

CITY OF DARIEN
PLANNING AND ZONING COMMISSION

Wednesday, February 7, 2024

7:00 PM

City Hall Council Chambers

1702 Plainfield Road

AGENDA

1) Call to Order

2) Roll Call

3) Regular Meeting – New Business

a. Public Hearing – PZC2024-01

7409 Cass Avenue – Indvestia Darien LLC

Petition from Indvestia Darien LLC for a special use request pursuant to Section 5A-8-3-4 of the zoning ordinance, plat of resubdivision, and variations as deemed necessary. The petition specifically requests to allow for the construction of a quick service drive-through eating establishment offering retail food or drink items for consumption. The Property is located within the B-2 Community Shopping Center Business District.

4) Staff Updates & Correspondence

5) Approval of Minutes November 15, 2023 & December 6, 2023

6) Next Meeting February 21, 2024

7) Public Comments [On Any Topic Related to Planning and Zoning]

8) Adjournment

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 Mallers 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 Mallers 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**

MINUTES CITY OF DARIEN
PLANNING & ZONING COMMISSION MEETING
Wednesday, December 6, 2023

PRESENT: Lou Mallers – Chairperson, Bryan Gay, Chris Jackson, Chris Green, John Johnson

ABSENT: Robert Erickson, Shari Gillespie, Hilda Gonzales, Julie Kasprovicz

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.

Regular Meeting – New Business

There was no new business.

Regular Meeting – Old Business

- a. **Public Hearing – PZC2023-06 – CONTINUED FROM 11/15/2023
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.**

Mr. Jordan Yanke, City Planner reported that this discussion was continued from 11/15/2023 regarding the Mixed-Use District Text Amendment. He reported that he would like to continue the discussion and make final recommendations to forward to Municipal Services.

Mr. Yanke reported that the comments to date are those that have been forwarded. He reported that there is talk regarding Chestnut Court being sold.

Chairperson Lou Mallers stated that the commercial centers like Chestnut Court are being prioritized. He discussed Burr Ridge mixed uses and that they are better situated but the way they structured is a good mix and a nice downtown area.

Commissioner John Johnson questioned if there is an option for someone to come in and request if not listed. He stated that he did not want to discourage businesses if it is written not allowed.

Commissioner Bryan Gay suggested listing prohibited uses and special uses such as adult uses, cannabis, tobacco and vape shops, etc.

Commissioner Chris Jackson stated that there does not need to be designation of what they are but to put it under special uses as listed in the business district or restricted.

Chairperson Mallers stated that for mixed use we do not want to close the door for businesses to come in.

Commissioner Chris Green stated that special use leads to a lot of contention and that the verbiage should be in alignment with the B-2 district.

Commissioner Gay stated that Downers Grove did a special downtown restaurant liquor license that addresses no gaming.

There was much discussion regarding the prohibited and special uses. There was also discussion and a recommendation to have the building height 75 feet and no more than 6 stories.

Mr. Yanke stated that he would rewrite with the recommendations as discussed and approve to forward to Municipal Services.

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

Commissioner Gay made a motion and it was seconded by Commissioner Jackson to recommend with the edits discussed amending the Zoning Ordinance (i.e., Text Amendment) to create a Mixed-Use Zoning District.

Upon voice vote, the MOTION CARRIED UNANIMOUSLY 5-0.

Staff Updates & Correspondence

Mr. Yanke reported that the townhomes were approved at the November 20th City Council meeting.

Next Meeting December 20, 2023

Mr. Yanke announced that the next meeting scheduled for Wednesday, December 20, 2023, at 7:00 p.m. has been cancelled.

Public Comments (On any topic related to Planning and Zoning)

Mr. Tom Palucek was in the audience and stated that he was present to discuss the 87th Street duplexes and the flooding in his area. Mr. Palucek stated that he has lived in Darien since 1977 and that there is flooding in the streets every year and that he is was concerned when the 87th Street duplexes are completed.

Mr. Jordan Yanke, City Planner reported that the City Council approved the preliminary plan on November 20th. He reported that if new information is needed to reach out to him directly. He further reported that there will be steps from the developer to go for the final engineering.

Mr. Yanke encouraged the resident to contact public works regarding the flooding issue.

Adjournment

With no further business before the Commission, Commissioner Gay made a motion, and it was seconded by Commissioner Jackson. Upon voice vote, THE MOTION CARRIED unanimously, and the meeting adjourned at 8:24 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

**Elizabeth Lahey
Secretary**

**Lou Mallers
Chairperson**

AGENDA MEMO
PLANNING AND ZONING COMMISSION
FEBRUARY 7, 2024

CASE

PZC2024-01

Final Plat of Subdivision, Special Use, & Variations
(Indvestia Darien, LLC – 7409 Cass Avenue)

ISSUE STATEMENT

Petition from Indvestia Darien LLC for a special use request pursuant to Section 5A-8-3-4 of the zoning ordinance, final plat of subdivision, and variations as deemed necessary. The petition specifically requests to allow for the construction of a quick service drive-through eating establishment offering retail food items for consumption. The Property is located within the B-2 Community Shopping Center Business District.

GENERAL INFORMATION

Petitioner:	Indvestia Darien, LLC c/o Vick Mehta
Property Owner:	Indvestia Darien, LLC
Property Location:	7409 Cass Avenue
PIN Numbers:	09-27-108-029; 09-27-108-033
Existing Zoning:	Community Shopping Center Business District (B-2)
Existing Land Use:	Shopping Center
Comprehensive Plan:	Commercial (Existing); Commercial (Future) <u>Key Development Area #3:</u> Recommended for infill development, including additional retail and shopping uses, pedestrian-oriented and mixed-use design, and outdoor dining.
Surrounding Zoning & Uses	
North:	Community Shopping Center Business District (B-2); Jewel-Osco Center
East:	Single Family Residence District (R-2); Single Family
South:	Multi-Family Residence District (R-3); Colonial Manor Apartments
West:	Community Shopping Center Business District (B-2); Taco Bell and Buona Beef
Size of Property:	4.74 Acres
Floodplain:	N/A
Natural Features:	N/A
Transportation:	The petition site gains access from 75 TH Street via multiple ingress/egress points and from Cass Avenue via one ingress/egress point.

PETITIONER DOCUMENTS (ATTACHED TO MEMO)

- 1) APPLICATION
- 2) JUSTIFICATION NARRATIVE
- 3) TOPOGRAPHIC & BOUNDARY SURVEY
- 4) SITE PLAN
- 5) FINAL PLAT OF SUBDIVISION
- 6) BUILDING RENDERINGS
- 7) TRAFFIC IMPACT STUDY

CITY STAFF DOCUMENTS (ATTACHED TO MEMO)

- 8) LOCATION MAP & AERIAL IMAGE
- 9) SITE PHOTOS
- 10) CITY ENGINEER COMMENTS_01.31.2024

PLANNING OVERVIEW/DISCUSSION

The subject property is located off the northeastern corner of the 75TH Street and Cass Avenue intersection. The petition site totals 4.74 acres in size and is zoned Community Shopping Center Business District (B-2). It is part of an overall larger shopping center with outlots which is commonly known as the Jewel-Osco Center. While the overall center is comprised of several parcels and businesses, note that the petition site for this case is the property including Chuck E. Cheese, American Freight Appliance, World Star Nails, and Concentra Immediate Care.

The petitioner has proposed a resubdivision for the purpose of new lot line configuration within the center. With the plat of subdivision, the proposal includes a special use request for a new quick service drive-through eating establishment offering retail items for consumption. Per applicant's submittal package, the proposed building is speculative (without a tenant) and an end user has not been finalized. Note that outdoor seating is incorporated as part of the proposal.

Given the project layout with new lot lines and building construction, the petitioner has requested variations as part of the entitlement application. Below is a list of reference code sections applicable:

- Zoning Sections 5A-5-5(A) & 5A-8-3-6
Minimum Lot Area (2 Acres Min.) and Principal Buildings/Uses on One Lot
- Zoning Section 5A-8-3-8
Front, Side, and Rear Yard Requirements (B-2 District)
- Zoning Section 5A-8-3-9
FAR and Lot Coverage (Existing Conditions)
- Zoning Sections 5A-11-2-2 & 5A-11-5
Minimum Parking Requirements and Drive-Through Stacking Spaces (15 Space Min.)

For a summary on parking counts, setbacks, and other ordinance standards, please refer to the applicant submittals attached to this memo. The narrative letter describes the project and entitlements requested, while the site plan includes a code compliance table. The site plan also illustrates the building with drive-through circulation including the stacking spaces. The plat of subdivision details the new lot layout, and the renderings show the speculative building's appearance.

Site Plan Review & Findings of Fact

City staff has reviewed the petitioner submitted documents. A review letter with comments from the City Engineer is included as an attachment to this memo. The petitioner will be required to submit engineering plans and a building permit if the case is approved, with architect stamped and signed plans.

The petitioner submitted a *Justification Narrative* with a detailed description of the project and requested relief, in addition to *Findings of Fact* that would support the application request. As mentioned above, those items are attached to this memo along with the proposed plat, site plan, building renderings, and traffic impact study. For reference, the sets of criteria the Planning and Zoning Commission and City Council votes on for the special use and variation requests are included below.

Special Use Criteria:

No special use shall be recommended to the City Council by the Plan Commission, nor approved by the City Council, unless findings of fact have been made on those of the following factors which relate to the special use being sought:

- 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 at 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 Plan Commission and Planning and Development Committee.*

Variation Criteria:

The City may grant variations based on the finding-of-fact that supports the following criteria outlined below by the City to be the most relevant to the subject property situation.

- a) *The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the zone.*
- b) *The plight of the owner is due to unique circumstances.*
- c) *The variation if granted will not alter the essential character of the locality.*
- d) *Essential Need: The owner would suffer substantial difficulty or hardship and not mere inconvenience or a decrease in financial gain if the variation is not granted.*
- e) *Problem with Property: There is a feature of the property such as slope or shape or change made to the property, which does not exist on neighboring properties, which makes it unreasonable for the owner to make the proposed improvement in compliance with this title. Such feature or change was not made by the current owner and was not known to the current buyer at the time of purchase.*
- f) *Smallest Solution: There is no suitable or reasonable way to redesign the proposed improvements without incurring substantial difficulty or hardship or reduce the amount of variation required to make such improvements.*
- g) *Create Neighbor Problem: The variation, if granted, will not cause a substantial difficulty, undue hardship, unreasonable burden, or loss of value to the neighboring properties.*
- h) *Create Community Problem: The variation, if granted, may result in the same or similar requests from other property owners within the community, but will not cause an unreasonable burden or undesirable result within the community.*
- i) *Net Benefit: The positive impacts to the community outweigh the negative impacts.*
- j) *Sacrifice Basic Protections: The variation, if granted, will comply with the purposes and intent of this title set forth in subsection 5A-1-2(A) of this title and summarized as follows: to lessen congestion, to avoid overcrowding, to prevent blight, to facilitate public services, to conserve land values, to protect from incompatible uses, to avoid nuisances, to enhance aesthetic values, to ensure an adequate supply of light and air, and to protect public health, safety, and welfare.*

DECISION MODE

The Planning and Zoning Commission will consider this item at its meeting on February 7, 2024.

