

CITY OF DARIEN
PLANNING AND ZONING COMMISSION

Rescheduled Meeting

Wednesday, June 19, 2024

6:00 PM

Police Training Room

1710 Plainfield Road

REVISED AGENDA

1. Call to Order
2. Roll Call
3. Regular Meeting
 - a. Planning & Zoning Commission and City Council Training
4. Staff Updates & Correspondence
5. Approval of Minutes May 15, 2024
6. Next Meeting July 17, 2024
7. Public Comments [On Any topic Related to Planning and Zoning]
8. Adjournment

AGENDA MEMO
Planning and Zoning Commission
June 19, 2024

ISSUE STATEMENT

Training of protocols and procedures as related to Public Hearing Meetings as presented through the American Planning Association.

BACKGROUND

From time-to-time Staff requests educators to provide training to City Officials regarding procedures and protocols as related to Planning and Zoning cases. The training will include an active planner from the American Institute of Community Planners and a zoning attorney. The program is further organized through the American Planners Association of Illinois in conjunction with the Chaddick Institute for Metropolitan Development through DePaul University.

The program will include the following:

1. The training focuses on the roles and responsibilities of the commissioners, running a meeting, taking testimony, preparing findings of facts and some of the "fine print" (open meetings, conflicts of interest, ethics, etc.). A brief history of planning, comprehensive plans, zoning and subdivisions.
2. Additional topics such as site plan review and economic development as it relates to the development. Past developments will also be a talking point.

Facilitators

1. One American Institute of Certified Planners (AICP) who have solid planning experience in the public and/ or private sector will be presenting
2. A land use attorney will also be present to provide a legal perspective

Question and Comments

The session will include opportunities from the Group to ask questions and provide comments.

STAFF RECOMMENDATION

Not Applicable-The meeting will be video taped

PZC MINUTES

Attached for review and approval

DECISION MODE

No Action

MINUTES CITY OF DARIEN
PLANNING & ZONING COMMISSION MEETING
Wednesday, May 15, 2024

PRESENT: Lou Mallers – Chairperson, Bryan Gay, Shari Gillespie, Hilda Gonzalez, Chris Green, Chris Jackson, Julie Kasprowicz

ABSENT: Robert Erikson, Jonathan Johnson

OTHERS: Jordan Yanke – City Planner, Dan Gombac – Director

Chairperson Lou Mallers called the meeting to order at 7:02 p.m. at the Darien City Hall, Council Chambers, 1702 Plainfield Road, Darien, Illinois. Chairperson Mallers declared a quorum present and swore in the audience members wishing to present public testimony.

Regular Meeting – New Business

- a. **PZC2024-03 (PAGE 8) 7226 Clarendon Hills Rd/401 Plainfield Rd – Indian Prairie Public Library – Petitioner requests variation from Sections 4-3-7(A)(11), 4-3-7(C)(4), and 4-3-10(A) of the Sign Code. The petition specifically requests to allow for the installation of electronic message board signs. Property is located in the R-2 Single Family Residence District.**

Mr. Jordan Yanke, City Planner reported that the petitioner approached staff to modernize their existing signs located at 7226 Clarendon Hills Rd and 401 Plainfield Rd. He reported that the sign code currently does not allow any electronic or LED display and that there is a variation request. He reported that the library has proposed to implement electronic or LED display within 22 square feet and that the intent would be to provide a more visible display advertising library services and other information regarding the library.

Mr. Justin Pathmann, Rethink Owner Solutions, LLC, stated that the petitioner did not wish to pursue contracting the sign until there was a variance. He further stated that he had confirmed with the petitioner that the proposed conditions would not be an issue.

Ms. Heather Morford stated that she lives across the street from the library. She questioned what the sign would look like and whether it would be similar to the sign in front of Hinsdale South High School.

Mr. Pathmann stated that the physical structure of the sign would not change.

Ms. Morford questioned if the sign would be brighter than it is currently. She stated that currently her front yard is lit up.

Mr. Pathmann stated that it would likely be darker due to the petitioner's desire to use a black background with colored lettering.

There was some discussion regarding the display of the sign.

Mr. Dan Gombac, Director reported that the sign would not be as big as the one at Hinsdale South and that they would be limited with the fonts. He further reported that there would be a sensor placed in the sign that would adjust the lighting of the sign based on the time of day.

There was some discussion confirming the visual display of the sign.

Commissioner Chris Jackson questioned if Mr. Pathmann knew the hours of operation of the library.

