

CITY OF DARIEN
PLANNING, ZONING, AND ECONOMIC DEVELOPMENT COMMISSION

Wednesday, February 5, 2025

7:00 PM

City Hall Council Chambers

1702 Plainfield Road

AGENDA

1) Call to Order

2) Roll Call

3) Regular Meeting – New Business

a. PZC2024-15

1005 75th Street – Basia Janke c/o Smoke Bank

A request for a Special Use Amendment request pursuant to Section 5A-8-3-4 of the Zoning Ordinance. The petition specifically requests to amend a Special Use Permit for a drive-through Tobacco Shop/Food Store to allow additional signage consisting of a small electronic display/menu sign proposed to be mounted in the drive-through window. The Property is located within the B-2 Community Shopping Center Business District.

4) Regular Meeting – Old Business (NONE)

5) Staff Updates & Correspondence

6) Approval of Minutes January 15, 2025

7) Next Meeting February 19, 2025

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

9) Adjournment

AGENDA MEMO
PLANNING, ZONING, AND ECONOMIC DEVELOPMENT COMMISSION
FEBRUARY 5, 2025

CASE

PZC2024-15 Special Use Amendment (Basia Janke c/o Smoke Bank – 1005 75TH Street)

ISSUE STATEMENT

Petitioner (Basia Janke) seeks approval of a Special Use Amendment request pursuant to Section 5A-8-3-4 of the Zoning Ordinance. The petition specifically requests to amend a Special Use Permit for a drive-through Tobacco Shop/Food Store to allow additional signage consisting of a small electronic display/menu sign proposed to be mounted in the drive-through window. The Property is located within the B-2 Community Shopping Center Business District.

Applicable Regulations: Ordinance No. O-15-84 (Variations)
Ordinance No. O-19-22 (Variations and Special Use)
Darien Sign Code

GENERAL INFORMATION

Petitioner: Basia Janke c/o Smoke Bank
Property Owner: 1005 Darien LLC
Property Location: 1005 75TH Street
PIN Number: 09-27-300-011
Existing Zoning: Community Shopping Center Business District (B-2)
Existing Land Use: Tobacco Shop/Food Store
Comprehensive Plan: Commercial (Existing); Commercial (Future)
Surrounding Zoning & Uses
 North: Single Family Residence District (R-2); Single Family
 East: Multi-Family Residence District (R-3); Apartments
 South: Single Family Residence District (R-2); Single Family
 West: Community Shopping Center Business District (B-2); Auto
 Repair Shop
History: The subject property was approved and developed per
 Ordinance No. O-15-84 and Ordinance No. O-19-22. The
 property remains in essentially the same conditions since
 construction.
Size of Property: 0.46 Acres
Floodplain: N/A
Natural Features: N/A
Transportation: The petition site gains access from 75TH Street and
 Plainfield Road.

PETITIONER DOCUMENTS (ATTACHED TO MEMO)

- 1) APPLICATION
- 2) JUSTIFICATION LETTER
- 3) PROPOSED SIGN PLANS

CITY STAFF DOCUMENTS (ATTACHED TO MEMO)

- 4) LOCATION MAP & AERIAL IMAGE

- 5) **SIGN CODE COMPLIANCE TABLE**
- 6) **SITE PHOTOS / EXISTING SIGN PLANS**
- 7) **PREVIOUS ORDINANCES**

BACKGROUND

The 0.46-acre subject property is located off 75TH Street and Plainfield Road within the Community Shopping Center Business District (B-2). The property was originally constructed as a drive-thru bank in 1984 and constructed per City Ordinance (O-15-84). In 2022, the City adopted Ordinance No. O-19-22, approving a Special Use Permit allowing the establishment/operation of a Tobacco/Food Store in the building, including the utilization of the drive-thru service window. The primary use (General Retail) is permitted within the B-2 District. Any change in the use/operation of the drive-thru facility requires a Special Use Permit Amendment.

In the Summer and Fall of 2024, the City engaged in code enforcement action due to complaints from residents regarding various outdoor menu signs that were installed without a permit and excess window signs. Following receipt of a Notice of Violation from the City, the owner complied with the City Code and removed the unpermitted signage, in addition to reducing the amount of window signage to less than 50% of the window area, as required by Section 4-3-8 of the City's Code.

ANALYSIS

Existing Signage: The facility currently has three (3) wall signs, two (2) freestanding signs, and various directional signs and window signs. The building is permitted a large amount of signage in part because it has frontage on two major streets and has large expanses of window area. See Attachment 6 for a detailed sign code compliance table which outlines the various signs on-site and the applicable sign regulations.

Proposed Drive-Thru Signage: The City's Sign Code does not have any specific regulations for signage for drive-thru facilities. As any drive-thru facility or change in use at a drive-thru facility requires a Special Permit or Special Use Amendment, drive-thru signage is effectively approved on a case-by-case basis through the entitlement by the Commission and the City Council.

The petitioner proposes to construct an LED display / menu sign approximately 13.19 square feet in size within the existing drive-thru service window, approximately 3 feet off of the ground. Based on information provided by the applicant, the display may cycle through various promotions and will display a menu with pricing information when patrons approach the drive-thru, similar to a drive-thru fast food restaurant.

The petitioner submitted a Justification Letter that would support the application request, attached to this memo. In short, the petitioner contends that the LED display is needed to inform patrons of a large selection of products.

Plan Review Comments: Staff have reviewed the petitioner submitted documents and staff does not have any review comments. If approved, the project will meet applicable zoning standards and

the petitioner will be required to submit a building permit if the case is approved.

Findings of Fact / Special Use Criteria: When acting on an application or petition, the Planning and Zoning Commission must use the following criteria:

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.*

DECISION MODE

The Planning, Zoning, and Economic Development Commission will consider this item at its meeting on February 5, 2025.

MEETING SCHEDULE

Planning, Zoning, and Economic Development Commission
Municipal Services Committee
City Council

February 5, 2025
February 24, 2025
March 3, 2025



ZONING APPLICATION

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

CONTACT INFORMATION

Form with fields for Applicant's Name (BASIA JANKE), Owner's Name (PRADEEP PATEL), Address, Telephone, and Email.

PROPERTY INFORMATION

Form with fields for Property address (1005 75TH ST, DARIEN, IL 60561), PIN Number(s) (0927300011), Zoning District (B2), and Current Land Use(s) (RETAIL).

(Attach additional information per the Submittal Checklist.)

REQUEST

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

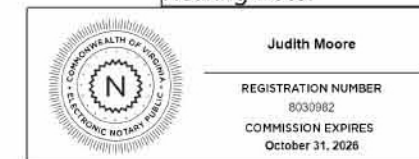
I am proposing a Display screen which is placed in a discreet location where it is only visible to my clients who have already decided to come to my drive-up window, thus eliminating a distraction to the ongoing traffic.

Barbara Adrienne Janke Notarized remotely online using communication technology via Proof.
Applicant Signature

As Notary Public, in and for Prince William County in Virginia, I do hereby certify that Barbara Janke 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 10th day of December 2024.

