

**MINUTES  
CITY OF DARIEN  
PLANNING & ZONING COMMISSION MEETING  
September 21, 2022**

**PRESENT:** Lou Mallers – Chairperson, Robert Erickson, Bryan Gay, Shari Gillespie, Hilda Gonzalez, Chris Jackson, Julie Kasprovicz

**ABSENT:** Brian Liedtke, Ralph Stompanato

**OTHERS:** 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 – PZC2022-05 100575TH Street – Tabriz Khanlodhi Special Use request pursuant to Section 5A-8-3-4 of the Zoning Ordinance. The petition specifically requests to allow conversion of an existing drive-through to one that offers a drive-through lane for an automated teller machine and a drive-through lane for an establishment whose primary use is the sale of tobacco and related productions as well as food items (Tobacco Shop/Food Store). The petitioner relies on variations granted in Ordinance No. O-15-84 and seeks additional variations, as deemed necessary.**

Mr. Jordan Yanke, City Planner reported that the petitioner seeks approval of a Special Use request pursuant to Section 5A-8-3-4 of the Zoning Ordinance. He reported that the petition specifically requests to allow conversion of an existing drive-through to one that offers a drive-through lane for an automated teller machine and a drive-through lane for an establishment whose primary use is the sale of tobacco and related products as well as food items.

Mr. Yanke reported that the petitioner has proposed a conversion of the existing drive-through (2 lanes) to one that offers a drive-through lane for an automated teller machine and a drive-through lane for an establishment whose primary use is the sale of tobacco and related productions as well as food items

He reported that while the primary use is permitted within the B-2 District, the Special Use is required for the drive-through conversion due to the change in use and reimplementaion of a service window. He reported that the project involves minimal site work and that there will be no change to the building footprint, parking lot, or ingress/egress drives and the required amount of parking spaces exist to serve the proposed use at a ratio of 4 spaces/1,000 square feet gross floor area.

Mr. Yanke reported that the petitioner has included a traffic and parking study that is included as an attachment in the Agenda Memo.

The petitioner's attorney Mr. Mark Daniel, Daniel Law Office, P.C., Oakbrook Terrace, IL reported that that he has been practicing law for 25 years and on his own for the past 12 years.

Mr. Daniel provided a very detailed overview of the request and reported that the transition in the tobacco business is much more policed and that every transaction registered is through a Point of Service where the purchasers ID is scanned into the system. He further reported that a sale cannot be made without a scan and that both the store and the drive through will have a register.

Mr. Daniel reported that the Supplemental Use Statement was provided in the packet and that the operation proposed is primarily tobacco sales. He reported that the Villa Park location has a drive through which drives three times the revenue and its purpose for those who cannot get out of a car and convenience.

Mr. Daniel reported that a traffic study was provided and that the traffic will be less than the bank. He reported that the drive through was a teleservice window and that the bank abandoned it to make it a double drive through. He further reported that the second lane has no user for the existing ATM machine and that the petitioner will most likely keep it as an ATM since it is already there.

Mr. Daniel reported that the exit is to 75<sup>th</sup> Street or access onto Plainfield Road and that there is plenty of stacking. He reported that the petitioner would like to continue to as the bank did collecting waste inside and rolling it out but that if required, the petitioner will provide a compliant six-foot tall board on board or other solid fence waste enclosure in the south westernmost parking which will screen the north, south and west sides of the enclosure from existing pervious areas south and west of the enclosure and provide a new curb with a five foot landscape strip on the north side of the enclosure. He further reported that the area is fully developed and that it makes sense to keep open space and that the neighbors to the west do not suffer.

Mr. Daniel reported that there will be some demolition to the interior and that rendering was provided in the packet. He reported that there will be no lounge or smoking allowed inside the building.

Mr. Daniel reported that signage on the Subject Property relies on three business building frontages (north, east and south). He reported that the present signage is within the allowable envelope for signage and the nominal increases in wall sign area due to the shape of the proposed signs remains within the envelope. He further reported that the petitioner adopted a new name for the location, and it just designated a logo to replace the West Suburban Bank "W/S" logo above the entrance.