MEETING SCHEDULE

Planning and Zoning Commission	February 7, 2024
Municipal Services Committee	February 26, 2024
City Council	March 4, 2024



ZONING APPLICATION

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

CONTACT INFORMATION

Vick Mehta
Applicant's Name
718 Ogden Ave. - Downers Grove, IL - 60515
Address, City, State, Zip Code
630-850-0500
Telephone
vm@investia.com
Email

Investia Darien, LLC
Owner's Name
Same as applicant
Address, City, State, Zip Code
Same as applicant
Telephone
Same as applicant
Email

PROPERTY INFORMATION

7409 S. Cass Ave.
Property address
B-2, Community Shopping Center Business Dist.
Zoning District

09-27-108-033
09-27-108-029
PIN Number(s)
Pizza Restaurant and Arcade, Nail Salon,
Retail, and Medical Office (Immediate Care)
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.)

Special Use for Drive-Thru Establishment

Variations for lot area, lot coverage, impervious surface, front and side setbacks, and parking

As Notary Public, in and for DuPage County in Illinois, I do hereby certify that Vick Mehta 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 18 day of January, 2024.

Table with 2 columns: Field and Value. Fields include Date Received (01/18/24), Case Number (PZC2024-01), Fee Paid (\$1,325.00), and Hearing Date (02/07/24).

Lillie Skowronski
Notary Public



CITY OF DARIEN, ILLINOIS, Community Development Department

Plat of Subdivision petition to the Mayor and City Council of the City of Darien:

Staff Use Only	
Case No.:	P2C2024-01
Date Received:	01/18/24
Fee Paid:	\$1,325.00
Check No.:	1506
Hearing Date:	02/07/24

PETITIONER INFORMATION

Indvestia Darien, LLC
Petitioner's Name

Vick Mehta
Contact Name

718 Ogden Ave. - Downers Grove, IL - 60515
Address, City, State, Zip Code

630-850-0500
Phone #

Fax #
vm@indvestia.com
Email

Indvestia Darien, LLC
Owner's Name

Same as Petitioner
Address, City, State, Zip Code

Same as Petitioner
Phone #

Same as Petitioner
Email

PROPERTY INFORMATION

7409 S. Cass Ave.
Property address
09-27-108-033
09-27-108-029
PIN(s)

4.74 (3.44 + 1.30)
Acreage

B-2, Community Shopping Center Business Dist.
Zoning

REQUEST

Check the following: Preliminary Plat Final Plat

Indvestia Subdivision

Subdivision Name
Number of Lots: 1
Right-of-way (in miles): 0.0921

Minimum Lot Size: 56,692.89 sq ft
Average Lot Size: 56,692.89 sq ft
Public or other open space: 0.0

I, Vick Mehta do hereby certify that I am the owner of record (or one of the owners of record of the attorney for the owners of record of the aforesaid described property) and I hereby make application as such.

Vick Mehta
Signature

Subscribed and sworn to before this 18 day of January, 2024

Lillie Skowronski
Notary Public





To: City of Darien, IL
Community Development Dept. - Planning and Zoning Division
1702 Plainfield Road - Darien, IL 60561
ATTN: Mr. Jordan Yanke, Senior Planner

RE: 7409 S. Cass Ave.
Variations, Special Use, and Plat of Re-subdivision review petition

DATE: 18 January 2024

INTRODUCTION and PROJECT DESCRIPTION:

The intent of this project is to subdivide an existing property to split off one large parcel with two buildings into two parcels, and then to improve an underutilized area of parking lot with a small, quick-service, outbuilding with a drive-thru and pickup window. The property is currently zoned in the B-2, Community Shopping Center Business District.

The original property was two parcels that were consolidated previously in the past, and this would provide to reverse that. The larger north parcel would contain an existing 43,842sf mixed-use building with a pizza restaurant and arcade, a nail salon, and a retail appliance store. After subdivision, this parcel would be left with 134 parking spaces, with two previous spaces being converted to accessible space and side aisle. The south parcel to be subdivided contains a 6,934sf urgent-care facility. The proposed drive-thru facility would convert 30 original parking spaces (striped asphalt only, no curbs or other improvements) into a 1,000sf building with an 8-car drive-thru lane, outdoor patio, raised curb landscape areas, curb ramp, and 5 parking spaces, including one accessible space. The remaining lot would stay as-is, and in all this parcel would contain 46 parking spaces, with 3 being accessible.

While the 1,000sf outbuilding is currently speculative (without a tenant), it is intended to be a pre-order pick-up concept in the quick-service, fast-casual restaurant space; however, on-site ordering will be available. Parking and a walk-up window will be provided; therefore, some outdoor seating will be available. The interior of the building is not intended to be occupied by customers or the public. The space would be used solely for the operation and function of order preparation and servicing to the drive-thru and walk-up windows. There would be no actual food prep or cooking involved in this facility, as it would be done off-site and delivered to the building regularly. The exterior design of the building is intended to be contextual to the fabric of the surrounding architecture in materials, scale, and proportion, but not to emulate exactly any one other building style in the entire development.

In order to provide this facility, there are some administrative entitlements that are being requested here within. First, the Plat of Re-Subdivision seeks to remove the Concentra Building from the main parcel as it once was. This new outbuilding will then be part of that parcel, and when combined as such, these two newer buildings will then be able to be serviced better to existing tenants and marketed better to prospective tenants regarding management and leases. Second, both the re-subdivision and the new development trigger a few minor variances that are being requested, in order to maximize lot use with the least disturbances. Findings of fact for each are provided here within, as follows.



SPECIAL USE CRITERIA:

1. That the special use is deemed necessary for the public convenience at the location specified.

This development is being proposed expressly as a matter of public convenience, to allow a small business to provide a desirable service in a post-pandemic society. It is intended to convert one strip of under-utilized surface parking into functional use.

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.

The proposed use will not cause a nuisance to the general public, to its users, nor to those of the current surrounding uses. It is designed to provide the safest routing and traffic flow as possible with marked, curbed drive aisles and immediately adjacent on-site parking with accessible aisle and curb ramp.

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.

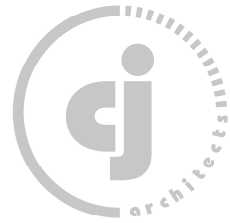
This use will not lessen nor diminish the uses of the surrounding properties or neighbors. In fact, it will provide an additional service and convenience for users to patronize and support the surrounding businesses and vice-versa.

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.

This proposed use in and of itself is contiguous with allowed uses in this district. The special use request for a drive-thru facility is being designed to seamlessly flow with the current flow of traffic and circulation, so as not to disrupt the uses or future development of the surrounding properties. This area of the parking lot is currently under-utilized and rarely has any parked cars for the current businesses.

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.

The exterior design of the building will seek to harmonize with the surrounding development, without replicating or emulating any one style. With the building being slightly smaller in scale than its surroundings, the details will be proportioned accordingly, with a mix of materials, fenestration, and undulation to correlate. The proposed location of the improvements as similar to an out-lot are easy to segregate from the day-to-day operations of other businesses, such that construction will not adversely impact them other than a minor inconvenience.



6. *That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.*

The development is being proposed inside an existing improved property with adequate access and utilities. No right-of-way revisions will be necessary. Utilities will be pulled from sources adjacent to and running through this property. The existing surface lot will be re-graded and paved as needed to provide proper storm drainage.

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.*

Ingress and egress are being provided through existing improvements to the right-of-way, and thus no right-of-way modifications are necessary. Traffic flow into and through this out-building and the drive-thru have been designed to maximize stacking, circulation, and decongestion, while keeping intact existing circulation patterns within the existing parking lot. A traffic memo has been prepared to substantiate this design proposal.

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 Planning and Development Committee.*

This proposed use in and of itself is contiguous with allowed uses in this district. The special use request for a drive-thru facility will seek to meet all applicable regulations to the nearest extent possible. Any variations will be described here within, with support by an enclosed traffic memo. Similar drive-thru facilities currently exist nearby to serve the neighboring properties at the Taco Bell and Buona Beef locations to the west. These special uses are of similar scale and function as this proposed use, but of even higher intensity, and appear to work seamlessly with their main uses, and have not appeared to cause any nuisance or undesirable affects to date.

ZONING VARIATIONS - JUSTIFICATION NARRATIVE:

2a. *The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the zone.*

The current area of the proposed redevelopment is a surface parking lot with no curb islands or other improvements, and otherwise no usable space. This project will substantially increase the value and marketability of this property.

2b. *The plight of the owner is due to unique circumstances.*

In an effort to integrate this project so seamlessly into the existing parking lot, some unique circumstances have presented themselves that require a minor amount of relief.



2c. The variation if granted will not alter the essential character of the locality.

Due to its relatively smaller size and scale, the impact of these variations on the overall character of the area and comparison to surrounding lots and buildings would be hardly noticeable. In fact, this type of infill is in the very spirit of the City's Comprehensive Plan and Key Development Areas.

3a. Essential Need? The owner would suffer substantial difficulty or hardship and not mere inconvenience or a decrease in financial gain if the variation is not granted.

The proposal seeks to leave intact several existing lanes of parking and curbing, while only converting one row of striped parking with no curbs, landscaping, or lighting. This is an effort to minimally impact the surrounding businesses and parking, and not "snowball" into more areas of required relief. If strict conformance to the ordinances was required or upheld, then the project would need to be constructed in a location that would have too much impact on that surrounding area, and thus would not be viable.

3b. Problem with Property? There is a feature of the property such as slope or shape or change made to the property, which does not exist on neighboring properties, which makes it unreasonable for the owner to make the proposed improvement in compliance with the Zoning Code. Such feature or change was not made by the current owner and was not known to the current buyer at the time of purchase.

