

**MINUTES
CITY OF DARIEN
PLANNING & ZONING COMMISSION MEETING
May 6, 2009**

PRESENT: Beverly Meyer – Chairperson, Robert Erickson, Don Hickok, Gloria Jiskra, John Lind, Raymond Mielkus, Susan Vonder Heide, Michael Griffith – Senior Planner, Elizabeth Lahey - Secretary

ABSENT: Ronald Kiefer, Kenneth Ritzert

Chairperson Meyer called the meeting to order at 7:01 p.m. at the City Hall – City Council Chambers, Darien, Illinois declared a quorum present and swore in the audience members wishing to present public testimony.

A. PZC 2009-02: 1521 Carrol Court: Petitioner seeks approval of a variation to reduce the required rear yard setback for a patio from 20 feet to 11 feet.

B.

Mr. Michael Griffith, Senior Planner, reported that the petitioner is seeking a variation to reduce the required rear yard setback from 20 to 11 feet in order to construct a patio. He reported that the PZC received the plat of survey as well as the site plan showing that there is 10 feet of drainage and utility easement along the rear lot line. Mr. Griffith stated that the petitioner applied for a building permit and sought a variation to address the issue.

The petitioner, Ms. Stojanka Kuzmanovic, 1521 Carrol Court, stated that they are located in the middle of a cul-de-sac and that the house is located more to the back than her neighbors. She stated that the construction of the patio will not decrease the value of the homes in the area and that the back yard faces a bank. Ms. Kuzmanovic stated that the dimension of the patio will be 20 x 15 and that it will be constructed of brick.

Chairperson Meyer asked if the patio would be covered.

Ms. Kuzmanovic stated that it would not be covered and that it would just be the brick patio.

Commissioner Hickok questioned if there would be railings or additional landscaping.

Ms. Kuzmanovic stated that they just intend to have the brick patio. She stated that they removed some bushes and that there is just the bank fence in back.

There was no one in the audience wishing to present public comment and Chairperson Meyer closed the public hearing.

Commissioner Hickok made a motion, and it was seconded by Commissioner Erickson that based upon the information presented, the request associated with PZC 2009-02 is in conformance with the standards of the Darien City Code and move that the Planning and Zoning Commission recommend approval of the petition as presented.

Upon roll call vote, THE MOTION CARRIED UNANIMOUSLY 7-0. Commissioner Kiefer and Commissioner Ritzert were not present.

Mr. Griffith reported that this would be forwarded to the Planning/Development Committee on Wednesday, May 27th at 6:30 p.m.

C. PZC 2009-03: Tara Hill Replat of Lots 10, 16-19. Petitioners seek final approval of a replat to existing lots in Tara Hill Subdivision.

Mr. Michael Griffith, Senior Planner, reported that the subject property is located on the north side of Donegal Drive and includes four residential lots and one lot for wetland, floodplain and detention management. He reported that the petitioners are seeking to replat Lots 10, 16-19.

Mr. Griffith reported that Lot 10 in Tara Hill Subdivision, Unit 1, is for wetland, floodplain and detention management and that it is not a buildable lot. He reported that there is a narrow arm of the lot that extends west behind the homes fronting Donegal Drive where there is a swale. He further reported that the City owns Lot 10.

Mr. Griffith reported that at the request of the adjacent residents, the City determined that the City ownership of the west end of this narrow arm is not needed and because the residents would prefer to maintain the property as their own, the City has no problem with transferring the property to them. He stated that the area will be replatted so that the residents have a clear and clean title and the City will deed the land.

Chairperson Meyer asked if the homeowners are currently maintaining the property.

Mr. Dennis Kapuska, Lot 17, stated that they are maintaining the property. He asked if the residents would rename the subdivision.

Mr. Griffith stated that it would be up to the homeowners to rename.

Commissioner Lind asked how the property would be transferred.

Mr. Griffith stated that the plat would show each lot divided and that each homeowner would get a sliver of the land.

Commissioner Jiskra asked if the title policy notes that the swale would not be filled.

Mr. Griffith stated that the drainage utility easements will remain the same.

Chairperson Meyer asked if there should be a provision regarding the swale added to the plat.