Mr. Pathmann stated he did not know.

Commissioner Jackson stated that one of the conditions from previous petitions had required illumination to occur during operating hours as well as 30 minutes prior and following.

There was some discussion regarding the operating hours of the library.

Mr. Pathmann stated that the LED signage would be more programmable.

Chairperson Mallers questioned how long each message would be displayed.

Mr. Gombac reported that each message would be displayed for 60 seconds.

Mr. Pathmann stated that there would be several messages displayed to inform the public on all things related to the library.

Chairperson Mallers stated, in regard to the digital sign at Plainfield and Cass, that many were concerned about the length of each image so there would not be distraction with driving.

Mr. Pathmann stated that he was uncertain if the intent of the petitioner was to make each message only 60 seconds.

Chairperson Mallers questioned if there would be commercial messages displayed or if messages would pertain only to the library.

Mr. Gombac stated that that would require additional advertising, which would be a separate issue.

Commissioner Jackson questioned if library meeting room bookings would be displayed.

Mr. Pathmann stated that the messages would primarily be to promote the library and library events.

Chairperson Mallers stated that the sign may be similar to that of Our Lady of Peace, in that the messages are only ones related to the church.

Commissioner Julie Kasprovicz questioned if the sign would run on days that the library would be closed including during holidays.

Mr. Gombac reported that the code is silent on hours of operation, however the Commission may specify hours of operation in the conditions of the petition.

There was some discussion regarding what is included in the sign code.

Commissioner Bryan Gay stated his concern with the brightness of the sign in relation to the digital sign on Plainfield and Cass.

There was some discussion regarding the display of the sign on Plainfield and Cass.

Commissioner Jackson questioned if the coloring and dimming capabilities were able to be done.

Mr. Pathmann stated that they are possible, but a sign has not been purchased yet.

Mr. Gombac questioned what operating hours the Commission would require for the proposed sign.

There was some discussion regarding hours of operation for the sign and what to include in the condition.

Mr. Art Donner, 7548 Cambridge Rd, stated that other municipalities seem to have a definition of how bright photometrics are. He questioned if there was anything in the ordinance stating limitations to brightness.

There was some discussion further regarding the brightness of the sign.

Mr. Gombac reported that there is a lighting specification that the petitioner will have to adhere to written in the code.

There was some discussion amongst the Commissioners regarding what to include in the conditions of the motion.

Commissioner Gay requested a discussion pertaining to the coloration of the sign.

There was some discussion amongst the Commissioners regarding the color background of the sign.

Mr. Pathmann stated that he does not want to limit the type of sign the petitioner is able to purchase, rather, he would recommend certain program to adhere to the Commission's standards.

Commissioner Jackson, regarding Mr. Gombac, questioned how the foot-candles are measured.

Mr. Gombac stated that a photometrics meter determines how much brightness each color may produce.

There was some discussion further regarding the brightness of the sign.

Commissioner Hilda Gonzalez questioned what the allowed lighting intensity is in Darien.

Mr. Gombac stated it is zero on the property line.

Mr. Yanke stated what is written in the code.

Commissioner Gonzalez stated that there should be no issue with the library adhering to the same parameters set for other signage in Darien.

Commissioner Jackson made a motion and it was seconded by Commissioner Kasproicz to approve PZC2024-03 (PAGE 8) 7226 Clarendon Hills Rd/401 Plainfield Rd – Indian Prairie Public Library – Petitioner requests variation from Sections 4-3-7(C)(4), and 4-3-10(A) of the Sign Code. The petition specifically requests to allow for the installation of electronic message board signs. Property is located in the R-2 Single Family Residence District with the following conditions:

- 1. Messages will be held for at least 60 seconds.**
- 2. Messages will change all at once.**
- 3. Messages may display multiple colors.**
- 4. Illumination will maintain a constant light intensity or brightness.**
- 5. Illumination brightness will comply with the Sign Code and have dimming sensor capability.**
- 6. Illuminated signage may only be utilized from 7:00 a.m. until 9:00 p.m. every day.**
- 7. The electronic message board portion of the sign is limited to approximately 22 square feet per side.**

Upon roll call vote, the MOTION CARRIED UNANIMOUSLY 7-0.

Mr. Yanke reported that the petition would be forwarded to the Municipal Services Committee on May 28, 2024 at 6:00 p.m.