As noted above, the proposal seeks to leave intact several existing lanes of parking and curbing, while only converting one row of striped parking with no curbs, landscaping, or lighting. Additionally, the applicant would not need to change any existing improvements to the right-of-way with this proposal, as adequate ingress and egress already exists. Therefore, in order to work around these existing conditions, the requested variations from the ordinance are necessary.

3c. Smallest Solution? There is no suitable or reasonable way to redesign the proposed improvements without incurring substantial difficulty or hardship or reduce the amount of variation required to make such improvements.

As noted above, the proposal seeks to leave intact several existing lanes of parking and curbing, and ingress/egress at the right-of-way. In doing so, the proposed development location requires a lesser amount of relief than may otherwise be required if shifted elsewhere. Regarding the drive-thru stack space specifically, this is novel use and its efficiency no longer aligns with current City standards in the ordinance.

3d. Create Neighbor Problem? The variation, if granted, will not cause a substantial difficulty, undue hardship, unreasonable burden, or loss of value to the neighboring properties.

The granting of these variations will have no financial or physical impact on the surrounding properties. If anything, this will be an added value to those businesses and the residential neighborhood alike.



3e. Create Community Problem? The variation, if granted, may result in the same or similar requests from other property owners within the community, but will not cause an unreasonable burden or undesirable result within the community.

Due to its unique nature, this proposed development would be an asset to the community, and could be used as a model for similar future development once proof of concept is established.

3f. Net Benefit? The positive impacts to the community outweigh the negative impacts.

With no notable negative impact and the aforementioned benefits to the community, this use and acceptance of its ordinance variations would be a positive improvement for this location.

3g. Sacrifice Basic Protections? The variation, if granted, will comply with the purposes and intent of the Zoning Code set forth in Section 5A-1-2(A) and summarized as follows; to lessen congestion, to avoid overcrowding, to prevent blight, to facilitate public services, to conserve land values, to protect from incompatible uses, to avoid nuisances, to enhance aesthetic values, to ensure an adequate supply of light and air, and to protect public health, safety, and welfare.

This proposal seeks to integrate this redevelopment into the existing nature of the property as seamlessly as possible. As such, it is necessary to request some relief so as not to disrupt the current use and value of the property, but rather to convert something unsightly and under-used into something very positive, useful, and gainful for the property owner and the City of Darien, its residents, and visitors.



CONCLUSION:

As discussed, the re-subdivision and the new drive-thru establishment will make this property more energized and seek to infill a vacancy to continue the development fabric along the central corridor of 75th street at Cass Ave, the City of Darien's unofficial "downtown" and a Key Development Area. Provided the evidence supplied in these findings of fact that fully support the use and the need for administrative relief, the applicant respectfully requests a favorable recommendation from Staff and its recommending bodies to the City Council for the project as proposed here within.

Respectfully Submitted-

Christopher A Jackson, Architect - NCARB, LEED-AP
President and Principal - CJ Architects, Inc.

CC: Vick Mehta

Attachments:

Boundary Survey with Topo and Utilities
Plat of Re-subdivision
Proposed Architectural Site Plan
Proposed Exterior Design Sketches
Traffic Memorandum
Kane-DuPage SWCD Application and Receipt
IDNR Consultation Review

PARCEL 2

LOT TWO
(DOC. R2016-69588)
OWNER: MILE HIGH
PROPERTIES LLC
PIN: 09-27-108-031

LINE	BEARING	DISTANCE
L1	N 01°50'02" W	16.70'
L2	N 88°12'53" E	32.00'
L3	N 01°50'02" W	32.00'
L4	S 88°12'53" W	10.26'

PARCEL 2
OWNER: MC GUE
FAMILY LLC
PIN: 09-27-108-032

PARCEL 1
PART OF
LOT ONE
(DOC. R2016-69588)

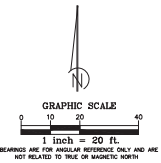
PARCEL 3
PART OF
LOT 192
(DOC. R66-6422)

1 STORY BRICK
& CONCRETE
43,842 S.F.
#7409, 7411, 7415

1 STORY BRICK
6,934 S.F.
#7421

75TH STREET
(COUNTY HIGHWAY 33)

BITUMINOUS PAVEMENT
200' PUBLIC RIGHT OF WAY



JLH LAND SURVEYING INC.
Illinois Professional Design Firm No. 184,007-20
910 Geneva Street, Shorewood, Illinois 60404
615.229.8000 www.jlhw.com

TOPOGRAPHIC AND BOUNDARY SURVEY
7409 CASS AVENUE
DARIEN, ILLINOIS 60561

SHEET
2 OF 2
23-1239-100

ATTACHMENT (5): FINAL PLAT OF SUBDIVISION

FINAL PLAT OF INVESTIA SUBDIVISION

BEING A RESUBDIVISION OF PART OF LOT ONE IN DARIEN ASSOCIATES SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED JULY 8, 2016 AS DOCUMENT R2016-69588, IN DUPAGE COUNTY, ILLINOIS AND A PART OF LOT 192 IN HINSBROOK, UNIT #2, A SUBDIVISION OF PART OF THE NORTH WEST QUARTER OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

SANITARY DISTRICT CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) S.S.
I, _____, DO HEREBY CERTIFY THAT THE REQUIRED LETTER OF CREDIT IS POSTED FOR THE COMPLETION OF THE IMPROVEMENT COVERING SANITARY SEWERAGE SYSTEM AND/OR SEWER LINES AND DOMESTIC WATER SUPPLY SYSTEM AND/OR DISTRIBUTION LINES UNDER MY JURISDICTION BASED ON APPROVED ENGINEER'S PLAN AND SPECIFICATIONS PREPARED BY A REGISTERED ENGINEER.
DATED THIS ____ DAY OF _____, 20__.

CITY SUPERINTENDENT OF PUBLIC WORKS DEPARTMENT

PLAN COMMISSION CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) S.S.
APPROVED BY THE PLAN COMMISSION OF THE CITY OF DARIEN, DUPAGE COUNTY, ILLINOIS THIS ____ DAY OF _____, 20__.

CHAIRMAN

CITY ENGINEER'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DU PAGE) S.S.
I, _____, CITY ENGINEER OF THE CITY OF DARIEN, ILLINOIS, HEREBY CERTIFY THAT THE LAND IMPROVEMENTS DESCRIBED IN THE ANNEXED PLAT AND THE PLANS AND SPECIFICATIONS THEREFOR MEET THE MINIMUM REQUIREMENTS OF SAID CITY AND HAVE BEEN APPROVED BY ALL PUBLIC AUTHORITIES HAVING JURISDICTION THEREIN.
DATED AT DARIEN, DUPAGE COUNTY, ILLINOIS THIS ____ DAY OF _____, 20__.

OWNER'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DU PAGE) S.S.
THIS IS TO CERTIFY THAT THE UNDERSIGNED IS THE OWNER OF THE LAND DESCRIBED IN THE ANNEXED PLAT AND HAS CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED, AS INDICATED THEREON, FOR THE USES AND PURPOSES THEREIN SET FORTH, AND DOES HEREBY KNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE THEREON INDICATED.
THE UNDERSIGNED HEREBY DEDICATED FOR PUBLIC USE THE LANDS SHOWN ON THIS PLAT FOR THROUGHFARES, STREETS, ALLEYS AND PUBLIC SERVICES; AND HEREBY ALSO RESERVES AND GRANTS EASEMENTS FOR PUBLIC USE AND FOR THE INSTALLATION OF VARIOUS PUBLIC UTILITIES AS DESIGNATED AND/OR AS STATED IN THE UTILITY EASEMENT PROVISIONS STATED HEREON.
ALL EASEMENTS INDICATED AS PUBLIC UTILITY EASEMENTS ON THIS PLAT ARE RESERVED FOR AND GRANTED TO THE CITY OF DARIEN AND TO ANY ENTITY OPERATING UNDER FRANCHISE FROM THE CITY INCLUDING, BUT NOT LIMITED TO, ILLINOIS BELL TELEPHONE COMPANY, NORTHERN ILLINOIS GAS COMPANY, COMMONWEALTH EDISON COMPANY, A CABLE TELEVISION OR COMMUNICATIONS COMPANY AND THEIR SUCCESSORS AND ASSIGNS FOR THE PERPETUAL RIGHT, PRIVILEGE AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, REPAIR, INSPECT, MAINTAIN AND OPERATE VARIOUS TRANSMISSION DISTRIBUTION AND COLLECTION SYSTEMS AND ALL NECESSARY LINES, NECESSARY PERSONNEL AND EQUIPMENT TO DO ANY OF THE ABOVE WORK. THE RIGHT IS ALSO GRANTED TO CUT DOWN, TRIM OR REMOVE ANY TREES, SHRUBS OR OTHER PLANTS ON THE EASEMENT THAT INTERFERE WITH THE OPERATION OF THE SEWERS OR OTHER UTILITIES, BUT SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE APRESAID USES OR RIGHTS. LOCATION OF UTILITY INSTALLATIONS WITHIN THE EASEMENT SHALL BE SUBJECT TO THE APPROVAL OF THE CITY OF DARIEN AS TO DESIGN AND LOCATION. ALL INSTALLATIONS ARE SUBJECT TO THE ORDINANCES OF THE CITY OF DARIEN.

ADDRESS _____
DATED THIS ____ DAY OF _____, A.D., 20__.

NOTARY'S CERTIFICATE
STATE OF _____)
COUNTY OF _____) S.S.
I, _____, A NOTARY PUBLIC IN AND FOR THE SAID COUNTY

PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH OWNERS, APPEARED BEFORE ME THIS DAY IN PERSON AND JOINTLY AND SEVERALLY ACKNOWLEDGED THAT THEY SIGNED THE ANNEXED PLAT AS THEIR OWN FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL
THIS ____ DAY OF _____, A.D., 20__.

NOTARY PUBLIC SIGNATURE
FRONT NAME _____
MY COMMISSION EXPIRES ON _____ MONTH _____ DATE _____, A.D., 20__.

STATE LETTER REQUIREMENT

STATE OF ILLINOIS)
COUNTY OF DUPAGE) S.S.

TO THE BEST OF OUR KNOWLEDGE AND BELIEF THE DRAINAGE OF SURFACE WATERS WILL NOT BE CHANGED BY THE CONSTRUCTION OF SUCH SUBDIVISION OR ANY PART THEREOF, OR THAT IF SUCH SURFACE WATER DRAINAGE WILL BE CHANGED, ADEQUATE PROVISION HAS BEEN MADE FOR COLLECTION AND DIVERSION OF SUCH SURFACE WATERS INTO PUBLIC AREAS OR DRAINS WHICH THE SUBDIVIDER HAS A RIGHT TO USE, AND THAT SUCH SURFACE WATERS WILL NOT BE DEPOSITED ON THE PROPERTY OF ADJOINING LAND OWNERS IN SUCH CONCENTRATIONS AS MAY CAUSE DAMAGE TO THE ADJOINING PROPERTY BECAUSE OF THE CONSTRUCTION OF THE SUBDIVISION.