Mr. Griffith stated that it is not necessary because any grade changes have to be reviewed by the City Engineer. He stated that the City has the right to access the property if there are any drainage issues.

Mr. John Ganzi, homeowner stated that they still have to obey the County Drainage Ordinance.

There was no one in the audience wishing to present public comment and Chairperson Meyer closed the public hearing.

Commissioner Mielkus made a motion, and it was seconded by Commissioner Hickok that based upon the information presented, the request associated with PZC 2009-03 is in conformance with the standards of the Darien City Code and move that the Planning and Zoning Commission recommend approval of the petition as presented, subject to the following:

- 1. Address comments noted in a letter dated April 21, 2009, from Dan Lynch, PE, Christopher B. Burke Engineering, Ltd.**

Upon roll call vote, THE MOTION CARRIED UNANIMOUSLY 7-0. Commissioner Kiefer and Commissioner Ritzert were not present.

Mr. Griffith reported that this would be forwarded to the Planning/Development Committee on Wednesday, May 27th at 6:30 p.m.

D. PZC 2009-01: Wight & Co. PUD, Phase II, Final: Petitioner seeks final approval of Phase II of the Wight & Co. PUD, for the development of Lot 2 of the two lot PUD.

Mr. Michael Griffith, Senior Planner, presented the staff reported and stated that this is a request for final PUD approval for Lot 2 of the Wight & Co. PUD, Phase II. He reported that the PUD is located on N. Frontage Road, east of Lemont Road at the northeast corner of the I-55 and Lemont Road interchange. Mr. Griffith reported that the approved PUD consists of two lots, one office building on each lot.

Mr. Griffith stated that the building for Lot 2 will be a little smaller than Wight's building. He stated that the parking and landscaping is consistent with the Wight & Co. site. He stated the landscaping is different than the conventional approach, using bioswales and natural landscaping. Mr. Griffith reported that the plans were reviewed by the City Engineer and noted in the staff report.

The petitioner, Mr. Jason Blare, Wight & Co., introduced the petitioner Mr. Jerry Barrett, American Academy of Sleep Academy. Mr. Blare stated that the site was approved in March

2003. He stated that they are proposing to extend the parking lot consistent to what is there and reshape the stormwater basin.

Mr. Blare stated that the building is a two-story building with approximately 28,300 square feet with a partial basement and parking in the front. He stated that he provided the PZC with easement exhibits as requested by the City Engineer with a modified PUD plat and a new ingress from Frontage Road.

Mr. Blare stated that they provided a new stormwater management easement and that they will vacate the old and reshape the basin.

Commissioner Hickok asked if they are adding new volume to the old basin.

Mr. Blare stated that they are providing volume that meets the requirements and that they recalculated because they did not know how much impervious surface there would be when they constructed the first phase. He stated that the release structure is the same and the release rate is the same.

Chairperson Meyer asked what the high level would be in a 100 year storm.

Mr. Blare stated that it would be the same as it currently is, 749.59.

Mr. Blare stated that the American Academy of Sleep Medicine has the same philosophy as Wight & Co. with the first floor used as office space with an outdoor terrace and roof deck. He stated that the Academy is not a medical operation and that there is not medicine stored at the site. He further stated that the basement of the building will be used for storage. The building would be constructed similar to the Wight building to give the appearance of a little campus.

Commissioner Hickok asked how they liked the no curb concept.

Mr. Blare stated that they are pleased with the concept and that no one has driven off the pavement area.

Commissioner Lind asked if there was any additional detail for a rain garden.

Mr. Blare stated that they are refining the bioswale and that currently the area drains too well. He stated that they would like it to hold more water and have less stone.

Chairperson Meyer asked if they are considering an Emergency Call Station which is in the original PUD.

Mr. Blare stated that they did not install them in Phase I at the direction of staff. He stated that they have not had any incidents and that there are no issues regarding safety. He further stated that the call station is not as much of an issue anymore since most people now have a cell phone.

Chairperson Meyer asked for the business hours.

Mr. Barrett stated that the Academy hours are Monday-Friday 8:00 a.m. – 5:00 p.m.

Commissioner Jiskra questioned the lighting.

Mr. Blare stated that they will continue with the same lighting in the parking lot and at the door.

Commissioner Hickok suggested that the petitioner consider LED lighting.