Judith Moore
Notary Public

For office use only
Date Received:
Case Number:
Fee Paid:
Hearing Date:



DEVELOPMENT APPLICATIONS

REIMBURSEMENT AGREEMENT

The undersigned applicant for development approval acknowledges that the City of Darien may seek advice and council from professional sources outside the employee staff of the City of Darien. The purpose of such consultation would be for traffic impact analysis, engineering, stormwater, legal, or other such reviews related to variation, special use, rezoning, subdivision, site plan, permits, or other proposals submitted to the City of Darien by the applicant. The City of Darien may also incur expenses as part of the development review and approval process, such as copying, mailing, publication, recording, inspecting, or other such activities.

As an express condition in submitting said application and the consideration thereof by the City of Darien, the applicant both personally and on behalf of the property owner(s), agrees to reimburse the City of Darien forthwith for all costs and expenses that may be incurred by the City of Darien for such consultation and activities.

The applicant hereby accepts and acknowledges that if at any time the application fails to pay for such consultation and activity costs in accordance with the direction of the City of Darien, the no further action will be taken by the City of Darien in relation to the application until such time as said payment is paid in full.

Basia Janke

Applicant's Name (print)

Basia Janke

Applicant's Name (signature)

2300 barington rd Hoffman Estates IL 60196

Applicant's Address

12/10/24

Date

SMOKE BANK 1005 75th St, Darien, IL 6056

Business Owner Approval:

As Smoke Bank's owner, I give the sign company permission to erect the signs that are included in this permit.

Pradeep Patel 12/11/2024

Business Owner signature and date

Landlord Approval:

As the landlord, I authorize my tenant, Pradeep Patel, to act on my behalf regarding the variance application and hearing process for my property located at 1005 75th St, Darin, IL 60561. I approve the proposed signage my tenant is requesting for his DBA SmokeBank. I authorize all approvals needed to ensure a successful outcome for my tenant's variance application.

Fabriz Khanlodhi 12/11/2024

Landlord signature and date

SMOKE BANK 1005 75th St, Darien, IL 6056

NARRATIVE OF JUSTIFICATION

Hello, my name is Pradeep Patel, Owner of SMOKE BANK, A DRIVE THRU SHOP for Tobacco / related merchandise. This shop has been in operation for the last 2 years or so.

I have owned it for the last 8 months. My shop carries a vast variety of products. Most of my customers have gotten into the habit of purchasing through the drive-up window. This prevents me from adding incidental sales or impulse sales to my business.

They don't even know all the merchandise I sell in my shop

One day I was buying my lunch from McDonald's drive-up window and was ordering from their display menu in the drive through window

That gave me a thought of replicating such an announcement of my products in the shop so that the drive-up customers get a general idea of all the items I am selling in the shop

This will allow me to show the case of my merchandise categories to them which otherwise I would have missed out on

This can entice them to purchase from the window after they see it on my Display screen.

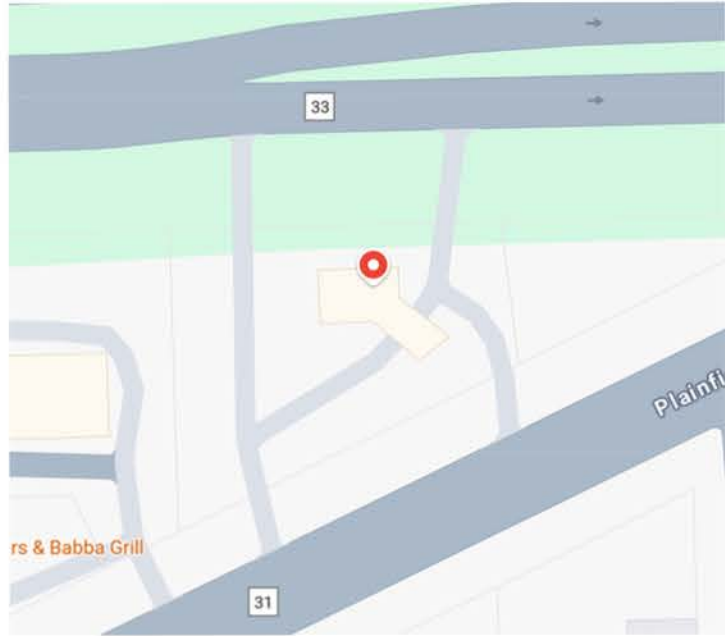
Or attract them to park their vehicle and physically come into my shop.

I am proposing a Display screen which is placed in a discreet location where it is only visible to my clients who have already decided to come to my drive-up window, thus eliminating a distraction to the ongoing traffic.

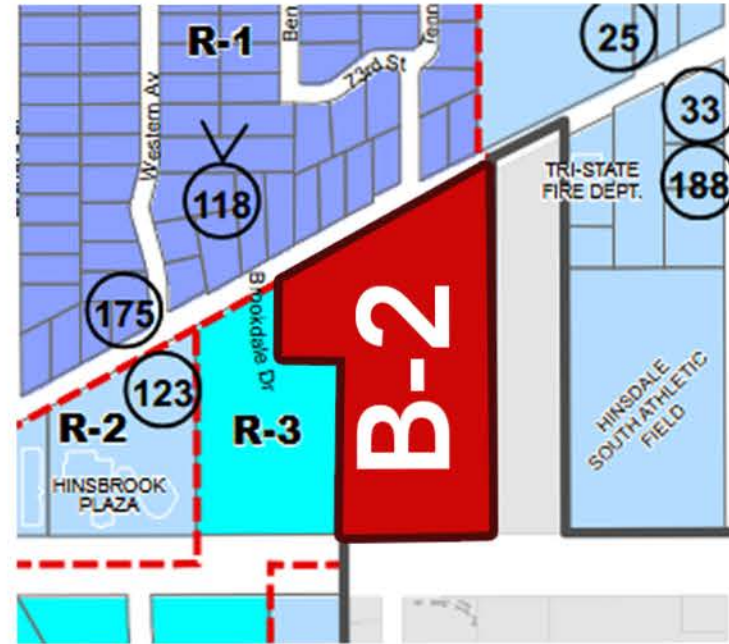
Thanks

SMOKE BANK 1005 75th St, Darien, IL 6056

GENERAL MAP



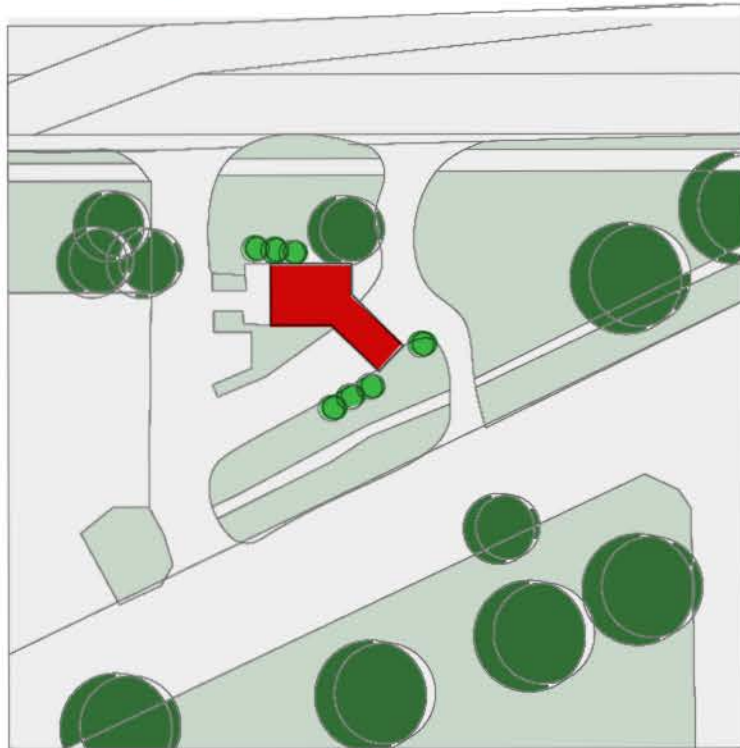
ZONING MAP



PLOT OF SURVEY



LANDSCAPING MAP



BUILDING SPECIFICATIONS:

