

CITY OF DARIEN TEMPORARY AMENDMENT TO PLANNING AND ZONING COMMISSION MEETING RULES FOR COMPLIANCE WITH ILLINOIS OPEN MEETINGS ACT:

- in person attendance at Planning and Zoning meetings will resume June 1, 2020.
- The public will be permitted to attend a Planning and Zoning meeting but the meeting room will be limited to 10 members of the public at one time. The public will be required to maintain social distancing rules and are required to wear a mask while in the building.
- The public is encouraged to participate in the Planning and Zoning Commission meeting by submitting questions and comments via email to the City Planner Joe Hennerfeind at jhennerfeind@darienil.gov.
- Emails providing public comment shall be submitted prior to the start of the Planning and Zoning Commission meeting.

**CITY OF DARIEN
PLANNING AND ZONING COMMISSION**

Wednesday, June 3, 2020

7:00 PM

City Hall Council Chambers
1702 Plainfield Road

AGENDA

1. Call to Order
2. Roll Call
3. Regular Meeting
 - A. Public Hearing - PZC 2020-04**
7729 Warwick Avenue (Front Yard Setback Variation)
Petitioners Daniel and Linda Gombac seek approval of a variation to Section 5A-7-2-6(A) of the City Zoning Code requiring a 35 foot front yard setback, for a proposed porch addition to the existing house at 7729 Warwick Avenue in Darien, Illinois.
 - B. Public Hearing - PZC 2020-05**
7532 South Cass Avenue (Sign Variations)
Petitioner City of Darien requests approval to permit the construction of 2 (two) electronic message board signs adjacent Cass Avenue and Plainfield Road, located within the B-2 Community Shopping Center Business District.
4. Correspondence
5. Old Business
6. New Business
7. Approval of Minutes May 6, 2020
8. Next Meeting June 17, 2020
9. Public Comments [On any topic related to planning and zoning]
10. Adjournment

**MINUTES
CITY OF DARIEN
PLANNING & ZONING COMMISSION MEETING
May 6, 2020**

PRESENT: Lou Mallers – Chairperson, Michael Desmond, Hilda Gonzalez, Steve Hiatt, Julie Kasprowicz, Brian Liedtke, Ralph Stompanato

ABSENT: Bryan Gay, Robert Erickson

OTHERS: Mayor – Joseph Marchese, Joseph Hennerfeind-City Planner

Chairperson Lou Mallers called the meeting to order at 7:00 p.m. This meeting was held via audio conferencing and staff 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:

- A. Public Hearing PZC 2020-03– A petition by the City of Darien for a zoning text amendment to the City Code, Title 5A, Chapter 9A : Cannabis Establishments, Section 5: Permitted Locations for Cannabis Dispensing Organization. This amendment would establish the non-retail cannabis-related businesses listed at 5A-9A-5(E) as permitted uses in the I-1 General Industrial District.**

Mr. Joe Hennerfeind, City Planner reported that this text amendment is not related to recreational sales and noted that it was misleading in the Darien Direct Connect. He reported that the City adopted a code for recreational cannabis and other uses for craft growers, cultivators, infusers and processors. He further reported that an ordinance was approved for special uses locations one at 7800 Lemont, and also at I-55 and Cass.

Mr. Hennerfeind reported that staff was contacted by a craft grower and that one location is not leasing to cannabis growers and the other has no room and that staff has no way to direct them. He further reported that the text amendment would establish the non-retail cannabis-related businesses as permitted uses in the City's Industrial District which includes two properties at Sterling Bay and the Public Works facility.

Mr. Hennerfeind reported that if the City sells the Public Works facility it could allow the use, but the amendment would require other potential properties to rezone for permissions. He reported that the Industrial District has the largest setbacks and is most appropriate for the uses, and any new sites would require a rezoning approval before the PZC, Municipal Services and City Council.

Chairperson Mallers stated that the two properties would be approved and anything else would have to come before the PZC.

Commissioner Desmond questioned if there are other properties that are not I-1 that have the right for something like this.

Mr. Hennerfeind reported that no analysis on potential properties for rezoning were performed, and it was likely that properties near I-55 meet the condition, but that it could also exist elsewhere. He stated that OR&I is the next most restrictive but that may OR&I districts are next to residential.

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

Ms. Julie Ladanski, Darien, stated that she is a teacher in Darien for 30 years and she is concerned for the children of Darien. She stated that the only site is Public Works and questioned what costs are involved. Ms. Ladanski stated that the City just spent money on the facility.

Commissioner Kasprovicz questioned the safety concerns.

Ms. Ladanski stated that cannabis is legal in Colorado and anxiety is an emerging health concern. She stated that she is concern for children and people and that the City should stop putting profit in front of people's lives.

Mr. Hennerfeind reported that he cannot speak specifically on the money spent at Public Works but that the City is looking at a better location for the facility and will be discussed at a future goal setting meeting.

Mr. Jerry Ladanski, Darien, stated that one of the landlords said no. He questioned why the City is finding another location to keep it going. He further stated that moving Public Works is not good planning and that the City is just moving the goal line.

Mr. Hennerfeind reported that previous cannabis code was location specific, and not based on a zoning district. He reported that this text amendment permits a request for a rezoning, rather than a location independent on zoning. Mr. Hennerfeind reported that he did not have information on why the landlord would not approve.

Mr. Ladanski stated that two years after Sterling Bay now Public Works wants to move. He stated that someone dropped the ball and that he is against industrial.

Commissioner Michael Desmond questioned if Public Works has to move in order to do this. He questioned if there is a plan in place and doesn't require Public Works to relocate because Sterling Bay is already a permitted use in the building.

Mr. Hennerfeind reported that Director Dan Gombac is exploring areas for relocation. He reported that Sterling Bay has no space.

Commissioner Gonzalez stated that she has no problem with growers taking up space in the industrial area. She stated that Darien has gone great lengths to allow cannabis business as a benefit to Darien and there is very limited space.

Commissioner Gonzalez questioned how many jobs can be generated and questioned if there would be a strong smell.

Mr. Hennerfeind reported that it is unknown how many jobs will be created as it is based on the size of the business. He reported that the growers have filtration systems and there are standards in place that they have to follow.

There was no one else in the audience wishing to present public comment and Chairperson Mallers closed the public hearing at 7:35 p.m.

Commissioner Desmond stated that the text amendment doesn't change the character of the area, it is not near residential, property is consistent with the use and doesn't conflict with the Comprehensive Plan and meets all the setbacks for rezoning the text amendment.

Commissioner Kasproicz questioned what the steps if someone wants to change it later.

Mr. Hennerfeind stated that the City is trying to create a road map and trying to make it less haphazard.

Commissioner Liedtke stated that the text amendment is location specific and it is more likely than not that Public Works will relocate.

Commissioner Desmond read the standards and approval process.

Commissioner Desmond made a motion and is was seconded by Commissioner Stompanato to approve PZC 2020-03– A petition by the City of Darien for a zoning text amendment to the City Code, Title 5A, Chapter 9A : Cannabis Establishments, Section 5: Permitted Locations for Cannabis Dispensing Organization. This amendment would establish the non-retail cannabis-related businesses listed at 5A-9A-5(E) as permitted uses in the I-1 General Industrial District.

Upon roll call vote, THE MOTION CARRIED 6-1. Commissioner Liedtke voted Nay.

CORRESPONDENCE

There was no correspondence.

OLD BUSINESS

Mr. Hennerfeind reported on the marquee signage.

NEW BUSINESS

There was no new business.

APPROVAL OF MINUTES

Commissioner Liedtke made a motion and is was seconded by Commissioner Gonzalez to approve the March 4, 2020 Regular Meeting Minutes.

Upon voice vote, THE MOTION CARRIED 7-0.

NEXT MEETING

Chairperson Mallers announced that the next meeting is scheduled for May 20, 2020.

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 Liedtke made a motion and it was seconded by Commissioner Desmond. Upon voice vote, THE MOTION CARRIED unanimously, and the meeting adjourned at 8:00 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

**Elizabeth Lahey
Secretary**

**Lou Mallers
Chairperson**

AGENDA MEMO
PLANNING AND ZONING COMMISSION
June 3, 2020

Case

PZC 2020-04 7729 Warwick Avenue (Gombac)

Issue Statement

Petitioners seek approval of a variation to Section 5A-7-2-6(A) of the City Zoning Code requiring a 35 foot front yard setback, for a proposed porch addition to the existing house at 7729 Warwick Avenue in Darien, Illinois.

General Information

Petitioners / Property Owners:	Daniel and Linda Gombac
Property Location / PIN#:	7729 Warwick Avenue / 09-27-308-011
Zoning / Land Use:	Site: R-2 / single-family residence North, South, East, West: R-2 / single-family residence

Comprehensive Plan:	Future Land Use: Low Density Residential
Size of Subject Lot:	77' x 131.45' x 96' x 140.45' = 11,653 square feet
Natural Features:	Relatively flat with mature pine tree in front yard
Transportation:	Frontage to Warwick with single drive to detached garage

Zoning Provisions

Section 5A-7-2-6(A); required minimum yards for single-family detached dwellings;
Front Yard: 35 feet

Development History and Proposal

Platted in 1959 as a portion of the Braun and Aldridge Resubdivision, this neighborhood was developed with a permitted 30' front yard setback to the street. Subsequently becoming incorporated as a part of Darien, the R-2 zoning district amended this to a 35' front yard setback. The lot is improved with a single-story ranch and recently constructed detached garage. The petitioner proposes a substantial rehabilitation, including a second-story and planned front porch addition. The home sits between 35.80' and 36.06' to the front property line. The proposed 6' wide porch addition would be at 29.8', or a 5.2' encroachment into the required 35' front yard setback. The petitioner indicates that the rehabilitation will fit the character of the neighborhood as many homes were built to the previous 30' setback allowance.

Petitioner Documents (attached to this memo)

1. Application, including narrative, variation justification, and supporting documents
2. Plat of Survey
3. Floor Plans



Staff Documents (attached to this memo)

4. Location Map
5. Zoning Variation Decision Criteria

Staff Plan Review

The petitioner is proposing a remodel of an existing home with an established setback. As a key piece to the new style of home, a front porch addition provides a prominent architectural entry feature, diffuses the scale of the second story addition, and does not encroach any further than some of the homes on the street, which staff has observed from approximately 28' to 36' in setback.

Findings of Fact

The Petitioners were asked to provide evidence or finding-of-fact that would support their requested variation, especially in terms of the pertinent variation criteria. Staff notes relevant criteria below:

- Unique Circumstances – zoning setbacks became more stringent over time.
- Character of the Locality – other homes on the street currently have similar encroachments.
- Essential Need – an entry porch is a typical feature that creates architectural interest, weather protection and neighborhood interaction.
- Smallest Solution – Although the porch could be reduced in depth, 6' allows for both passage and opportunity for seating, making a useable space.

Pending Meeting Schedule

Planning and Zoning Commission:	June 3, 2020
Municipal Services Committee:	June 22, 2020
City Council:	July 6, 2020



ZONING APPLICATION

CITY OF DARIEN
1702 Plainfield Road, Darien, IL 60561
www.darienil.us 630-852-5000

CONTACT INFORMATION

Daniel & Linda Gombac
Applicant's Name

Daniel & Linda Gombac
Owner's Name

7729 Warwick Ave
Address, City, State, Zip Code

Address, City, State, Zip Code

DAN - 630-514-2519
LINDA 630-660-7776
Telephone

Telephone

d.gombac@att.net
Email

Email

PROPERTY INFORMATION

7729 Warwick Ave
Property address

0927308011
PIN Number(s)

R-2
Zoning District

Residential
Current Land Use(s)

(Attach additional information per the Submittal Checklist.)

REQUEST

Brief description of the zoning approval requested. (Contact the City Planner for guidance.)

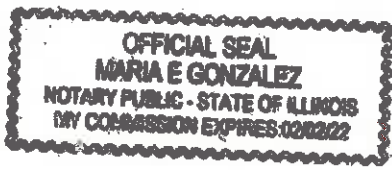
Request is to build a porch with a roof 6 foot into the required setback within the front building line

As Notary Public, in and for DuPage County in Illinois, I do hereby certify that Daniel Gombac is personally known by me to be the same person whose name is subscribed above and has appeared before me this day in person and acknowledged that they have signed this document as their own free and voluntary act, for the purposes therein set forth.

Given under my hand and seal, this 30th day of April 2020

Maria E. Gonzalez
Notary Public

Table with 2 columns: Field, Value. Fields include Date Received (4/30/2020), Case Number (2020-04), Fee Paid (75.00), Hearing Date (6/3/2020).



Daniel and Linda Gombac

7729 Warwick Ave

Darien, IL 60561

May 20, 2020

REF: Introduction Letter for Front Porch Variation Request

Greeting Elected Officials,

We are the owners of the property located at 7729 Warwick Ave and currently own and live next door at 7731 Warwick Ave. We were fortunate to have the opportunity to purchase the home through a foreclosure last year. The property sat vacant for 3 years prior. We have lived in Darien for 34 years, raised our two children, and hopefully will be blessed to enjoy grandchildren in our new home. Our goal is to remodel the home from an outdated ranch to a Craftsman style. Our dream home and vision has been to enjoy a front porch.

As we purchased the home, the plat of survey revealed that the front building setback was 30 feet at some point in time, thereby allowing a covered porch. During our planning stages for the remodel it was identified that the zoning, for the R-2 District, is a 35 foot front yard setback, therefore prohibiting the encroachment.

Included and labeled as:

Attachment B, depicts the approximate measurement of the existing homes on Warwick Ave as they relate to the front yard setback. The majority of the homes were set back to a 27 to 30 foot front building line. Our home, along with four others have a front yard setback of approximately 34 feet.

Attachment C, Pgs-1-5, depicts our future home and existing homes with covered front yard porches on Warwick Ave.

Our neighbors are very excited for the renovation and during this process, we would like to request their signatures for support, pending social distancing. To have an opportunity to construct the porch, we are respectfully requesting consideration for a variation to allow a covered front porch as depicted per the elevation submitted.

