

**MINUTES
CITY OF DARIEN
PLANNING/DEVELOPMENT COMMITTEE MEETING
November 23, 2009**

PRESENT: Alderman Sylvia McIvor, Alderman John Poteraske, Alderman Joseph Marchese, Dan Gombac – Director, Michael Griffith – Senior Planner, Scott Coren – Assistant City Administrator, Elizabeth Lahey – Secretary.

ABSENT: None

Chairperson McIvor called the Planning/Development Committee Meeting to order at 6:30 p.m. at City Hall – City Council Chambers, Darien, Illinois and declared a quorum present.

MEETING:

- A. PZC 2009-11 7908 Cass Avenue: Petitioner requests a variation to increase the square footage of a detached garage from 800 to 1,200 square feet, and to permit a detached garage to be constructed within the interior side and front yards.**

Mr. Michael Griffith, Senior Planner presented the staff report. He stated that the proposed garage will be located toward the northeast corner of the lot within the front and side yards and that it will be 1,200 square feet. He further stated that the Zoning Ordinance limits the foot print for detached accessory structures to 800 square feet and requires detached accessory structures to be within the rear yard.

Mr. Griffith reported that the PZC held a public hearing and recommended approval. He reported that at the PZC meeting there was no one in the audience objecting but that he received a couple of phone calls from residents and that once explained there were no objections. Mr. Griffith stated that the PZC discussed the use of the garage noted on the staff report. He stated that the PZC also discussed if the driveway should be paved but that they did not feel it was necessary.

Alderman Poteraske stated that it appeared that there would not be parked cars on the gravel overnight. He asked if the petitioner was aware that he could not park an RV.

Mr. Griffith reported that there was no indication that the petitioner would be parking cars on the gravel. He stated that the petitioner did not own an RV.

Mr. Dan Gombac, Director stated that the parking issue is a different matter.

There was no one wishing to present public comment.

Alderman Marchese a motion and it was seconded by Alderman Poterasko that based upon the submitted petition and the information presented, the request associated with PZC 2009-11 is in conformance with the standards of the Darien City Code and move that the Planning/Development Committee recommend to the City Council approval of the petition as presented subject to the following:

- 1. New driveway to be hard surface, with a hammer head toward the existing garage, existing gravel driveway can remain.**
- 2. Grading plan to be provided.**

Upon voice vote, THE MOTION CARRIED unanimously 3-0.

Chairperson McIvor announced that this would be forwarded to the City Council on Monday, December 7, 2009 at 7:30 p.m.

B. Minor PUD Amendment, Rockwell PUD: 8251 Lemont Road, Suite 101, Four Corners Community Church: Petitioner requests a minor amendment to the PUD to permit a church use within the PUD.

Mr. Michael Griffith presented the staff report. He reported that the Rockwell PUD is located on the east side of Lemont Road, north of 83rd Street. He stated that the petitioner is requesting to establish a church within one of the existing buildings. Mr. Griffith reported that a church is an allowed use within a PUD with the underlying zoning classification of OR& I Office, Research and Light Industry. He reported that the uses are not specifically listed as permitted within the PUD or special uses within the underlying zoning classification have been treated as minor amendments to the PUD.

Mr. Griffith reported that the area has plenty of parking and that the petitioner provided a diagram where they will be located.

Chairperson McIvor questioned if the area is office or industrial.

Mr. Griffith reported that there are a variety of uses.

Chairperson McIvor questioned if there was a street light at the intersection.

Mr. Griffith reported that there was not a signal at the intersection but that the request would not generate much traffic. He reported that the church has 50 members and one service per week and one main seminar per week.

Mr. Gombac reported that the projection on the number of people would not impact traffic conditions.

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

Alderman Marchese made a motion and it was seconded by Alderman Poteraske that based upon the submitted petition, the proposed amendment to the Rockwell PUD meets the standards of the Darien Zoning Ordinance and move that the Planning/Development Committee recommend to the City Council approval of the request associated with the petition.

Upon voice vote, THE MOTION CARRIED unanimously 3-0.

Chairperson McIvor announced that this would be forwarded to the City Council on Monday, December 7, 2009 at 7:00 p.m.

PUBLIC COMMENT:

There was no one wishing to present public comment.