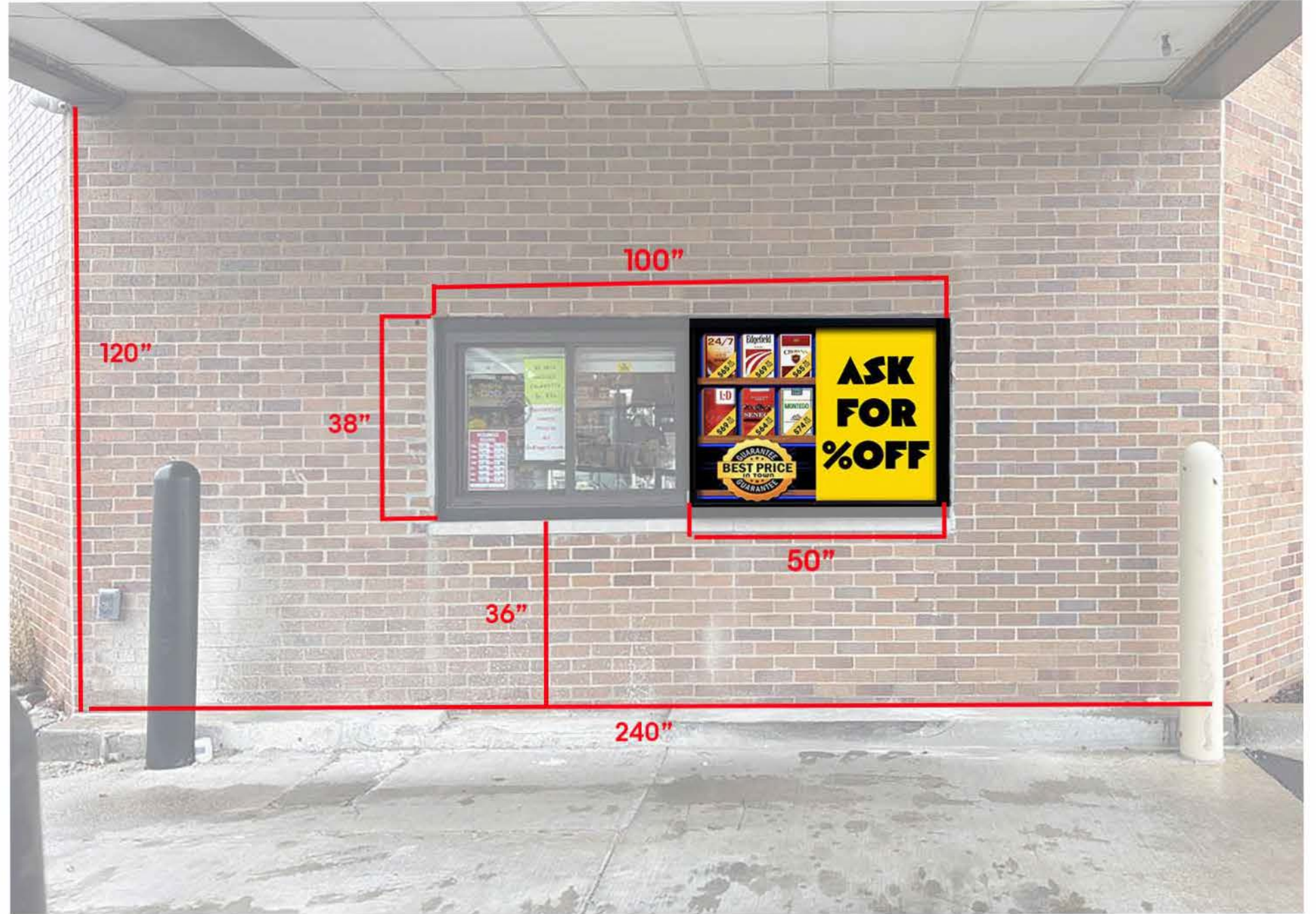
- BUILT IN 1997
- ZONE B2 COMMERCIAL
- BUILDING USE: VAPE & SMOKE RETAIL
- BLDG SIZE 1,000 SF
- 1 STORY
- 0.46 ACREE
- 12 PARKING SPACES
- FRONTAGE ON 75TH-194FT

