

MINUTES CITY OF DARIEN

PLANNING, ZONING, AND ECONOMIC DEVELOPMENT COMMISSION

Wednesday, March 5, 2025

PRESENT: Lou Mallers – Chairperson, Jonathan Christ, Shari Gillespie, Chris Green, Jonathan Johnson, Chris Jackson, Mark Kazich

ABSENT: None

OTHERS: Ryan Murphy – City Planner

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. Chairperson Mallers declared a quorum present.

Regular Meeting – New Business

- a. **PZC2024-14 – 8226 S. Cass Avenue – True North Energy, LLC – A petition for an amendment to the Special Use Permit which previously permitted the construction and operation of an automobile service station, drive-through car wash, and mini-mart, to allow for the demolition of the existing car wash and mini-mart, and the relocation/expansion of the mini-mart. The project includes requested variations from the City’s landscape requirements. On-site improvements include parking facilities, landscape improvements and drainage/stormwater improvements. The subject property is located in the General Business District B-3 at the northwest corner S. Cass Avenue and N. Frontage Road.**

Mr. Ryan Murphy, City Planner reported that the proposed project would be a full tear down and renovation of the property, canopy for 6 fuel pumps, new convenience store and would remove the car wash. He reported that there would also be improvements made to the existing detention pond including the construction of a retaining wall. He further reported that a landscaped refuse and recycling enclosure had been proposed and would meet City Code requirements.

Mr. Murphy reported that the floor plan and elevations would be available on the City website and would include design specifications. He reported that the existing raised curb/island barrier would be demolished and would consist of open paving with 19 dedicated parking stalls along with 12 stalls available at fuel pumps.

Mr. Murphy reported that a traffic study had been prepared by the applicant, which had resulted in peak hour trips to increase by approximately 1% and would not result in substantial transportation impacts.

Mr. Murphy reported that staff had reviewed the submitted plans and found that the project would comply with all development standards, except regarding perimeter landscaping requirements.

Mr. Murphy reported that the plans had been reviewed by Christopher Burke Engineering and the applicant would be required to address their comments. He reported that staff identified several variations being proposed in the project:

1. To allow for parking areas near the northern property line to be located within a 30-foot parking setback,
2. For no landscape islands to be provided in the parking area directly in front of the mini mart, and
3. To allow for less landscaping than would otherwise be required at the eastern, western and southern property lines in lieu of the proposed landscaping plans.

Mr. Murphy reported that the North property line complies with landscaping requirements but the South, East and West do not. He reported that the applicant had provided a justification letter for various findings of fact and criteria that the Planning and Zoning Commission must use for the Special-Use amendment and variations.

Mr. Murphy reported that Staff had recommended several conditions of approval if given a favorable recommendation:

1. Plans submitted for the project should include enhanced landscaping along the northern property line to consist of additional shade or overstory trees where none are provided,
2. Prior to certificate of occupancy, the petitioner shall include pavement rehabilitations or resurfacing of those portions of the shared access drive that are located on the subject property and are generally in disrepair, and
3. Comply with the plan submittal requirements identified by Christopher Burke Engineering.

Mr. Murphy reported that a public notice had been published and mailed to residents within a 250-foot radius of the property and he had not received any public comments. He further reported that the petitioner would, at a later request, like to have the City Council expand the number of liquor licenses for the site, but that would be decided by the Mayor and the City Council and would not be reviewed by the Planning and Zoning Commission.

Chairperson Lou Mallers swore in any audience members wishing to present public testimony.

Mr. Christopher Palmer, RTM Engineers, introduced himself to the Commission as the primary civil engineer for the project.

Commissioner Jonathan Johnson questioned if there had been any pushback from Alpine Banquets. He questioned if the proposed building would block the view of their business.

Mr. Palmer stated that they had not received anything directly from Alpine. He stated that there is currently a 6-foot fence along the property line and that the building would go where the car wash currently is and would have a slightly lower elevation, which would not obstruct their view.

Commissioner Johnson questioned if there would be a car wash.