DATED THIS ____ DAY OF _____, 20__.

OWNER OR ATTORNEY

REGISTERED PROFESSIONAL ENGINEER

CERTIFICATE AS TO SPECIAL ASSESSMENTS

STATE OF ILLINOIS)
COUNTY OF DUPAGE) S.S.

I, _____, CITY TREASURER OF THE CITY OF DARIEN, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT OR UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENTS OF ANY DEFERRED INSTALLMENTS THEREOF THAT HAVE BEEN APPORTIONED AGAINST THE TRACT OF LAND INCLUDED IN THE PLAT.

DATED AT DARIEN, DUPAGE COUNTY, ILLINOIS THIS ____ DAY OF _____, 20__.

CITY TREASURER

RECORDER'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF WINNEBAGO) S.S.

FILED FOR RECORD THIS ____ DAY OF _____, AT _____ O'CLOCK
M., RECORDED IN BOOK _____ OF PLATS, PAGE _____ AND EXAMINED.

LORI GUMMOW, WINNEBAGO COUNTY RECORDER

COUNTY CLERK CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) S.S.

I, _____, COUNTY CLERK OF DUPAGE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID FORFEITED TAXES, AND NO REDEEMABLE TAX SALES AGAINST ANY OF THE LAND INCLUDED IN THE ANNEXED PLAT.

GIVEN UNDER MY HAND AND SEAL AT WHEATON, DUPAGE COUNTY, ILLINOIS THIS ____ DAY OF _____, 20__.

COUNTY CLERK

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF WILL) S.S.

THIS IS TO CERTIFY THAT I, JAMES L. HARPOLE, REGISTERED ILLINOIS LAND SURVEYOR NO. 3190, HAVE SURVEYED AND SUBDIVIDED THE FOLLOWING PROPERTY:

LOT ONE IN DARIEN ASSOCIATES SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 8, 2016 AS DOCUMENT R2016-69588, IN DUPAGE COUNTY, ILLINOIS.

AND

THE WEST 145.0 FEET OF THE EAST 220.0 FEET OF THE SOUTH 160.0 FEET OF LOT 192 IN HINSBROOK, UNIT #2, A SUBDIVISION OF PART OF THE NORTH WEST QUARTER OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

EXCLUDING THAT PORTION FALLING WITHIN THE FOLLOWING PROPERTY CONVEYED TO MCCUE FAMILY, LLC - FARMS, PURSUANT TO TRUSTEES DEED RECORDED OCTOBER 4, 2021, AS DOCUMENT R2021-146795:

THE WEST 150.0 FEET OF THE SOUTH 208.89 FEET OF THE NORTHWEST 1/4 OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS, EXCEPTING THEREFROM THAT PART HERETOFORE DEDICATED FOR PUBLIC ROADWAY BY INSTRUMENT RECORDED OCTOBER 11, 1971 AS DOCUMENT R71-54639.

AS SHOWN BY THE ANNEXED PLAT, WHICH IS A CORRECT REPRESENTATION OF SAID SURVEY AND SUBDIVISION. ALL DISTANCES ARE SHOWN IN FEET AND DECIMALS THEREOF. I FURTHER CERTIFY THAT ALL REGULATIONS ENACTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DARIEN RELATIVE TO PLATS AND SUBDIVISIONS HAVE BEEN COMPLIED WITH IN PREPARATION OF THIS PLAT. I FURTHER CERTIFY THAT THE LAND IS WITHIN THE CITY OF DARIEN (OR WITHIN ONE AND ONE-HALF (1 1/2) MILES OF THE CORPORATE LIMITS OF THE CITY OF DARIEN WHICH HAS ADOPTED A CITY COMPREHENSIVE PLAN AND MAP AND IS EXERCISING THE SPECIAL POWERS AUTHORIZED BY DIVISION 12 OF ARTICLE 11 OF THE ILLINOIS MUNICIPAL CODE AS AMENDED). I FURTHER CERTIFY THAT THE LANDS SHOWN ON THIS PLAT ARE NOT SITUATED WITHIN 500 FEET OF ANY SURFACE DRAIN OR WATERCOURSE SERVING A TRIBUTARY AREA OF 640 ACRES OR MORE AND THIS PLAT HAS BEEN REVIEWED BY THE DEPARTMENT OF PUBLIC WORKS AND BUILDINGS FOR THE PURPOSE OF DETERMINING, FOR THE PROTECTION OF PERSONS AND PROPERTY, THE FLOOD HAZARDS INVOLVED AND A REPORT THEREON FILED BY THAT DEPARTMENT WITH THE RECORDER OF DEEDS.

CONTAINING 56,692.89 SF. FT., OR 1.30 ACRES.

DIMENSIONS ARE GIVEN IN FEET AND DECIMALS OF A FOOT.

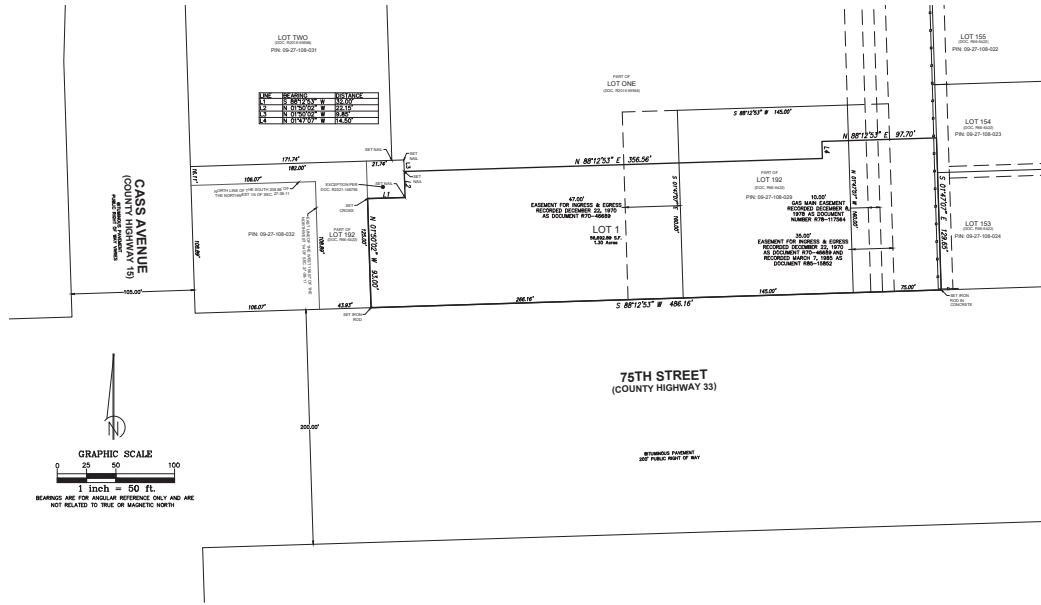
I HEREBY CERTIFY THAT NONE OF THE PROPERTY COVERED BY THIS PLAT IS SITUATED WITHIN A SPECIAL FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE CITY OF DARIEN ON PANEL NO. 17043C018AD, DATED AUGUST 1, 2019.

THE BASIS FOR ALL BEARINGS ARE ILLINOIS STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM (NAD) 1983, EAST ZONE.

GIVEN UNDER MY HAND AND SEAL THIS ____ DAY OF _____, 20__
AT SHOREWOOD, IL.

PRELIMINARY

JAMES L. HARPOLE
ILLINOIS PROFESSIONAL LAND SURVEYOR # 035-0406
LICENSE EXPIRES NOVEMBER 30, A.D., 2024.



MAYOR'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) S.S.

APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DUPAGE COUNTY, ILLINOIS THIS ____ DAY OF _____, 20__.

MAYOR

CITY CLERK'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) S.S.

I, _____, CITY CLERK OF THE CITY OF DARIEN, ILLINOIS, HEREBY CERTIFY THAT THE ANNEXED PLAT WAS PRESENTED TO AND BY RESOLUTION DULY APPROVED BY THE CITY COUNCIL OF SAID CITY AT ITS MEETING HELD ON ____ DAY OF _____, 20__ AND THAT THE REQUIRED BOND OR OTHER GUARANTEE HAS BEEN POSTED FOR THE COMPLETION OF THE IMPROVEMENTS REQUIRED BY THE REGULATIONS OF SAID CITY.

IN WITNESS WHEREOF I HAVE HERETO SET MY HAND AND THE SEAL OF THE CITY OF DARIEN, ILLINOIS, THIS ____ DAY OF _____, 20__.