SMOKE BANK 1005 75th St, Darien, IL 6056

CURRENT

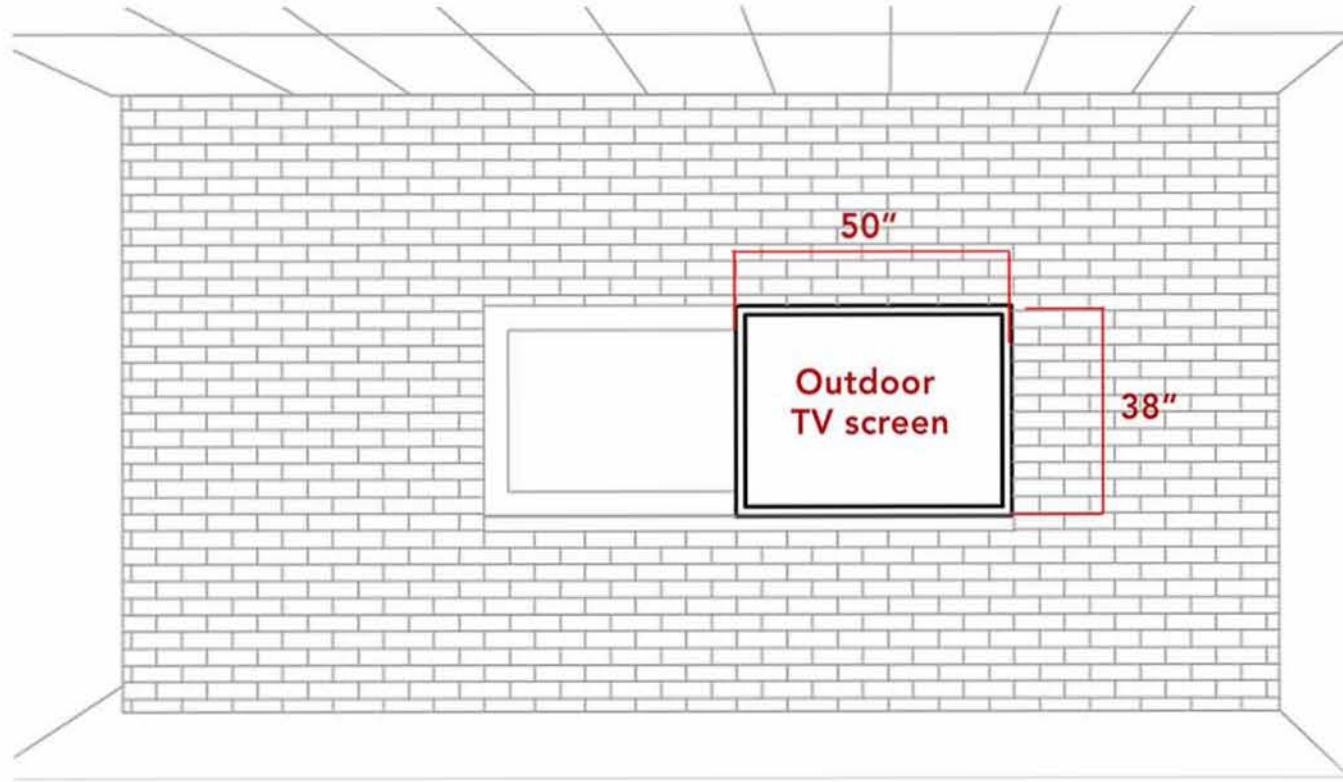


PROPOSAL



SIGN SIZE =38"X50"
WALL HEIGHT =120"
WALL LENGTH =240"
WINDOW LENGTH=100"
WINDOW HEIGHT=38
SIGN PLACEMENT FROM THE GROUND =36"

SMOKE BANK 1005 75th St, Darien, IL 6056



SIGN ELEVATION



INSTALLATION APPLIANCES



ANGLE VIEW



SIDE VIEW

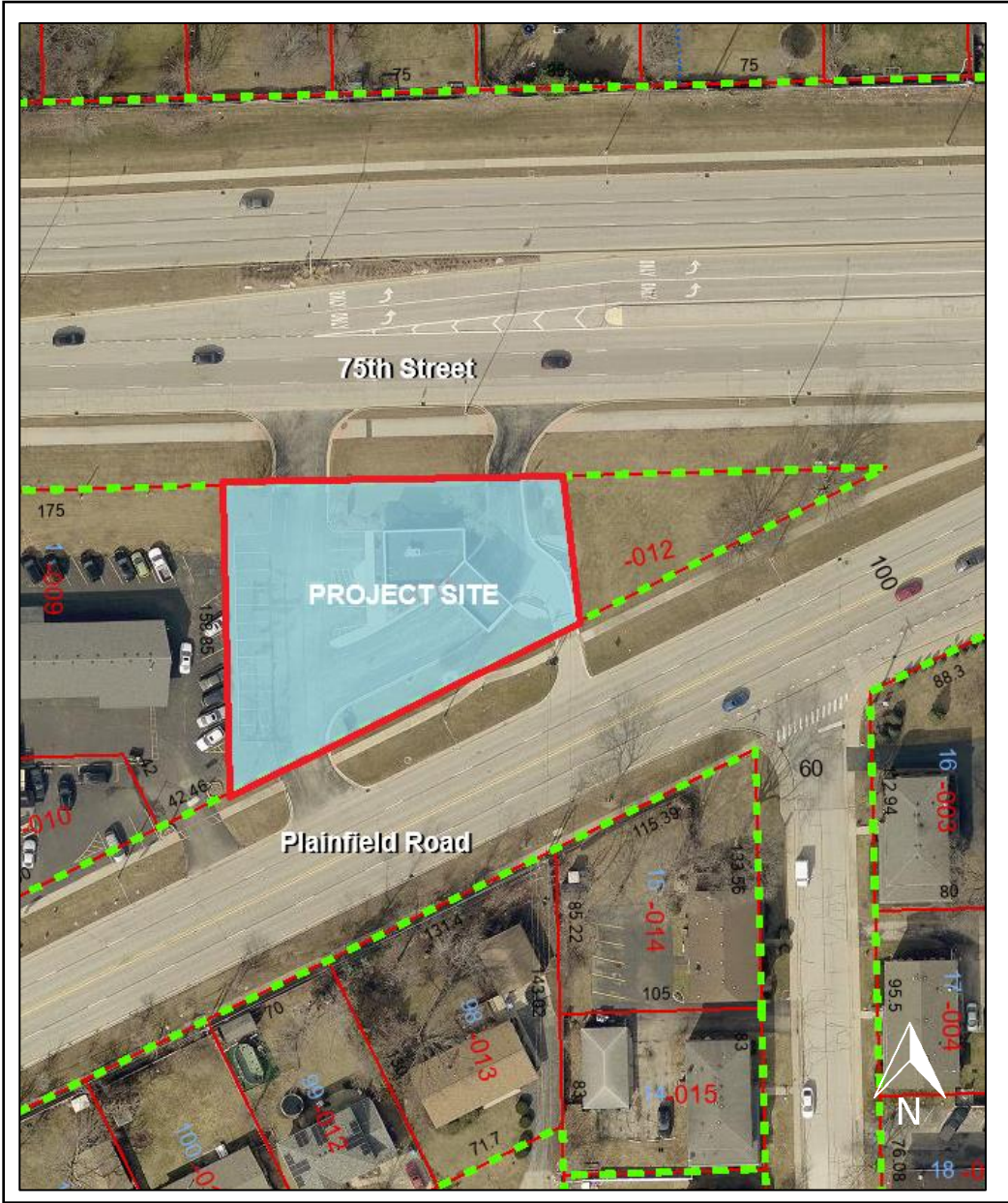


BACK VIEW

CITY OF DARIEN
PLANNING, ZONING, AND ECONOMIC DEVELOPMENT
COMMISSION

JANUARY 8, 2025

LOCATION MAP



Project No.: PZC2024-15 – 1005 75th Street

SIGN CODE COMPLIANCE TABLE – 1005 75th Street

	Code Section	Development Standard	Proposed	Complies?
Window Sign Max Area	4-3-7(A)(12)	25% of window area	25%	Complies
Directional Signage	4-3-8(R)	4-square feet max area per sign	4 square feet max area	Complies
If not open, signs off	4-3-7(C)(1)	11 PM-7 AM	11 PM-7 AM	Complies
Ground signs allowed	4-3-7(D)	2	2	Complies
Sign Setback	4-3-7(E)	4' (str), 30' (lot)	4' (str); >30' (lot line)	Complies
Sign to Driveway	4-3-7(E)	20' to driveway	8' (N); 4'-10' (S)	Complies - Variation previously approved
Wall Sign to Residential	4-3-7(E)	Prohibited	N faces; others comply	Complies - Variation previously approved
Wall Signs Allowed	4-3-10(B)(2)	3 permitted – 3 bldg. frontages (N, E, S)	3	3 business frontages (N, E, S)
Wall Sign Area	4-3-10(B)(2)	142.85 SF max	3 signs (142.85 SF Total)	Complies
Ground Sign Area	4-3-10(B)(3)	60 SF per side	36 SF per side	Complies
Ground Sign Height	4-3-10(B)(3)	12 feet max	<12 feet	Complies
Drive-thru Signage	Title 4, Chapter 3	N/A	One (1) LED Menu Board	Subject to approval

