

**MINUTES
CITY OF DARIEN
PLANNING & ZONING COMMISSION MEETING
October 18, 2017**

PRESENT: Chairperson Lou Mallers, Robert Cortez, Robert Erickson, Bryan Gay, Andrew Kelly, John Laratta, Brian Liedtke, Ray Mielkus, Mary Sullivan, Steven Manning - City Planner, Elizabeth Lahey, Secretary

ABSENT: None

Chairperson Mallers called the meeting to order at 7:00 p.m. at the City Hall – City Council Chambers, Darien, Illinois and declared a quorum present. He swore in the audience members wishing to present public testimony.

A. Public Hearing Case: PZC 2017-04 Evergreen Lane (Carriage Way Unit 6) Petitioner Brian Broderick seeks approval of an amendment to the Carriage Greens Planned Unit Development that would include a subdivision of a 28 acre parcel to create 2 new single family lots that would front Evergreen Lane southwest of the house at 1524 Evergreen Lane.

Mr. Steven Manning, City Planner reported that the petitioner, Mr. Brian Broderick, owner of the Carriage Greens Country Club is seeking approval to subdivide a 28 acre parcel of the golf course into three lots, two of which would become single family homes that would front Evergreen Lane and that the third lot would remain used for the golf course.

Mr. Manning reported that the subdivision would increase the density of the PUD that was approved for this property. He reported that he received correspondence regarding the public hearing from Richard Marchese and Kenneth Kufner which was provided in the agenda packet. He further reported that the petitioner, his attorney and the engineer are present.

Mr. Pat Clancey, Attorney for the petitioner provided a brief overview of the request to subdivide the proposed property into two lots. He stated that the development will benefit the City as well as the neighborhood.

Mr. Juang Lin, Project Engineer provided drawings of the proposed plan and stated that the sanitary and water main are available. He stated that they followed the strict storm water management and provided water drains to the low point of the property to a catch basin to carry water to a storm sewer. Mr. Lin stated that more than half of the lot will flow to the street and the other half to the creek. He stated that the development will help the storm water and that it was designed to meet the storm water management ordinance. Mr. Lin stated that he is working very closely with Mr. Manning and Dan Lynch, City Engineer.

Commissioner Laratta questioned how long it takes for the rain to gather.

Mr. Lin reported that there is ten minutes to flow before it drains into the open grid. He stated that half will sheet drain to the creek which takes approximately thirty minutes. Mr. Lin stated that the longer it drains it allows for more time to soak into the grass.

Commissioner Laratta questioned who reviewed the wetland area.

Mr. Lin reported that a wetland consultant was hired to see if the development would be impacted. He reported that the City of Darien as well as the DuPage County review the plans and that the Army Corp of Engineers do not review the plan.

Mr. Manning stated that currently there are five catch basins with three on the property site and two on the corners. He reported that the petitioner is providing two additional catch basins which will improve the property.

Mr. Manning asked the petitioner to explain the compensatory storage system.

Mr. Lin reported that they will fill in the area and will excavate the existing creek to compensate.

Mr. Manning stated that there will be a catch basin below and an inlet above with two inlets along Evergreen Lane fronting Lot 2 and connecting to the storm sewer. He stated that the two lots will have three catch basins and four on the outside.

Commissioner Laratta questioned if there was anything in the compensatory area that is detrimental to the area.

Mr. Lin reported that there are no existing utilities. He reported that the property will also have a swale along the side yard with a 2% slope based on City Code which will flow to the curb to street and picked up by the two current structures.

Commissioner Liedtke questioned the endangered species and who determined the report.

Mr. Lin reported that they hired a wetland consultant determined that there are no endangered species nearby.

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

Mr. Rich Marchese stated that the property has been left vacant for 35 years and that the swale on the south side of Evergreen Lane has significant issues. He stated that the lots were left undeveloped because of the open area. He provided the PZC with a report showing photos of the flooding. He stated that he is not in favor of the proposal.

