

CITY OF DARIEN
PLANNING AND ZONING COMMISSION
AGENDA

Wednesday, August 20, 2014
7:00 PM

City Hall
Council Chambers

1. Call to Order
2. Establish Quorum
3. Regular Meeting:
 - A. **Public Hearing**
PZC 2014-06: 7731 Lester Lane: Petitioner seeks approval of a variation to reduce the required front yard setback from 35 feet to 30 feet in order to construct a covered front porch.
 - B. **PZC 2014-07: 2601 75th Street, Mi Hacienda:** Petitioner seeks approval of a variation to reduce the required corner side yard setback from 50 feet to zero feet for a patio for outdoor dining.
4. Correspondence
5. Old Business/Planner's Report
6. Minutes: July 16, 2014
6. Next Meeting: **September 3, 2014, 7:00 PM**
7. Adjournment

AGENDA MEMO
PLANNING AND ZONING COMMISSION
MEETING DATE: August 20, 2014

Issue Statement

PZC 2014-06:

7731 Lester Lane: Petitioner seeks approval of a variation to reduce the required front yard setback from 35 feet to 30 feet in order to construct a covered front porch.

Applicable Regulations:

Zoning Ordinance: Section 5A-5-7-3(B): Permitted Obstructions in Required Yards, Front Yards.

General Information

Petitioner:

Jacqueline LaSota Price
7731 Lester Lane
Darien, IL 60561

Property Owner:

Ronald and Jacqueline Price
7731 Lester Lane
Darien, IL 60561

Property Location:

7731 Lester Lane

PIN:

09-28-410-008

Existing Zoning:

R-2 Single-Family Residence

Existing Land Use:

Single-family home

Comprehensive Plan Update:

Low Density Residential

Surrounding Zoning and Land Use:

North: R-2 Single-Family Residence: single-family home
East: R-3 Multi-Family Residence: multi-family residence
South: R-2 Single-Family Residence: single-family home
West: R-2 Single-Family Residence: single-family home

Size of Property:

15,417 square feet

Floodplain:

None.

Natural Features:

None.

Transportation:

Property has frontage along Lester Lane (private street)

History:

None.

Documents Submitted

This report is based on the following information submitted to the Community Development Department by the Petitioner:

1. Plat of Survey/site plan, 1 sheet, prepared by petitioner.
2. Building elevation drawing, 2 sheets, prepared by Barnes Architects, Ltd., dated June 15, 2014.

Planning Overview/Discussion

The subject property is located on the east side of Lester Lane, at the south end of the street. Lester Lane is a private street.

The home is 35.5 feet from the front lot line. The petitioner proposes to construct a covered front porch extending 5 feet from the home (the roof overhang is 1.5 feet). Since the porch is covered, per the Zoning Ordinance, the porch is required to meet the front yard setback of 35 feet. The porch will encroach 5 feet into the required setback, thus, the petitioner is requesting a variation to reduce the front yard setback from 35 feet to 30 feet in order to construct the covered front porch.

The variation request is to address the following criteria for approval:

1. Whether the general character of the property will be adversely altered.
2. Whether the overall value of the property will be improved and there will not be any potential adverse effects on the neighboring properties.
3. Whether the alleged need for the variation has been created by any person presently having a proprietary interest in the premises.
4. Whether the proposed variation will impair an adequate supply of light and air in adjacent property, substantially increase congestion in the public streets, increase the danger of fire or endanger the public safety.
5. Whether the proposed variation will adversely alter the essential character of the neighborhood.

Staff Findings/Recommendations

Staff does not object to the proposed front porch. The porch extends only 5 feet into the front yard setback while maintaining a front yard, the intent of the Zoning Ordinance.

Staff finds the proposed variation does not adversely alter the general character of the property, it does not adversely alter the essential character of the neighborhood, it does not impair an adequate supply of light and air in adjacent property.

Therefore, staff recommends the Commission make the following motion recommending

approval of the variation petition:

Based upon the submitted petition and the information presented, the request associated with PZC 2014-06 is in conformance with the standards of the Darien City Code and, therefore, I move the Planning and Zoning Commission approve the petition as presented.

Decision Mode

Planning and Zoning Commission:

August 20, 2014

AGENDA MEMO
PLANNING AND ZONING COMMISSION
MEETING DATE: August 20, 2014

Issue Statement

PZC 2014-07:

2601 75th Street, Mi Hacienda: Petitioner seeks approval of a variation to reduce the required corner side yard setback from 50 feet to zero feet for a patio for outdoor dining.

Applicable Regulations: Zoning Ordinance: 5A-5-7-3: Permitted Obstructions in Required Yards.
Zoning Ordinance: 5A-8-3-8: Yard Requirements.