Should you have any further questions, please feel free to contact us via cell phone or email at:

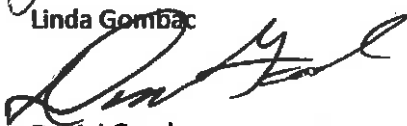
Linda Gombac - 630-660-7776 - lgmed@att.net

Daniel Gombac - 630-514-2519 - d.gombac@att.net

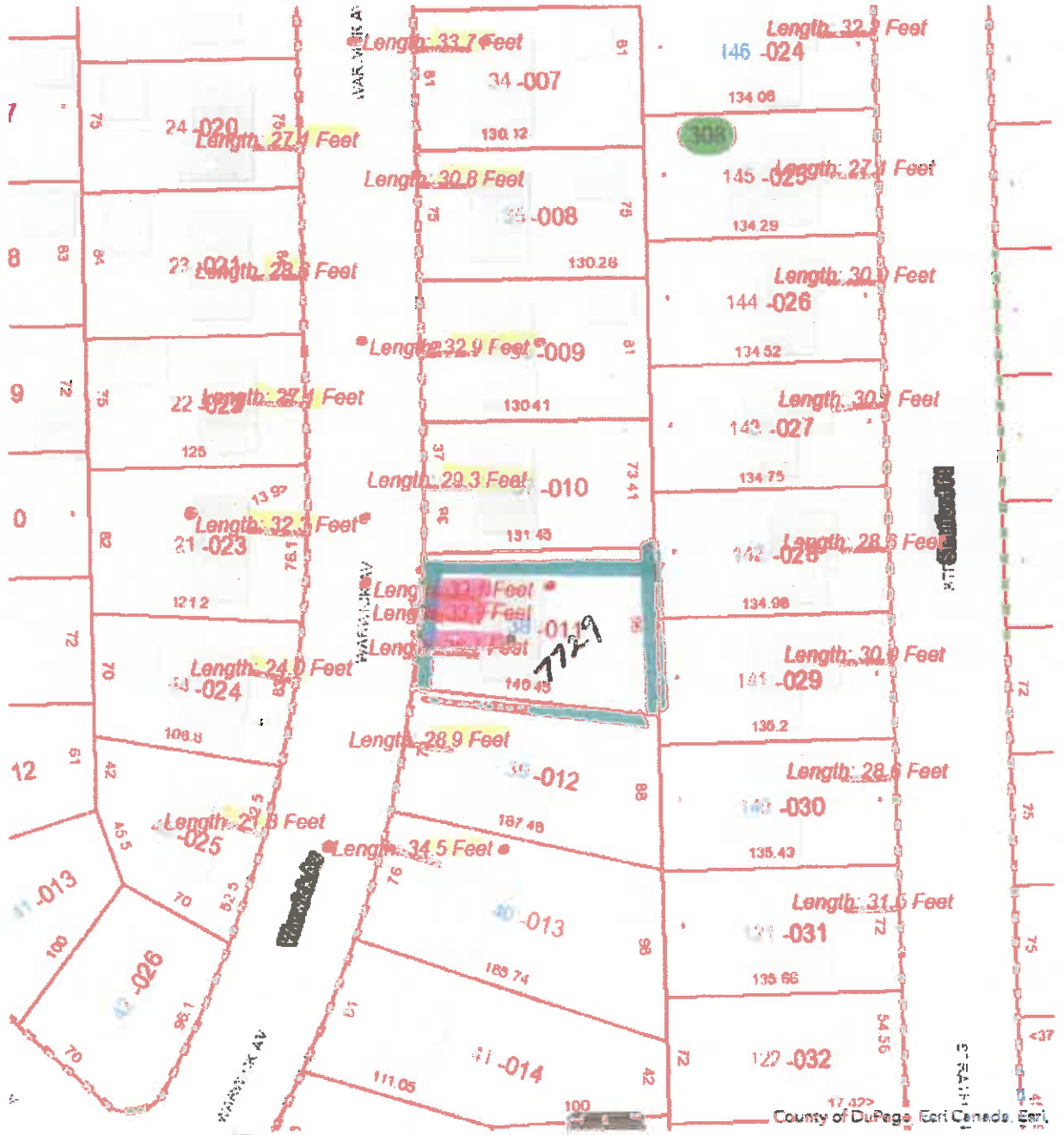
Sincerely,



Linda Gombac



Daniel Gombac



ATT A

EXISTING HOME 7729 Warwick Ave



Image capture: Sep 2018 © 2020 Google

Darien, Illinois



Street View



ATT. B: Page 1-5



Image capture: Sep 2018 © 2020 Google

Darien, Illinois



Street View





Image capture: Sep 2018 © 2020 Google

Darien, Illinois



Street View



Page 3-5



Image capture: Sep 2018 © 2020 Google

Darien, Illinois



Street View



Page 4-5



Image capture: Sep 2018 © 2020 Google

Darien, Illinois



Street View



City of Darlen

Zoning Variations

Justification narrative

Design Criteria City Code 5A-2-2-3

2a. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the zone.

The current home is setback approximately 5 foot further back from the original 30-foot front line building setback. Compared to the adjacent homes the subject home is set further back by approximately 5 foot back as compared to the adjacent homes. Aerial included, see Att A. The front porch would be an enhancement to the proposed renovation for a mission/farm style home.

2b. The plight of the owner is due to unique circumstances.

The existing setback criteria in the front yard does not allow for any expansion. The uniqueness is due to the style of the home which would complement the home. The plight of the owner is due to a unique circumstance, which requires a variance due to a 35 foot setback. The current home is approximately 1300 square feet and the petitioner would like to add on with a second story addition.

2c. The variation if granted, will not alter the essential character of the locality

The area is a rural area with mature trees, landscaping and various front building facades. There are existing limited porches within the neighborhood. Homes in the quadrant were built in the 1960's and the enhancement would be vitalizing for the area.

3a. Essential need? The owner would suffer substantial difficulty or hardship and not mere inconvenience or a decrease in financial gain if the variation is not granted.

The need is to create our dream home through the renovation. The petitioner will not devalue the neighborhood with the improvement. The petitioner is not looking for any financial gain. The home is for the petitioner.

3b. Problem with Property? There is a feature of the property such as slope or change made to the property , which does not exist on neighboring properties, which make sit unreasonable for the owner to make the proposed improvement in compliance with the zoning Code. Such feature or change was not made by the current owner and was not known to the current buyer at the time of the purchase.

There is no problems with the property. The enhancement would be a revitalization to the block and neighborhood. The existing setback and position of the structure would not allow for any type of porch.

3c. Smallest Solution? There is no suitable or reasonable way to redesign the proposed improvements without incurring difficulty or hardship or reduce the amount of variation required to make such improvements.

The existing structure would have to be razed and rebuilt and would not be economically feasible.

3d. Create Neighbor Problem? The variation, if granted, may result in the same or similar requests from other property owners within the community, but will not cause unreasonable burden, or loss of value to the neighboring properties.

Porches of such are attractive design to a home and the variation is not unique to the City of Darien. The enhancement should encourage adjacent property owners to consider the enhancement of their properties in the future redevelopment of the area.

3e. Create Community Problem? The variation, if granted, may result in the same or similar requests from other property owners within the community, but will not cause an unreasonable burden or undesirable result within the community.

The variation is not unique to Darien properties and may result in future requests from property owners within the neighborhood.

3f. Net Benefit? The positive impacts to the community outweigh the negative impacts.

The benefits outweigh any negative impacts such as:

Promoting redevelopment

Increasing energy performance by protecting the existing façade of a home due to weathering and increase R-factors

Promoting land values through design innovation

3g. Sacrifice Basic Protections? The variation, if granted, will comply with the purposes and intent of the Zoning Code set forth in Section 5A-1-2(A) and summarized as follows; to lessen congestion, to avoid overcrowding, to prevent blight, to facilitate services, to conserve land values, to protect from incompatible uses, to avoid nuisances, to enhance aesthetic values, to ensure an adequate supply of light and air, and to protect public health, safety, and welfare.

Dan and Linda Gombac, believe that the above standards support the spirit of the above and the City of Darien.

PETITION

REQUEST FOR A VARIATION FOR A FRONT YARD SETBACK FOR A PORCH

Dear Homeowner,

We are Linda and Daniel Gombac and are the owners of 7729 Warwick Ave. We are currently requesting the City of Darien for a variation for a front yard setback. The setback being requested is to construct a 6 foot porch from the front of the existing home and by 35 feet long. The current setback is 35 feet and we are requesting a 6 foot variation. The porch would be part of the 2nd story addition we plan on constructing. We respectfully request your support for the proposed porch through a signature for support. Thank you in advance for your support.

Sincerely,

Linda and Daniel Gombac

Signatures In Favor

Name Carol King

Address 7721 Warwick

Name Dennis King

Address 7721 Warwick

Name Mary J. Ily

Address 7717 Warwick

Name Stevie K Ily

7717 WARWICK

Signatures Opposed

Name _____

Address _____

Name _____

Address _____

Name _____

Address _____

Name _____

Name MIKE CANAS

Name _____

Address 7801 Warwick Ave

Address _____

Name Bob Raymi

Name _____

Address 7802 Warwick

Address _____

Name DAVE HAGEN

Name _____

Address 7735 WARWICK
DARIEN

Address _____

Name Judy Manta

Name _____

Address 7731 WARWICK Ave,
Darien, IL 60521

Address _____

Name Mike Bell

Name _____

Address 7710 Warwick Ave

Address _____

Name Eric Holzweber ^{Darien}

Name _____

Address 7726 Warwick Ave Darien

Address _____

Name Walt Farnite

Name _____

Address 7730 WARWICK AVE
DARIEN, IL

Address _____

Name Lilia Farnite

Name _____

Address 7730 Warwick
Darien IL 60561

Address _____

Name Edla Davis

Name _____

Address 7806 Stratford Ave
Darien, IL 60561

Address _____

Address _____

Address _____

Name _____

Name _____

Address _____

Address _____

Name LISA Bugnall

Name Gloria Ford → for the variance signed in wrong column

Address 7710 Warwick Ave.
Darien, IL 60561

Address 7734 Warwick
Darien

Name Laura C. Nash

Name _____

Address 7714 Warwick Ave.
Darien, IL 60561

Address _____

Name Bruce F. Nash

Name _____

Address 7714 Warwick Ave
Darien, IL 60561

Address _____

Name Crystal Bane

Name _____

Address 7718 Warwick
Darien, IL 60561

Address _____

Name Mark J. J...

Name _____

Address 7722 Warwick

Address _____

Name [Signature]

Name _____

Address 7725 Warwick Ave

Address _____

Name Jelly Ford

Name _____

Address 7734 Warwick
Darien

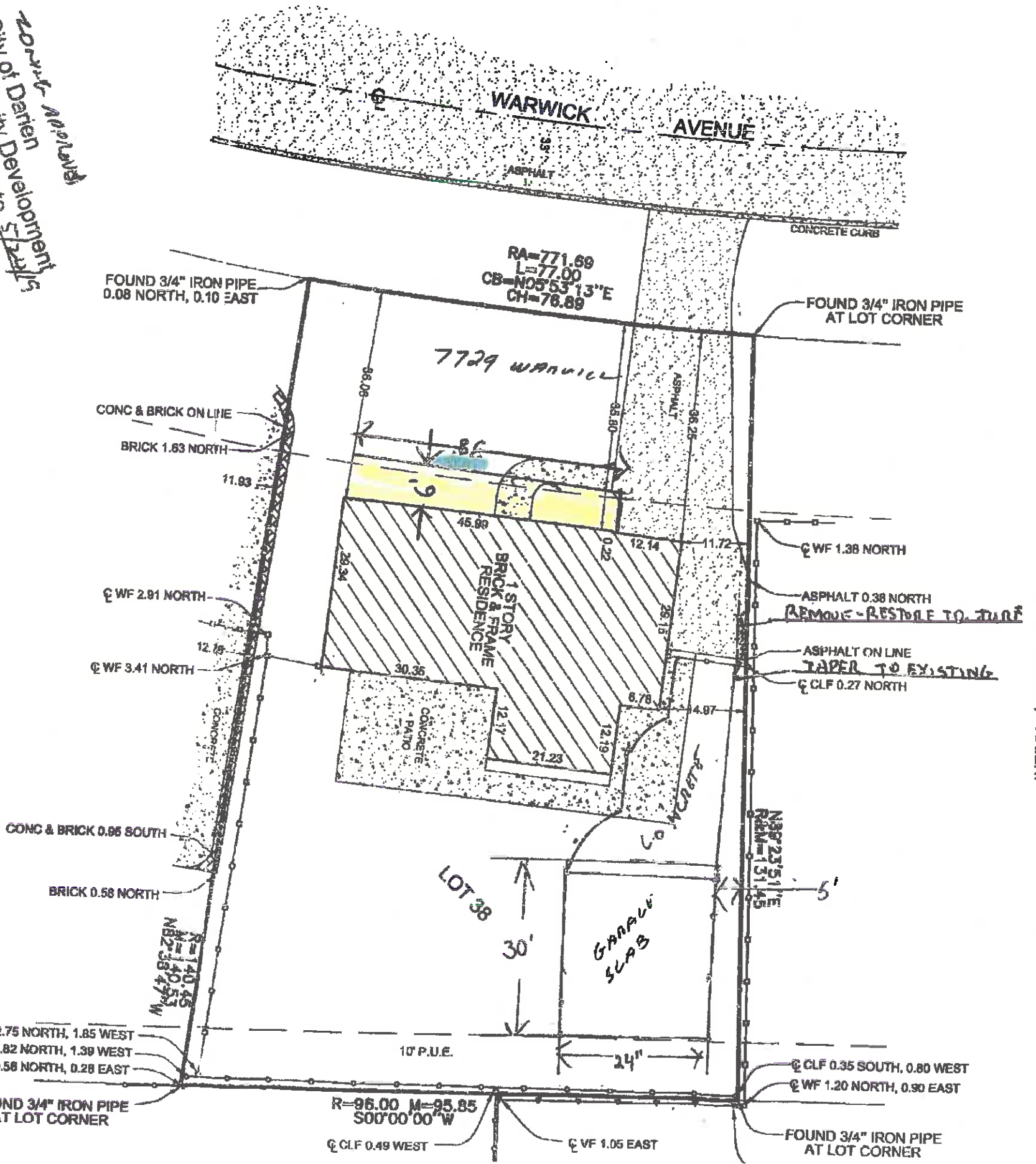
Address _____

LOT 38 IN BRAUN AND ALDRIDGE, INCORPORATION'S RESUBDIVISION, A RESUBDIVISION OF PART OF BROOKHAVEN MANOR, A SUBDIVISION IN SECTIONS 27 AND 28, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED JULY 21, 1959 AS DOCUMENT 932270 AND CERTIFICATE OF CORRECTION RECORDED AUGUST 3, 1959 AS DOCUMENT 933787, IN DU PAGE COUNTY, ILLINOIS.

COMMON ADDRESS: 7729 WARWICK AVENUE, DARIEN.

1/4 = 2.5'

2020 City of Darien Development's Community Date 5/11/15 By Permit 15875



THE CUSTOMER LISTED BELOW PROVIDED THE LEGAL DESCRIPTION SHOWN HEREON. WE DO NOT GUARANTEE THAT THIS IS THE CORRECT LEGAL DESCRIPTION FOR THE TRANSACTION INTENDED.

IMPORTANT: COMPARE LEGAL DESCRIPTION TO DEED OR TITLE POLICY AND REPORT ANY DISCREPANCY FOR CLARIFICATION OR CORRECTION IMMEDIATELY. UNLESS OTHERWISE NOTED, THIS PLAT DOES NOT SHOW BUILDING LINES OR OTHER RESTRICTIONS ESTABLISHED BY LOCAL ORDINANCES.

DO NOT SCALE DIMENSIONS FROM THIS PLAT; THE LOCATION OF SOME FEATURES MAY BE ENLARGED FOR CLARITY. NO EXTRAPOLATIONS MAY BE MADE FROM THE INFORMATION SHOWN WITHOUT THE WRITTEN PERMISSION OF SCHOONING LAND SURVEYORS LTD. ONLY PLATS WITH AN EMBOSSED SEAL ARE OFFICIAL DOCUMENTS. FIELD WORK WAS COMPLETED PER SURVEY DATE LISTED BELOW. © COPYRIGHT, ALL RIGHTS RESERVED.

SURVEY DATE: APRIL 19TH, 2019.
 BUILDING LOCATED: APRIL 19TH, 2019. FILE: 190732.ORD
 ORDERED BY: DANIEL GOMBAC
 PLAT NUMBER: 190732 SCALE: 1" = 20'

- LEGEND
- M. = MEASURED DIMENSION
 - R. = RECORDED DIMENSION
 - B.L. = BUILDING LINE
 - P.U.E. = PUBLIC UTILITY EASEMENT
 - D.E. = DRAINAGE EASEMENT
 - C.L.F. = CENTER LINE
 - W.F. = WOOD FENCE
 - V.F. = VINYL FENCE
 - I.F. = IRON FENCE
 - LOT AREA: 11,883 SQUARE FEET.

STATE OF ILLINOIS }
 COUNTY OF COOK } ss.
 WE, SCHOONING LAND SURVEYORS, LTD. AS AN ILLINOIS PROFESSIONAL DESIGN FIRM, LAND SURVEYOR CORPORATION, DO HEREBY CERTIFY THAT WE HAVE SURVEYED THE PROPERTY DESCRIBED HEREON.