Chairperson Mallers questioned if the City is aware of the flooding and if anything is being done to alleviate the concerns.

Mr. Manning reported that the City is proposing to install more catch basins on Evergreen Lane. He reported that the City tested the drain tiles and found blockage. He further reported that the City is making every effort to research and provide potential solutions. He stated that the two lots are not flowing onto the street.

Ms. Kathy Abate stated that she has owned her home for 30 years and that the flooding was there since day one. She stated that this was always a problem and that she was told by the builder at the time that they would never build there because of the water. She further stated that she did not see why two homes needed to be built there.

Mr. Marchese stated that he also provided photos of the area that was repaved and continues to flood. He questioned when the property was purchased.

Mr. Brian Broderick, petitioner stated that he believed that his family purchased Carriage Greens in 1980.

Ms. Michelle Markowski stated that there is flooding in her back yard after her neighbor put in an in ground pool. She stated that she is concerned with the two lots and that they will not be part of the same covenants.

There was much discussion from the homeowners and the covenant and if the developer was aware of the covenants. Ms. Markowski stated that she would like to work with the developer to keep the covenants the same.

Chairperson Mallers stated that the covenants are not a City issue but suggested that there be discussion between the home owners and the developer.

Mr. Manning stated that the City does not have standards for architecture. He did however state that the City has Code for compatibility, lot size and building area. He reported that the lot sizes are larger and the building pad larger.

Mr. Clancey stated that the petitioner will be working with the buildings and that there is no plan for stick buildings. He stated that they believe that the new development will increase values and that they do not have any plans to allow structures that will diminish property value. Mr. Clancey stated that they can discuss with the builders to join the covenants.

Ms. Abate stated that there are only covenants and not a home owners association. She stated that the covenants are reported to the County with specified items which are stricter than City Code.

Commissioner Erickson questioned if anyone has shared the covenants with Mr. Broderick.

Mr. Manning reported that the Mr. Broderick was provided a report including the covenants.

Commissioner Gay questioned who monitors the covenants.

Mr. Abate stated that the homeowners police the covenants.

Commissioner Kelly questioned if the Engineer has specific expertise with flood plains and storm water. He asked if the Engineer could say that the homes will not flood.

Mr. Lin stated that he has been an Engineer since 2004 and is a Certified Flood Plain Manager. He stated that he provided the process of how the water will drain but it is complicated. He stated that they will provide pipes which will flow downstream and that their plan will be fair to the homeowners. Mr. Lin stated that the development will follow the storm water ordinances and that it will not adversely affect the neighbors. He reported that two thirds of the water will not be directed to the storm sewer.

Mr. Kelly questioned if Mr. Lin was sure.

Mr. Lin stated that he was sure and that he gave his word.

Ms. Maryanne Yates stated that she was one home away from the development and that she moved into the area eleven years ago. She stated that the covenants are orderly and well-kept

and that the proposed lots do not look like they will fit with the neighborhood. She questioned how a decision can be made without the builders.

Ms. Markowski stated that there are four or five homes behind the creek along the south and if they will be affected.

Mr. Lin stated that the closest home to the creek is at least 100 feet away and that the water that travels to the creek will not impact the area.

Commissioner Kelly stated that he would like further analysis of the effect on the neighbors.

Chairperson Mallers stated that there are a lot of questions and that there needs to be additional conversation between the two groups.

Mr. Ken Kufner stated that he and his family moved into their home in 1988 and flooding is always a problem. He stated that curbs and streets were redone and that the water issues still exist. Mr. Kufner stated that flooding is so bad that you have to leap over a stream to get to the mailbox. He stated that the roads are not as flat as they should be and that the sewers cannot keep up. Mr. Kufner stated that building the two lots is a huge mistake because there are a lot of unknowns. He questioned if the meeting was videotaped because the audience could not see the easel.