Mr. Palmer stated that because the current Special Use states a car wash and they no longer want one they must ask for a change.

Commissioner Mark Kazich questioned if they had looked into the turning radiuses. He questioned where the pumps would be and how large trucks would get in and out.

Mr. Palmer stated that big trucks would come in during off-peak time frames. He stated that they had not run a turn analysis but would be happy to do so. He further stated that they would not propose any changes to entrances and exits. Mr. Palmer stated that they would be increasing the amount of parking space and drive-aisle space which would be an improvement.

Commissioner Chris Jackson questioned how the fuel trucks currently enter the site.

Mr. Palmer stated he was unsure. He stated that the best way would likely be to enter from the traffic light at Frontage Road.

There was some conversation regarding trucks entering and exiting the property.

Commissioner Johnson questioned if the proposal would not change the tanks.

Mr. Palmer stated that the tanks would be re-done. He stated that they would get rid of the existing tanks and place new ones in the same locations.

There was some further conversation regarding trucks entering and exiting the property.

Commissioner Kazich suggested the petitioner place signage to indicate proper entrance and exit. He further questioned if there would be EV charging stations.

Mr. Palmer stated that there would not be at this time but there would likely be a space to put them in at a later date.

Commissioner Jackson questioned if 19 parking spaces was the requirement.

Mr. Palmer stated that they would maximize frontage space to allow for more people to come in the store. He stated that the official count would be 21 parking spaces.

Mr. Murphy stated that there would be 19 proposed spaces, but the requirement would be 21. He stated that the Code had been silent on whether pumps count as parking spaces and that he had mentioned stalls at the pumps and unmarked spaces in his plan review. He further stated that if the Commission would be concerned with the amount of spaces they may recommend additional striping.

Commissioner Jackson questioned if they would be over parking or under.

Mr. Murphy stated that there would be more spaces than previously.

There was some conversation regarding parking at pumps and the number of spaces.

Commissioner Jackson questioned if someone could speak to the fence. He questioned if the current fence would be removed or replaced.

Mr. Palmer stated that currently the fence would be removed, but they would still need to meet the requirements. He stated that he would recommend a fence, especially next to the banquet hall due to the retaining wall.

There was some discussion regarding landscaping.

Mr. Todd Stan, landscape architect, stated that a fence on the West would be a nice addition. He stated that the North side has existing trees and that there would be a substantial landscape buffer which would be above-ordinance. He stated that there would be lots of space to do nice landscaping and that the rest of the site would have constraints due to lack of physical space.

Commissioner Jackson questioned if a fence would be doable on the West side.

Mr. Stan stated that it would be and that there would likely be space between the edge of the property line and the plantings.

Commissioner Jackson stated his concern with safety. He stated that there would be a potential risk of kids jumping over the fence. He further questioned if the bushes would be 12-inches high.

Mr. Stan stated that bushes and other landscaping would not be a physical barrier and that one would still be able to cross the property line. He stated that the fence on the Western property line would provide secure boundaries and would be good for both properties to consider.

Commissioner Jackson questioned, regarding the need for a variance, if in the Southwest corner why not include more landscaping.

Mr. Stan stated that they could put more but it would still be short of the ordinance because of the length of the pavement section and that they lack the green area. He stated that to meet the ordinance they would need 1,192.5 points and the proposal had provided about 780 points. He further stated that there would be significant plantings along the property line from the

edge of the pond to the pavement. Mr. Stan stated that if they were to add a few more trees it would only add a couple hundred more points to the ordinance scoring.

Commissioner Jackson questioned if they would plant more trees.

Mr. Stan stated that they absolutely would plant more trees, but it would still be short of the ordinance requirement. He stated that there would be extensive landscaping everywhere else on the site and that they would like to meet the ordinance requirements as best as possible.

Commissioner Jackson stated that the lawn area would need to be mowed. He questioned why they wouldn't just landscape the whole area.

Mr. Stan stated that they would need some areas of grass space. He stated that they would use the area as a potential place to push snow piles and that snow removal had been considered in the landscape design.