ALL DIMENSIONS ARE IN FEET AND DECIMAL PARTS OF A FOOT. DIMENSIONS SHOWN ON BUILDINGS ARE TO THE OUTSIDE OF BUILDINGS. THE BASIS OF BEARINGS, IF SHOWN AND UNLESS OTHERWISE NOTED, ARE ASSUMED AND SHOWN TO INDICATE ANGULAR RELATIONSHIP OF LOT LINES.

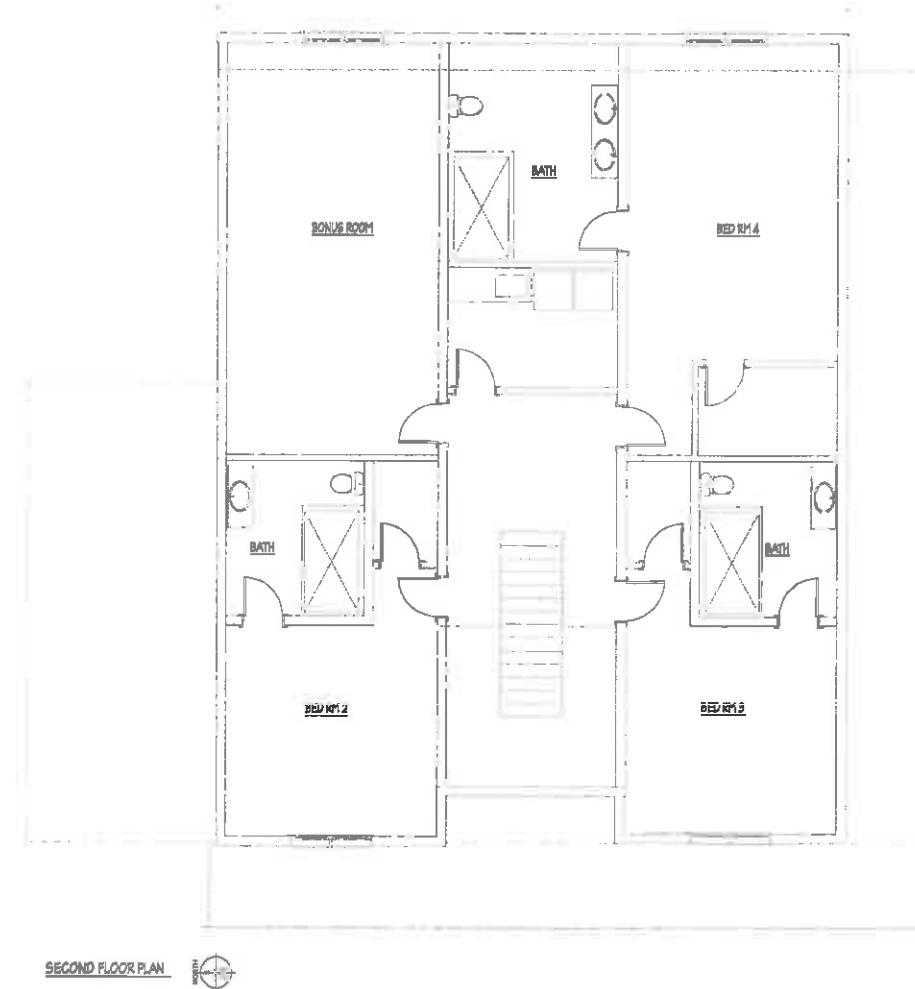
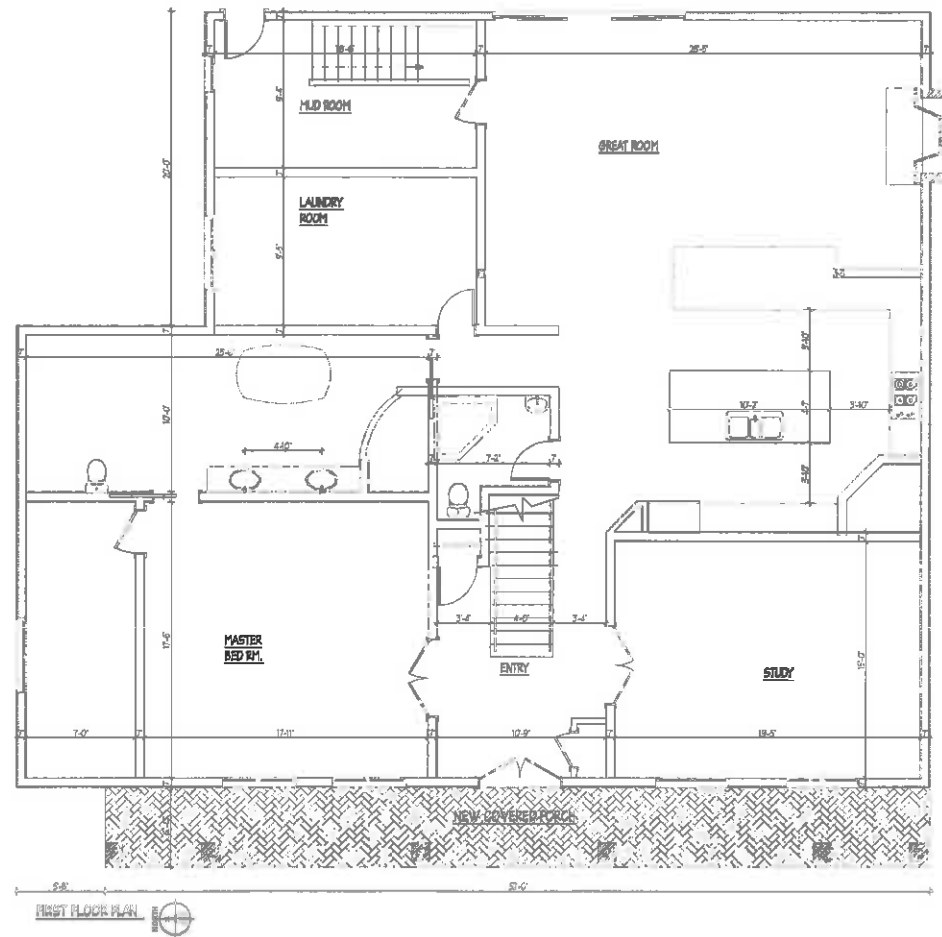
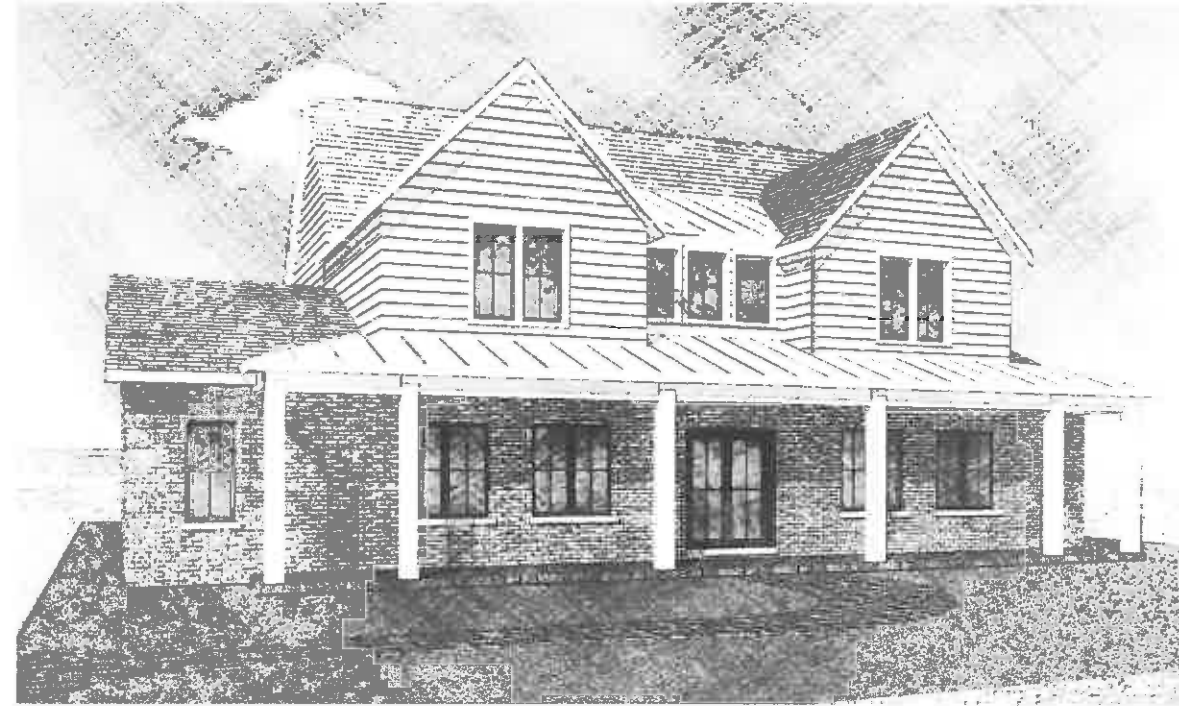
THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

BY: *Daniel W. Schooning*
 PROFESSIONAL ILLINOIS LAND SURVEYOR LICENSE # 035-00246



LICENSE EXPIRES 11-30-2020

GOMBAC RESIDENCE
 7729 WARWICK AVE.
 DARIEN, IL



n. battistich, architects
 MEADOW BROOK OFFICE CENTER
 16W475 S. FRONTAGE RD., SUITE 201
 BURR RIDGE, IL 60527 (630) 996-1773

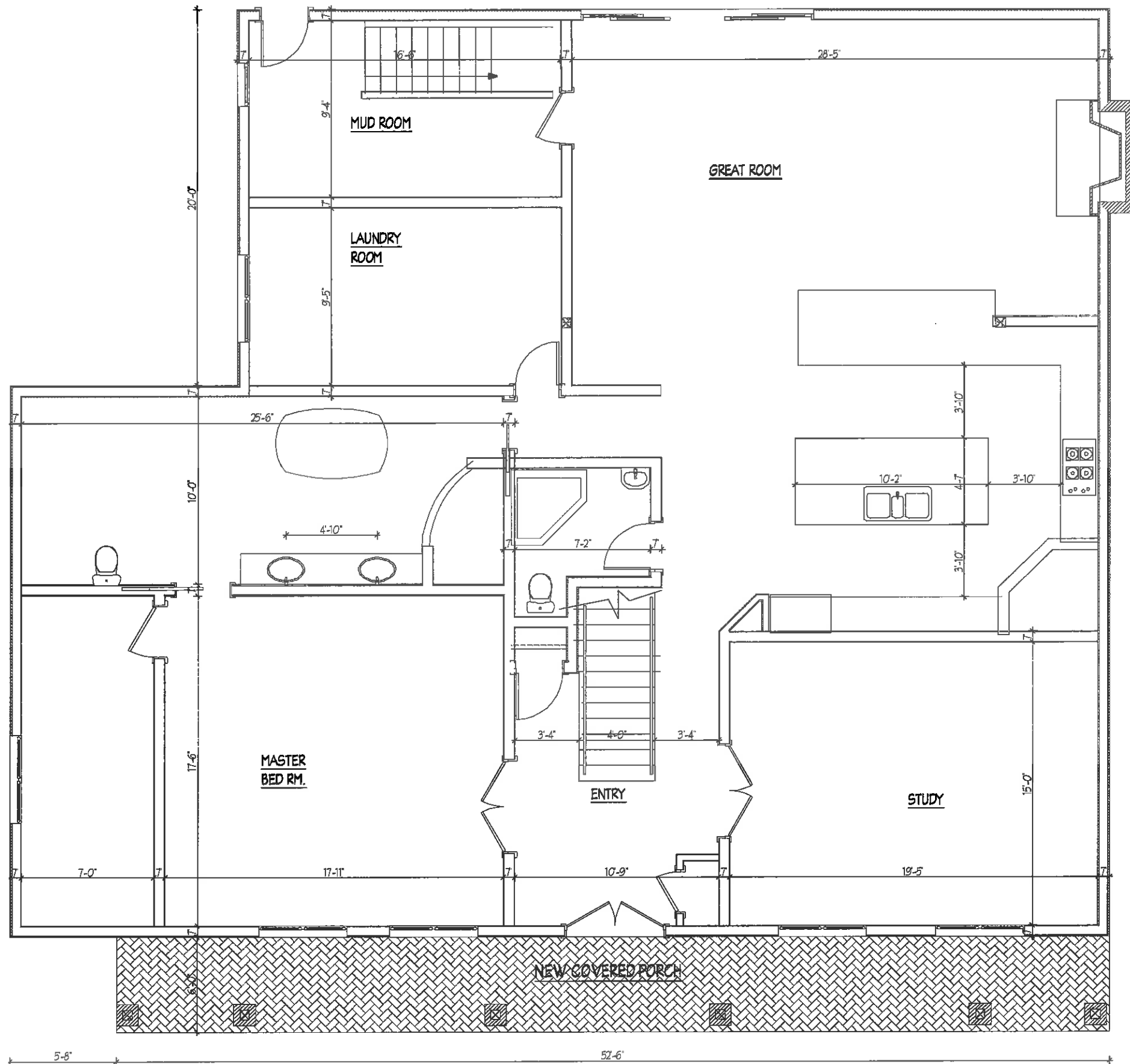
I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME OR UNDER MY SUPERVISION AND THAT THEY COMPLY TO THE BEST OF MY KNOWLEDGE AND BELIEF WITH THE REQUIREMENTS OF THE APPLICABLE BUILDING CODES.

DO NOT SCALE DRAWINGS
 CONTRACTOR SHALL VERIFY ALL PLAN AND DIMENSIONS AND CONDITIONS ON THE FIELD. ANY DISCREPANCY BETWEEN THE ARCHITECT'S DRAWINGS AND THE EXISTING CONDITIONS SHALL BE REPORTED TO THE ARCHITECT BEFORE PROCEEDING WITH WORK OR BE RESPONSIBLE FOR SAME.

DATE	DESCRIPTION

PLAN No. _____
 SHEET No. _____





FIRST FLOOR PLAN



CITY OF DARIEN
ZONING VARIATIONS
JUSTIFICATION NARRATIVE

Purpose

To be consistent and fair, the City is obligated to make decisions on zoning variation requests based on findings-of-fact. The Applicant should write a justification narrative that contains evidence (facts) that support a conclusion (finding) that the variation is necessary and would not cause problems. It should include: a) explanation of why the variation is being requested, b) describe the 'hardship condition' of the property that makes it difficult to conform, c) estimate the impact on neighbors, and d) respond to each of the decision criteria below.

Decision Criteria (See City Code Section 5A-2-2-3)

2a. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the zone.

2b. The plight of the owner is due to unique circumstances.

2c. The variation if granted will not alter the essential character of the locality.

3a. Essential Need? The owner would suffer substantial difficulty or hardship and not mere inconvenience or a decrease in financial gain if the variation is not granted.

3b. Problem with Property? There is a feature of the property such as slope or shape or change made to the property, which does not exist on neighboring properties, which makes it unreasonable for the owner to make the proposed improvement in compliance with the Zoning Code. Such feature or change was not made by the current owner and was not known to the current buyer at the time of purchase.

3c. Smallest Solution? There is no suitable or reasonable way to redesign the proposed improvements without incurring substantial difficulty or hardship or reduce the amount of variation required to make such improvements.

3d. Create Neighbor Problem? The variation, if granted, will not cause a substantial difficulty, undue hardship, unreasonable burden, or loss of value to the neighboring properties.