FINAL DESIGN

32"

SMOKE BANK

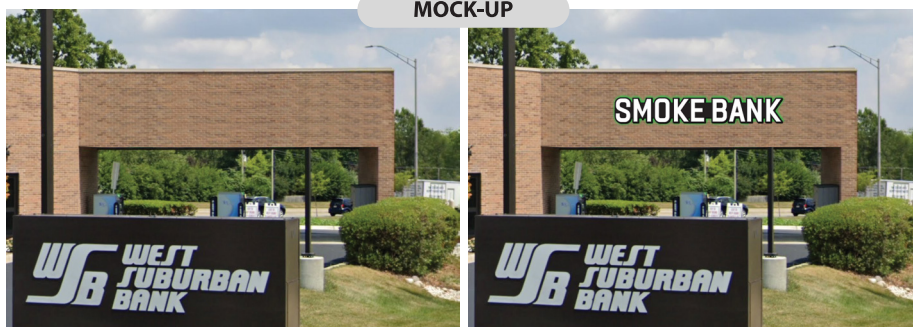
216.4"

Sign 48 SQ. FT

-  3M 3630 - Color Code : 022
-  3M 3630 - Color Code : 020
-  White Acrylic Face 7328
-  Return 4.3" Black
-  Black Trim
-  LED Light, white color 10K, IP65

Color description is for reference only.
Samples provided upon request after order placement.

MOCK-UP

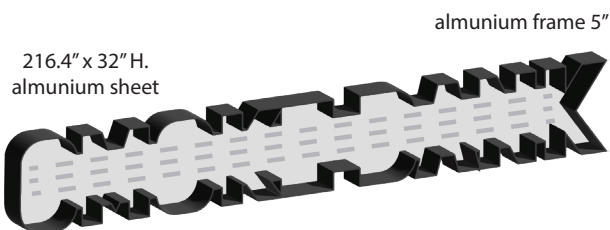


Before

After

INSTALLATION

216.4" x 32" H.
acrylic with a vinyl
waterproof LED light 1.0 Watt
(Simple LED)
waterproof Power supply
200 W.
12 V.
110-120 V. input
(Simple LED)



1005 75th St, Darien, IL 60561

DIMENSION

Wall Dimensions



34' x 98" H.

32"

SMOKE BANK

216.4"

Cloud Box



FINAL DESIGN

32"

SMOKE BANK

216.4"

Sign 48 SQ. FT

-  3M 3630 - Color Code : 022
-  3M 3630 - Color Code : 020
-  White Acrylic Face 7328
-  Return 4.3" Black
-  Black Trim
-  LED Light, white color 10K, IP65

Color description is for reference only.
Samples provided upon request after order placement.

MOCK-UP



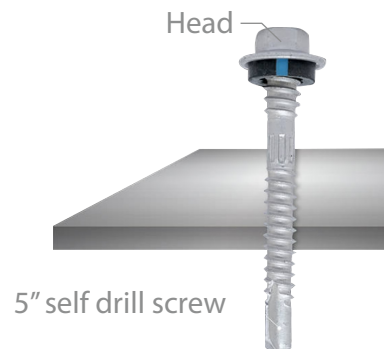
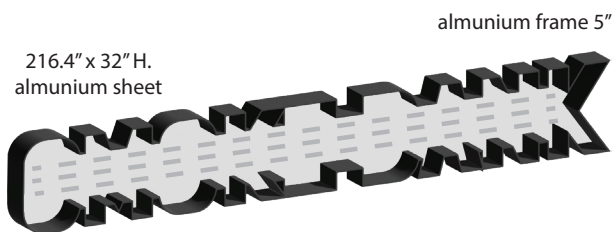
Before



After

INSTALLATION

216.4" x 32" H.
acrylic with a vinyl
waterproof LED light 1.0 Watt
(Simple LED)
waterproof Power supply
200 W.
12 V.
110-120 V. input
(Simple LED)



1005 75th St, Darien, IL 60561

DIMENSION

Wall Dimensions



34' x 8' H.

32"

SMOKE BANK

216.4"

Cloud Box







FINAL DESIGN

32"

SMOKE BANK

216.4"

Sign 48 SQ. FT

-  3M 3630 - Color Code : 022
-  3M 3630 - Color Code : 020
-  White Acrylic Face 7328
-  Return 4.3" Black
-  Black Trim
-  LED Light, white color 10K, IP65

Color description is for reference only.
Samples provided upon request after order placement.

MOCK-UP



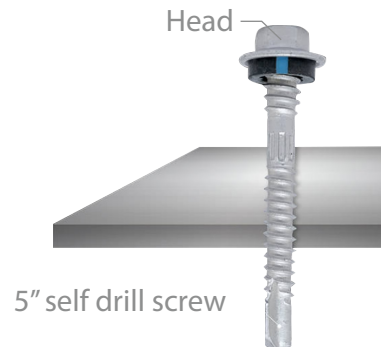
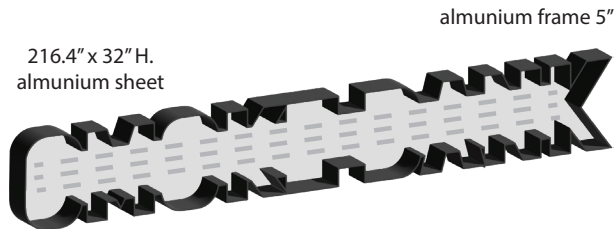
Before



After

INSTALLATION

216.4" x 32" H.
acrylic with a vinyl
waterproof LED light 1.0 Watt
(Simple LED)
waterproof Power supply
200 W.
12 V.
110-120 V. input
(Simple LED)



1005 75th St, Darien, IL 60561

DIMENSION

Wall Dimensions



42' x 98" H.

32" **SMOKE BANK**
216.4"

Cloud Box

FINAL DESIGN

42"

SMOKE BANK
DRIVE THRU

CIGARETTES | VAPE | CBD | GLASS | KRATOM

107.5"

Change Face Only

MOCK-UP



Before



After

1005 75th St, Darien, IL 60561

FINAL DESIGN

42"

SMOKE BANK DRIVE THRU

CIGARETTES | VAPE | CBD | GLASS | KRATOM

107.5"

Change Face Only

MOCK-UP



Before



After

1005 75th St, Darien, IL 60561

CITY OF DARIEN

ORDINANCE NUMBER O-15-84

AN ORDINANCE GRANTING CERTAIN
VARIATIONS FOR THE COMMERCIAL
DEVELOPMENT AT 1005 - 75TH STREET

ADOPTED BY THE
MAYOR AND CITY COUNCIL
OF THE
CITY OF DARIEN

THIS 21st DAY OF May, 1984

Published in pamphlet form
by authority of the Mayor and
City Council of the City of
Darien, DuPage County, Illinois,
this 22nd day of May,
1984.