Mr. Murphy stated that the existing 1985 ordinance had specific conditions related to fencing. He stated that if recommended for approval, any conditions of approval still pertinent would remain in place. He further stated that condition for approval 2 in the ordinance states that the fence along the Western property line is required and that there are methods of compliance for fencing along the Northern property line. Mr. Murphy stated that there would be a 6-foot and 8-foot high fence on the West property line and on the North property line if landscaping is not sufficient and the Commission would deem it necessary to require a fence. He further stated that based on Staff review, Western property line fencing would remain under the existing ordinance unless the condition of approval was removed.

Commissioner Jackson stated that it looked like a request to amend to adhere to the proposed landscape plan. He questioned if they had been missing the existing fence line.

Mr. Stan stated that it would come down to the condition of the fence and that a fence would remain regardless of the details, likely being the same type of fence in the existing spot.

Mr. Murphy stated that the current fence was very substantial – 8-feet tall on top of a berm.

There was some discussion regarding the history of the property area.

Commissioner Kazich stated that the fence would still be appropriate for the privacy of the townhomes adjacent to the site.

A resident living on the North side of the property questioned if they would remove the North fence.

Mr. Palmer stated that as of now they plan to remove both fences.

The resident stated that he would have a problem with that due to safety and noise.

Chairperson Mallers questioned if they would remove the dumpster from the North side and relocate.

Mr. Palmer stated that they would relocate the dumpster to the South of the convenience store and would enclose it in a brick structure.

Mr. Murphy stated that based on his review of the plans, there would be no amendment proposed to conditions for a fence along the Western property line. He stated that as it stands, the fence on the Western property line would remain and may require a 10-foot extension past the proposed building line.

Mr. Palmer stated that the petitioners would be flexible and willing to do what would make the most sense. He stated that the fence on the Western line would be a good idea.

There was some discussion regarding the need for a fence on the Western property line.

Mr. Stan stated that if a fence on the Northern property line would be deemed necessary, it would be no issue and they would clear the area to make necessary space.

Commissioner Chris Green questioned if the plantings would have to change on the landscaping plan if a fence were to be included.

Mr. Stan stated that the fence would not impact the development, but they would like to replace the existing one with a nice and long-lasting fence. He stated that the landscaping plan would not change except for adding any trees recommended by Staff or the Commission.

There was a clarification of the conditions for approval based on the 1985 ordinance.

Mr. Craig Kutch, 1226 Darien Path Way, stated that he lives in the townhomes to the South of the property and that he had experienced light and noise pollution in the past. He questioned if the lighting would be the same as it currently is.

Mr. Palmer stated that he would clarify, but the lighting would be the same type as it is now.

Mr. Kutch stated that he wouldn't mind the fence being higher and that he had a concern for safety and noise and light pollution, but the proposed site looked great.

There was some discussion regarding the hours of operation.

Commissioner Green questioned if a photometric study had been conducted on the new lighting layout.

Mr. Palmer stated that it would be part of the final engineering process but that it would meet any ordinance requirements.

There was some discussion regarding lighting specifications.

Mr. Stan stated that True North would provide very professional services and the Commission would be pleased with the outcome of the lighting and the project as a whole.

There was further discussion regarding lighting.

Mr. Javier Millan, Principal of KLOA, Inc., pointed out that the signage should be rectified for entering and exiting the property.

Commissioner Green questioned if the overall impact would be about 1%.

Mr. Millan stated that it would be and that he had taken into account a new versus established structure. He stated that because this property had been established the analysis would show about a 1% increase due to the updated structure.

Commissioner Jackson questioned if the study had established a right-in and right-out.

Mr. Millan stated that he had kept it as the previous had but he had considered how many people would exit left on Cass.

Commissioner Johnson questioned what the effect of taking the fence away would be.

Commissioner Jackson stated that it would be less safe, and that animals and people would be crossing through the property. He stated that a fence would provide a separation from Alpine Banquets.

There was some discussion regarding the specifics of the fence.

Commissioner Jackson stated his confusion with the landscape plan regarding the amendment.

There was some discussion regarding the applicant justification.

