.1644
Telephone
Jmanos@BANK FINANCIAL.COM
Email

PROPERTY INFORMATION

7516 S Cass Ave suite 25b darien
Property address PIN Number(s)

Zoning District Current Land Use(s)

(Attach additional information per the Submittal Checklist.)

REQUEST

Brief description of the zoning approval requested. (Contact the City Planner for guidance.)

[Signature]

As Notary Public, in and for DuPage County in Illinois, I do hereby certify that Joel Ruiz is personally known by me to be the same person whose name is subscribed above and has appeared before me this day in person and acknowledged that they have signed this document as their own free and voluntary act, for the purposes therein set forth.

Given under my hand and seal, this 25th day of January 2020.

[Signature]
Notary Public

Table with 2 columns: Field and Value. Fields include Date Received (1/21/20), Case Number (2020-02), Fee Paid (5505), and Hearing Date (3/4/20).



PARCEL #3

THE NORTH 164.5 FEET (EXCEPT THE EAST 200 FEET THEREOF) AND OF LOT 302 IN BROOKHAVEN MANOR, A SUBDIVISION IN SECTIONS 27 AND 28, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 18, 1956, AS DOCUMENT 827287, IN DU PAGE COUNTY, ILLINOIS.

PLAT OF SURVEY

OF PART OF LOT 302 IN BROOKHAVEN MANOR, A SUBDIVISION IN SECTIONS 27 AND 28, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 18, 1956, AS DOCUMENT 827287, IN DU PAGE COUNTY, ILLINOIS.

PARCEL #4

THAT PART OF LOT 302 (EXCEPT THE NORTH 200.0 FEET OF THE EAST 200.0 FEET THEREOF AND EXCEPT THE WEST 20.0 FEET OF THE SOUTH 164.5 FEET OF THE NORTH 213.5 FEET OF THE EAST 206.0 FEET LYING NORTH OF A LINE DESCRIBED BY BEGINNING AT A POINT ON THE EAST LINE OF SAID LOT 302, 182.48 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LOT AND RUNNING THENCE WEST AT RIGHT ANGLES TO SAID EAST LINE 150.0 FEET; THENCE SOUTHWESTERLY TO A POINT 366.16 FEET NORTHWESTERLY FROM A POINT ON THE SOUTH LINE OF SAID LOT 100.0 FEET NORTHWESTERLY FROM THE SOUTHWEST CORNER OF SAID LOT 302; THENCE NORTHWESTERLY 66.46 FEET TO A POINT ON THE WEST LINE OF LOT 302, 511.92 FEET SOUTH OF THE NORTHWEST CORNER OF LOT 302 IN BROOKHAVEN MANOR, BEING A SUBDIVISION IN SECTIONS 27 AND 28, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 18, 1956 AS DOCUMENT 827287, IN DU PAGE COUNTY, ILLINOIS.

THIS IS TO CERTIFY THAT THIS PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE "MINIMUM STANDARD DETAIL REQUIREMENTS FOR LAND TITLE SURVEYS" JOINTLY ESTABLISHED AND ADOPTED BY AIA AND ACSM IN 1962, WITH THE FOLLOWING EXCEPTIONS:

1. DRAIN TILES
 2. IMPROVEMENTS AND/OR UTILITY LINES NOT APPARENT FROM SURFACE INSPECTION.
- BUILDINGS AND OTHER IMPROVEMENTS LOCATED AS SHOWN HEREON AND THERE ARE NO ENCROACHMENTS EITHER WAY ACROSS ANY BOUNDARY GIVEN UNDER MY HAND AND SEAL AT WHEATON, ILLINOIS, THIS 19TH DAY OF OCTOBER, A.D. 1983

BY: *Malcolm R. Hildebrand*
ILLINOIS LAND SURVEYOR NO. 1763

STREET

Easements Released

Lot Limits Per Dec # 204-9264-88e 10/4/72/1984
 Comm. Eas. Limits Per Dec # 204-65765-88c Aug 7/1984
 N/Gas Limits Per Dec # 89-75094-88c Sept 20/1984