Mr. Blare stated that they considered LED on site but that they wanted to stay consistent with the lighting of Phase I.

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

Mr. Ron Ulman, 630 N. Frontage Road, stated that his property is located to the east. He stated that he is concerned with the amount of pavement and the extra water into the retention area.

Mr. Blare stated that the water will be released at the same rate with a longer duration.

Mr. Ulman stated that he reviewed the drainage plan and that he preferred to see the volume directed elsewhere.

Mr. Blare stated that they are maintaining the existing pattern of water flow. He stated that they are working closely with the City Engineer.

Commissioner Hickok questioned how many pipes are used.

Mr. Blare stated that there is one pipe that will restrict the water. He stated that the outlets rip rap at a released rate.

Mr. Ulman stated that since the development they have water where it has never been.

Mr. Griffith stated that Mr. Dan Gombac, Director of Community Development, and himself went out to the site. He reported that the City has not received any complaints within the past two years and that Mr. Gombac did not find any evidence of drainage problems at this time. He stated that if there are drainage issues that arise that the City will address those issues.

Mr. Blare stated that the DuPage County Ordinance states that the natural flow of water has to be maintained, contained and released at a reduced rate.

Commissioner Hickok questioned how the water is running across the field in one pipe. He asked if the flow can be reversed.

Mr. Blare stated that they are following the Ordinance.

Mr. Griffith stated that if there has been a drainage problem, it has not been reported within the past 2 years.

Chairperson Meyer stated that staff has addressed the questions and that it gives the resident some recourse.

Mr. Ulman stated that he has learned to live with the water and that is why there have been no complaints. He stated that he is concerned with the additional water.

Commissioner Lind asked what the status is of the lease on the billboard.

Mr. Blare stated that he was not aware of its status.

Commissioner Mielkus questioned the recourse timing regarding drainage.

Mr. Griffith stated there is a required 1 year maintenance period at the end of construction, where the developer is required to post a bond of 10% of the original letter of credit amount. He stated this period is for reviewing the site, including any drainage problems.

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

Commissioner Vonder Heide made a motion, and it was seconded by Commissioner Erickson that based upon the information presented, the request associated with PZC 2009-01 is in conformance with the standards of the Darien City Code and move that the Planning and Zoning Commission recommend approval of the petition as presented, subject to the following conditions:

- 1. Amend plan to show curbs at driveway entrance.**
- 2. Show dumpster detail on plans, with materials to coordinate with the exterior building materials, with screening gate.**
- 3. Address engineering comments noted in the letter dated April 24, 2009, from Dan Lynch, PE, Christopher B. Burke Engineering, Ltd.**
- 4. Provide a plat showing the amended stormwater management easement and cross access easement.**
- 5. Show fire hydrant locations per Fire District approval.**
- 6. Grant waiver to reduce the required setback from a driveway for a sign from 20 feet to 4 feet.**

Upon roll call vote, THE MOTION CARRIED UNANIMOUSLY 7-0. Commissioner Kiefer and Commissioner Ritzert were not present.

Mr. Griffith reported that this would be forwarded to the Planning/Development Committee on Wednesday, May 27th at 6:30 p.m.

MINUTES:

Commissioner Vonder Heide made a motion, and it was seconded by Commissioner Hickok to waive the reading of the December 3, 2009 Meeting Minutes.

Upon voice vote, THE MOTION CARRIED unanimously.

Commissioner Mielkus made a motion, and it was seconded by Commissioner Hickok to approve the December 3, 2009 Meeting Minutes.

Upon voice vote, THE MOTION CARRIED unanimously.

CORRESPONDENCE:

None.

OLD BUSINESS/PLANNER'S REPORT:

Mr. Griffith reported that Speedway is at a standstill.

NEXT MEETING:

Mr. Griffith reported that the next meeting will held on Wednesday, May 20, 2009 at 7:00 p.m. He stated that presently there is nothing on the agenda.

ADJOURNMENT:

With no further business before the Commission, Commissioner Vonder Heide made a motion and it was seconded by Commissioner Erickson to adjourn. Upon voice vote, THE MOTION CARRIED unanimously and the meeting adjourned at 8:10 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

**Elizabeth Lahey
Secretary**

**Beverly Meyer
Chairman**