3e. Create Community Problem? The variation, if granted, may result in the same or similar requests from other property owners within the community, but will not cause an unreasonable burden or undesirable result within the community.

3f. Net Benefit? The positive impacts to the community outweigh the negative impacts.

3g. Sacrifice Basic Protections? The variation, if granted, will comply with the purposes and intent of the Zoning Code set forth in Section 5A-1-2(A) and summarized as follows; to lessen congestion, to avoid overcrowding, to prevent blight, to facilitate public services, to conserve land values, to protect from incompatible uses, to avoid nuisances, to enhance aesthetic values, to ensure an adequate supply of light and air, and to protect public health, safety, and welfare.

Planning Overview / Discussion

The subject property is located on the west side of Cass Avenue, north of Plainfield Road. Currently, the property is vacant, but recently received approval for the construction of a new commercial building with two restaurant tenants.

Considered a gateway property, City staff has worked with the property owner to secure easement rights at the corner for ground signage. Initially envisioned as a high-quality entry feature stating "City of Darien", the desire for an electronic message board sign to convey community messages quickly became a priority.

Proposed to be similar to existing signs in Bolingbrook at the corner of Boughton Road/87th Street and Janes Avenue, it was discovered that the signage had been built, financed and maintained by a local signage company in return for local advertising rights.



Promoting a "Community Digital Network", staff has worked with Chicago Billboards to design similar signage at this Darien location. The site itself is limited in space, which is evidenced by several setback variations that were granted for the construction of the commercial building.

As proposed, signs would be constructed on brick bases similar and compatible to the brick used on the adjacent commercial building. Landscape and further design features would be coordinated by the City, including a planned water feature integrated into the base.

A draft of the Lease Agreement has been provided to illustrate general parameters for the advertising including:

- Images and messages would be of not less than 10 seconds per image, which is an IDOT standard.
- Each sign would rotate 8 images, repeating the images every 80 seconds.
- The City is entitled to two 10 second position for community engagement messages or may allow advertising to non-profits within the community.
- The two businesses located on the property and Brookhaven Marketplace are entitled to one 10 second position to share.

The City's intent of the Community Digital Network is to provide a new communication tool for events, public meetings, and alerts throughout the year. Placed at a prominent corner, it can create additional civic engagement as is has proven for other local communities.

Amended Petition

Previously considered under Case# PZC 2020-01, the initial proposal presented options for both one sign and two signs as separate votes. With discussion and direction from the Municipal Services Committee, City Council was presented these options with an additional alternative. A third option was considered that would permit the installation of one sign, and limit construction of the second sign exclusively to infrastructure. Completion of the second sign could not occur without a second ordinance of approval by Council. This process would allow for codification of the necessary variations, permit construction of the first sign to evaluate net effect in advance of a second sign, and provide expiration of the second sign variations in the event it was not requested within one year of initial construction. Although Council recommended this third alternative with a vote of 5-2 directing staff to prepare the necessary corresponding ordinance, the ordinance did not receive approval, specifically for details in the Lease Agreement. Since that denial, staff has renegotiated the lease terms and received authorization from Council to re-present the third option for new consideration.

Request as Amended from PZC 2020-01:

Approval to permit the construction of one electronic message board sign at 7532 South Cass Avenue with conditional approval for a second sign subject to the following provisions:

- a. Infrastructure and foundation for the second sign may be completed with initial construction.
- b. Prior to the above-grade construction of second sign, signage shall be subject to additional approval by Council ordinance.
- c. In the event a second sign is not requested or constructed, variation approvals for said second sign will expire one (1) year after the date the first signage becomes operational.

These proposed conditions would be written into the approving ordinance. In addition to this amended request, the Lease Agreement has been revised to reduce the lease term to 10 years (from 25 years with options for automatic renewals), and provides the City with a second 10-second spot with opportunities to allow non-profits within the City to utilize.

Variation Review

As listed above, several variations are requested for the proposed signage. A summary is noted below:

Standard	Code Requirement	Proposed	Variation Requested
Sign Type - Electronic Message Board Signs	Prohibited	Permitted	Allow EMB
Sign Type - Advertising Signs	Prohibited	Permitted	Allow Advertising
Ground Sign - Number	1 per frontage	2 signs	Meets Code
Sign 1 – Faces Southeast to intersection- 7' x 14' electronic message board			
Height	12 feet	12 feet	Meets Code
Size	60 square feet	98 square feet	+38 sq ft increase
Location	4 feet from property line	4 feet	Meets Code
Sign 2 – faces North to Cass Avenue - 6' x 12' electronic message board			
Height	12 feet	Permitted	
Size	60 square feet	72 square feet	+12 sq ft increase
Location	4 feet from property line	1.93 feet from property line	2.07 ft encroachment

The variations represent permissions to both code prohibitions, and size, and setback parameters. The electronic message board is not a permitted sign within Darien, although past variations have been approved. Most recently, variations were granted for a 23'-4" sign at 6710 Route 83 and also to Chuck's at 8025 South Cass Avenue. With this type of signage, which has electronic changeable copy, an additional variation is needed to the illuminations standards. While images would change every 10 seconds, the requested approval would abide by conditions placed on other approved signs, such as prohibitions to motion and animation, and general requirements to meet code illumination standards. The sign will be equipped to dim in the evening and low-light conditions.

Per Section 4-3-18 of the Sign Code, the following shall be considered when granting a variation from the Sign Code:

1. The available locations for adequate signage on the property.
The corner of this site has been identified for its visibility and greatest opportunity for communication.

2. The effect of the proposed sign on pedestrian and motor traffic.
Limitations on motion and light intensity, 10 second duration for images as required by IDOT, and additional landscape and design measures are being proposed to minimize effects and still communicate effectively.
3. The cost to the applicant in complying with the Sign Code as opposed to the detriment, if any, to the public from granting of the variation.
Signage provided by the vendor allows minimal cost to the City while providing a needed communication service.
4. If undue hardships and practical difficulties result in complying with the Sign Code and if these hardships are a result of previous actions of the applicant.
Without variations, this signage could not be permitted on the site. As a "Community Digital Network", the signage could not be permitted at any location without variations, but the highly trafficked intersection creates a unique condition.
5. The general intent of the Sign Code.
In conformance with the intent of the sign code, the requested signage would promote civic engagement, be of high quality to match the adjacent development, and be an economic generator for local businesses.

Section 4-3-2 of the Sign Code provides the general intent of the Sign Code:

This sign code is adopted for the following purposes:

1. To promote and protect the public health, safety, comfort, morals, convenience and general welfare of the residents of the City.
2. To enhance the physical appearance of the City by preserving the scenic and natural beauty of the area.
3. To promote the safety and recreational value of public travel.
4. To protect the public investment in streets and highways by reducing sign or advertising distractions that may increase traffic accidents.
5. To ensure compatibility of signs with surrounding land uses.
6. To enhance the economy of the City by promoting the reasonable, orderly and effective display of outdoor advertising.
7. To protect the pedestrians and motorists within the City from damage or injury caused by distractions, obstructions and hazards created by a proliferation of off-site advertising signs.
8. To prevent the proliferation of off-site advertising signs which distract from the development of the City in an aesthetically pleasing manner.
9. To preserve the character of the City which is a single-family residential community by assuring the compatibility of signs with the surrounding land uses.

In past approvals for illuminated electronic message boards, the City mandated the following conditions, which are also proposed for this request:

1. Messages will be held for at least 10 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.

Historical Approval References

PZC 2014-02: Chuck’s Southern Comforts Café 8025 S. Cass Avenue	Height: 12’ Size: 81 square feet Setback: 0’
PZC 2018-09 The Auto-Mobile Center of Darien 6710 Rt. 83	Height: 23’ – 4” Size: 200 total square feet, 50 square foot message board (90 sq ft permitted) Setback: 80’

Attached Documents

1. Petition
2. Draft Lease Agreement
3. Location Map
4. Public Comments
5. Conceptual Photos, Renderings and Views
 - a. Signage View – looking southwest on Cass Avenue
 - b. Signage View – looking northwest from Cass/Plainfield intersection
 - c. Signage View – Cass Plainfield intersection with proposed Retail Building
6. Plat of Survey
7. Signage Details
 - a. Sign 1 - 7x14 site plan
 - b. Sign 1 - 7x14 site rendering
 - c. Sign 1 - 7x14 landscape plan
 - d. Sign 1 - 7x14 landscape rendering
 - e. Sign 1 - 7x14 elevation
 - f. Sign 1 - 7x14 structural plan
 - g. Combined Site Plan (with future sign 2)
 - h. Sign 2 - 6x12 elevation (future sign)
 - i. Sign 2 - 6x12 structural plan

Pending Meeting Schedule

Planning and Zoning Commission:	June 3, 2020
Municipal Services Committee:	June 22, 2020
City Council:	July 6, 2020



ZONING APPLICATION

CITY OF DARIEN
1702 Plainfield Road, Darien, IL 60561
www.darienil.us 630-852-5000

CONTACT INFORMATION

CITY OF DARIEN
Applicant's Name

7532 CASS AVE LLC
Owner's Name

1702 PLAINFIELD RD
Address, City, State, Zip Code DARIEN 60561

C/O JENCO 242 BUNTING LN
Address, City, State, Zip Code BLOOMINGDALE 60108

630.852.5000
Telephone

630.212.1644
Telephone

Email

JMANOS@DARJIFINANCIAL.COM
Email

PROPERTY INFORMATION

7532 S CASS AVE
Property address

09-28-402-025
PIN Number(s)

B2
Zoning District

RETAIL
Current Land Use(s)

(Attach additional information per the Submittal Checklist.)

REQUEST

Brief description of the zoning approval requested. (Contact the City Planner for guidance.)

SIGN VARIATIONS TO CONSTRUCT 2 MARQUEE SIGNS

① CASS AND PLAINFIELD

② [Signature]

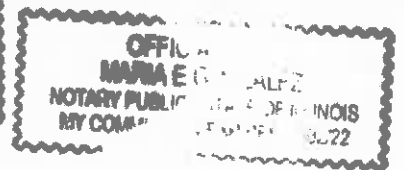
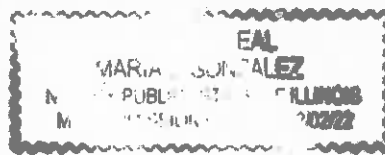
As Notary Public, in and for DuPage County in Illinois, I do hereby certify that Daniel Corbac is personally known by me to be the same person whose name is subscribed above and has appeared before me this day in person and acknowledged that they have signed this document as their own free and voluntary act, for the purposes therein set forth.

Given under my hand and seal, this 17th day of January 2020

[Signature]
Notary Public

For office use only	
Date Received:	<u>1/17/2020</u>
Case Number:	<u>2020-01</u>
Fee Paid:	<u>N/A</u>
Hearing Date:	<u>2/5/2021</u>

/2020-05
/6/3/2020



SIGN AGREEMENT

THIS AGREEMENT ("Agreement") is made and entered into this ____ day of ____ 2020 by and among the ***CITY OF DARIEN***, a Municipal Corporation ("City") and 7532 CASS AVENUE, LLC, an Illinois limited liability company ("Owner"), and BRT OUTDOOR, LLC ("BRT")

RECITALS

WHEREAS, Owner is the owner of property identified on **Exhibit A** attached hereto and made a part hereof (the "Subject Property"); and

WHEREAS, Owner and City have entered into an Easement Agreement pursuant to which Owner has granted City temporary and permanent easement on that portion of the Subject Property identified as the "Easement Area" on the Plat appended to this Agreement as **Exhibit B**; and

WHEREAS, the easement granted therein is for the purpose of allowing for the operation and maintenance of advertising signage within the designated Easement Area; and

WHEREAS, BRT is in the business of installing and maintaining digital display multiple message signs ("Digital Displays"); and

WHEREAS, BRT has requested that it be permitted to install digital display signage within the Exhibit B Easement Area; and

WHEREAS, Owner and City have agreed to authorize BRT to construct and maintain Digital Displays within the Easement Area, subject to the terms, conditions and limitations set forth hereinbelow.

NOW, THEREFORE, IT IS HEREBY AGREED BY AND AMONG THE PARTIES HERETO AS FOLLOWS:

USE OF EASEMENT AREA FOR DIGITAL DISPLAYS

Subject to BRT's compliance with this Agreement, the City hereby grants BRT the right to install and operate Digital Displays at the Easement Area for the purpose of conducting outdoor advertising subject to the terms and conditions of this Agreement.

1. TERM

The right to install and operate the Digital Displays at the Easement Area shall commence on the date this Agreement is approved by the City's corporate authorities (the "Commencement Date") and shall continue for a period of ten (10)

years from the date construction is completed and the Digital Displays are operational (the "Expiration Date").

The Digital Displays that are installed at the Easement Area during the term of this Agreement shall be removed by BRT at its expense upon the expiration or termination of this Agreement.

2. COMPENSATION TO OWNER AND CITY FOR USE OF EASEMENT AREA

Upon completion of construction, BRT will display multiple messages on each panel in a fixed rotation of not more than an 8-image rotation, with not less than ten (10) seconds duration per image. In particular:

A. The City shall be entitled to two (2) positions in the display rotation at no cost to the City.

(i) One position will be for the City to display content dealing with City activities as determined by the City; and

(ii) A second position shall be reserved for content on behalf of local not-for-profit organizations ("NFPs") as designated by the City from time to time.. The City shall provide BRT with City – approved NFP content for display and for term of display.

B. Owner shall be entitled to one (1) position in the display rotation at no cost to Owner, to be shared among Owner's tenants and Brookhaven Foods grocery store as directed by Owner.

C. The remaining rotation positions shall be at the discretion of BRT, subject to the user limitations found in Section 6C of this Agreement.

3. DESIGN AND INSTALLATION OF THE DIGITAL DISPLAY

The Digital Displays shall consist of a properly affixed structure containing up to two full-color liquid crystal display (or successor technology) digital sign faces as shown on Exhibit 1 attached to this agreement.

All work undertaken by BRT and its agents or contractors shall be performed: in a workmanlike manner, only with materials that are high quality and free of material defects, strictly in accordance with plans and specifications approved by the City of Darien, diligently to completion and not interfere where possible with the drive aisles of City's property, and in compliance with all administrative regulations promulgated by IDOT and other provisions of this Agreement.

4. MAINTENANCE OF THE DIGITAL DISPLAYS

BRT shall, at its sole cost and expense, maintain the Digital Displays in good condition and repair and in a workmanlike condition. This maintenance shall include, but shall not be limited to, the prompt repair, replacement or removal of damaged, inoperable or malfunctioning Digital Display. BRT shall regularly inspect the Easement Area to determine whether maintenance of the Digital Displays is necessary.

In the event the City becomes aware of the need for maintenance at the Easement Area in connection with BRT's use thereof, the City shall notify BRT. BRT shall diligently respond within seven (7) business days to the City's notice and shall inspect the subject location with qualified personnel to determine the nature and scope of the required maintenance activities. In the event that BRT fails to perform necessary maintenance within fifteen (15) days of initial notice, the City may undertake such maintenance as it may deem reasonably necessary. Any costs incurred by the City in this regard shall be reimbursed by BRT within fourteen days of a Reimbursement Invoice issued by the City.

BRT shall provide annual plantings and prepare the Easement Area for the season. City shall be responsible for general lawn care and maintenance of the site, including but not limited to removal of weeds and debris. BRT shall be responsible for the on-going maintenance of the installed water feature.

5. CONDITION OF PREMISES

BRT agrees to accept the Digital Display installation locations "as is", without any agreements, representations, understandings or obligations on the part of the City to perform any alterations, repairs or improvements thereto.