CITY CLERK



SURVEY PREPARED FOR:
INVESTIA DARIEN LLC
718 OGDEN AVENUE
DOWNERS GROVE, IL 60515

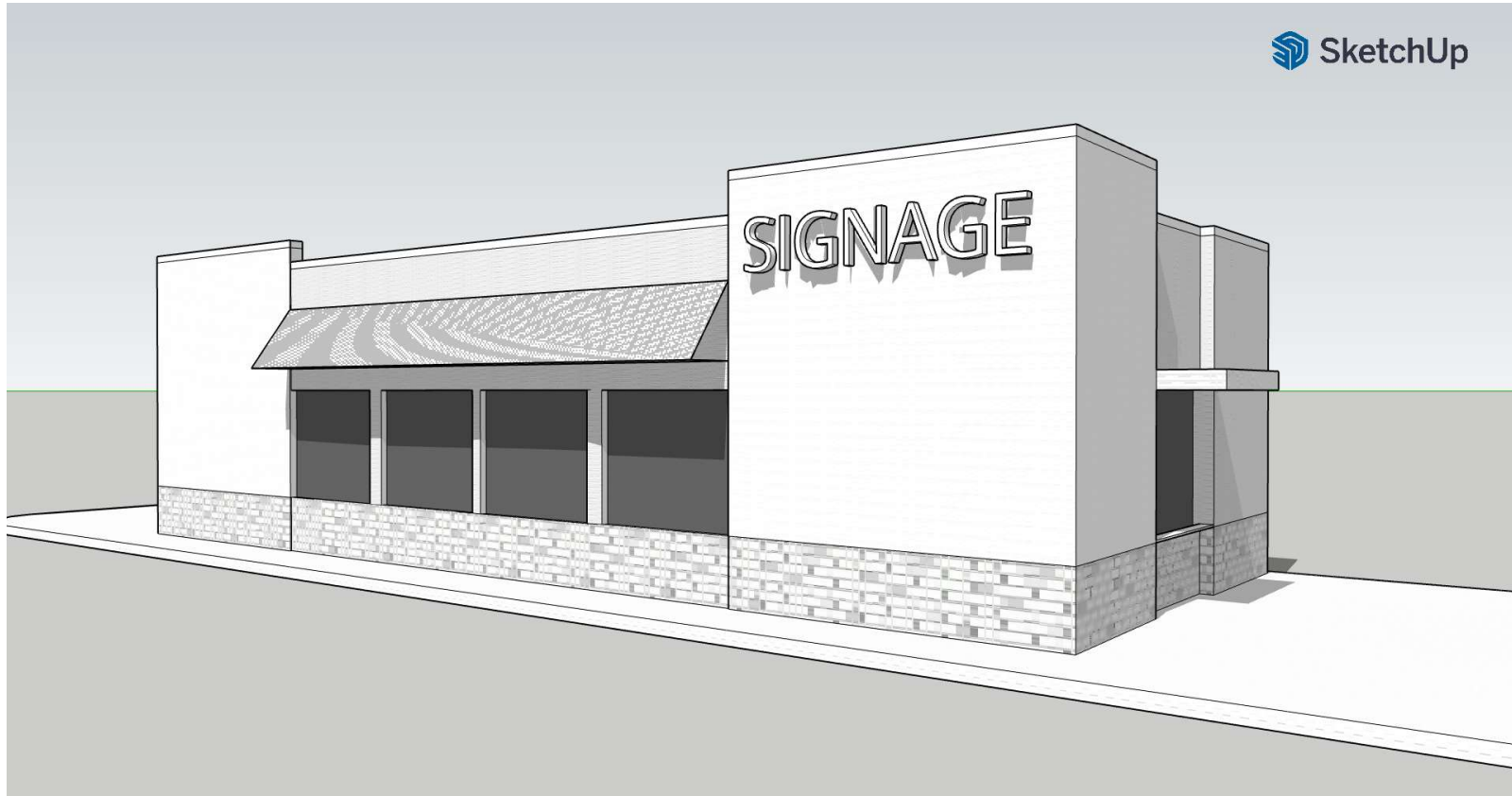
DATE	REVISIONS

PLAT OF SUBDIVISION
7409 CASS AVENUE
DARIEN, ILLINOIS

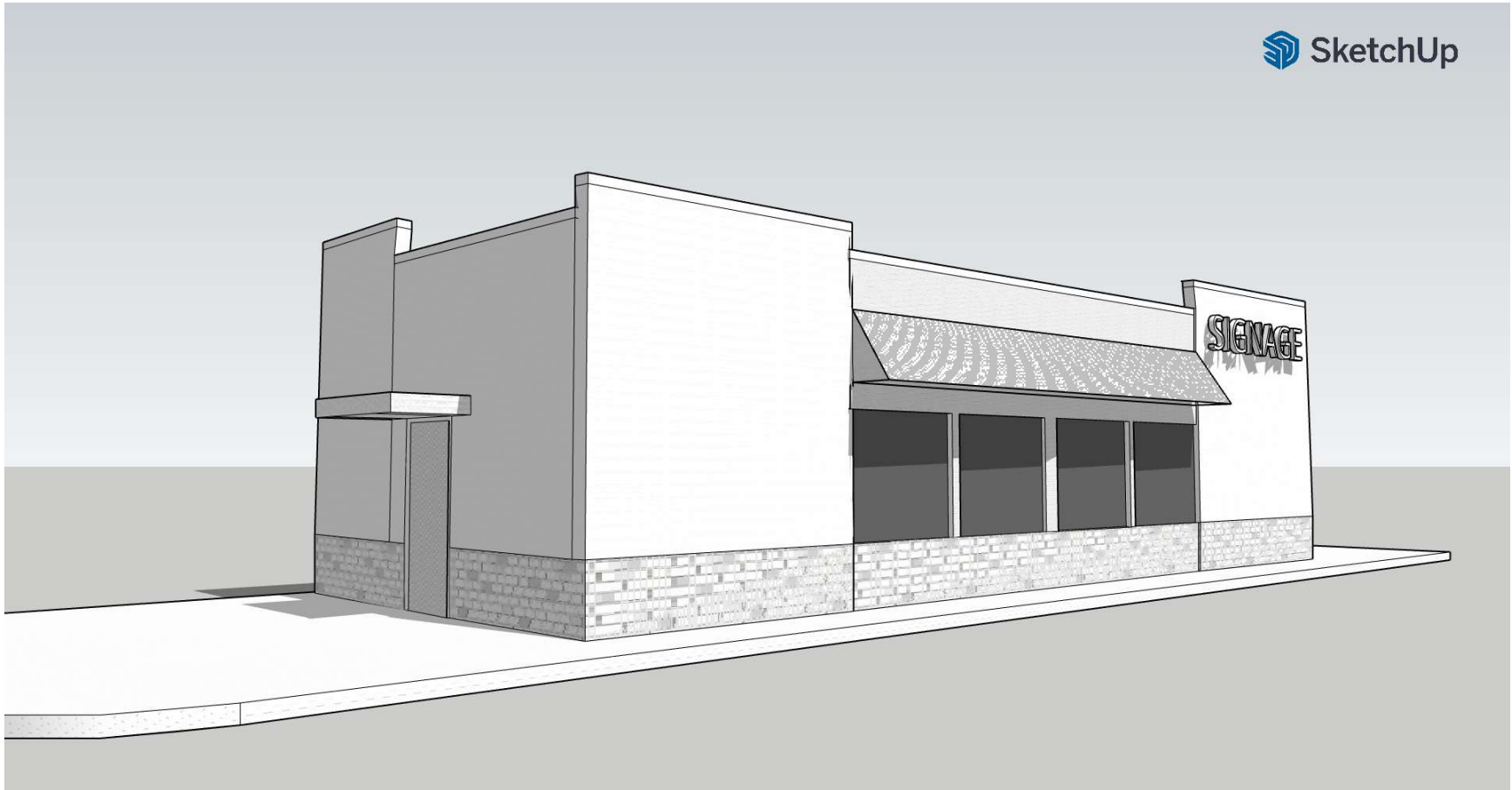
PROJ. MGR. JAH
DRAWN BY JAH
CHECK BY JAH
FIELD DATE 03/22/23
SCALE: 1" = 60'