- b. PZC2024-04 (PAGE 25) 9004 Darien Woods Court – Jack Calo – Petitioner requests variation from Section 5A-5-8 of the Zoning Regulations. The petition specifically requests to allow a fence to be erected and maintained within a corner side yard at a height of 8 feet, which exceeds the maximum permitted height of 6 feet. Property is located in the R-2 Single Family Residence District.**

Mr. Jordan Yanke, City Planner reported that the petitioner owns his property at 9004 Darien Woods Court, which lines up to Frontage Road, and had requested to increase the height of his fence. He reported that the variance is required since the code had not been updated since 2013, which had previously allowed 8-foot fences along major roadways excluding Frontage Road.

Mr. Dan Gombac, Director reported to the Commission that this was done several years ago due to the grades in some parts of properties shifting or not being consistent. He reported that Frontage Road was not considered at the time but would like for it to be written in to the code.

Mr. Jack Calo, Petitioner, stated his house is right along S. Frontage Road and I-55. He stated that the request is to replace the existing 6-foot cedar fence all around for noise and privacy purposes and replace it with an 8-foot fence.

Chairperson Mellers questioned the height of the current fence.

Mr. Calo stated that the fenced is 6 feet all around.

Commissioner Gonzalez questioned if the petitioner has other neighbors who may have similar concerns.

Mr. Calo stated that he hadn't spoken to them about it, however he has one neighbor whose house is in a similar position as his who currently does not have a fence.

Commissioner Gonzalez stated her concern with the consistency of fencing in the neighborhood.

There was some discussion regarding layout of Mr. Calo's neighborhood.

Commissioner Kasprovicz questioned why the petitioner would have part 8-foot and part 6-foot fencing and not be consistently 8 feet.

Mr. Gombac stated it would be a different type of variation.

A representative from the Home Owners' Association in Mr. Calo's neighborhood stated that they approved the changes made to the petitioner's fence and that the HOA feels it is a good idea to have an 8-foot fence lining up to Frontage Road.

Commissioner Gay made a motion and it was seconded by Commissioner Gillespie to approve PZC2024-04 (PAGE 25) 9004 Darien Woods Court – Jack Calo – Petitioner requests variation from Section 5A-5-8 of the Zoning Regulations. The petition specifically requests to allow a fence to be erected and maintained within a corner side yard at a height of 8 feet, which exceeds the maximum permitted height of 6 feet. Property is located in the R-2 Family Residence District.

Upon roll call vote, the MOTION CARRIED UNANIMOUSLY 7-0.

Mr. Yanke reported that the petition would be forwarded to the Municipal Services Committee on May 28, 2024 at 6:00 p.m.

- c. **PZC2024-05 (PAGE 36) 2551 75th Street – Dr. Steven Tharp – Involves a petition from Dr. Tharp requesting the following:**
 - 1. **Zoning Text Amendment to Section 5A-8-2-4 of the Zoning Ordinance listing "dental office or clinic" as a special use within the Neighborhood Convenience Shopping District (B-1); and**
 - 2. **Special use approval for a dental office or clinic within the Neighborhood Convenience Shopping District (B-1).**

Mr. Jordan Yanke, City Planner reported that the petition is a text amendment and special use in conjunction with the text amendment request. He reported that Dr. Tharp approached the City looking to locate a dental office at 2551 75th Street. He further reported that the property is zoned B-1 and currently does not have medical or dental office or clinic written in to the zoning code. He reported that after speaking to the petitioner and the City Attorney, a text amendment would be written in to B-1 to include a dental office or dental clinic as a special use.

Mr. Yanke reported that Dr. Tharp would occupy about half of the proposed space with the rest utilized as potential office space to be leased out. He further reported that the property would require additional parking as well as façade renovation and additional signage.

Mr. Dan Gombac, Director reported that in conjunction from B-2 to B-1 other uses from other districts are typically allowed. He reported that to rezone would not be desirable for this neighborhood and that staff looks at this petition as a great economic development opportunity.

Dr. Steven Tharp stated that he is looking to purchase the building and convert it into a family dental office.

Commissioner Jackson questioned if Dr. Tharp had already operated a dental office.

Dr. Tharp stated that he has been an associate for several years and is looking to move.

Commissioner Jackson questioned if Dr. Tharp would utilize 6 chairs in his dental office.

Dr. Tharp stated that the building would be a bit larger than what he had been looking for and that he would reserve half the building as a combined med-spa or professional office space for rent.

Chairperson Mallers questioned if the current occupants would be vacating the space.