6. USE AND OPERATING REQUIREMENTS

A. Use; Compliance with Laws.

BRT shall use the Easement Area for the purpose specified in this Agreement and for no other purpose whatsoever, subject to and in compliance with all other provisions of this Agreement. BRT shall comply with all applicable laws and ordinances relating to its use of the Subject Property, including without limitation, health, safety and building codes, zoning ordinances and all IDOT regulations and permit requirements pertaining to outdoor advertising or construction in or near a State highway.

B. Required Operations.

BRT shall conduct its business at all times in a professional and businesslike manner consistent with reputable business standards and practices and in compliance with applicable law, codes and ordinances.

C. Prohibited Uses.

The Digital Displays shall not be used for the display, promotion or advertisement of obscenity, sexually oriented businesses, specified anatomical areas or specified sexual activities as defined in the applicable Zoning Ordinance, or other activities not suitable for underage persons including, but not limited to, lingerie shows, mud or jello wrestling, wet T-shirt contests, bikini or go-go dancing, strip tease dancing, tobacco, birth control, guns and ammunition (provided that the foregoing prohibition shall not prohibit the advertisement of Illinois Concealed Carry classes), and similar forms of products or entertainment. The Digital Displays may not be used for the display, promotion or advertisement of acts, images or statements that unlawfully discriminate based on race, color, national origin, disability, gender or religion. In order to avoid the inadvertent suggestion of City endorsement or opposition, the Digital Displays may not be used for the display, promotion or advertisement of political candidates, political action committees, political parties, public questions or issues of recognized political or social debate such as abortion, gun control, immigration, war or matters involving sexual orientation.

D. UTILITIES

BRT shall provide all utilities it may require at its sole cost and expense and: (i) make application in its own name for all utilities, (ii) comply with all utility company regulations for such utilities, including requirements for the installation of meters, and (iii) obtain such utilities direct from, and pay for the same when due directly to, the applicable utility company. The term "utilities" for purposes hereof shall include but not be limited to electricity, cable television, internet and data services, telephone and other communication and alarm services, and all taxes or other charges thereon. BRT shall install and connect all equipment and lines required to supply such utilities to the Easement Area.

7. INSURANCE, SUBROGATION, AND WAIVER OF CLAIMS

A. Required Insurance.

BRT and all of its contractors shall maintain during the term of this Agreement: (i) commercial general liability insurance, with a contractual liability endorsement covering BRT's indemnity obligations under this Agreement, and with limits of not less than \$1,000,000 combined single limit for personal injury, bodily injury or death, or property damage or destruction (including loss of use thereof) per occurrence (ii) casualty insurance covering the Digital Displays and other Community

Digital property located on the Easement Area in an amount reasonably calculated to replace or repair such items or to permit BRT to continue or resume operations in substantially the same manner as preceded the loss and (iii) workers' compensation insurance as required by statute. BRT's insurance shall be primary, and any insurance maintained by the City or any other additional insured hereunder shall be excess and noncontributory.

BRT shall further maintain automobile liability insurance with coverage of not less than \$1,000,000.00 for personal injuries or death per occurrence and \$1,000,000.00 for property damage per occurrence.

All insurance coverage provided under this Agreement shall expressly provide that it is primary and noncontributory to any insurance coverage maintained by the City and shall waive any rights of recovery against the City. Copies of all policies of insurance, certificates of insurance and endorsements reflecting the coverage's required under this Agreement shall be provided to the City upon the execution of this Agreement. Subsequent to the execution of this Agreement if the foregoing documentation is not provided within ten (10) business days from the date of City's request for insurance, the City may terminate this Agreement.

B. Certificates, Subrogation and Other Matters.

BRT shall provide the City and Owner with certificates of insurance evidencing the coverage required hereunder (and, with respect to liability coverage showing the City, Owner, and their respective officers, agents and employees, with original endorsements affecting coverage required hereunder. The certificates and endorsements shall be signed by a person authorized by that insurer to bind coverage on the insurer's behalf.

BRT shall provide such certificates prior to the Commencement Date. BRT shall provide renewal certificates to the City at least thirty (30) days prior to expiration of such policies. The parties mutually hereby waive all rights and claims against each other for all losses covered by their respective insurance policies and waive all rights of subrogation of their respective insurers. The parties agree that their respective insurance policies are not, nor shall be, endorsed so that such waivers of subrogation shall affect their respective rights to recover thereunder.

8. RESTORATION OF EASEMENT AREA

At the expiration or earlier termination of this Agreement, BRT shall, at its sole cost and expense, remove the Digital Display and shall restore the Easement Area to its pre-existing condition.

9. RIGHTS RESERVED BY THE CITY

The City will use its best efforts to prevent the construction or placement of signs, poles, or like structures within 500 feet of a Easement Area that would obstruct the view of the Digital Displays thereon, but nothing herein shall be deemed to prevent the City from taking any actions deemed necessary by the City to satisfy its legal obligations.

10. CITY'S REMEDIES

A. Default.

The occurrence of any or more of the following events shall constitute a "Default" by BRT and shall give rise to the City's remedies set forth in paragraph B, below:

(i) BRT's failure to provide the Base Position in accordance with this Agreement;

(ii) BRT's failure to observe or perform any term or condition of this Agreement, unless such failure is cured within any period of time following written notice expressly provided in other Articles hereof, or otherwise within a reasonable time, but in no event more than thirty (30) days following written notice. The notice and cure periods provided herein are in lieu of, and not in addition to, any notice and cure periods provided by Law;

(iii) BRT's failure to maintain the signage in a form consistent with then-current technology;

(iv) BRT's filing a voluntary or involuntary petition under any bankruptcy or insolvency law; or

(v) BRT's discontinuance of business for a period of three (3) consecutive months.

B. Remedies.

If a Default occurs, and provided the Default is not timely cured, the City shall have the right to terminate this Agreement upon thirty (30) days written notice.

C. The City's Cure of BRT Defaults.

If BRT fails to perform any obligation under this Agreement for thirty (30) days after notice thereof by the City, the City shall have the right (but not the duty), to perform such obligation on behalf and for the account of BRT. In such event, BRT shall reimburse the City within thirty (30) days for all costs and expenses incurred by the City in performing such obligation.

11. ASSIGNMENT

BRT shall not, without the prior written consent of the City, (i) assign, mortgage, pledge, hypothecate, encumber, permit any lien to attach to or otherwise transfer, this Agreement or any interest hereunder, by operation of law or otherwise, or (ii) permit the use of the Easement Area by any parties other than BRT. Any transfer made without complying with this Agreement shall, at the City's option, be null, void and of no effect (which shall not be in limitation of the City's other remedies). Consent to assignment shall not be unreasonably withheld.

Notwithstanding the foregoing, BRT has the right to assign this Agreement or any interest hereunder, without the prior written consent of the City, to a bank or other financial institution for purposes of financing equipment, to a business of like kind, and/or labor for the construction and/or maintenance of the Digital Displays.

12. NO WAIVER

No provision of this Agreement will be deemed waived by either party unless expressly waived in writing. No waiver shall be implied by delay or any other act or omission of either party. No waiver by either party of any provision of this Agreement shall be deemed a waiver of such provision with respect to any subsequent matter relating to such provision, and the City's consent respecting any action by BRT shall not constitute a waiver of the requirement for obtaining the City's consent respecting any subsequent action.

13. LITIGATION; NOTICE; INTERVENTION

In the event any litigation is filed against the City and/or Owner or the digital displays, City and/or Owner will promptly notify BRT. City and Owner shall not object to any petition filed by BRT seeking to intervene in said litigation.

14. NOTICES

Every notice, demand or other communication given by either party to the other party with respect to this Agreement shall be in writing and shall not be effective for any purpose unless the same shall be served personally or by United States registered or certified mail, return receipt requested, postage prepaid, addressed as follows or to such other address as BRT or the City may from time to time designate by notice:

IF TO CITY OF DARIEN:

City of Darien
1702 Plainfield Road
Darien, IL 60561

IF TO BRT OUTDOOR, LLC:

BRT Outdoor, LLC
P.O. Box 5097
Naperville, IL 60567

With A Copy To:

John B. Murphey
Odelson, Sterk, Murphey, Frazier &
McGrath, Ltd.
3318 W. 95th Street
Evergreen Park, IL 60805

IF TO OWNER:

7502 CASS AVENUE, LLC
c/o JEMCO & Associates, Ltd.
242 Bunting Lane
Bloomington, IL 60108

With A Copy To:

Anthony Pavone
Pavone Law Group
255 East Lake Street
Suite 301
Bloomington, IL 60108

15. MISCELLANEOUS

A. Each of the terms and provisions of this Agreement shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, executors, administrators, guardians, custodians, successors and assigns, subject to the provisions hereof

B. This Agreement shall be recorded by the City.

C. This Agreement shall be governed by the Laws of the State of Illinois.

D. No provision hereof, or act of either party hereunder, shall be construed as creating the relationship of principal and agent, or as creating a partnership, joint venture or other enterprise, or render either party liable for any of the debts or obligations of the other party, except under any indemnity provision of this Agreement.

E. This Agreement has been mutually negotiated among the parties and any ambiguities shall not be interpreted in favor of the parties.

IN WITNESS WHEREOF, the parties have caused this Agreement to be signed under seal by their respective representatives designated below, as of the day and year first above written.

CITY OF DARIEN, A Municipal Corporation

***BRT OUTDOOR, LLC
An Illinois limited liability company***

By: _____

Attest: _____

Rodney S. Hursh

Todd J. Sanders

7532 CASS AVENUE, LLC

By: _____

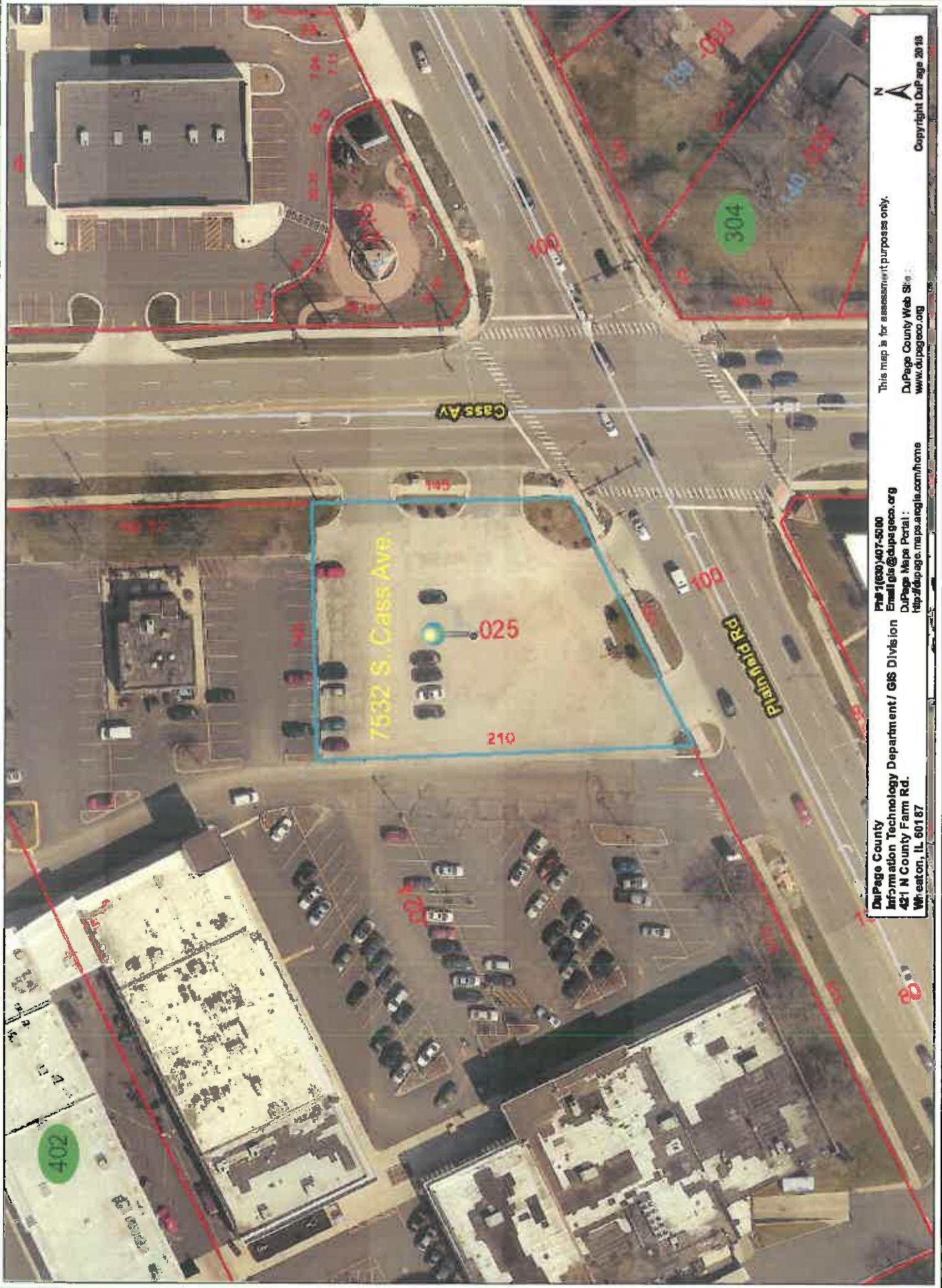
Attest: _____

EXHIBIT A

7532 SOUTH CASS AVENUE

PARCEL # 0928402025

EXHIBIT B
(Insert Survey)



This map is for assessment purposes only.

Phone: 630.407.5000
Email: info@dupageco.org
DuPage Maps Portal: <http://dupg.maps.angis.com/home>

DuPage County
Information Technology Department / GIS Division
421 N County Farm Rd.
Wheaton, IL 60187

DuPage County Web Site:
www.dupageco.org

From: sarah.nordan
To: Joseph Hennerfeind
Subject: Case #2020-05
Date: Thursday, May 21, 2020 4:38:09 PM
Attachments: Screen Shot 2020-05-21 at 4.03.50 PM.png

**In regards to the public hearing taking place over the building of electronic advertising:
I am a Darien resident and DO NOT support these plans to build an electronic message board
on the corner of Brookhaven Plaza.
I have seen a similar electronic board in Bolingbrook with this exact image displayed for a
dental office.**



Is this how we want to welcome people to Darien?

Signing a contract with this company gives us no say in what images or companies will be able to advertise and display in Darien.

We can build a welcome sign to Darien without advertisements. The argument that we will reach those without internet access is ill-conceived. Darien magazine, park district newsletter, and the Indian Prairie Public Library keep those without internet well informed.

Do we want to promote our town as "A nice place to live"? Then let's not contribute to light pollution, wasted energy, distracted drivers, and unsightly imagery. Building such a sign will surely take away from Darien's charm.

I respectfully ask that you consider these points and do not build this sign.

Thank you,

Sarah Jane Nordan

From: [Blafas, Mike \(CCI/HCC\)](#)
To: [Joseph Hannerfeld](#)
Cc: [Ted schauer](#)
Subject: Case 2020-5 comment
Date: Friday, May 22, 2020 9:43:53 AM

Joe,

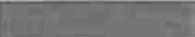
I'm writing regarding Case 2020-5 concerning the City's petition to permit the construction of two electronic message board signs at the northwest corner of Cass and Plainfield. While I'm not against the signs themselves, I don't support the signs being leased on a long-term basis to a third party primary for advertising purposes. I can understand the City and Darien not-for-profits using the sign to communicate local events and information; however, I feel advertising messages (albeit for local businesses) is an unnecessary and unsightly distraction.

I'm sure the lease mechanism is a means to get it built now. I would rather see the City control the sign even it takes several years to save for the construction.

Thanks.