There was further discussion regarding a motion to amend and the layout of the property.

Mr. Murphy clarified the landscape plan versus a fence permit.

Commissioner Jackson questioned what the tree line consisted of.

Mr. Stan stated that there were lots of naturally populated trees that had been unmaintained. He stated that the client would be easy to work with on the fencing issue. He further stated that he would plant the site generously, but the ordinance had no accommodation for paved areas so there would be large gaps in the planting green space. Mr. Stan stated that certain areas of the property would not be possible to plant in because of extensive pavement.

Chairperson Mallers questioned if the resident present would ideally like to see more blockage of light.

Mr. Kutch stated that he would like that and that trees would not provide enough coverage.

Mr. Stan stated that a fence would solve the lighting issue.

There was some clarification to the fence height.

Commissioner Kazich questioned if the fence would be higher or lower than the existing level.

Mr. Palmer stated that he did not have the design yet, but he would follow up with specifics. He stated that they would be lowering the grade possible a foot and a half. He further stated that as the site is now, it drains toward the car wash, and to resolve that they would lower and flip to drain the other way and have less water going to Cass.

Commissioner Jackson stated the Commission should discuss conditions for approval. He questioned if the petitioners would include more shade trees.

Mr. Stan stated that he had planted very thoroughly and provided much plant diversity. He stated that they likely would not be able to fit another tree due to the sidewalk. He further stated that the gap between the property line, new plantings and the fence as a natural buffer would most likely stay intact.

Commissioner Jonathan Christ stated they would consider whether they would be okay with the East and South of the property being deficient as is.

There was some discussion regarding the conditions for approval.

Commissioner Jackson stated that the Commission would want to keep the fence.

Commissioner Kazich stated that the property should be EV ready.

Mr. Murphy stated that EV ready would be included in the newly adopted 2021 Code.

Commissioner Jackson stated that they should include entrance and exit signage.

There was some discussion regarding lighting.

Commissioner Jackson stated that they would leave lighting up to Staff review.

There was further discussion regarding conditions.

Commissioner Jackson made a motion, and it was seconded by Commissioner Green to approve PZC2024-14 – 8226 S. Cass Avenue – True North Energy, LLC – A petition for an amendment to the Special Use Permit which previously permitted the construction and operation of an automobile service station, drive-through car wash, and mini-mart, to allow for the demolition of the existing car wash and mini-mart, and the relocation/expansion of the mini-mart. The project includes requested variations from the City’s landscape requirements. On-site improvements include parking facilities, landscape improvements and drainage/stormwater improvements. The subject property is located in the General Business

District B-3 at the northwest corner S. Cass Avenue and N. Frontage Road. The following conditions were included:

- 1. Prior to issuance of final certificate of occupancy, the petitioner shall include pavement rehabilitation or resurfacing of those portions of the shared access drive that are located on the subject property that are generally in disrepair to the satisfaction of the Director of Community Development,**
- 2. Comply with the comments and requirements within the letter from Christopher B. Burke Engineering, LTE dated January 22, 2025,**
- 3. Comply with all requirements of the original ordinance, including fencing, but excluding landscaping as being amended here within, and**
- 4. Replaced or provide signage to clarify existing right-in and right-out access along Cass Avenue.**

Upon roll call vote, the MOTION CARRIED UNANIMOUSLY 7-0.

Mr. Murphy reported that the petition would move to the Municipal Services Committee on March 24, 2025.

Chairperson Mallers questioned if all passes when the petitioners would start the demolition.

Mr. Palmer stated that they would begin mid-summer.

Mr. Stan stated that the majority of the construction would be done by spring and the plantings would be done during the spring.

- b. PZC2025-02 – Petition from the City of Darien to amend the Title 5A (Zoning Regulations to add “the offering of a short-term rental” as a prohibited action under the existing short-term rental prohibition contained in Section 5A-5-16 of the City Code.**

Mr. Ryan Murphy, City Planner reported that the City had been successful with enforcing the short-term ban and that they would receive a lot of resident input. He reported that they had run into an issue in enforcement efforts with a claim that there had been only an offering being made rather than a transaction. Mr. Murphy further reported that a judge had recommended that the City consider a change, so prohibition is considered throughout the City.