AN ORDINANCE GRANTING CERTAIN
VARIATIONS FOR THE COMMERCIAL
DEVELOPMENT AT 1005 - 75TH STREET

WHEREAS, the owner, West Suburban Bank of Darien, has petitioned the City for certain variations for the property at 1005 - 75th Street, legally described in Section 1 of this Ordinance; and,

WHEREAS, the Zoning Board of Appeals held a Public Hearing regarding this request on April 5, 1984; and,

WHEREAS, the Zoning Board of Appeals at their regular meeting of April 5, 1984 determined that due to the unusual shape of this property, the large amount of frontage on arterial streets and the large percentage of the property which is in required yards, the variations requested are reasonable and the denial of them would constitute a very real hardship in the development of this property; and,

WHEREAS, the Zoning Board of Appeals recommends the approval of the requested variations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That the variations described in Section 2 be granted for the property legally described as follows:

That part of the Southwest Quarter of Section 27, Township 38 North, Range 11, East of the Third Principal Meridian, described by beginning on the East line of Jack's Tract Number 1 Assessment Plat (as recorded in Document Number R70-25695 in the office of the Recorder of Deeds of DuPage County) 100.0 feet South of the Quarter Section Line and running thence North 88° 13' 04" East parallel with the Quarter Section Line 175.0 feet; thence South 6° 59' 43" East 76.38 feet; thence South 63° 49' 10" West 200.0 feet to the Southeast corner of said Jack's Tract Number 1 Assessment Plat; thence North 1° 42' 37" West 158.68 feet to the place of beginning, in DuPage County, Illinois.

SECTION 2: That the property legally described in Section 1 shall be granted the following variations:

1. Title 5A Chapter 8 Section 5A-8-3-7-A:
To permit a front yard of 21' instead of 50' as required by Section 5A-8-3-7-A of the Zoning Ordinance.
2. Title 5A Chapter 8 Section 5A-8-3-7-A:
To permit parking 20' from the front lot line instead of 30' as required by Section 5A-8-3-7-A of the Zoning Ordinance.

SECTION 3: That the property shall be developed in accordance with the Site Plan drawn by Diebold Inc. of Canton, Ohio, and identified as Drawing No. 510-A-WSBD-2 revision 3/8/84 and attached as Appendix A.

SECTION 4: It is understood that this property will be developed as a satellite banking facility with the initial development being an automatic teller machine (ATM) building, and the possible future growth into a manned facility with drive-thru facilities. The driveway for the drive-thru operation does not have to be installed with the initial development.

SECTION 5: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this 21st day of May, 1984.

Tertrude M. Coit, C.M.C.
City Clerk
by Dianne M. Friedrichs, Deputy Clerk

AYES: 8: Biehl, Bonk, Colby, Hermann,
Nosbisch, Smith, Thompson, Tomei

NAYS: 0: None

ABSENT: 0: None

APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this 21st day of May, 1984.

Lawrence J. ...
Mayor

ATTEST:

Tertrude M. Coit, C.M.C.
City Clerk
by Dianne M. Friedrichs, Deputy Clerk
APPROVED AS TO FORM:

[Signature]
City Attorney

_____ being the owner or other party in interest of the property legally described within this Ordinance, having read a copy of the Ordinance, does hereby accept, concur, and agree to develop and use the subject property in accordance with the conditions specified therein.

Dated: _____
Owner

CERTIFICATE

I, Gertrude M. Coit, C.M.C., certify that I am the duly elected and acting municipal clerk of the City of Darien, Du Page County, Illinois.

I further certify that on May 21, 19 84, the Corporate Authorities of such municipality passed and approved Ordinance Number 0-15-84, entitled AN ORDINANCE GRANTING CERTAIN VARIATIONS FOR THE COMMERCIAL DEVELOPMENT AT 1005 - 75TH STREET

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance Number 0-15-84, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on May 22, 19 84, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at Darien, Illinois, this 22nd day of May, 19 84.

(SEAL)

Gertrude M. Coit, C.M.C.
Municipal Clerk
by Dianne M. Friedrich, Deputy Clerk

CITY OF DARIEN
DU PAGE COUNTY, ILLINOIS

ORDINANCE NO. 0-19-22

**AN ORDINANCE GRANTING A SPECIAL USE FOR
A DRIVE-THROUGH ESTABLISHMENT**

(PZC2022-05: TABRIZ KHANLODHI, 1005 75TH STREET)

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
OF THE
CITY OF DARIEN**

THIS 3rd DAY OF OCTOBER, 2022

**Published in pamphlet form by authority
of the Mayor and City Council of the City
of Darien, DuPage County, Illinois, this
4th day of October, 2022.**

ORDINANCE NO. 0-19-22

**AN ORDINANCE GRANTING A SPECIAL USE FOR
A DRIVE-THROUGH ESTABLISHMENT**

(PZC2022-05: TABRIZ KHANLODHI, 1005 75TH STREET)

WHEREAS, the City of Darien is a home rule unit of local government pursuant to the provisions of Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, as a home rule unit of local government, the City may exercise any power and perform any function pertaining to its government except as limited by Article VII, Section 6; and

WHEREAS, the property legally described in Section 1 (the “Subject Property”), is zoned B-2 Community Shopping Center Business District pursuant to the Darien Zoning Regulations; and

WHEREAS, the petitioner has requested approval of a special use to allow for a Drive-Through Establishment within the B-2 zoning district; and

WHEREAS, on May 21, 1984, the City Council adopted Ordinance No. O-15-84, “An Ordinance Granting Certain Variations for the Commercial Development at 1005 – 75th Street” (the “1984 Ordinance”); and

WHEREAS, the 1984 Ordinance approved the development of the Subject Property as a West Suburban Bank facility and in connection with that approval, approved a site plan and a number of variations; and

WHEREAS, the Subject Property was developed in conformance with the 1984 Ordinance and remains in essentially the same condition since construction; and

ORDINANCE NO. 0-19-22

WHEREAS, given these approvals and a development which has been in place for close to 40 years, there is no basis for requiring that the current applicant – developer obtain what are commonly referred to as “existing condition variations” as part of its application; and

WHEREAS, pursuant to notice as required by law, the City’s Planning and Zoning Commission conducted a public hearing on September 21, 2022, and has forwarded its findings and recommendation of approval of this petition to the City Council; and

WHEREAS, on September 26, 2022, the City’s Municipal Services Committee reviewed the petition and has forwarded its recommendation of approval of this petition to the City Council; and

WHEREAS, the City Council has reviewed the findings and recommendations described above and now determines to grant the petition subject to the terms, conditions, and limitations described herein below;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, ILLINOIS, as follows:

SECTION 1: Subject Property. This Ordinance is limited and restricted to the property generally located at 1005 75TH Street, Darien, Illinois, and legally described as follows:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY BEGINNING ON THE EAST LINE OF JACK’S TRACT NUMBER 1 ASSESSMENT PLAT (AS RECORDED IN DOCUMENT NUMBER R70-25695 IN THE OFFICE OF THE RECORDER OF DEEDS OF DUPAGE COUNTY) 100.0 FEET SOUTH OF THE QUARTER SECTION LINE AND RUNNING THENCE NORTH 88° 13’ 04” EAST PARALLEL WITH THE QUARTER SECTION LINE 175.0 FEET; THEN SOUTH 6° 59’ 43” EAST 76.38 FEET; THEN SOUTH 63° 46’ 10” WEST 200.0 FEET

ORDINANCE NO. 0-19-22

TO THE SOUTHEAST CORNER OF SAID JACK'S TRACT NUMBER 1 ASSESSMENT PLAT; THEN NORTH 1° 42' 37" WEST 158.68 FEET TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

PIN: 09-27-300-011

SECTION 2: Special Use Granted. Pursuant to Section 5A-8-3-4 of the Darien Zoning Ordinance, a special use is hereby granted to allow for the operation of a Drive-Through Establishment.