SHEET
1 OF 1

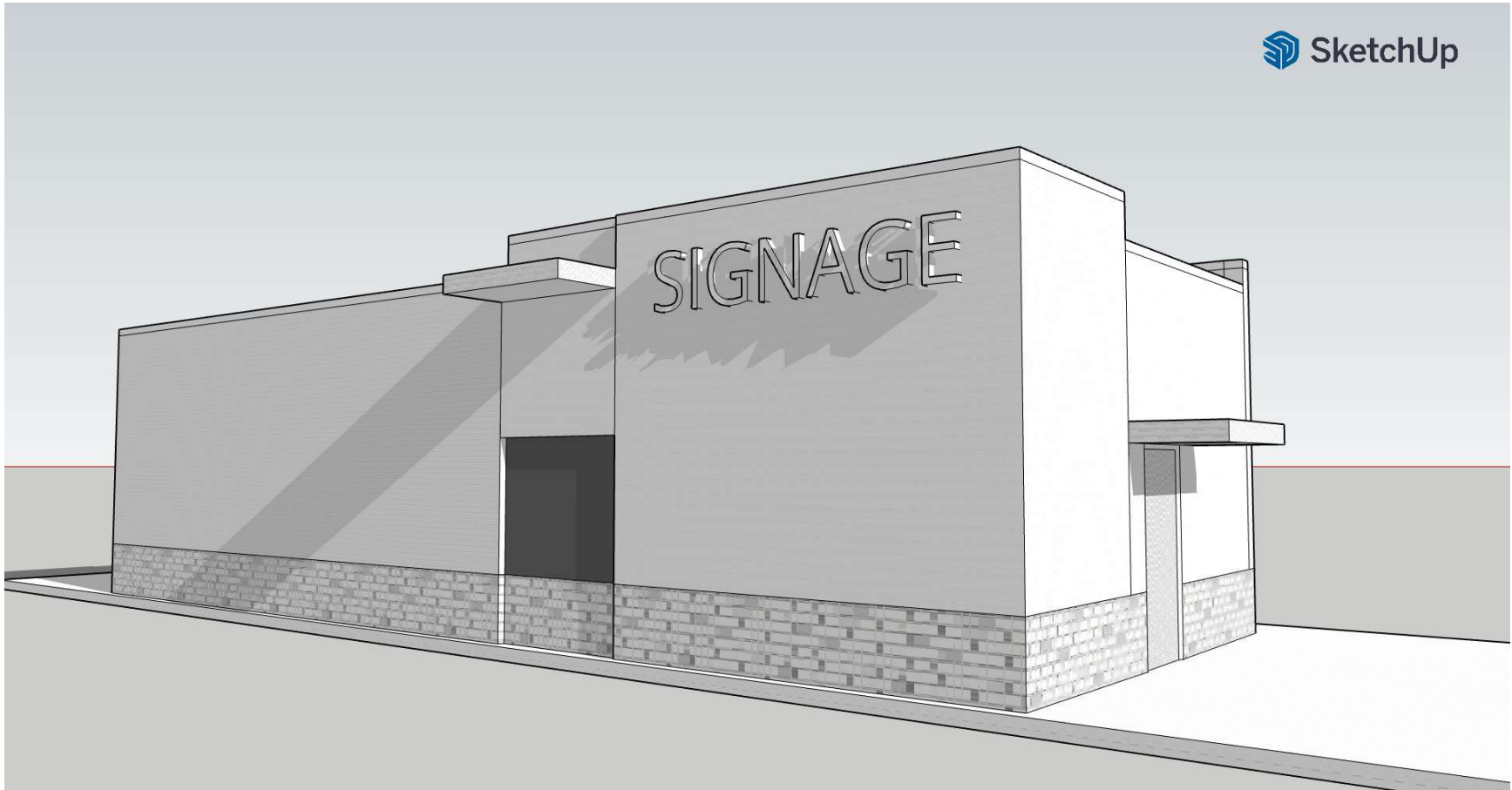
23-1239-100A



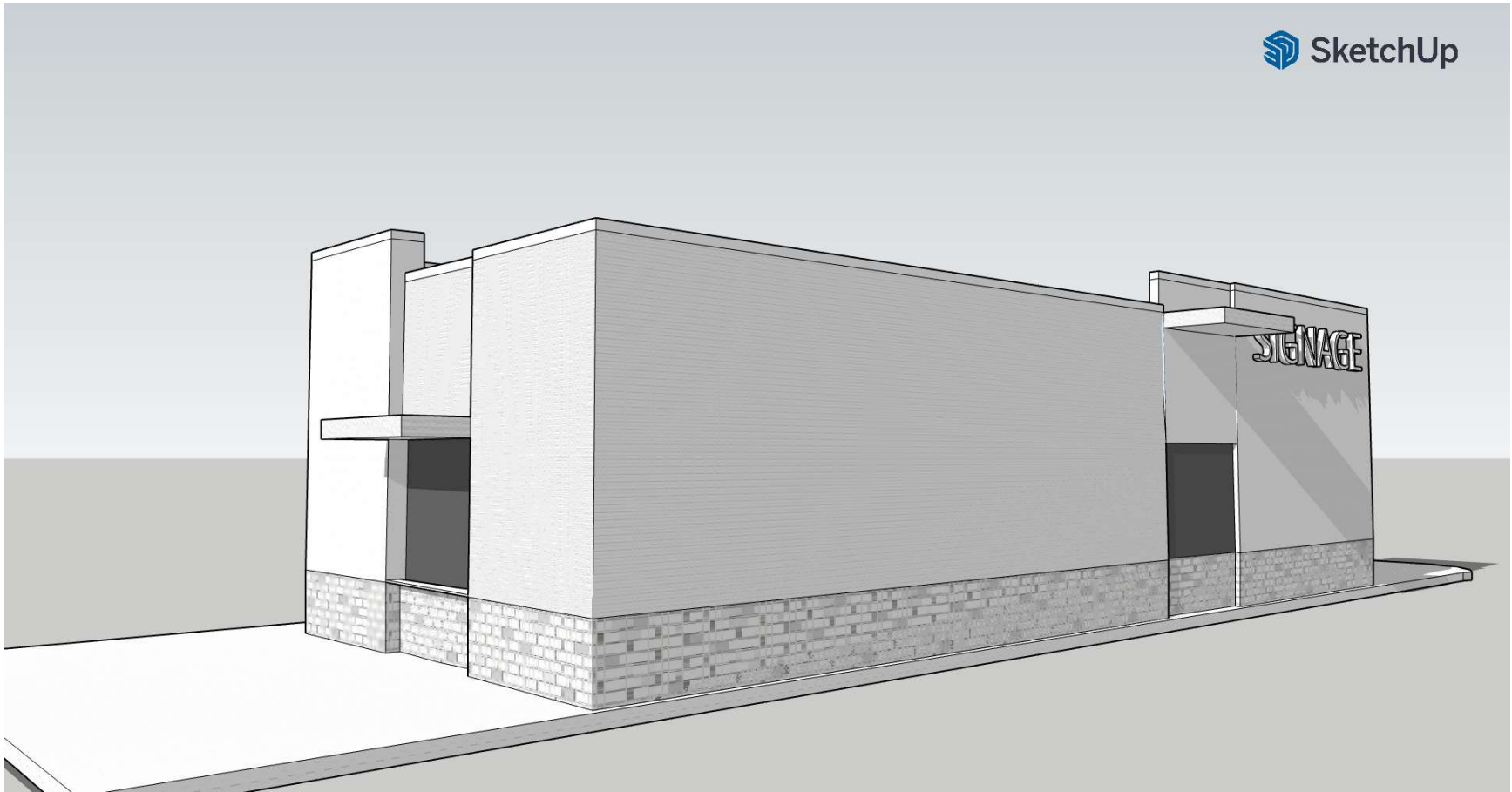
SOUTH / EAST FAÇADES



SOUTH / WEST FAÇADES



NORTH / WEST FAÇADES



NORTH / EAST FAÇADES



TECHNICAL MEMORANDUM

DATE: January 16, 2024
TO: Christopher A. Jackson, CJ Architects, Inc.
FROM: Peter Reinhofer, P.E., V3 Companies
RE: **Proposed Quick-Service Facility Technical Memorandum**
75th Street & Cass Avenue, Darien Illinois

V3 Companies has been retained by CJ Architects to conduct a trip generation study for a proposed quick-service restaurant with a drive-through and no indoor seating located in the existing parking lot at the northeast corner of the intersection of 75th Street and Cass Avenue in Darien, Illinois. The site currently consists of a multiple building retail center with outlots and surface parking lots. The proposed development will replace 30 surface parking stalls with a 1,000 square foot building intended to be a pre-order pick-up concept in the quick service, fast casual restaurant space. A drive through window and an outdoor patio will also be provided with five parking spaces.

There are currently five access driveways to the retail center, two full access driveways and one right in/right out driveway on Cass Avenue and three right in/right out driveways on 75th Street. The proposed building would be accessible from all three driveways. A site location map and conceptual site plan are attached.

The purpose of this Technical Memorandum is to evaluate the potential traffic impacts of the proposed quick-service outbuilding. This Technical Memorandum will evaluate the existing conditions around the site and estimate the number of vehicle trips generated by the proposed development.

Project Conditions

Cass Avenue is a north-south roadway that is classified as a minor arterial and typically provides two travel lanes in each direction with a two-way left turn lanes that provides access to local streets and residential and commercial driveways. Cass Avenue has sidewalks along the east and west side of the roadway and a posted limit of 35 mph. Cass Avenue is under DuPage County jurisdiction.

75th Street is an east-west roadway that is classified as a Strategic Regional Arterial and provides three travel lanes in each direction separated by a raised landscaped median that provides left turn access to other arterials, local streets, and commercial driveways. 75th Street has sidewalks along the north and south side of the roadway, Southern DuPage County Regional Trail is located on south side of 75th Street east of Cass Avenue. 75th Street has a posted speed limit of 45 mph eastbound and a school zone posted speed limit of 20 mph west of Cass Avenue. 75th Street is under DuPage County jurisdiction.

The intersection of *Cass Avenue* and *75th Street* is a signalized intersection. The northbound approach consists of one left turn lane, one through lane, and one shared through/right turn lane while the southbound approach consists of one left turn lane, two through lanes, and one right turn lane. The eastbound and westbound approaches of *75th Street* consist of two left turn lanes, three through lanes, and one right turn lane. There are marked crosswalks along all approaches with sidewalks and pedestrian signals present.

The existing intersection lane configurations are included in the Exhibits.

Since the development proposes to reduce the parking area, parking observations were conducted during the weekday morning, midday, and evening time periods over several days. The parking observations included collecting the number of occupied parking spaces in the vicinity of the proposed development totaling 205 parking spaces. Overall, the observations indicate that the parking area is not well utilized with the exception of the parking area on the south side adjacent to the immediate care facility. A summary of parking counts and data are attached as well.

Proposed Vehicle Trip Generation

The proposed development consists of a quick-service outbuilding totaling 1,000 square feet with a drive-thru window and no indoor seating. Project traffic is estimated using the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 11th Edition*. The following land use categories are used to determine project traffic:

Coffee/Donut Shop with Drive-Through Window and No Indoor Seating (ITE Land Use Code 938) – This land use includes any coffee and donut restaurant that has only drive-through window service. A patron cannot walk into the shop and purchase items. The restaurant sells freshly brewed coffee (along with coffee-related accessories) and a variety of food/drink products such as donuts, bagels, breads, muffins, cakes, sandwiches, wraps, salads, and other hot and cold beverages. The restaurant marketing and sales may emphasize coffee beverages over food (or vice versa). The coffee/donut shops contained in this land use typically hold long store hours (more than 15 hours) with an early morning opening.

The *Trip Generation Manual, 11th Edition* estimates trip generation for each land use based on a peak period and an independent variable. In this case, the applicable variable is drive-through lanes for the quick-service shop. The weekday am and weekday pm peak hour trip generation is calculated using either the average rate or fitted curve equation when available. The am and pm peak hour trip generation equations are selected for weekday, peak hour of adjacent street traffic for one hour from 7:00 am to 9:00 am and 4:00 pm to 6:00 pm.

As documented in the *ITE Trip Generation Manual, 11th Edition*, some land uses do not typically generate all new traffic on the roadway system. The total traffic generation is a combination of pass-by trips, or traffic drawn from the existing traffic flow on the adjacent streets, and primary trips, which represent

new traffic drawn to the roadway network. In order to assess the pass-by trips, the data published in the ITE *Trip Generation Handbook, 3rd Edition* was utilized to estimate the pass-by percentages for the applicable land uses. It should be noted that pass-by trip reductions do not reduce the total number of trips into and out of the site, but decrease the number of new trips on the roadway network.

The total trip generation for the site consists of the ITE trip generation with the pass-by trip reassignment applied. A summary of trip generation for the proposed development is provided in Table 1.

Table 1: Trip Generation

LUC	LAND USE	SIZE	Weekday AM			Weekday PM		
			In	Out	Total	In	Out	Total
938	Coffee/Donut Shop with Drive-Through Window and No Indoor Seating	1 Drive-Through Lanes	18	18	36	8	7	15
	<i>Internal Capture Reduction:</i>		-2	-2	-4	-2	-2	-4
	<i>Pass-By Trips:</i>		-14	-14	-28	-5	-5	-10
Total Trip Generation:			18	18	36	8	7	15
<i>Less Internal Capture:</i>			-2	-2	-4	-2	-2	-4
<i>Internal Capture Rate:</i>			11%			27%		
Total External Trips			16	16	32	6	5	11
<i>Less Pass-by:</i>			-14	-14	-28	-5	-5	-10
Total New Traffic Generated on Network:			2	2	4	1	0	1

It should be noted that the ITE *Trip Generation Handbook* methodology for internal capture is applicable since it is very likely that existing trips to the adjacent developments will also stop by the proposed quick-service development. For the purpose of this analysis, it is assumed that an overall internal capture ranges from 11 percent to 27 percent for the weekday peak hours. This results in the proposed development only adding four trips and one trip during the weekday am peak hour and weekday pm peak hour, respectively.