Dr. Tharp stated that the current occupants would be selling the building and moving their operation elsewhere.

Commissioner Jackson questioned if the office would be general dentistry.

Dr. Tharp stated that the office would be a general family dentistry and he would serve all ages from children to elderly.

Commissioner Gay questioned if Dr. Tharp would be purchasing the property.

Dr. Tharp stated that he would be purchasing the property and making the necessary renovations. He stated that they may need to replace the roof and add some signage.

Ms. Luanne Spiros thanked the Commission for serving the community. She then thanked the petitioner for investing in the community. Ms. Spiros questioned if the use of the word "clinic"

could be clarified to not allow something like a tattoo clinic into that space. She further questioned how hazardous materials would be handled at the proposed location.

Mr. Gombac stated that only certain uses would be allowed in the building because it is a special use ordinance. He stated that the use would be exclusive to a dentist. He reported that the building would only allow professionals listed within the zoning code and that anything beyond professional use would have to come back to City Council for approval.

Dr. Tharp stated that there are several OSHA rules he must adhere to for safety and disposal of hazardous materials.

There was some discussion regarding the disposal process of hazardous materials.

Commissioner Jackson questioned if the other use occupying the building would have to apply for a business license.

Mr. Gombac stated that there would be certificates of compliance, which are all business license related.

Commissioner Gay questioned if there was a zoning compliance for tattoo parlors.

Mr. Yanke stated that it was prohibited since there was nothing listed in the ordinance.

There was some discussion regarding the use of the building in this neighborhood.

Mr. Art Donner stated that he appreciates the low impact amendment rather than a re-zoning. He stated that the wording is for "dental office or clinic," and questioned what would happen if the dental practice were to leave. Mr. Donner suggested writing the text amendment as "dental office or dental clinic".

Mr. Yanke stated that the phrasing is at the discretion of the Commission to then be approved by the City Council.

There was some discussion regarding how to define office versus clinic.

Mr. Paul Jopa, 7518 Cambridge Road, stated he has lived in his property since March of 1984 and was zoned single family. He stated that his property lines up to the proposed building and when it was sold he lost his buffer. He questioned if, before the property is sold again, he could have his buffer back.

Mr. Gombac stated that at this point that would not be possible. He stated that if the problem is not satisfied they would need to have a site visit and locate the site plan.

There was discussion between Mr. Gombac and Mr. Jopa regarding the site plan of his property.

Commissioner Jackson questioned if the intention was to define dental office versus dental clinic within a condition.

Mr. Yanke stated that that was at the discretion of the Commission.

There was some discussion further regarding how to define the text.

Commissioner Jackson made a motion and it was seconded by Commissioner Gay to approve PZC2024-05 (PAGE 36) 2551 75th Street – Dr. Steven Tharp – Involves a petition from Dr. Tharp requesting the following:

1. Zoning Text Amendment to Section 5A-8-2-4 of the Zoning Ordinance listing “dental office or dental clinic” as a special use within the Neighborhood Convenience Shopping District (B-1)

Upon roll call vote, the MOTION CARRIED UNANIMOUSLY 7-0.

Commissioner Jackson made a motion and it was seconded by Commissioner Gillespie to approve PZC2024-05 (PAGE 36) 2551 75th Street – Dr. Steven Tharp – Involves a petition from Dr. Tharp requesting the following:

2. Special use approval for a dental office or dental clinic within the Neighborhood Convenience Shopping District (B-1).

Upon roll call vote, the MOTION CARRIED UNANIMOUSLY 7-0.

Regular Meeting – Old Business

There was no old business to discuss.

Staff Updates & Correspondence

Mr. Gombac reported that there would be a PZC workshop on June 19, 2024 at 6:00 p.m.

Mr. Yanke reported that the Woodland Glen development final plans had been approved by City Council.

Approval of Minutes

Commissioner Gay made a motion, and it was seconded by Commissioner Kasprovicz to approve the April 3, 2024 Regular Meeting Minutes.

Upon roll call vote, the MOTION CARRIED 7-0.

Next Meeting

Mr. Yanke announced that the next meeting will be held on June 19, 2024, 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 Gillespie made a motion, and it was seconded by Commissioner Gonzalez. Upon voice vote, the MOTION CARRIED unanimously, and the meeting adjourned at 8:28 p.m.

Respectfully Submitted:

Approved:

X

Jessica Plzak
Secretary

X

Lou Mallers
Chairperson