MINUTES:

Alderman Marchese made a motion and it was seconded by Alderman Poteraske to approve the October 20, 2009 Meeting Minutes.

Upon voice vote, THE MOTION CARRIED unanimously 3-0.

CORRESPONDENCE:

Alderman Marchese reported that he received correspondence from a resident on Heather Lane regarding flooding issues. He reported that the issues have been discussed with Mr. Gombac, Director and that staff has been in contact with the homeowner for several months. Alderman Marchese reported that staff met with the resident and that it will cost the City \$20,000 to fix the problem with the homeowner paying \$15,000 and the City of Darien \$5,000. He reported that staff is working with Carriage Greens until a decision is made and recommended that the homeowners in the area meet to discuss the issues.

OLD BUSINESS:

None.

DIRECTOR'S REPORT:

A. Jim's Fine Coin Shop: Business plan presentation, discussion.

Mr. Gombac reported that Mr. Jim Shane was in the audience to present his business plan. He stated that the perception is that the business is a pawn shop. Mr. Gombac reported that there have been many calls and questions regarding the business as well as the signage on the building and in the windows.

Mr. Scott Coren, Assistant City Administrator, stated that he has been in contact with Mr. Shane regarding signage and use.

Chairperson McIvor stated that this topic was discussed at the last City Council meeting when six residents complained and questioned the use of the business. She stated that the City Council discussed that the business was based on a month to month lease and when “Cash for Gold” was clearly displayed that it raised concern with residents. Chairperson McIvor stated that she raised concerns at the City Council as well and asked if the business is “Jim’s Fine Coins” or “Cash for Gold”.

Chairperson McIvor stated that Mr. Shane’s business is similar to that of a pawn shop and that it is a negative impact to the businesses on Cass Avenue along with the temporary look of the place. She further stated that the City feels that there is a level of responsibility as landlords of the property.

Mr. Coren reported that the business meets the Ordinance requirements. He provided photos of the store front as well as the signage and also provided the Committee with examples of similar type businesses in Downers Grove, Willowbrook and Woodridge.

Mr. Jim Shane, 7515 Cass Avenue, Darien, stated that a jewelry store in Darien has a similar sign including the material, color, size, wording, etc. and that it has been around for two or three years.

Mr. Coren reported that the City temporarily stopped the permit process for Mr. Shane until the Committee can discuss ways to find the sign more appealing.

Alderman Poteraske stated that it appears that the consensus is that the sign should emphasize the coins and downplay the sale of gold.

Chairperson McIvor stated that she was concerned with the temporary look of the sign and that she is willing to live with the temporary sign but preferred to see “Jim’s Fine Coins” and not “Cash for Gold” on the building.

Mr. Dan Gombac, Director, reported that Mayor Weaver expressed concern with the color of the sign.

Chairperson McIvor stated that she wanted to see the sign more consistent with the other signs.

Alderman Poteraske stated that the examples from Mr. Coren showed gold.

Mr. Shane stated that the intent of the sign is so that people driving by can see the sign and go home and bring in their gold. He stated that he understood the City and resident

concerns and that he was willing to cooperate by having the sign half selling coins and half selling gold.

Alderman Marchese stated that he did not have an issue with the sign. He stated that he does not find the center attractive and that this business is what Mr. Shane is doing. Alderman Marchese stated that he was concerned that the City is not allowing Mr. Shane to advertise his business. He stated that this is not in a new center and that he did not have issues with the sign.

Chairperson McIvor stated that the issue came up that the business would be a coin shop that will buy gold and that is not what showed up. She stated that this was part of her conflict.

Alderman Poteraske stated that he would be satisfied if the sign had a white background to be consistent with the other tenants.

Mr. Shane stated that he chose the location because the rent is less and that he has a limited budget. He stated that he runs a fine, good honest business. He further stated that there is a liquor store in the development and that there is always going to be someone that is not happy.

Chairperson McIvor stated that she recently viewed a television show that because of the economic conditions that people are being cheated by some of such businesses.

Mr. Shane stated that he viewed the same documentary and stated that it is likely that if you bring your gold to five different businesses they will quote different prices. He stated that he runs an honest business.

The Committee unanimously agreed that the sign be 50/50 with "Jim's Fine Coins" on top and "Cash for Gold" on the bottom consisting of a white background with red lettering to match the other tenants.