Mike Blafas


Darien, IL 60561



From: [Eric Gustafson](#)
To: [Dan Gombac](#); [Joseph Hennerfeld](#)
Subject: Signage at Cass and Plainfield Roads
Date: Friday, May 22, 2020 12:15:41 PM

Fyi

Sent from my iPhone

Begin forwarded message:

From: NICHOLAS DARIEN [REDACTED]
Date: May 22, 2020 at 12:12:33 PM CDT
To: egustafson@darienil.gov
Subject: Signage at Cass and Plainfield Roads
Reply-To: NICHOLAS DARIEN [REDACTED]

Hello Eric,

After reading intended variations for anticipated signage at Cass and Plainfield Roads, I have substantial reservations about two of the intended variations. Certainly promotional support is essential for businesses, but the size increase variations from the code 60 sq. ft., to 72 sq. ft. (20%) for one sign and 98 sq. ft. (almost 50%) for the other, are extreme. Also changing the set back from 4 ft. to 1.93 ft. almost places the signs in the right-of-way. If my understanding is incorrect, please clarify. The oversize sign near the clock water tower already overwhelms the Intersection and detracts from the charm of water tower City icon. Variations from regulated requirements should be minimal; variations extreme as those proposed for the signs go beyond the intent of having guidelines.

Nick Darien at 8462 Sandalwood Ct. in the Water Tower Court townhomes.

From: Lana Johnson
To: Joseph Hennerfeind
Subject: Cass/Plainfield Sign
Date: Thursday, May 28, 2020 7:49:37 AM

Hello Mr. Hennerfeind:

I'm writing today regarding the proposed sign at Cass and Plainfield. My name is Lana Johnson, I've lived in Darien with my husband and three kids since 2006. My son will attend HSHS as a freshman next year and my daughters will be at Cass. Thank you for all you do to help make Darien the best it can be.

Our goal in Darien is to continuously make this "a nice place to live." Installing an advertising sign at the NW corner of Cass and Plainfield is not consistent with that vision.

I feel strongly that this type of sign will cheapen our city. I am familiar with the sign in Bolingbrook near IKEA and I shudder to think we would have such a sign in our "downtown" area.

If we have a desire for signage at that location, we should opt for something tasteful and classic that truly says "welcome to Darien." Flashing advertisements are not appropriate nor wanted. An attractive and classic sign with beautiful landscaping would be ideal, but an advertising sign that could also potentially distract drivers is not what Darien residents deserve.

We especially don't need this sign if we don't have control over the businesses that are being advertised on it.

You would never see our neighboring cities like Burr Ridge, Hinsdale, Clarendon Hills or Downers Grove implementing such an advertising sign in such a prominent spot (if at all).

I greatly appreciate all of the efforts you and others make to continuously improve Darien; you continue to make great strides at developing this area. Please don't cheapen our town with a billboard style advertising sign and please continue to endeavor to elevate our surroundings.

Thank you,
Lana Johnson


Darien, IL

From: Doreen Biha
To: Joseph Hennerfeind
Subject: No giant signs
Date: Friday, May 29, 2020 5:50:23 AM

Please do not bring anymore obstruction to that corner. I am a property owner for 27 years. I work in Darien at the Starbucks. The backed up traffic is crazy and once Dunkin is in with a drive through. This will not be a nice place to live. We are a nice place to live as we claim.

Too much distraction And Lighted signing would not make the fountain resting place restful anymore. Why did we bother to make such a place than? City planner needs to wake up and bring beauty to our town bring young family's here. Bring your attention to our parks and schools. Let's keep low key and be Darien a nice place to live.

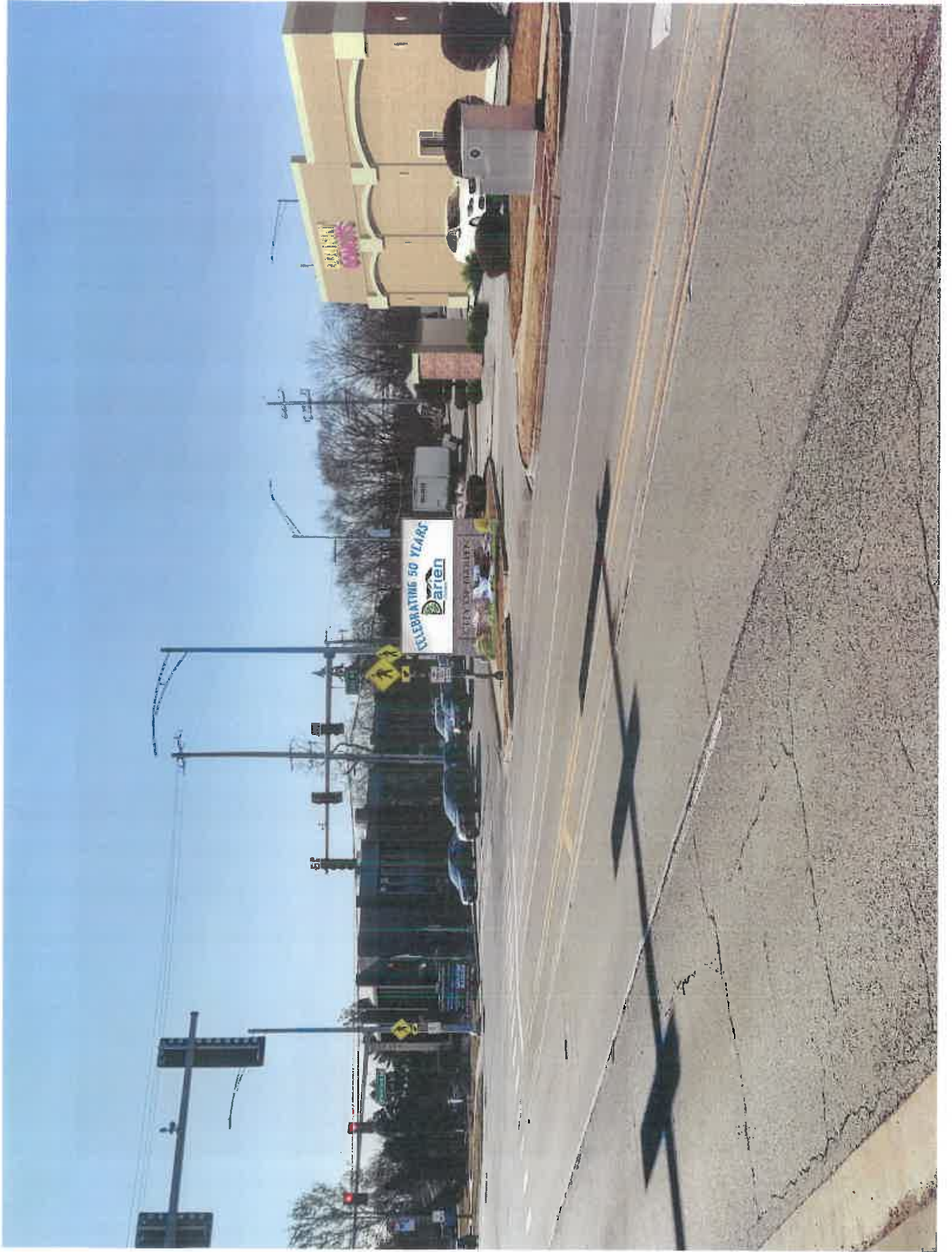
No more lights and giant lighted signs

We are not a large town, beautiful homes quiet and classy.
Let's keep it that way !