Mr. Daniel reported that the drive through facility allows for four vehicles stacked from the service/island area to the end of the curb radii for the drive through stacking. He

reported that the traffic and parking study provided from Lynn M. Means, BLA, Inc. addresses the ingress and egress.

Mr. Daniel reported that a table of zoning compliance issues was provided had the area been redeveloped. He reported that a signed and unsigned version of the CBD regulations by Mr. Tabriz Khanlodhi was stated in person and provided.

Chairperson Mallers opened the meeting to Commissioner discussion.

Commissioner Bob Erickson questioned how many employees would be present to handle the drive through and the store. He also questioned what the plan is should the power not work and the hours of operation.

The petitioner, Mr. Tabriz Khanlodhi reported that there will be two separate registers with one employee and two during busy time. He stated that there is not a lot of time involved for computer scanning and that the computers are attached to the cell phone. He further stated that they have one hour should the power go down and after that they would just shut down.

Commissioner Erickson questioned the hours of operation.

Mr. Daniel reported that the hours of operation at the Villa Park location are 7:00 a.m. – midnight and the Lombard location 10:00 a.m. – 11:00 p.m. but they have not decided. He stated that the hours will probably be similar to the Lombard location.

There was some discussion about the drive through stacking.

The petitioner reported that drive through time is approximately two minutes and room for six cars. He stated that if there is not enough room the car will pull into a parking spot. He reported that during peak the most in que is four cars at the Villa Park location.

Commissioner Chris Jackson questioned if the Lombard location is looking at a drive through and if this is a franchise.

Mr. Daniel reported that they have looked into a drive through but that the County is not interested in annexing the parcel. He reported that the petitioner has 13 years of experience with the drive through.

Mr. Khanlodhi reported that they are not a franchise.

Commissioner Jackson asked about the memo board.

Mr. Khanlodhi reported that the memo board has the goods for sale. He stated that there is not a lot.

Chairperson Mallers questioned the busy hours.

Mr. Khanlodhi reported that it varied by location but that it is tied to traffic but usually after the lunch hour and after 5:00 p.m.

Commissioner Bryan Gay questioned if phone orders were allowed. He also questioned if the signage was backlit or front lit or if there would be any obnoxious signs in the windows similar to the Vape Shop.

Mr. Khanlodhi reported that they have thought about phone orders but that the age restrictions prevent them from doing phone orders. He reported that there would be no signage other than what is proposed and that only the letters on the sign are backlit.

Mr. Daniel stated that no LED or strobe lights could be included as a condition.

Commissioner Julie Kasprovicz questioned if there would be any seating outside.

Mr. Khanlodhi reported that there will be no seating.

Commissioner Jackson questioned if there will be alcohol sold.

Mr. Khanlodhi reported that they will not sell alcohol only soft drink type beverages and packaged items.

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

Mr. Vic Patton, Darien stated that he lived on Manning Road and that he had a huge concern about vaping. He stated that there are 22 vaping establishments within a five-mile radius which doesn't include convenient stores, gas stations, etc. Mr. Patton stated that there has been an increase in usage by adolescent and that he was concerned with the closeness to the high school. He provided evidence of a report to staff and stated that a tobacco shop is downscale to Darien and Clarendon Hills, Burr Ridge and Hinsdale do not have any tobacco stores.

Chairperson Mallers stated that there is a tobacco store within a short radius at Brookhaven.

Commissioner Kasprovicz stated that she was interested in more information about the percentages in adolescents.

There was some discussion about the sales of vape versus tobacco and sitting in a car and vaping.

Mr. Daniel reported that it varied by location and that it fluctuated between the two stores.

Mr. Khanlodhi reported that they do not allow vaping inside or in the parking lot.

Commissioner Jackson stated that the petitioner did a noble job of the presentation. He questioned if landscaping was required.

