

**MINUTES
CITY OF DARIEN
PLANNING & ZONING COMMISSION MEETING
May 16, 2012**

PRESENT: Ray Mielkus – Acting Chairperson, Don Hickok, Ron Kiefer, John Lind, Lou Mallers, Pauline Oberland, Ken Ritzert, Michael Griffith – Senior Planner, Elizabeth Lahey-Secretary

ABSENT: Beverly Meyer, Susan Vonder Heide

Acting Chairperson Mielkus 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.

Public Hearing: PZC 2012-07: 2101-2275 75th Street, Darien Towne Centre Planned Unit Development (PUD): Petitioner requests approval of a final plat of subdivision and a major amendment to an approved PUD, including but not limited to, the alteration of the shopping center site plan, Walmart expansion and the reduction in the Buffer Area open space contained on Lot 4 of the approved PUD.

Mr. Michael Griffith – Senior Planner reported that the petitioner proposes to demolish the retail space between the existing Walmart and Pet Smart spaces, construct a 14,000 square foot addition to Walmart on the east side of the existing store and construct a new 12,000 square foot retail building adjacent to Pet Smart.

Mr. Griffith reported that the proposed plan includes adding truck loading docks, locating bale and pallet recycling area and an organic recycling area behind Walmart, adding a bagged goods pick-up area within the existing outdoor garden area and altering the front façade to construct a new west store entrance. He reported that overall the square footage is increasing slightly and that the petitioner is requesting a waiver to reduce the parking stall width from 10 feet to 9 ½ feet within the parking lot serving Walmart, and to 9 feet for the remainder of the shopping center.

Mr. Griffith reported that staff measured the spaces that exist now and that the spaces are not 10 feet. He stated that the petitioner's request is similar to what is there now. He reported that an existing 8-foot tall fence exists along the south side of the shopping center and that the fence will be relocated further south to accommodate the truck turning area.

Mr. Griffith reported that the Commission received an aerial photo highlighting the truck turning radius.

Mr. Dan Gombac – Director reported that staff visited the parking lot stalls prior to the meeting and that there are very few 10' wide stalls and the remainder 9-9 ½ feet. He stated that the petitioner is present and storyboards are displayed showing the limits of the truck radius.

Attorney for the petitioner, Mr. Michael Seghetti, 416 Main, Peoria stated that Walmart is seeking an amendment to expand from 130,000 square feet to 172,000 square feet and overall not a huge change.

Mr. Greg Cresto, Civil Engineer, Manhard Consulting, Ltd., 900 Woodlands, Vernon Hills presented the plan. He stated that the expansion will consist of a Supercenter with a full line of groceries. Mr. Cresto displayed the site plan to the PZC and to the audience.

Mr. Cresto stated that the existing Walmart entrance is on the east and that Walmart will be adding a second entrance where the garden center exists with a slight modification to the garden center. He stated that the truck turning area pushes the rear service area into Lot 4 and the open space with a large hill and vegetation. He further stated that a retaining wall and the same wood fence will be installed.

Mr. Cresto stated that Walmart will maintain the parking lot and landscaping and replace any dead trees. He stated that the store will receive an entire renovation and that so will the site. He further stated that the Walmart signage will be the new current logo.

Mr. Cresto stated that the parking area will also be repaved and restriped converting the spaces to 9 ½ feet at the Walmart entrance area and 9 feet in the other areas. He stated that the original design had a mixed parking stall design.

Commissioner Mallers questioned the reasoning for 9 ½ foot stalls versus 9 foot stalls.

Mr. Cresto stated that the decision was made to maximize retail parking and in order to remain within the parking ratio.

Commissioner Ritzert questioned if the 71 spaces in front for seasonal items can be used for parking.

Mr. Cresto reported that there will be slight modifications to the garden center and that the seasonal sales in the parking lot will continue. He stated that Walmart applies for an annual permit for such sales.

Commissioner Kiefer questioned staff how the smaller stalls were approved.

Mr. Griffith reported that the agreement was not specific.

Commissioner Hickok stated that the parking should meet the Code.