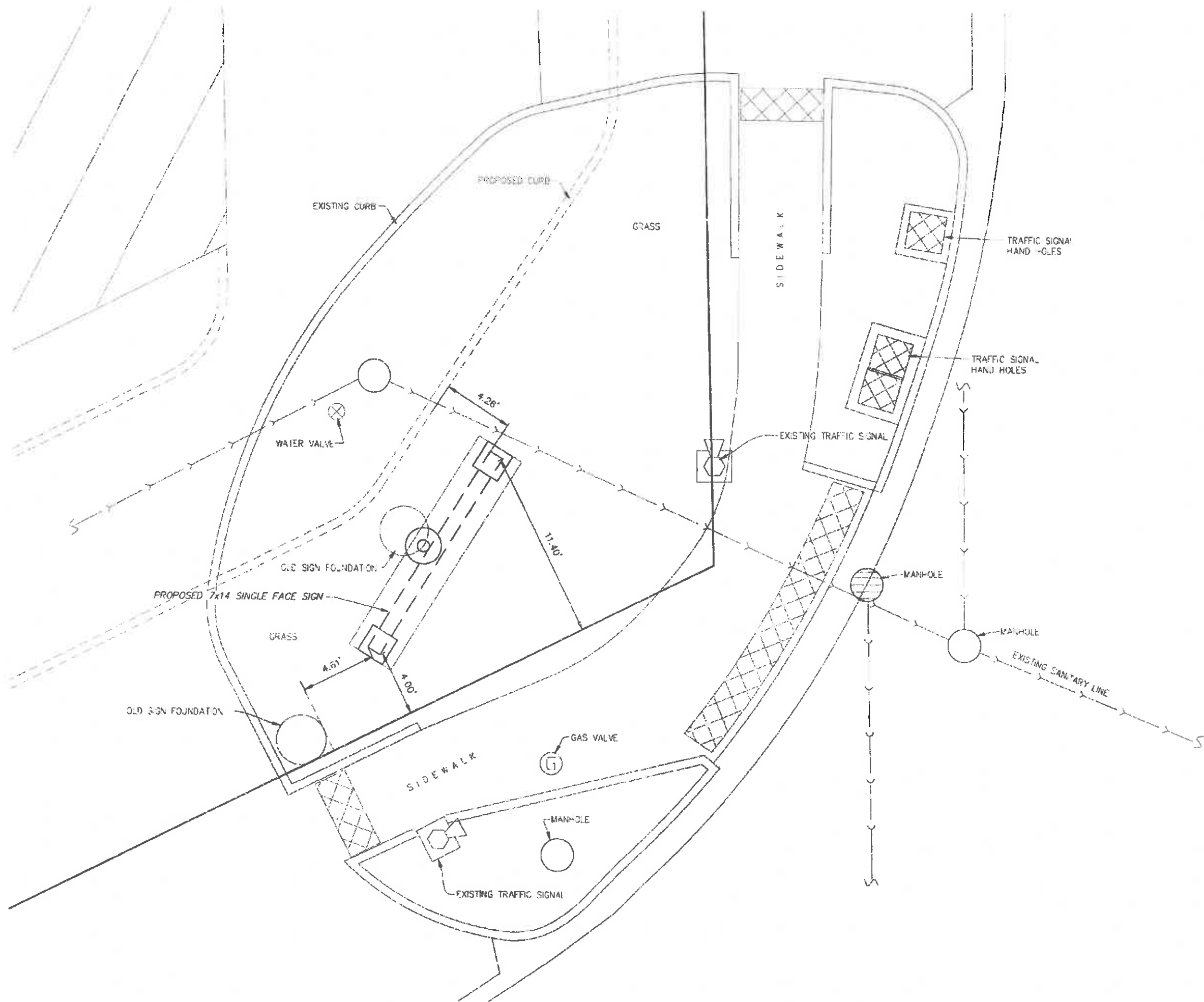
Sent from my iPhone







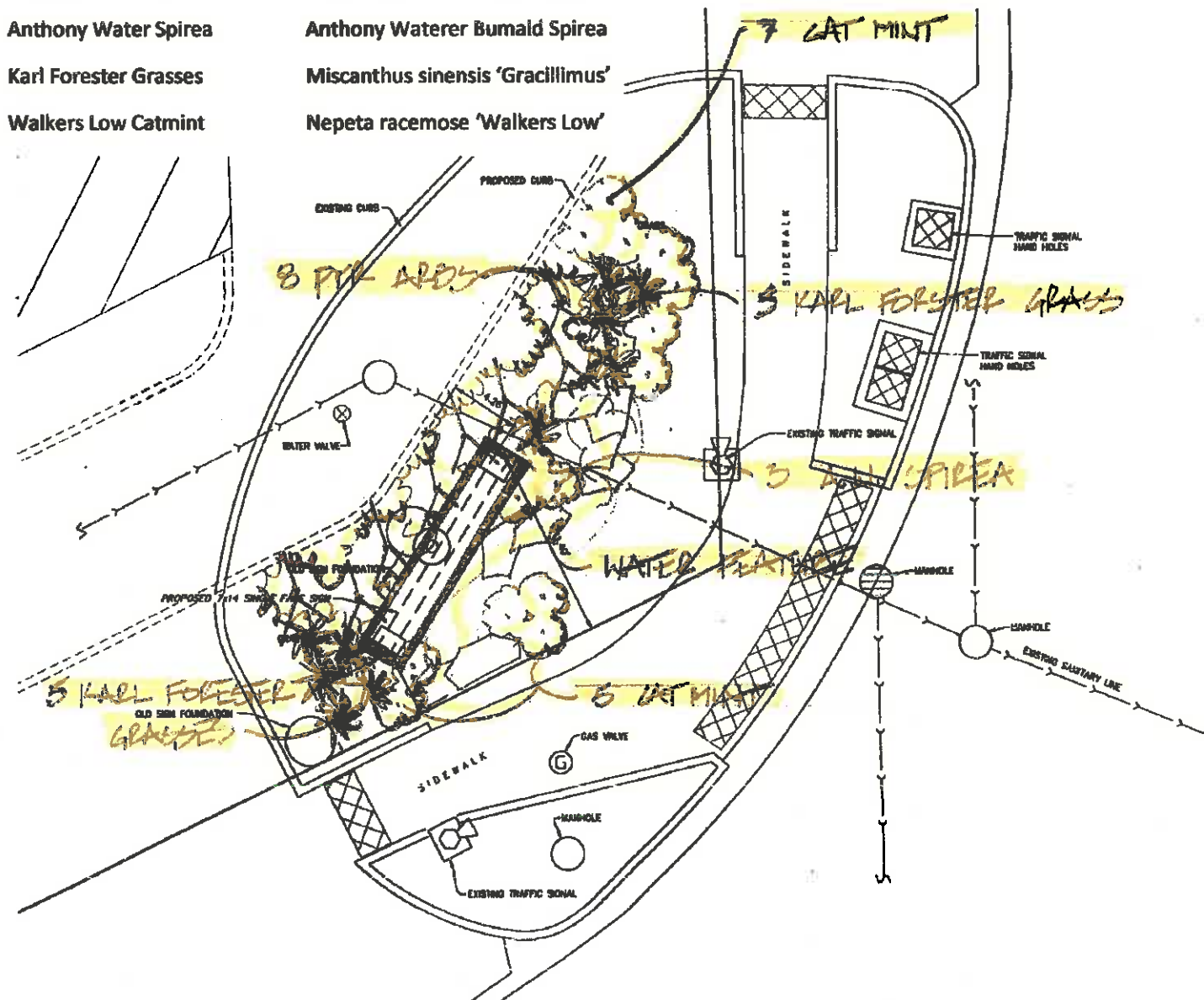


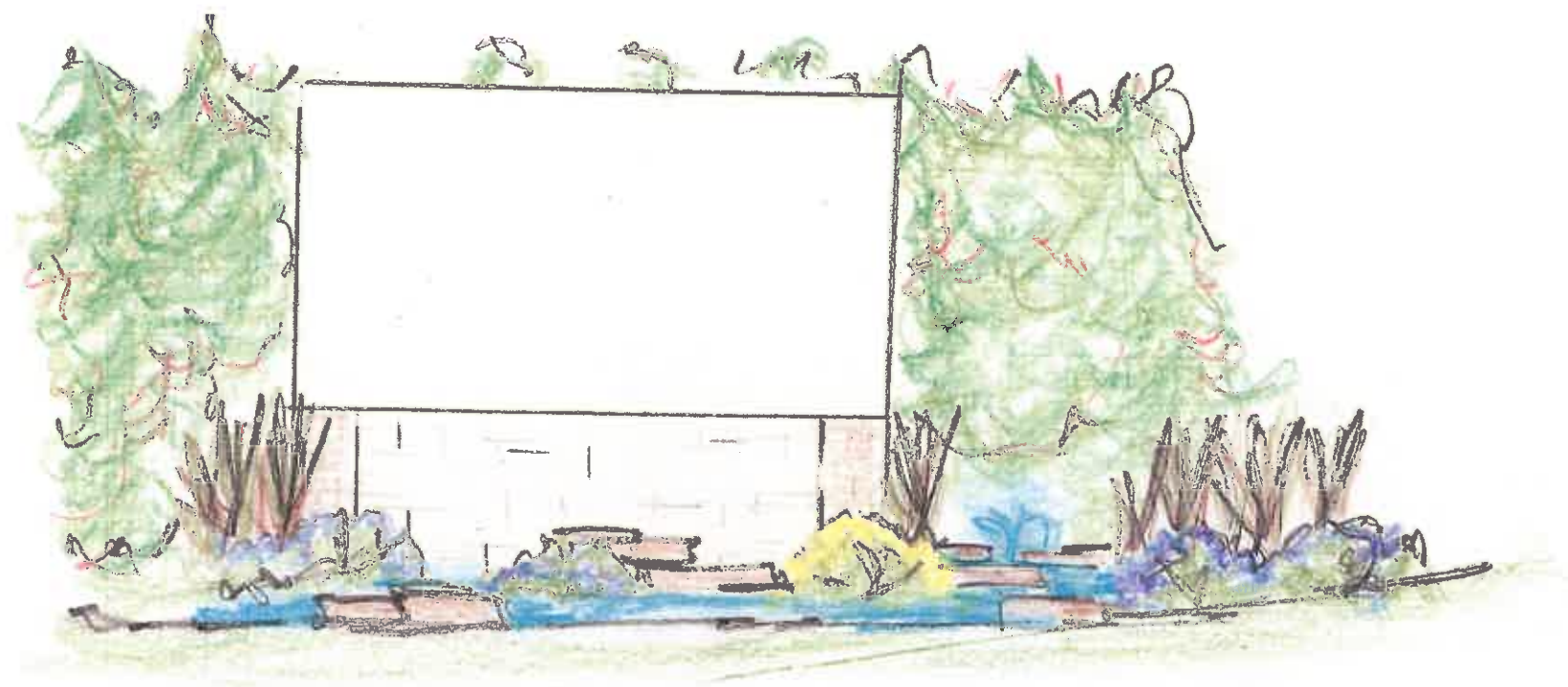


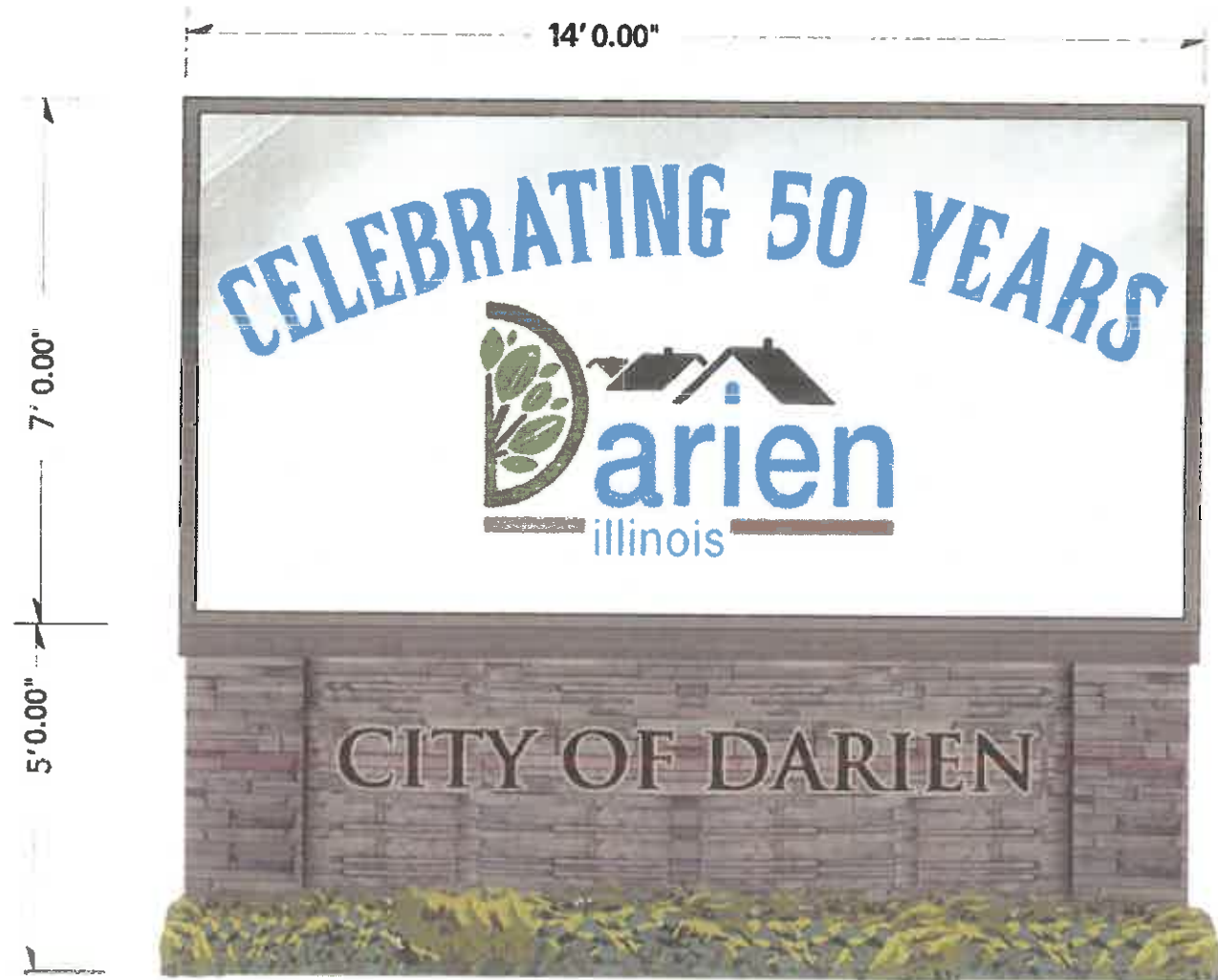


Plant list for Darian sign

8-6'	Pyramidal Arborvitae	Thuja Occidentalis 'Pyramidalis'
3-5 gallon	Anthony Water Spirea	Anthony Waterer Bumald Spirea
10-1 gallon	Karl Forester Grasses	Miscanthus sinensis 'Gracillimus'
12-1 gallon	Walkers Low Catmint	Nepeta racemose 'Walkers Low'







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60404

CUSTOMER:
CHICAGO BILLBOARD
PROJECT ADDRESS:
CITY OF DARIEN
PROJECT:
EMC MONUMENT SIGN
PROOF NO:
017-085
DESIGNER:
NN
DATE:
12.9.2019
SCALE:
1/4"=1'

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DATE APPROVED:

**(1) S/F FULL COLOR ELECTRONIC MESSAGE CENTER
EMC DETAILS:**

- Watchfire 16mm EMC
- Cabinet Dimensions: 7'-0"h x 14'-0"w
- Installed to brick base with landscaping by others
- RGB capable of full color graphics
- Static messages - No animation

(1) FLAT CUT OUT ALUMINUM LETTERS

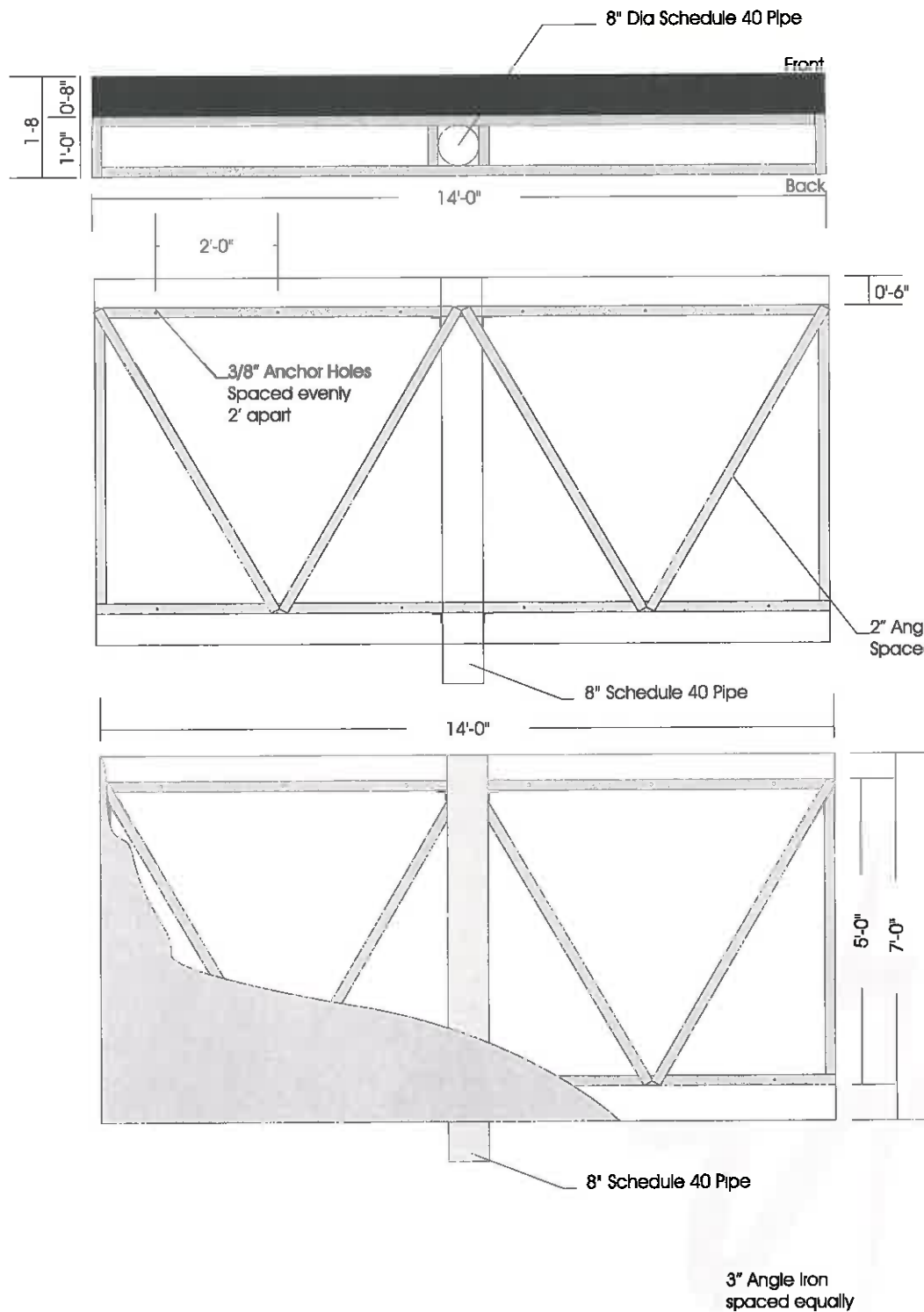
- 22" FCO Letters to be (0.25") thick routed aluminum
- Letters to be stud mounted with spacers to brick base
- Letters painted BLACK

SQUARE FOOTAGE: 128

BRICK AND LANDSCAPING BY OTHERS

**(1) 20 Amp Circuit / 120V
U.L. ELECTRICAL #E154882**





(1) STRUCTURAL DRAWING

- Message center is 7'h x 14'w x 8"d
- Mounted to 8" Schedule 40 Pipe
- 2" x 2" x 3/16" Galvanized Angle Iron Frame
- Sides and back covered by aluminum sheets

(1) 20 Amp Circuit / 120V
U.L. ELECTRICAL #E154882

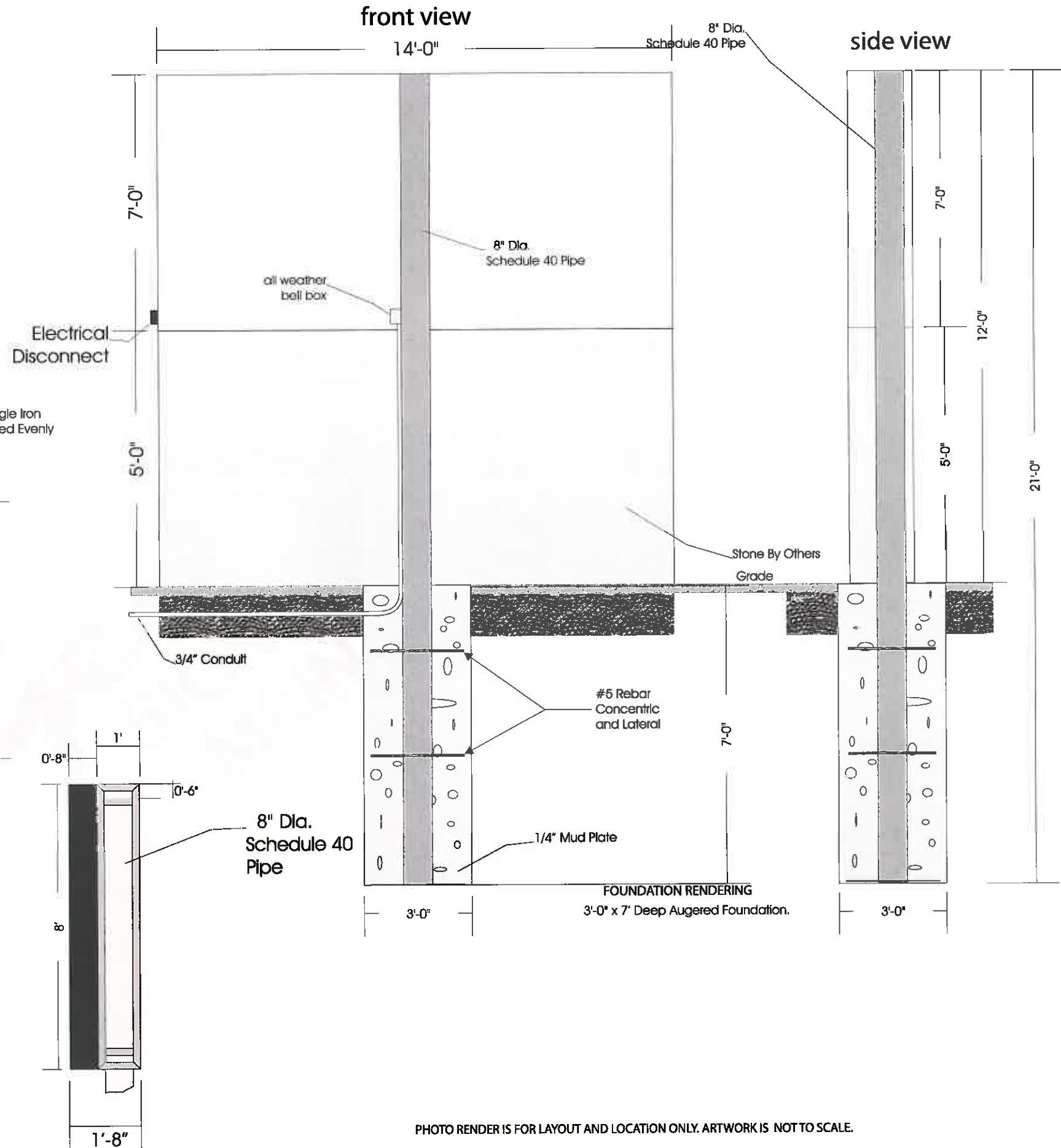


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CUSTOMER:
Chicago Billboard - Chicago
Ridge
 PROJECT ADDRESS:
Chicago Ridge, IL
 PROJECT:
Structural Drawing
 PROOF NO#:
019-093
 DESIGNER:
SS
 DATE:
05.14.19
 SCALE:
-
 REVISION:

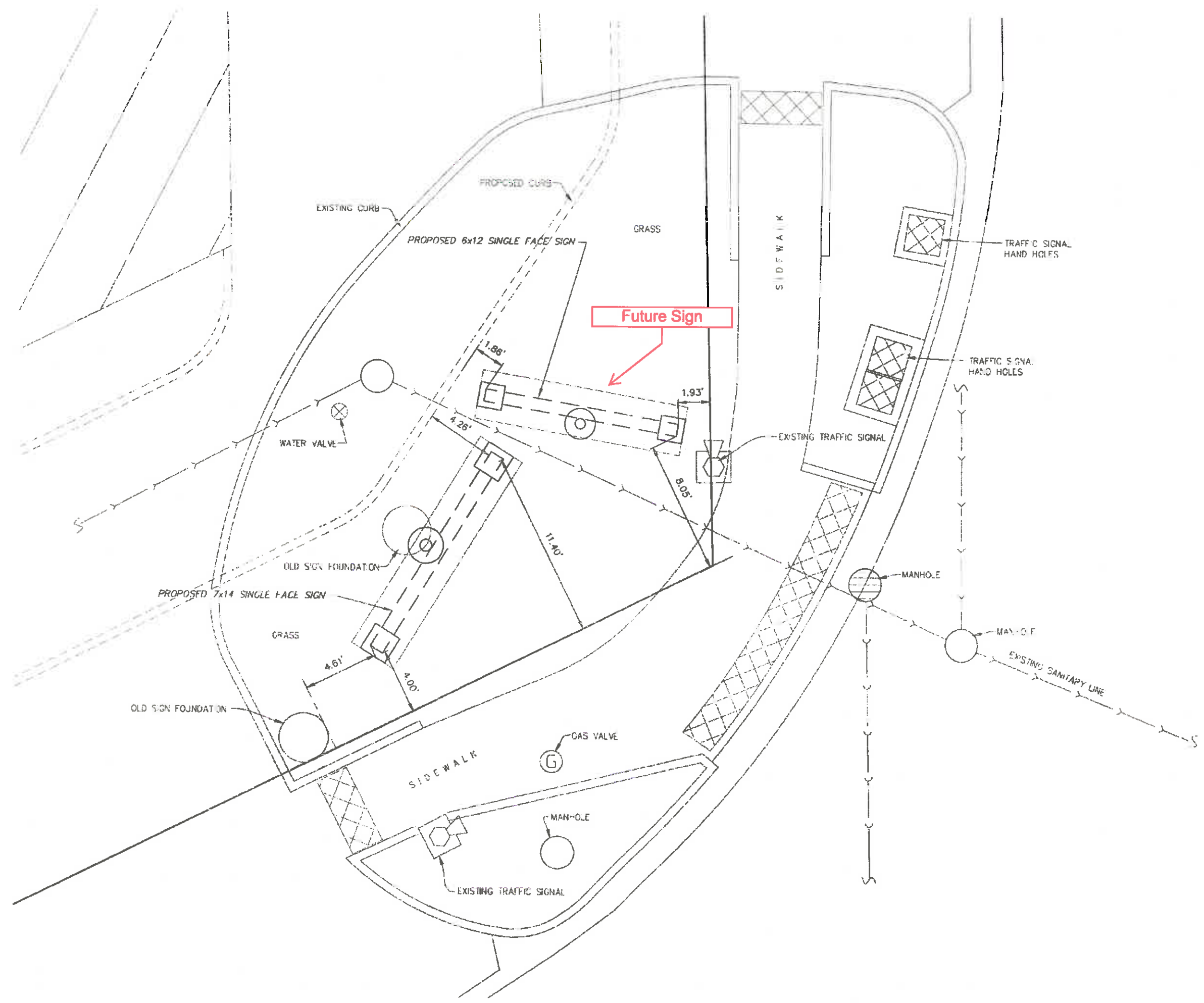
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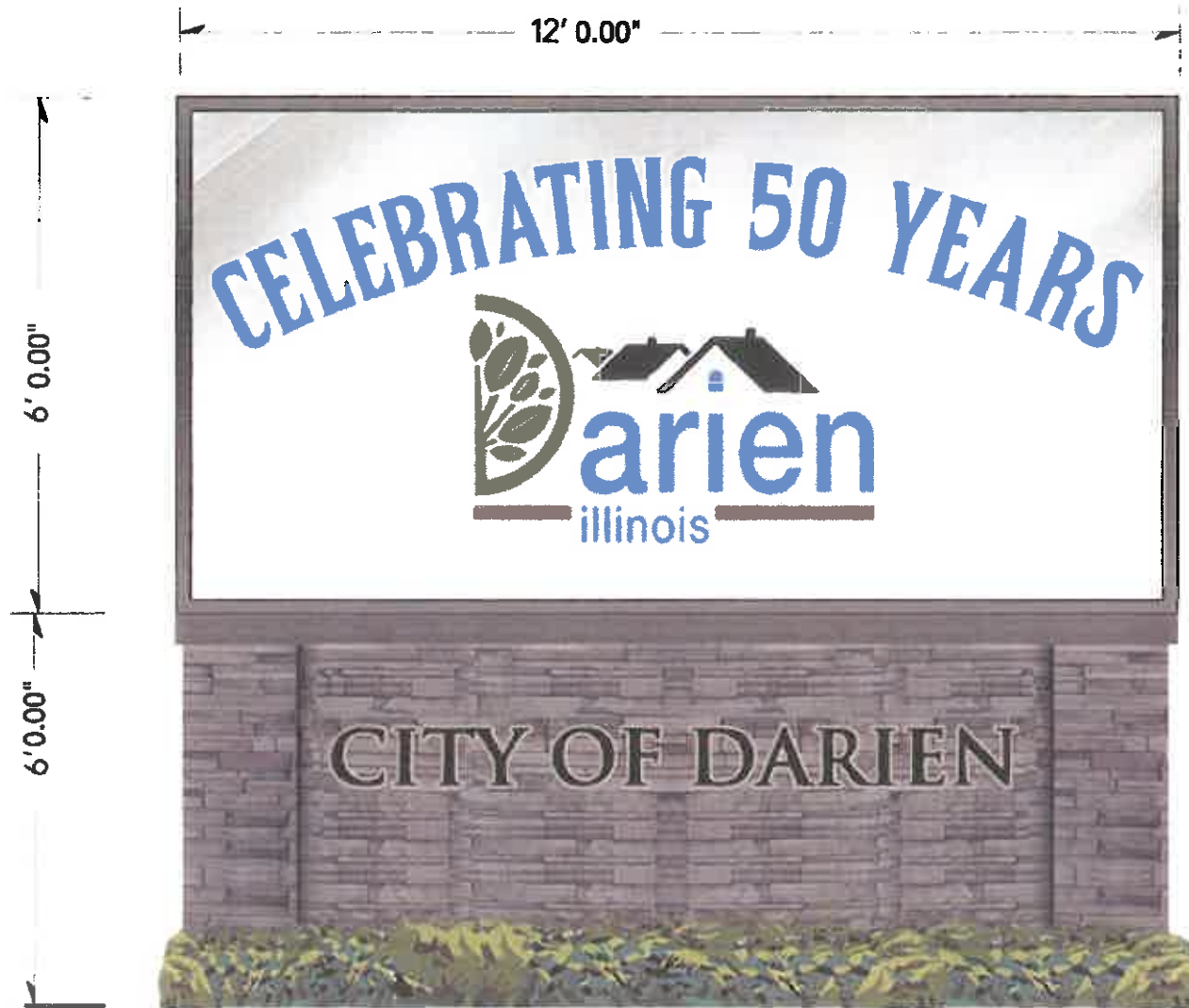
SIGN TYPE:
A1.1

APPROVED BY:

DATE APPROVED:

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Future Sign



(1) S/F FULL COLOR ELECTRONIC MESSAGE CENTER

EMC DETAILS:

- Watchfire 16mm EMC
- Cabinet Dimensions: 6'-0"h x 12'-0"w
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- Letters to be stud mounted with spacers to brick base
- Letters painted BLACK

SQUARE FOOTAGE: 128

BRICK AND LANDSCAPING BY OTHERS

**(1) 20 Amp Circuit / 120V
U.L. ELECTRICAL #E154882**



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60404

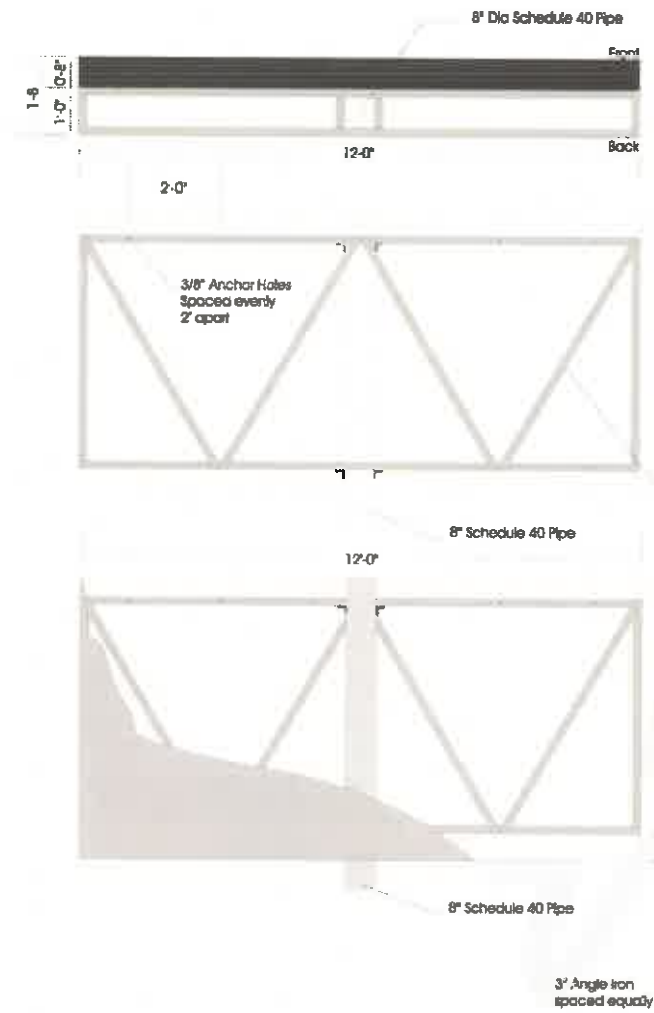
CUSTOMER:
CHICAGO BILLBOARD
PROJECT ADDRESS:
CITY OF DARIEN
PROJECT:
EMC MONUMENT SIGN
PROOF NO#:
017-085
DESIGNER:
NN
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SCALE:
1/4"=1'

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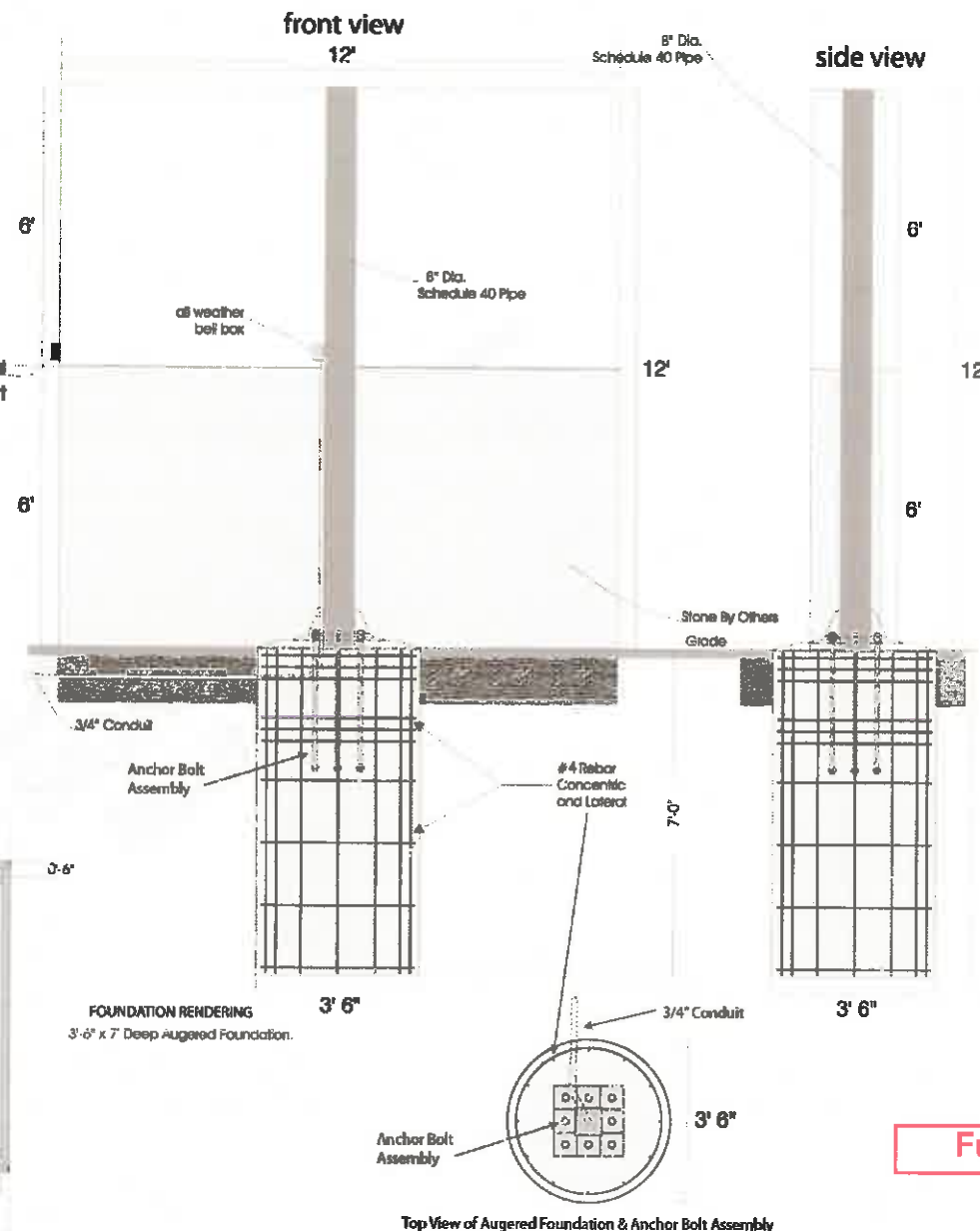
APPROVED BY:

DATE APPROVED:



- (1) STRUCTURAL DRAWING**
- Message center is 6'h x 12'w x 8'd
 - Mounted to 8" Schedule 40 Pipe
 - 2" x 2" x 3/16" Galvanized Angle Iron Frame
 - Sides and back covered by aluminum sheets

(1) 20 Amp Circuit / 120V
U.L. ELECTRICAL #E154862



Top View of Augered Foundation & Anchor Bolt Assembly

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CUSTOMER:
 Chicago Billboard - Darlin
 project address:
 Darlin, IL
 project:
 Structural Drawing
 project no:
 020-043
 revision:
 88
 DATE:
 02.26.20
 SCALE:
 3/8" = 1'
 REVISION:
 02.26.20 Updated height.

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Future Sign