Mr. Yanke reported that the nothing triggers landscaping but that a condition could be made regarding the dumpster enclosure.

Mr. Daniel reported that they are proposing a six-foot fence with landscaping around the dumpster. He reported that he could not identify the exact commercial carrier.

Commissioner Gay stated that he did not like the enclosure but that he would like to see a condition for the signage with nothing flashing.

There was some discussion regarding the time the signage would be turned off.

Mr. Yanke reported that signs 100 feet from a residential zone must be off from 11:00 p.m. – 7:00 a.m. unless in business during the hours of operation.

Mr. Daniel stated that a condition could be made to shut down the drive through at 11:00 p.m.

There was no one else wishing to present public comment and Chairperson Mallers closed the public hearing.

**Commissioner Gay made a motion, and it was seconded by Commissioner Jackson to approve PZC2022-05 100575TH Street – Tabriz Khanlodhi Special Use request pursuant to Section 5A-8-3-4 of the Zoning Ordinance. The petition specifically requests to allow conversion of an existing drive-through to one that offers a drive-through lane for an automated teller machine and a drive-through lane for an establishment whose primary use is the sale of tobacco and related productions as well as food items (Tobacco Shop/Food Store). The petitioner relies on variations granted in Ordinance No. O-15-84 and seeks additional variations, as deemed necessary with the following conditions:**

- 1. The business must cease operations and shut signage off no later than 11:00 p.m.**
- 2. Signage shall comply with the City's Sign Code. There shall be no flashing, blinking, digital, or electronic messaging window, wall, freestanding or other signs on site. Internally or externally illuminated window signs, LED displays, and other forms of temporary signage that could distract drivers such as inflatables, flags, or costumed attention contractors are prohibited.**
- 3. If/when the demand arises for an exterior waste disposal container, applicant or future owner shall implement and construct an enclosure with landscaping, all in accordance with the submitted site plan and in compliance with the City's Zoning Ordinance. The City can demand the enclosure at any time. Applicant may install the enclosure if required by reason of its operations or rule of the hauler.**

4. **The City's traffic consultant (KLOA, Inc.) provides written acceptance/approval of the traffic study (dated July 25, 2022) submitted by the applicant.**

**Upon roll call vote, THE MOTION UNANIMOUSLY PASSED 7-0.**

Mr. Yanke reported that this would be forward to the Municipal Services Committee on Monday, September 26, 2022 at 6:30 p.m.

### **OLD BUSINESS**

- a. **Public Hearing – PZC2022-04 Comprehensive Plan Amendment Amendment to the City of Darien Comprehensive Plan. The petition (city initiated) proposes revisions to the Key Development Areas and Non-Key Development Areas that are designated in the 2006 Comprehensive Plan. Sections within the 2006 Plan that are subject to proposed amendment are: - Chapter IV, Key Development Areas - Chapter V, Future Land Use (Non-Key Development Areas).**

Mr. Jordan Yanke, Senior Planner reported that he appreciated the comments from the survey. He reported that he rearranged the document on priority.

### **STAFF UPDATES & CORRESPONDENCE**

Chairperson Lou Mallers reported that Mr. Bryan Gay is now the President & CEO of the Downers Grove Economic Development Corporation.

### **APPROVAL OF MINUTES**

**Commissioner Gillespie made a motion, and it was seconded by Commissioner Erickson to approve the September 7, 2022, Regular Meeting Minutes.**

**Upon voice vote, THE MOTION CARRIED 6-0. Commissioner Bryan Gay abstained.**

### **NEXT MEETING**

Mr. Jordan Yanke announced that the next meeting is scheduled for Wednesday, October 5, 2022.

### **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 Erickson made a motion, and it was seconded by Commissioner Kasprowicz. Upon voice vote, THE MOTION CARRIED unanimously, and the meeting adjourned at 8:37 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

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Elizabeth Lahey  
Secretary

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Lou Mallers  
Chairperson