There was much discussion on where the 9 ½ foot stalls and the 9 foot stalls would be located.

Mr. Griffith reported that the PUD Ordinance does not specify stall width. He stated that 9 ft. stalls are the standard in most communities and that they are not out of character.

Commissioner Lind stated that he would like to see larger stalls especially for safety as well as shopping carts and groceries.

Commissioner Ritzert stated that since Walmart was built that he has yet to see the parking lot full.

Mr. Cresto stated that Walmart has to maintain the parking lot ratio.

There was additional discussion on the width of the parking stalls and how many stalls would be reduced if 10 foot wide stalls were added in.

Mr. Cresto reported that many designs were discussed and ultimately the plan submitted was the best alternative in order to meet the parking lot ratio.

Mr. Griffith stated that the choice is to reduce the number of parking stalls or reduce the width.

Mr. Seghetti stated that Walmart has to abide by the Inland code as well. He stated that there are cross agreements with the Centre.

Mr. Hal Fracke, Attorney, Inland, 203 N. LaSalle, Chicago stated that the annexation agreement in April 1993 dictated the shopping center and that the stalls were not by accident. He stated that the mix was approved by the City which continues to remain in effect. Mr. Fracke stated that Inland has lease provisions.

Commissioner Lind stated that Walmart is impacting the entire center.

Mr. Seghetti stated that the 9 foot stalls are farthest from the front door.

Commissioner Hickok stated that although the parking language is in the agreement, now is the time to make changes.

Commissioner Kiefer questioned making the entire parking lot 9 ½ foot stalls.

Mr. Gombac reported that presently the majority of the spaces are 9 feet.

Commissioner Hickok stated that there is not enough information available and that he would like to table discussion until Walmart can provide the exact number of stalls.

Commissioner Lind questioned the handicapped spaces.

Mr. Cresto reported that the handicapped spaces are what Walmart is doing to keep the parking uniform. He stated that the spaces are compliant and that Walmart looks as the handicapped spaces as a convenience.

Mr. John Murphey, Attorney, City of Darien provided the Commission with history of the PUD. He reported that the agreement for the Darien Towne Centre was a production of many compromises and spirited discussion with difficult debates. He stated that at the end, there were many compromises and trades and that the discussion regarding parking stall width was not mathematics but more art.

Attorney Murphey stated that today, there are many empty store spaces in competition with one another and that retailers need certainty. He stated that the City does not want the request tabled and that the City is still negotiating and discussing economic incentives.

Attorney Murphey stated that Walmart is not a new development and that the City is in support of the spaces and the status quo and not a change. He stated that this is an important project for the City and long term is in the best interest of the City.

Commissioner Hickok stated that he too has yet to see the parking lot full.

Commissioner Oberland stated that the parking lot may be more full based on the expansion and the services offered.

Commissioner Mallers stated that since there were a lot of compromises, he questioned if there is still opportunity to compromise.

Mr. Cresto stated that there was much discussion on making all the stalls 9 ½ feet but the numbers came up short. He stated that he would take another look. Mr. Cresto stated that they were short by approximately 20 spaces and that there is no additional land available.

Commissioner Lind stated that he is not looking to touch the Inland side parking but installation to the north can go to 10 feet and that he does not buy the argument.

Mr. Seghetti stated that Walmart does not have the option to reduce below the ratio because of Inland, covenants, etc. He stated that they looked at many different ways to make the parking work.

Commissioner Kiefer suggested making the majority of the parking 9 ½ foot stalls with some 9 foot stalls if only 20 stalls short.

Mr. Cresto stated that they looked at the numbers and the only way to gain parking is to make 9 foot stalls throughout.

Commissioner Mallers stated that Walmart is an exceptional partner to the City and he would hate to damage the relationship. He stated that the PZC needs to move forward and make a decision.

Commissioner Hickok questioned the number of spaces.

Mr. Cresto stated that there were 1,998 spaces in the Darien Towne Centre with out lots. He stated that they are proposing 1962.

Acting Chairperson Mielkus opened the public hearing to anyone wishing to present public comment.