Access Evaluation

The proposed development will be accessed through the three existing driveways along 75th Street and three driveways along Cass Avenue. The proposed development will replace 30 original parking stalls into a 1,000 square foot facility with an eight vehicle drive-through lane, outdoor patio, raised curb landscape areas, and five parking spaces. It is our understanding that there are no other known planned roadway improvements or developments that will impact the existing traffic patterns in the study area. Based on the development only adding four and one vehicle trips during the weekday peak hours and the multiple access points along 75th Street and Cass Avenue, it is anticipated that this development will have minimal traffic impact on the local roadway network.

Conclusion

The purpose of this study is to evaluate the traffic generated by a proposed development that will replace 30 original parking stalls into a 1,000 square feet facility with an eight vehicle drive-through lane, outdoor patio, raised curb landscape areas, and five parking spaces located in the northeast corner of 75th Street and Cass Avenue. Access to the site will remain in the existing configuration with three access points along 75th Street and three access points on Cass Avenue.

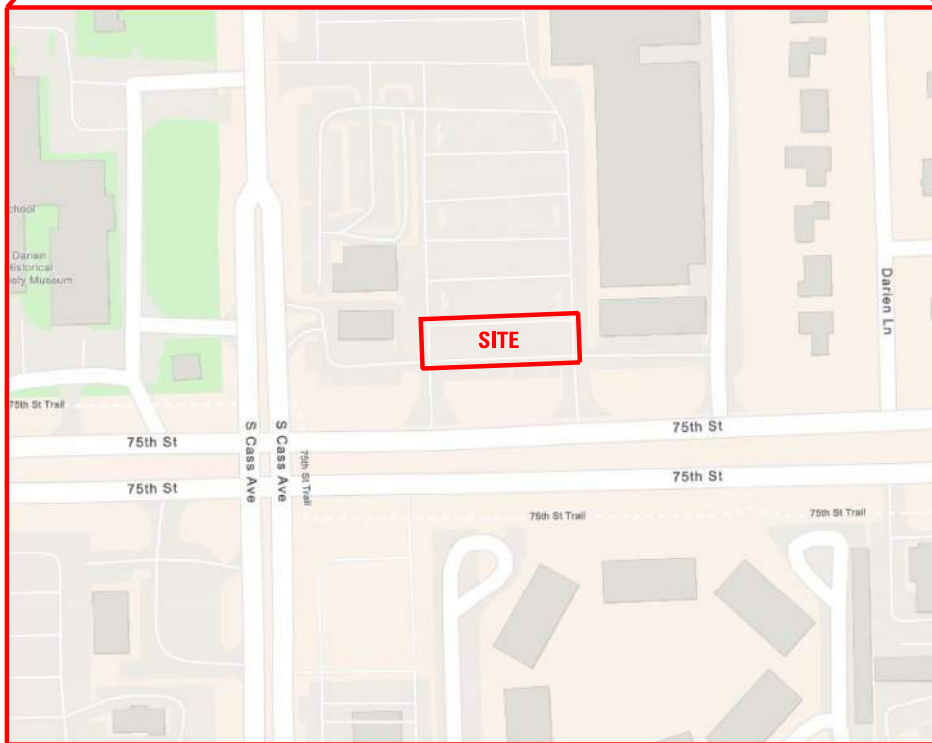
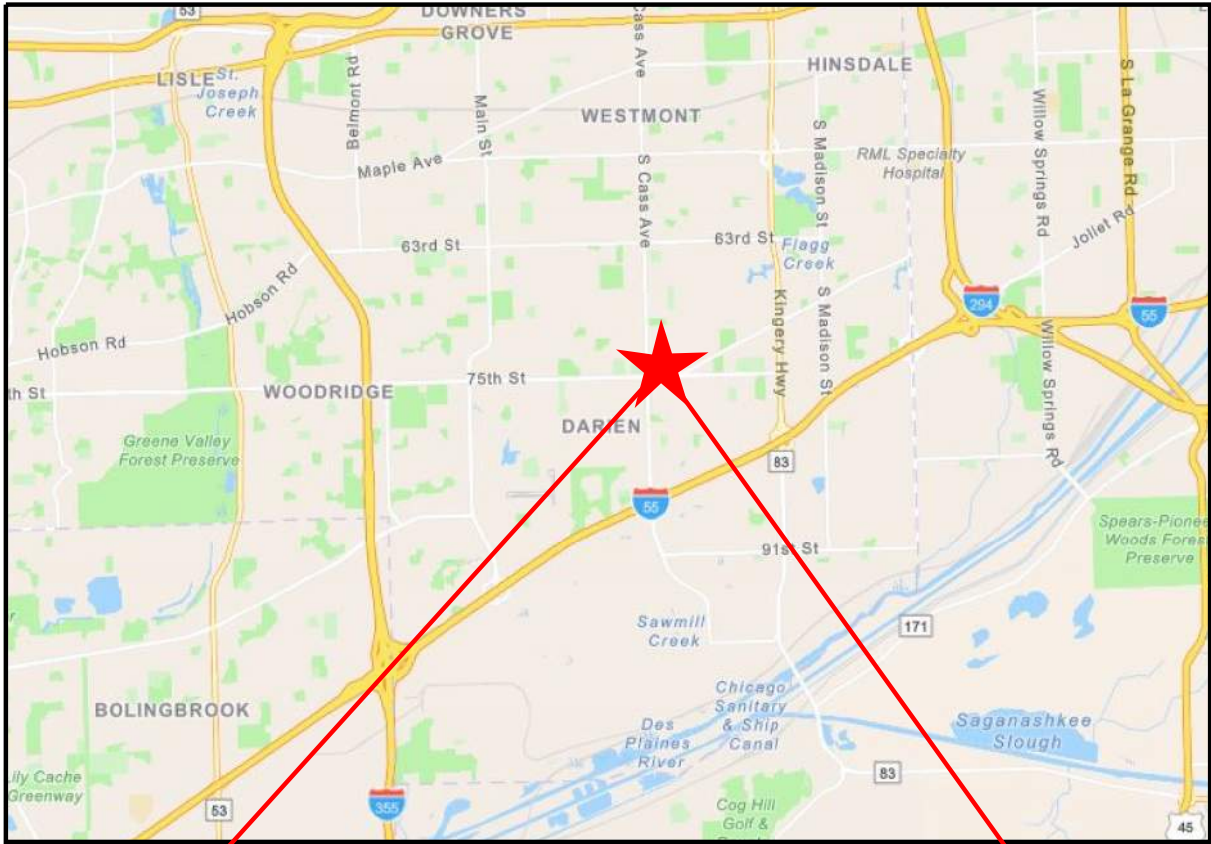
A trip generation evaluation was conducted, and based on the amount of vehicle trips generated by the proposed development, it is our professional opinion that the new traffic generated by the site will have minimal impact to the roadway network.

Exhibits

Site Location Map

Conceptual Site Plan

Existing Lane Configuration





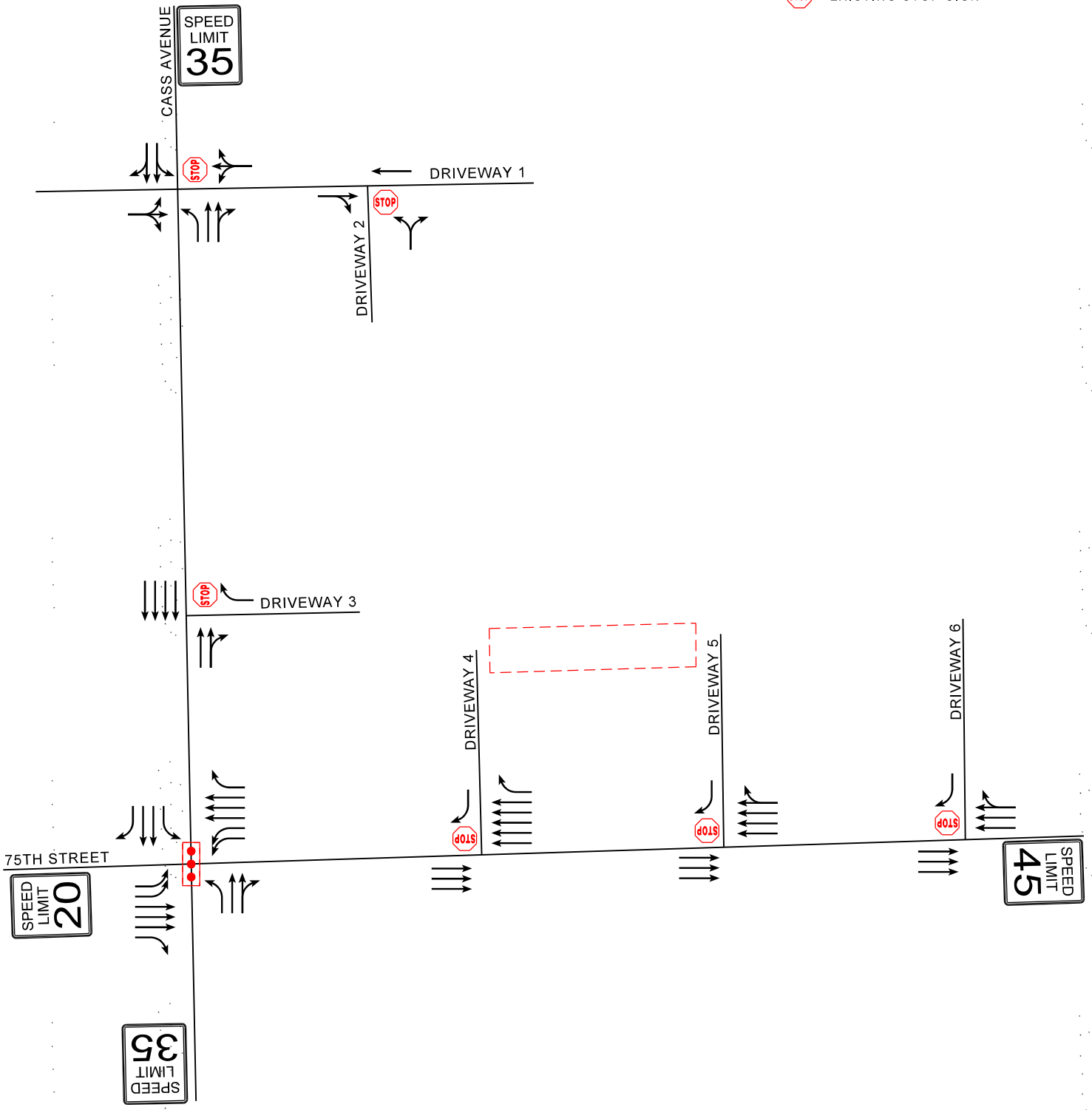
PROPOSED COFFEE SHOP

**FIGURE 1
SITE LOCATION MAP**



LEGEND

-  - EXISTING TRAFFIC SIGNAL
-  - EXISTING STOP SIGN



PROPOSED COFFEE SHOP

FIGURE 3
EXISTING LANE CONFIGURATION



Proposed Quick-Service Facility
 Parking Count Summary at 7409 S. Cass Ave.