Chairperson Lou Mallers stated that his subdivision board had prohibited short-term rentals in their bylaws after previous issues.

Mr. Murphy stated that there had been no change proposed to the 30 days and had only added an offering of short-term rental, which is currently not allowed. He stated that the City would want to enforce the ordinance as it was intended.

Commissioner Shari Gillespie stated that even if someone didn't put their listing on Airbnb or VRBO, that wouldn't prohibit them from renting.

Mr. Murphy stated that they had not received a complaint about short-term that did not use a web portal. He stated that the ordinance defines short-term as 30 days and that the City must have proof of a violation taking place to cite. He further reported that they would do everything they can to verify if a short-term rental was occurring and the best tool would be a listing.

There was some discussion of the existing ordinance.

Commissioner Chris Jackson questioned what the warning was for.

Mr. Murphy stated that the City had been successful in receiving favorable judgements for short-term rental violations. He stated that there had been a new case and the judge incited a very high dollar amount for the City but said she wouldn't again unless the ordinance says offering is prohibited. He further stated that the circuit court did not feel prohibition was enough if offering was included and that they would do this to ensure the City can continue to take action.

Mr. Murphy stated that municipalities can conduct local adjudication which would allow them to keep at least a portion of the substantial fine fees.

Commissioner Gillespie questioned who would hold them responsible.

Mr. Murphy stated that some Alderpeople had been in touch with Dan Gombac and that Karen would submit the required paperwork.

Commissioner Jackson questioned if the phrase drafted by the City attorney would determine that the word "offering" catches everything.

Mr. Murphy stated that it would be by omission.

Commissioner Mark Kazich questioned where in the City Code does it refer to short-term rental.

Mr. Murphy stated that the definitions are in a separate section of the code at the very end of zoning ordinances.

Commissioner Jackson made a motion, and it was seconded by Commissioner Johnson to approve PZC2025-02 – Petition from the City of Darien to amend the Title 5A (Zoning Regulations to add "the offering of a short-term rental" as a prohibited action under the existing short-term rental prohibition contained in Section 5A-5-16 of the City Code.

Upon roll call vote, the MOTION CARRIED UNANIMOUSLY 7-0.

Regular Meeting – Old Business

There was no old business to discuss.

Staff Updates & Correspondence

Mr. Murphy reported that at the last meeting, the Commission shared their interest in briefings on tax increment financing and other economic incentives in the City. He reported that he would send a staff report from the City Council who had approved a TIF consultant and that if the site becomes eligible a member from this body would be on a TIF committee.

Mr. Murphy reported that the property at 1225 Plainfield Road had a serious developer considering a request for approval of 16 condos. He reported that they had been meeting with residents and Dan Gombac and would go through a public hearing.

Mr. Murphy reported that staff would be going to Council to potentially revise commercial vehicle parking regulations in residential areas. He reported that there had been issues with commercial vehicles and would want to clean up the ordinance.

Mr. Murphy reported that staff would be proposing revisions to a tree ordinance which had been outdated. He reported that the City received a grant for \$100,000 and would need to update the ordinance to be eligible.

Mr. Murphy reported that the application for Chestnut Court had been resubmitted and would be nearing the final preliminary plans. He reported that the first public hearings may come as soon as April.

Approval of Minutes

Commissioner Green made a motion, and it was seconded by Commissioner Christ to approve the February 19, 2025 Regular Meeting Minutes.

Upon voice vote, the MOTION CARRIED UNANIMOUSLY 7-0

Next Meeting

Mr. Murphy announced that the next meeting is scheduled for Wednesday, March 19, 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 Kazich made a motion, and it was seconded by Commissioner Gillespie. Upon voice vote, the MOTION CARRIED UNANIMOUSLY, and the meeting adjourned at 8:34 p.m.

Respectfully Submitted:

Approved:

X

Jessica Plzak
Secretary

X

Lou Mallers
Chairperson