Mr. Gombac stated that he would forward the recommendation to the City Administrator to present to the City Council at their next meeting.

Mr. Shane asked when he could go ahead with the sign.

Chairperson McIvor suggested that Mr. Shane wait until the City Council meets on December 7th.

Mr. Shane stated that he was not able to make it on the 7th.

Mr. Coren stated that he would represent Mr. Shane.

B. Sign Ordinance: Discussion:

1. Construction material:

Mr. Dan Gombac, Director reported that this is up for discussion because of the different interpretations regarding signage. Mr. Gombac stated that the temporary sign definition must be a hard type material or nothing made of cloth.

Mr. Michael Griffith, Senior Planner reported that the Code does not specify materials.

Alderman Poteraske stated that “time” designates a temporary sign.

Mr. Griffith stated that he did not know of any businesses that put up banner signs for a long term business.

Alderman Marchese suggested not getting into the defining. The Committee unanimously agreed to not amend the definitions and to do nothing with the sign language.

2. Point of sale advertising:

Mr. Dan Gombac, Director asked the Committee if they would like to discuss signage in windows. The Committee unanimously agreed to continue business as usual and make no changes.

C. Recreational Vehicle Ordinance: Update.

Mr. Michael Griffith, Senior Planner, presented the staff report. He stated that in the Fall of 2008, the City Council amended the City Code regulating the outdoor storage/parking of recreational vehicles, including trailers and that in May 2009 staff began enforcing the Code based on complaints received.

Mr. Griffith reported that to date, the City has reviewed 24 properties with violations and that they were provided in the staff report. He reported that page one of the staff report highlights a few enforcement challenges.

Mr. Griffith stated that the homeowner at 1418 Greenbrier was present. He reported that the homeowner was sent a letter and that he received a permit for a concrete pad for the side of the house but that the vehicle on the pad extends past the house and that the tires are on the gravel. He further reported that the vehicle is too big for the pad.

Alderman Marchese stated that there needs to be some flexibility and each issue looked at on a case by case basis. He stated that technically, everything is in line and that the homeowner made an attempt by putting in a concrete pad.

Alderman Poterasko stated that everyone will want to be a special case.

Chairperson McIvor stated that the City has variances for a lot of things in Darien and agreed to look at each case if needed.

Alderman Marchese stated that the Ordinance was created to provide flexibility if needed.

Chairperson McIvor asked if the City received a complaint regarding this property.

Mr. Scott Coren, Assistant City Administrator, stated that a complaint was received and that staff looked at the property and that the measurement appeared to fit. He stated that it is a tight fit.

Mr. Dan Gombac, Director, stated that staff looked to see if the intent was made but questioned why the homeowner did not move the fence.

The homeowners, Mr. and Mrs. Brian Flisk, 1418 Greenbrier, Darien stated that they did not think they should have had to comply but they did. Mr. Flisk stated that he paid \$50 for the permit plus \$5,000 for the pad and they were told that it was not sufficient. He stated that there were over 100 vehicles in Darien with the same issue. He further stated that the tires of his vehicle are on the concrete and even if it were 3 feet back it would still be seen.

Mr. Gombac stated that there is an issue with the ordinance requirements.

Mr. Flisk questioned why it was approved when the City sent out an inspector who approved the pad.

Mr. Griffith stated that the building inspector is there for the pad and not for the motor home.

Mr. Gombac asked who designed the pad.

Mr. Flisk stated that he designed the pad and that he was the contractor.

Mr. Gombac stated that the issue was that the RV is behind the line.

Mr. Flisk did not agree and stated that Mr. Gombac's comments were totally ridiculous.

Chairperson McIvor stated that the reason for discussion is to talk about the issue and work around it.

Mr. Flisk stated that there are two people who are unhappy. He stated that his other next door neighbor and the homeowners across the street do not have any issues. He further stated that an additional 3 feet or not the vehicle is still visible.

Mrs. Flisk stated that the complaining neighbors just don't like the RV.

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

Mr. Mike Boyle, 1414 Greenbrier, Darien, stated that the vehicle showed up in October 2008 and was not grandfathered in. He stated that the interior drawing that Mr. Coren shared showed the pad all the way back.

Mr. Gombac stated that they would review the drawing.