Mr. Phil Gardner, 2100 Manning Road stated that he was not opposed to the expansion and that it is a good civic use and increases property tax and income. He suggested evergreens as a shield to the nearby homes.

Mr. Ken Lechner, 7532 Wilton stated that he lives behind Home Depot. He stated that he was under the impression after sitting in the meeting that the residents do not have much of a voice. Mr. Lechner questioned if there was enough area to hold water since the retention pond will be lost.

Mr. Gombac reported that the petitioner will have to follow the protocol for stormwater management.

Mr. Lechner questioned if deliveries would be made past 10:00 p.m. He stated that there is a lot of noise at night.

Mr. Griffith reported that the 10:00 p.m. delivery ordinance only applies to the Home Depot.

Commissioner Kiefer stated that the proposal has to pass through another committee and then the City Council. He stated that the Public Hearing is the time that residents have the opportunity to speak.

Mr. Gombac reported that the City staff is working on the noise issues with Home Depot.

Mr. Louis Navarro, 7528 Wilton Road stated that he did not share Mr. Murphey's opinion. He stated that he lives behind Home Depot and that he does not have full visibility of the agreement. He further stated that personally he could care less if there is a superstore in Darien. Mr. Navarro also stated that instead of spending hours speaking about parking spaces that biking should be considered. He requested that Walmart install bike racks.

Attorney Murphey reported that staff has been in negotiations with Walmart for over three years in order to save the store and approximately \$1 million in sales tax. He reported that economic incentives were discussed with the City Council and that *The Patch* graciously provided a story in the paper. He stated that the only reason the proposal is before the PZC is because of the area for the truck turn around. Attorney Murphey stated that this waiver is key to allow the trucks to turn around and go to the lot and not around Home Depot.

Attorney Murphey stated that Walmart and the City are partners on this matter and that the City needs the PZC's recommendation.

Commissioner Oberland questioned if the loading area can be blocked off to prevent the trucks from going through to Home Depot.

Mr. Gombac reported that he believed that this would be a fire hazard.

Mr. Jim Gallagher, Architect for the petitioner , 710 W. Rose Lawn, Roseland, Arkansas reported that all the trucks are owned by Walmart and that they will be instructed in the operating manual to turn around and not go through to Home Depot.

There was no one else wishing to present public comment and Acting Chairperson Mielkus closed the public hearing at 8:35 p.m.

Mr. Gombac reported that staff will take a look at the standards regarding parking stall widths for future discussion.

Commissioner Kiefer made a motion and it was seconded by Commissioner Mallers that based upon the information presented, the request associated with PZC 2012-07 is in conformance with the standards of the Darien City Code and move that the Planning and Zoning Commission recommends approval of the petition as presented, subject to the following conditions:

- 1. A waiver to reduce the required parking stall width from 10 feet to 9.5 feet for the parking lot servicing Walmart and 9 feet wide for the remainder of the shopping center, excluding the out lots and with every effort to maintain the 9.5 foot spaces.**
- 2. Install appropriate landscaping on the south end.**

Upon roll call vote, THE MOTION CARRIED 6-1. Commissioner Ritzert voted Nay. Commissioner Meyer and Commissioner Vonder Heide were not present.

Mr. Griffith announced that this would be forwarded to the City Council on Monday, May 21st for consideration.

MINUTES

Commissioner Kiefer made a motion and it was seconded by Commissioner Hickok to waive the reading of the May 2, 2012 Meeting Minutes.

Upon voice vote, THE MOTION CARRIED unanimously 7-0.

Commissioner Ritzert made a motion and it was seconded by Commissioner Kiefer to approve the May 2, 2012 Meeting Minutes.

Upon voice vote, **THE MOTION CARRIED** unanimously 7-0.

NEXT MEETING

Mr. Griffith announced that the next meeting is scheduled for Wednesday, June 6th at 7:00 p.m.

ADJOURNMENT

With no further business before the Commission, Commissioner Mallers made a motion and it was seconded by Commissioner Kiefer to adjourn. Upon voice vote, THE MOTION CARRIED unanimously and the meeting adjourned at 8:45 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

Elizabeth Lahey
Secretary

Ray Mielkus
Acting Chairman