General Information

Petitioner/Owner: Andreius Presniakouas
14144 131st Street
Lemont, IL 60439

Property Location: 2601 75th Street

PIN: 09-29-300-009

Existing Zoning: B-2 Community Shopping Center Business District

Existing Land Use: Restaurant, café, gift store

Comprehensive Plan Update: Commercial

Surrounding Zoning and Land Use:

North: B2 General Retail Business (Downers Grove): commercial/retail
South: R-2 Single-Family Residence District: single-family home, landscape business
East: B-1 Neighborhood Convenience Shopping District: commercial/retail, vacant, former Wolf Camera shop
West: B-3 General Business District: commercial/retail, Chestnut Court Shopping Center

Size of Property: 0.598 acres

Floodplain: None.

Natural Features: None.

Transportation: Property has frontage on 75th Street and Main Street with access from Main Street only.

History:

In 2003, the City Council granted a variation, Ordinance O-02-03, to reduce the required parking setback along the front lot line and to increase the permitted lot coverage. In 2012, the City Council granted a special use for an eating establishment, Grand Dukes

Documents Submitted

This report is based on the following information submitted to the Community Development Department by the Petitioner:

1. Plat of Survey, 1 sheet, prepared by Ruettiger, Tonelli & Associates, Inc., dated April 2, 2012. Patio details indicated by petitioner.

Planning Overview/Discussion

The subject property is located at the southwest corner of 75th Street and Main Street, just east of the Chestnut Court shopping center. The property contains one, 2-tenant retail building. The east half of the building is occupied by a restaurant, Mia Hacienda. The west half of the building is occupied by a restaurant and gift store, Grand Dukes.

The petitioner constructed a patio on the east side of the building for outdoor dining. The patio was constructed without a permit. Per the Zoning Ordinance, patios are required to meet the required corner side yard requirement. Currently, the Zoning Ordinance requires a 50-foot corner side yard setback in the B-2 zoning district. The building is approximately 25 feet from the lot line, therefore, any patio within this yard would also encroach. The patio extends from the building to the east lot line.

Mi Hacienda holds a liquor license. For alcohol to be served outside on the patio, the following items are required per the Liquor Code:

1. The perimeter of the outdoor area shall be enclosed.
2. The outdoor area shall be owned or leased by the licensee. (Ord. 0-31-08, 7-7-2008)
3. The outdoor area may be open only at times when food service is available in the restaurant. The restaurant must offer, and have available during all times that alcoholic liquor is available, a full menu and not the limited menu of a bar. This section shall not be deemed to permit activities such as outdoor beer gardens, large scale celebrations, or similar festivities within the outdoor seating area. (Ord. 0-32-08, 7-21-2008)
4. Access to the outdoor area shall be limited to entrances from within the licensed establishment only and not from a sidewalk or parking lot.

5. Seating in the outdoor area shall not be included to meet the required maximum capacity or occupancy restrictions for any license classification as established by this title.
6. Sale of alcoholic liquor shall be for consumption on the licensed premises only.
7. The outdoor area shall be closed at eleven o'clock (11:00) P.M. on Sunday through Thursday, and at twelve o'clock (12:00) midnight on Friday and Saturday.
8. A revised plat of survey must be submitted showing the location of the outdoor area, along with the enclosure details.
9. The licensee shall be required to take all necessary measures to prevent the level of noise and music from the outdoor area from causing any unreasonable disturbance to any nearby residentially zoned area.
10. Live entertainment is not permitted in the outdoor area.
11. An annual permit is required to serve alcoholic liquor at an outdoor area. The liquor commissioner may impose such terms and conditions on the licensee as shall be necessary to cause the fulfillment of these standards to be met. Because of the potential for the disturbance of the public health and safety when alcoholic liquor is sold outdoors or in a not fully enclosed structure, service of liquor in an outdoor area may be canceled, suspended or not renewed by the liquor commissioner. (Ord. 0-31-08, 7-7-2008)

The plat of survey shows 36 parking stalls. The Zoning Ordinance requires 4 parking stalls/1,000 gross square foot of building area for multi-tenant buildings, or 24 parking stalls in this case. There are 2 handicapped accessible parking stalls, which complies.

The variation request must address the following criteria for approval:

1. Whether the general character of the property will be adversely altered.
2. Whether the overall value of the property will be improved and there will not be any potential adverse effects on the neighboring properties.
3. Whether the alleged need for the variation has been created by any person presently having a proprietary interest in the premises.
4. Whether the proposed variation will impair an adequate supply of light and air in adjacent property, substantially increase congestion in the public streets, increase the danger of fire or endanger the public safety.
5. Whether the proposed variation will adversely alter the essential character of the neighborhood.