Mr. Coren stated that he showed Mr. Boyle the plat of survey. He stated that at that time Mr. Boyle was concerned that the RV was too big for the pad. He further stated that he did not think that the drawing showed a fence.

Mr. Griffith stated that the pad can be made smaller.

Mr. Boyle stated that the pad is too small for the vehicle.

Mr. Gombac stated that the vehicle is over the sideyard setback.

Chairperson McIvor questioned if it was measured.

Mr. Griffith stated that it was not measured.

Mr. Gombac stated that it is not staff's responsibility to measure the vehicle. He asked Mr. Boyle if he was saying that the vehicle is exceeding the side yard by 5 feet and beyond the building line.

Mr. Boyle stated that the vehicle also has a 40 gallon propane and gas.

Chairperson McIvor announced that the propane and gas discussion was not for discussion.

Mr. Boyle provided photos of Mr. Flisk's vehicle and pad to the Committee. He asked if the Mayor would like to look out of her front window at what was shown in the photo.

Alderman Marchese stated that the City created the Ordinance for that reason.

Mr. Gombac asked if there was a compromise that could be reached.

Mr. Griffith stated that an option could be that we enforce the Code.

Mr. Boyle stated that he is stuck with living with the RV in his window. He stated that it needs to be in compliance.

Miss Felicia Chaggris, 2913 Briar, stated that the officials should enforce the Code and that staff should revisit the Code.

Alderman Poteraske questioned the length of the vehicle.

Mr. Coren stated that the vehicle is 26 feet long and falls within the size limitations.

Mr. Gombac stated that the vehicle extends over two feet because of the fence and that it is beyond the front of the brick. He stated that the fence will have to be moved 3 feet.

Mr. Flisk stated that he was not happy and that he complied with the ordinance. He stated that he does not see any reason to spend more money and that if necessary he will ask for a variance.

Alderman Poteraske stated that the variance approach is the best approach.

Mr. Gombac stated that he will prepare a memorandum for the next meeting whether the Committee would like to give staff flexibility when reviewing violations or to go directly to a variance process.

Chairperson McIvor stated that she would like to look at each case and maybe consider a fence for screening.

Mr. Coren stated that in general staff has been receiving a good compliance rate.

Chairperson McIvor stated that at this point the Flisk's are not in compliance.

Mr. Boyle stated that he thought there may also be setback issues.

Mr. Coren stated that staff attempted to make it fit but could not because of the overhang.

Alderman Poteraske stated that the variance process should be used in the seven outstanding violations and/or when there is a dispute.

Alderman Marchese stated that he did not want to make this a restrictive ordinance.

Mr. Coren stated that Mrs. Boyle has been complaining for over a year and was waiting until the pad was built.

Mr. Coren reported that they received a complaint regarding a large recreational vehicle at 1005 71st Street. He stated that the City issued a 60 day letter and that the RV has been on and off the property. He further stated that staff may have to issue a citation.

D. Village of Downers Grove: Economic Development Program. Discussion.

Mr. Michael Griffith, Senior Planner reported that this discussion was brought to the Committee's attention at the request of Alderman Poteraske. He reported that the Village of Downers Grove formed the Downers Grove Economic Development Corporation (DGEDC) and that the Village government provided the initial funding. Mr. Griffith reported that the DGEDC is a public-private corporation and that its current funding is from hotel and motel sales taxes and the private sector.

Alderman Poteraske suggested bringing them in to present their program and their successes.

Alderman Marchese stated that there is a different dynamic in Darien and although it is a great idea, Darien is not ready for something like this.

E. Other:

Mr. Dan Gombac, Director reported that staff has been authorized to begin work on the Farano property if the work is not completed. He reported that Mr. Farano contacted staff and stated that he would be suing the City and asking for an extension. Mr. Gombac reported that the lot that Mr. Farano stated would be for himself is for sale.

NEXT MEETING:

Chairperson McIvor announced that the next scheduled meeting is pending due to Committee realignment.

ADJOURNMENT:

With no further business before the Committee, Alderman Marchese made a motion and it was seconded by Alderman Poteraske to adjourn. Upon voice vote, THE MOTION CARRIED unanimously and the meeting adjourned at 9:00 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

Elizabeth Lahey
Secretary

Sylvia McIvor
Chairperson

John Poteraske
Alderman

Joseph Marchese
Alderman