SECTION 3: Conditions. The special use is subject to the following conditions:

- 1) **Hours of operation are limited to 7:00AM – 12:00AM. No business shall be conducted on site during closed/off hours, meaning the business, both drive-through lanes, and signage shall be shut down as required by section 4-3-7 (C) of the City Code.**
- 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.**

SECTION 4: Home Rule. This ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the City of Darien that to the extent of the terms of this ordinance should be inconsistent with any non-preemptive state law, that this ordinance shall supercede state law in that regard within its jurisdiction.

ORDINANCE NO. 0-19-22

SECTION 5: Effective Date. This Ordinance shall be in full force and effect upon its passage, approval, and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this 3rd day of October, 2022.

AYES 6 - Belczak, Chlystek, Gustafson, Kenny, Schauer, Vaughan

NAYS: 1 - Sullivan

ABSENT: 0 - NONE

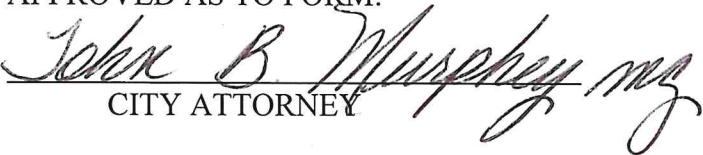
APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this this 3rd day of October, 2022.



JOSEPH MARCHESE, MAYOR

ATTEST:


JOANNE E. RAGONA, CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY



STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

I, JoAnne E. Ragona, do hereby certify that I am the duly qualified CITY CLERK of the CITY OF DARIEN of DuPage County, Illinois, and as such officer I am the keeper of the records and files of the City;

I do further certify that the foregoing constitutes a full, true and correct copy of ORDINANCE NO. O-19-22 ***“AN ORDINANCE GRANTING A SPECIAL USE FOR A DRIVE-THROUGH ESTABLISHMENT (PZC2022-05: TABRIZ KHANLODHI, 1005 75TH STREET)”*** of The City of Darien, Du Page County, Illinois, Duly Passed and Approved by the Mayor and City Council at a Meeting Held on October 3, 2022.

IN WITNESS WHEREOF, I have hereunto affixed my official hand and seal this 3rd day of October, 2022.



JoAnne E. Ragona

City Clerk

MINUTES CITY OF DARIEN

PLANNING & ZONING COMMISSION MEETING

Wednesday, January 15, 2025

PRESENT: Lou Mallers - Chairperson, Bryan Gay, Hilda Gonzalez, Chris Jackson, Jonathan Johnson, Julie Kasprowicz

ABSENT: Shari Gillespie, Chris Green, Mark Kazich

OTHERS: Ryan Murphy - 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 audience members wishing to present public testimony.

Regular Meeting – New Business

- a. **PZC2024-13 – 1033 N. Frontage Road – Mike Angileri c/o Coventry Gardeners, LLC – A request to rezone the subject property from the R-1 Single Family Residence District, to the B-3 General Business District, and for approval for a Special Use Permit for a contractor’s storage yard within the B-3 General Business District with variations from Section 5A-8-4-8(B)(1)(b)(2) of the City Zoning Code to allow for parking facilities to be located five feet from the west property line.**

Mr. Ryan Murphy, City Planner reported that the property consists of a 1,162 square foot home which had been zoned R-1 and later surrounded by industrial property with zoning including office, research and light industry, I-1 and R-1. He reported that the petitioner’s request to rezone would facilitate the development of the site as a contractor’s storage yard through Special Use Permit. He further reported that Staff found that the proposed zone change would be consistent with recent developments and surrounding zoning. Mr. Murphy reported that through the City’s comprehensive plan, the site would be developed as a non-key development area.

Mr. Murphy reported that upon approval, the site would be converted into a contractor’s storage yard through the construction of site improvements including a 6-foot perimeter fence, paved parking and landscape area with 20 parking stalls, trash enclosure and stormwater detention pond. He further reported that the existing residence is intended to be converted into an office space, however if it is unable to be converted, the petitioner would demolish the residence and construct a new office building under Staff review.

Mr. Murphy reported that the project complies with all required development standards except for parking facilities. He reported that the requested rezoning of the parking lot would allow the narrow lot to be developed and be consistent with surrounding developments. He further reported suggestions for conditions from Staff.

Mr. Murphy reported that he had not received public comment, however an industrial property owner had expressed concern for traffic flow and debris from materials.

Mr. Michael Angileri, 1450 Plainfield Rd, stated that he had visited the area in question and that it would be in line with the contractor's uses. He stated that the purchase of the property would be contingent on City approval of the rezone and variations. He stated that the contractor would operate well in the proposed property and that they would move forward quickly with the purchase after approval. He further stated that he would address concerns about ingress and egress.

Mr. Salvador Reyes, Coventry Gardeners LLC, stated that his company's materials would include mulch, compost and debris from gardens and that it would be utilized every day. He stated that he would use 9 pick up trucks and 3 dump trucks for everyday use, and that the 5-foot variance would be needed to have space to operate said vehicles.

Chairperson Lou Mallers questioned if the purchase of the property would be based on the conversation of the Commission.

Mr. Angileri confirmed that it would. He stated that if the petition was approved, they would close the purchase within 3 or 4 days and work with Staff moving forward. He stated that if the house would become too expensive to keep within City Code, they would knock it down.

Chairperson Mallers stated that there would be certain requirements needing to be met, including with the American Disabilities Association and the well and septic.

Mr. Angileri stated that they had intent to remove the well and septic due to the placement of the parking lot. He stated that he would seek Staff assistance to comply with ADA standards.

Chairperson Mallers questioned if the house is currently fully occupiable.

Mr. Angileri stated that with some renovating the house would be livable.

Commissioner Chris Jackson questioned if the house was currently held under a trust.

Mr. Angileri confirmed that it is under a trust and currently not occupied.

Commissioner Jonathan Johnson questioned if a professional inspection had been conducted on the house.

Mr. Angileri stated that there had not been a professional inspection.

Commissioner Jackson confirmed that the petitioner would fix up the existing property to adhere to Code and ADA standards and if it could not be done they would put in a brand-new structure.