Staff Findings/Recommendations

While Staff does not object to the patio, there are residences directly to the south of the proposed patio. Consideration shall be taken regarding the carrying of voices to the adjacent neighbors. The petitioner will need to apply to serve alcohol outdoors and comply with the applicable regulations.

The proposed variation will not adversely alter the essential character of the property, the variation will not impair an adequate supply of light and air in adjacent property, substantially increase congestion in the public streets, increase the danger of fire or endanger the public safety.

Therefore, staff recommends the Planning and Zoning Commission make the following recommendation granting the variation petition:

Based upon the submitted petition and the information presented, the request associated with PZC 2014-07 is in conformance with the standards of the Darien City Code and, therefore, I move the Planning and Zoning Commission approve the petition, subject to the following:

- 1. Compliance with the Liquor Code regarding outdoor alcohol service and consumption, Section 3-3-24 of the City Code.**

Decision Mode

Planning and Zoning Commission:

August 20, 2014

**MINUTES
CITY OF DARIEN
PLANNING & ZONING COMMISSION MEETING
July 16, 2014**

PRESENT: Beverly Meyer – Chairperson, Ron Kiefer, John Lind, Ray Mielkus, Pauline Oberland, Ken Ritzert, Susan Vonder Heide, Michael Griffith – Senior Planner, Elizabeth Lahey – Secretary.

ABSENT: Louis Mallers

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

A. PZC 2014-05: 1910 McAdam Road: Petitioner seeks approval of a variation to reduce the required interior side yard setback from 10 feet to 2 feet for a patio.

Mr. Michael Griffith, Senior Planner reported that the petitioner proposes to replace the patio in the same location, extending the patio 14 feet from the side of the home. He reported that the home sits 16 feet from the side lot line.

Mr. Griffith reported that staff has no issues and that he did not receive any phone calls. He stated that patios are typically in the rear but that there is limited space in the rear yard.

Commissioner Kiefer questioned if there are any issues with the water runoff.

Mr. Griffith reported that staff will monitor and make sure that the pitch does not direct to the neighbors. He said there are no issues because it is a replacement.

Commissioner Ritzert questioned the history of the patio.

Mr. Griffith reported that there is no documented history nor a record of a variation.

Chairperson Meyer questioned if there is an existing fence.

The petitioner stated that there is a 4' fence and that the patio will be constructed of pavers. He stated that he did not want to bring in a cement truck and that he would not be replacing it if it was not sinking.

There was no one in the audience wishing to present public comment. Chairperson Meyer closed the public hearing at 7:09 p.m.

Commissioner Vonder Heide made a motion and it was seconded by Commissioner Kiefer that based upon the submitted petition and the information presented, the request

associated with PZC 2014-05 is in conformance with the standards of the Darien City Code and move hat the Planning and Zoning Commission recommend approval of the petition.

Upon roll call vote, THE MOTION CARRIED UNANIMOUSLY 7-0. Commissioner Mallers was not present.

Mr. Griffith stated that this would be forwarded to the Municipal Services Committee on Monday, July 28, 2014 at 6:30 p.m.

MINUTES

Commissioner Kiefer made a motion and it was seconded by Commissioner Mielkus to waive the reading of the June 18, 2014 Regular Meeting Minutes and the June 26, 2014 Special Meeting Minutes.

Upon voice vote, THE MOTION CARRIED UNANIMOUSLY 7-0. Commissioner Mallers was not present.

Commissioner Ritzert made a motion and it was seconded by Commissioner Mielkus to approve the June 18, 2014 Regular Meeting Minutes and the June 26, 2014 Special Meeting Minutes.

Upon roll call vote, THE MOTION CARRIED UNANIMOUSLY 7-0. Commissioner Mallers was not present.

CORRESPONDENCE

None.

OLD BUSINESS/PLANNER'S REPORT

Mr. Griffith reported that Chase Bank is under construction. He also reported that staff received a request to review a development on Frontage Road across from Carriage Greens.

Mr. Griffith reported that the strip mall is moving forward and is on the City Council Agenda for July 21st.

NEXT MEETING

Mr. Griffith announced that the next meeting is a Special Meeting scheduled for Wednesday, August 6, 2014 at 7:00 p.m.

ADJOURNMENT

With no further business before the Commission, Commissioner Kiefer made a motion and it was seconded by Commissioner Lind. Upon voice vote, THE MOTION CARRIED unanimously and the meeting adjourned at 7:15 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

Elizabeth Lahey
Secretary

Beverly Meyer
Chairman