75TH STREET

NEW CURBLINE OF LOT 302

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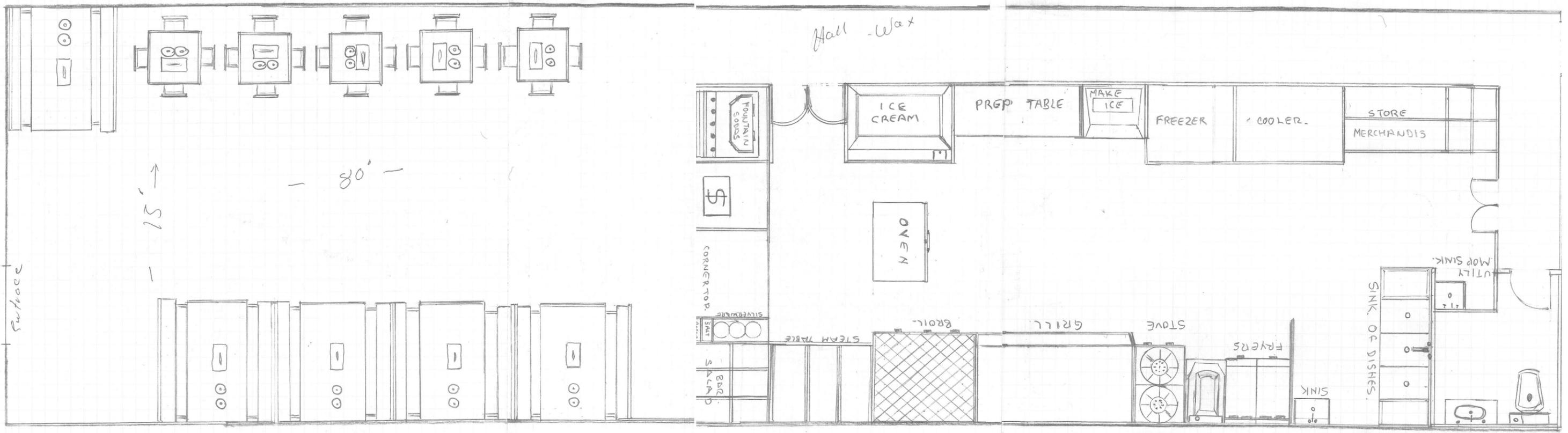
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The reason why we wanted to open Carla's Red Hots at this location is because we know it's the ideal place for it. It has the right equipment for a restaurant. This area is a calm area and a good place to be. We have 9 years of experience working with food like the one we want to sell. We know how to cook all the food that would be on the menu. This is why we would like to open Carla's Red Hots at this location.

Hot Dogs
Italian Beef
Chicken Sandwich
Cheese Burger
Italian Sausage
French Fries
Paninis
Philly cheesesteak
Salad
chili cheese Dogs
Italian Ice
Cheese Dogs
Grilled cheese
Soups
Barbecue Beef
chili Bowl
Tamale Bowl
Tamale
Cheese Fries
Meat Ball Sandwich
Pasta
Chicken Tenders
Pizza Buds
Gyro
Beet Sausage Combo
Double Dog

Cheese cake
Tiramisu
Steak tacos
Double Cheese Burger
Barbecue ribs
pepper and egg

Hours of operation

Monday: 10:00 a.m. - 10:00 p.m.

Tuesday: 10:00 a.m. - 10:00 p.m.

Wednesday: 10:00 a.m. - 10:00 p.m.

Thursday: 10:00 a.m. - 10:00 p.m.

Friday: 10:00 a.m. - 12:00 a.m.

Saturday: 10:00 a.m. - 12:00 a.m.

Sunday: 10:00 a.m. - 10:00 p.m.



This map is for assessment purposes only.
DuPage County Web Site :
www.dupageco.org

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

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