Mr. Reyes stated that his intent for the house would not be for the public but solely for employee use as an office and storage space. He further stated that he would like to save the well in front of the house to water plants.

Commissioner Jackson questioned if Mr. Reyes would connect to municipal water supply and keep the well for irrigation.

Mr. Angileri stated that connecting to City water would be difficult from a cost perspective and its distance from the property. He stated that they would likely forego City water and connect to the sewer across the street.

Commissioner Jackson questioned if they would connect the structure to the well on property.

Mr. Angileri stated that would likely be the best option if a modular building went up.

Mr. Murphy reported that he had confirmed with Dan Gombac, Director that there is no requirement to connect to City water. He reported that if the well were to fail, they would be able to connect to IDOT right-of-way water across the street.

There was some discussion regarding the ease of putting a new structure up in place of the existing one.

Mr. Reyes stated that he would try his best to retain the current building, but if it became too expensive he would put a new one in its place.

Commissioner Jackson questioned if the new structure would be a prefab metal building on a slab or a building that would move.

Mr. Angileri stated it would likely be a prefab building.

Mr. Murphy stated that a solid foundation would be part of the motion and that the petitioner would work with Staff to meet commercial guidelines and zoning requirements.

Commissioner Johnson questioned if the foliage currently on the property would cause an issue with vehicles moving in and out.

Mr. Murphy stated that based on the site plan, very few of the trees would be able to be preserved.

Mr. Reyes stated that the trees would be removed.

Mr. Murphy stated that Dan Lynch, Christopher Burke Engineering, would make sure there would be no motorist obstructions.

Commissioner Julie Kasprovicz questioned if the modular option were to be utilized would it eliminate the need for a variance with the lot.

Mr. Murphy reported that the typical Code requirements with such a lot would provide 30 feet from the west property line and 20 feet from the east property line. He reported that with trucks moving in and out the petitioner would likely need the variance still.

Mr. Angileri stated that the current house is not very big and even with a new structure there would still not be much square footage to allow for space for trucks and trailers.

Commissioner Kasprovicz questioned if the petitioner had a blank slate if the property would be set up differently.

Mr. Reyes stated that we would like to try and maintain the current structure.

There was some discussion regarding the square footage of the property and structure.

Commissioner Jackson stated that the petitioner requested 18 parking spaces for all his vehicles.

Mr. Reyes stated that the parking spaces would be for employees' personal vehicles seeing as they use the company vehicles during the work day.

Commissioner Jackson questioned what kind of landscaping the company would do.

Mr. Reyes stated that they do only flower bed installations.

Commissioner Jackson questioned if their business would be residential or commercial.

Mr. Reyes stated that they have both residential and commercial clients, but about 90% being residential. He further stated that they work from March until November and during off months the property would only be used to store vehicles and equipment.

There was some discussion regarding construction on Frontage Road.

There was further discussion regarding the layout of the lot.

Commissioner Bryan Gay questioned if the compost and mulch would be contained.

Mr. Reyes confirmed that the compost and mulch would be covered.

There was some discussion regarding the placement of mulch and compost on the lot.

Mr. Murphy clarified for the Commission that they would provide the preliminary approval and following that Staff would work with the petitioner.

Commissioner Gay questioned if there would be a gutter or barrier that would focus run-off to a particular area.

Mr. Murphy stated that the run-off would be required to be treated.

Commissioner Gay questioned if there would be a dumpster enclosure.

Mr. Murphy confirmed there would be a dumpster enclosure.

Commissioner Johnson questioned if there were any complaints from the neighbor to the west.

Mr. Murphy reported that they had received a mail notice but had no comments.

Commissioner Jackson questioned if they should include the west side of the property in the setback.

Mr. Murphy suggested they include the setback for the whole property in their conditions.

Commissioner Jackson stated that the amount of parking would be necessary for their operations and would allow flexibility for building a new structure.

Commissioner Johnson stated that the foliage would have to go to be visible by the street.

Commissioner Jackson stated that foliage would fall under the Special Use.

There was some discussion of the businesses surrounding the property.

Commissioner Jackson questioned if there would be a concern with traffic.

Mr. Murphy reported that a traffic study had not been conducted but could be requested upon concern.

There was some discussion regarding traffic flow and right-of-way.

There was further discussion of the view of the property on Google Maps.

There was further discussion regarding IDOT versus City-owned right-of-way.

Commissioner Jackson suggested reviewing any right-of-way work with IDOT.

Commissioner Jackson questioned the petitioner's preference with the existing building.

Mr. Reyes stated that he would like to try and salvage the existing building and evaluate the cost of renovating versus putting up a new structure.

There was discussion amongst the Commission regarding the specifications of their conditions.

Commissioner Jackson made a motion and it was seconded by Commissioner Gay to approve PZC2024-13 – 1033 N. Frontage Road – Mike Angileri c/o Coventry Gardeners, LLC – A request to rezone the subject property from the R-1 Single Family Residence District, to the B-3 General Business District, and for approval for a Special Use Permit for a contractor’s storage yard within the B-3 General Business District with variations from Section 5A-8-4-8(B)(1)(b)(2) of the City Zoning Code to allow for parking facilities to be located five feet from the west property line with the following conditions:

- 1. No residential uses would be allowed.**
- 2. Pending evaluation, the building would be converted to commercial use, including all state, municipal and federal laws and codes, or otherwise replaced with a one-story building with the following setbacks:**
 - a. Existing front and East side,**
 - b. And Ordinance permitted West and rear.**
- 3. Exiting and entering the driveway from only a forward direction with no multi-turns in the right-of-way.**
- 4. Cover and enclose with a three-sided structure with size as approved by Staff all organic materials and store them in the rear of the property.**
- 5. Coordinate the removal of overgrowth for traffic visibility as reviewed by Christopher Burke to comply with City standards and IDOT.**

Additionally, approval of variances for either side of the parking structure within five-feet of the property line.

Upon roll call vote, the MOTION CARRIED UNANIMOUSLY 6-0.

Mr. Murphy reported that the petition would be forwarded to the Municipal Services Committee on January 27, 2025 at 5:30 p.m.

Regular Meeting – Old Business

There was no old business to discuss.

Staff Updates & Correspondence

Mr. Murphy reported that on January 20, 2025 the City Council would be considering the restructuring and appointing of the new Planning and Zoning and Economic Development Commission.

Mr. Murphy reported that on February 5, 2025 there would be a Special Use Amendment for the Smoke Bank on 75th Street which would be for a small LED sign to be placed in the drive-thru window.

Approval of Minutes

Commissioner Kasprovicz made a motion, and it was seconded by Commissioner Johnson to approve the January 8, 2025 Regular Meeting Minutes.

Upon voice vote, the MOTION CARRIED with 4 in favor and 2 abstaining due to absence.

Next Meeting

Mr. Murphy announced that the next meeting will be held on February 5, 2025 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 Gonzalez made a motion, and it was seconded by Commissioner Kasprovicz. Upon voice vote, the MOTION CARRIED UNANIMOUSLY, and the meeting adjourned at 8:24 p.m.

Respectfully Submitted:

Approved:

X

Jessica Plzak
Secretary

X

Lou Mallers
Chairperson