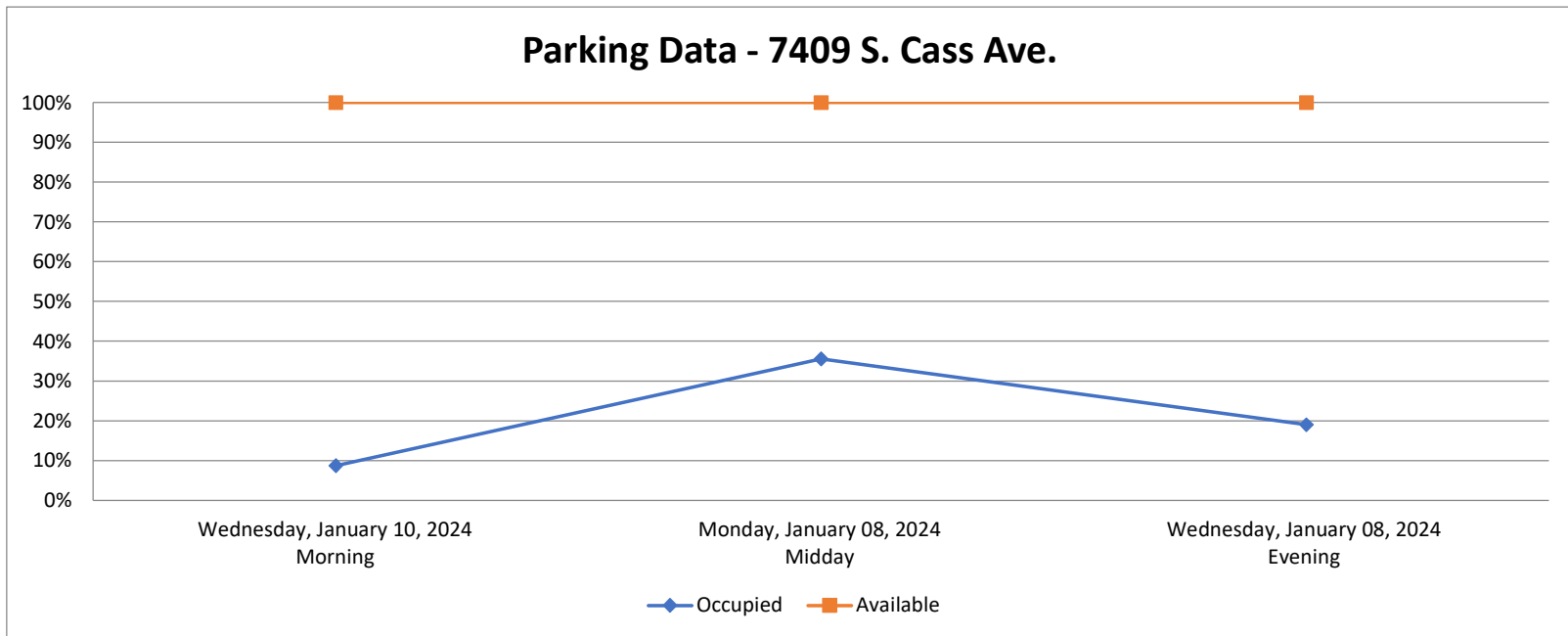


Zone	Total Spaces		Morning	Midday	Afternoon
1	14	Occupied	6	13	3
		Available	8	1	11
2	29	Occupied	4	12	4
		Available	25	17	25
3	28	Occupied	4	5	2
		Available	24	23	26
4	28	Occupied	2	7	4
		Available	26	21	24
5	28	Occupied	0	4	3
		Available	28	24	25
6	28	Occupied	0	6	4
		Available	28	22	24
7	28	Occupied	1	10	7
		Available	27	18	21
8	22	Occupied	1	16	12
		Available	21	6	10

Wednesday, January 10, 2024 Morning	Occupied	18
	Available	187

Monday, January 08, 2024 Midday	Occupied	73
	Available	132

Wednesday, January 08, 2024 Evening	Occupied	39
	Available	166



Cass Avenue

75th Street



Zone 8

Zone 7

Zone 6

Zone 5

Zone 4

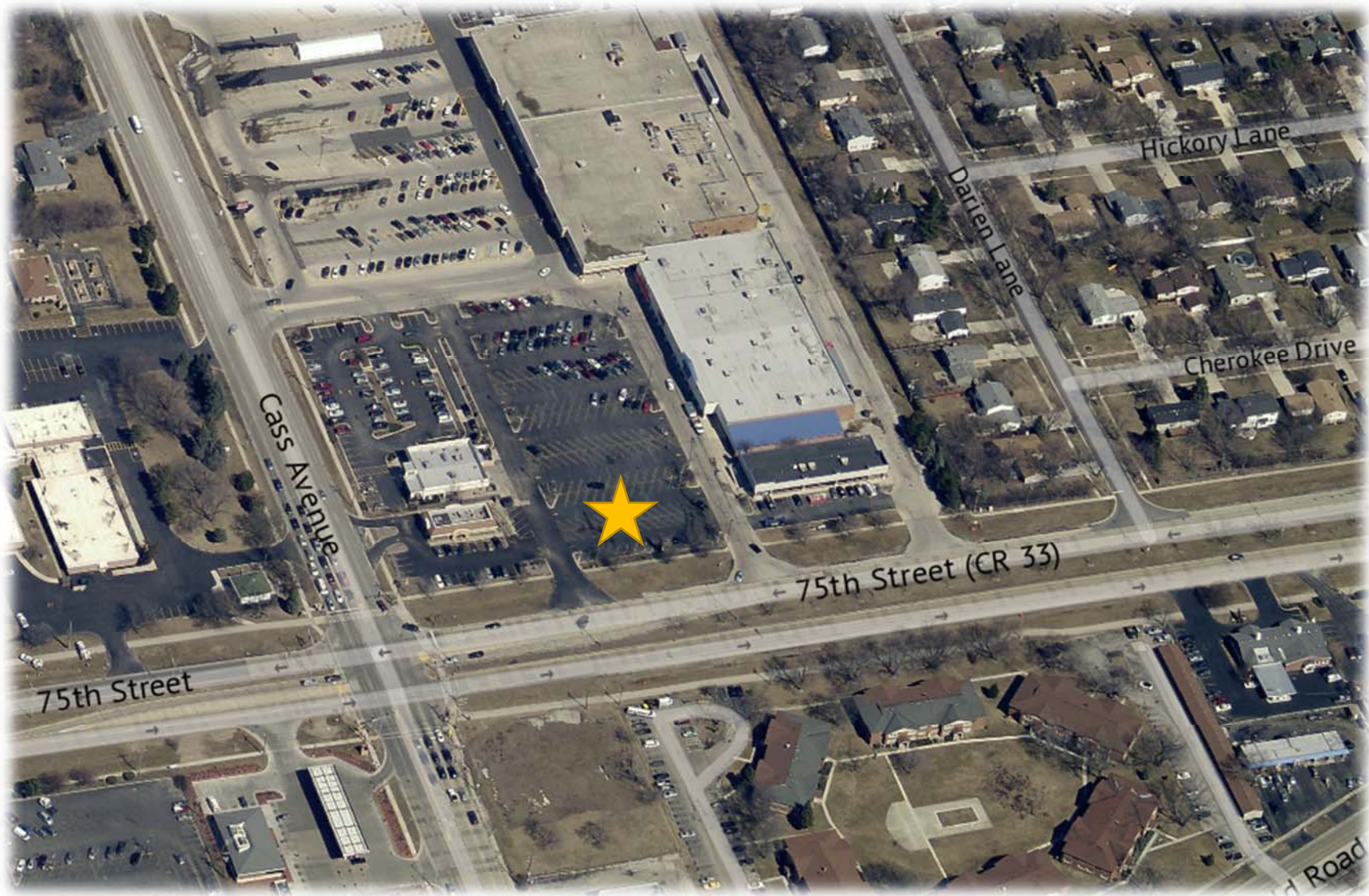
Zone 3

Zone 2

Zone 1

ATTACHMENT (8): LOCATION MAP & AERIAL IMAGE





ATTACHMENT (9): SITE PHOTOS







CHRISTOPHER B. BURKE ENGINEERING, LTD.

9575 W Higgins Road, Suite 600 Rosemont, Illinois 60018-4920 Tel (847) 823-0500 Fax (847) 823-0520

January 31, 2024

City of Darian
1702 Plainfield Road
Darien, Illinois

Attention: Jordan Yanke

Subject: Cass and 75th – Indvestia Subdivision
(CBBEL Project No. 950323.H0257)

Dear: Jordan

As requested on January 23, 2024, we have reviewed the Final Plat of Indvestia Subdivision as prepared by JLH Land Surveying Inc. and dated March 22, 2023. Supporting documents such as previous plats, a topographic survey, and architect's site plan were also provided. The following comments shall be addressed before we can recommend approval:

Code Compliance Comments

1. We presume that no Preliminary Plat will be required.
2. Section 5B-1-6.B.3.d provides that ties are required to municipal, township or section lines of the subdivision by distance and angle.
3. Section 5B-1-6.B.4.h requires a City Treasurer Certificate (Exhibit H) on the plat.

General Comments

1. The proposed Lot 1 encompasses the existing urgent care building (7409 Cass Ave.) which would result in two buildings on the lot if the proposed building is constructed. We understand that the applicant will apply for zoning relief to allow the proposed configuration.
2. While there is an existing access easement for the service drive behind the buildings and the primary driveway in front of the main existing buildings, there is no access easement for the existing driveway west of the proposed building. It would seem appropriate to grant such an easement as part of this plat.
3. It does not appear that there are existing easements for any watermain which may (or may not) be on this lot.
4. We note that engineering plans for the proposed development have not been submitted for review.
5. There is currently a dead-end watermain serving the two restaurants with frontage on Cass Avenue. It may be necessary to loop this watermain for appropriate water supply and fire protection. If doing so, an easement would be required for the main.

6. The applicant should verify with Du Page County Public Works that there is a sanitary sewer available, or if one needs to be extended to the subject site.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Daniel L. Lynch, PE, CFM
Head, Municipal Engineering Department

Cc Dan Gombac, City of Darien