Mr. Mallers stated that the meetings are not videotaped and that there is secretary to take the minutes.

Mr. Kufner read his email which was provided to the City staff stating that he is concerned about the flood plain, congestion and increased noise. He noted that the City is not enforcing dog laws.

Chairperson Mallers stated that the dog laws are not reflective for the discussion regarding this proposal.

Mr. Mike Wallrick stated that he was concerned with density.

Mr. Manning reported that the proposal meets Darien Code and that the area is zoned R-3 and is called for in the Comprehensive Plan.

Mr. Brian Broderick stated that he would be more than respectful to the home owner covenants and that he and his attorney are willing to work together with the neighbors.

Mr. Clancey stated that his contact information can be obtained from the City staff.

Commissioner Kelly stated that there is a lack of clarity on flooding and he would like to continue the hearing after the two groups have talked. He stated that he was concerned if the plan will adversely affect the area and that the Engineer could not support his storm water plan.

It was agreed that Mr. Lin supported his plan.

At 8:10 p.m. Chairperson Mallers closed the public hearing.

Commissioner Gay stated that the petitioner provided the best management practices. He stated that he is confident that there is less than a 3% overall change. He further stated that it does change the character of the area because it has been open space.

Commissioner Erickson stated that Mr. Broderick is open for discussion and Mr. Lin cannot correct the 30 year problem but that this is valid plan for two lots.

Commissioner Liedtke stated that he did not believe that any other information was needed. He stated that the covenants are a separate issue and not a City issue.

Commissioner Liedtke made a motion and it was seconded by Commissioner Gay recommending approval of PZC 2017 -04 an amendment to the Carriage Greens Planned Unit Development that would include a subdivision of a 28 acre parcel to create 2 new single family lots that would front Evergreen Lane southwest of the house at 1524 Evergreen Lane including:

- 1. Size-total PUD remains over 3 acres**
- 2. Compatibility – single family land use not detrimental to surrounding neighborhood**
- 3. Natural features appropriate provision is made for floodplain and other features**
- 4. Density – not exceeding density standards set for this PUD**
- 5. Parking-adequate provision is made for the single family units**
- 6. Subdivision – conforms to code standards for plan and plans**
- 7. Traffic –potential congestion is minimized**
- 8. Open Space-sufficient open space remains in the total PUD**
- 9. Yards-proposed setbacks conform to the standards set this PUD**
- 10. Exceptions-no variations are proposed**
- 11. Signs-no signs are proposed**
- 12. Performance standards –no business uses are proposed**
- 13. Landscaping – no landscaping variations are proposed**
- 14. Utilities-appropriate provision is made for storm water management**
- 15. Ownership-the site is under single ownership or unified control**

Upon roll call vote, THE MOTION CARRIED 6-3.

AYES: Cortez, Gay, Laratta, Liedtke, Mielkus, Mallers

NAYS: Erickson, Kelly, Sullivan

Mr. Manning reported that this would be forwarded to the Municipal Services Committee.

CORRESPONDENCE

None.

OLD BUSINESS

Mr. Manning provided an update on the Workshop on September 20th.

Commissioner Cortez stated that the Workshop was very informative and that a case study would have been helpful.

NEW BUSINESS

None.

APPROVAL OF MINUTES

Commissioner Gay made a motion and it was seconded by Commissioner Laratta to approve the June 7, 2017 Regular Meeting Minutes.

Upon roll call vote, THE MOTION CARRIED UNANIMOUSLY 9-0.

NEXT MEETING

Chairperson Mallers announced that the next meeting is scheduled for Wednesday, November 1, 2017 at 7:00 p.m.

ADJOURNMENT

With no further business before the Commission, Commissioner Erickson made a motion and it was seconded by Commissioner Cortez. Upon voice vote, THE MOTION CARRIED unanimously and the meeting adjourned at 8:41 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

Elizabeth Lahey
Secretary

Lou Mallers
Chairman