

**MINUTES
CITY OF DARIEN
PLANNING & ZONING COMMISSION MEETING
April 7, 2021**

PRESENT: Lou Mallers – Chairperson, Michael Desmond, Robert Erickson, Hilda Gonzalez, Brian Liedtke, Ralph Stompanato

ABSENT: Bryan Gay, Steve Hiatt, Julie Kasprovicz

OTHERS: Jordan Yanke - City Planner, Mayor Joseph Marchese

Chairperson Lou Mallers called the meeting to order at 7:00 p.m. at the Darien City Hall, Council Chambers, 1702 Plainfield Road, Darien, Illinois. Chairperson Mallers declared a quorum present and swore in the audience members wishing to present public testimony.

REGULAR MEETING:

A. Public Hearing – PZC 2021-01 7409/7417 Cass Avenue – Special Use Permit Amendment and Variations Petitioner Joey Buonavolanto (Buona Beef) seeks approval for a Special Use Permit Amendment pursuant to City Code Section 5A-8-3-4 to allow for site modifications to an existing eating establishment, including a patio cover addition and outdoor eating area, on property zoned B-2 (Community Shopping Center Business District) located at 7409 and 7417 Cass Avenue in Darien, Illinois. This case involves Variation requests to the following standards in the B-2 Zoning District: 1. Section 5A-8-3-8(A)(1)(a): Variation request to reduce the required front setback. 2. Section 5A-11-5: Variation request to reduce the minimum off-street parking requirements. 3. Section 4-3-10(B): Variation request to Business District signage regulations.

Mr. Jordan Yanke, City Planner reported that Buona Beef is located within the Jewel-Osco shopping center near the northeast corner of Cass and 75th Street. He reported that the petitioner, Joey Buonavolanto is seeking approval of a Special Use Permit Amendment and Variation requests to allow for site modifications to an existing eating establishment, including a patio cover addition and outdoor eating area. Mr. Yanke reported that the site modifications include adding an ice cream parlor as a joint business. He reported on the variations and that the petitioner's findings and engineering comments are in the packet.

Mr. Yanke reported that he received no public comment.

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

Mr. Jonathon Hague, the architect for the petitioner and Mr. Joey Buonavolanto stated that they will be renovating the restaurant and putting in Rainbow Cone. The petitioner

stated that they are trying to brand Rainbow Cone with a separate identity. He stated that they are proposing a second drive thru to better serve the public.

Commissioner Desmond expressed his concern for the closeness to Cass Ave.

The petitioner reported that they will be 30 feet from the right of way and feel that that is far enough back from the street for safety.

Commissioner Liedtke questioned if they are going to have heaters outdoors during the cooler weather.

The petitioner reported they are planning on some type of heating as well as panels to help with the wind.

Chairperson Mallers questioned when they would like to start construction.

The petitioner stated that they would like to begin Phase I on April 12th for approximately 4-5 weeks, followed by Phase II for 4-5 weeks and open the week before the 4th of July.

Commissioner Erickson questioned if there will be a retaining wall.

The petitioner stated that they will have aluminum fence if needed and wants the area to be safe.

There was no one in the audience wishing to present public comment.

At 7:16 p.m. Chairperson Mallers closed the public hearing

Commissioner Desmond stated that he was concerned for safety and would like to see some type of fence or retaining wall.

Commissioner Liedtke made a motion, and it was seconded by Commissioner Gonzalez approval of – PZC 2021-01 7409/7417 Cass Avenue as presented.

Upon voice vote, THE MOTION CARRIED 6-0.

Mr. Yanke reported that this will be forwarded to the Municipal Services Committee on Monday, April 26th at 7:00 p.m.

B. Public Hearing – PZC 2021-02 2305 Sokol Court & 2345 S Frontage Road – Major PUD Amendment, Annexation Agreement Amendment, and Plat of Consolidation Petitioner Shipper Columbus, LLC c/o Paul Swanson Associates, Inc. seeks approval for a Major Planned Unit Development (PUD) Amendment, Annexation Agreement Amendment, and Plat of Consolidation in order to construct a multi-family apartment complex on property zoned Planned Unit Development (PUD)/Multi-Family Residence District (R-3), located at 2305 Sokol Court and 2345 S Frontage Road in

Darien, Illinois. This petition includes Waiver requests to the following standards in the Planned Unit Development (PUD) District: 1. Section 5A-3-3-4: Waiver request to increase allowed residential density. 2. Section 5A-3-3-5: Waiver request to off-street parking requirements. 3. Section 5A-3-3-9(B): Waiver request to minimum setback requirement. 4. Section 5A-3-3-10: Waiver request to increase maximum building height.

Mr. Jordan Yanke, City Planner reported that the subject property is located at the southeast corner of S Frontage Road and Sokol Court. He reported that the City Council approved a final Planned Unit Development and Final Plat for the property allowing the construction of a 66-unit condominium development of 2 buildings.

Mr. Yanke reported that the development was never constructed, and the petition site is currently vacant. He reported that the petitioner, Paul Swanson Associates, Inc. proposes to construct a 68-unit multi-family apartment complex comprised of 1 building. He reported that City Staff with the City Attorney that a Major Planned Unit Development (PUD) Amendment and Annexation Agreement Amendment would need to be filed. He reported that the petitioner has submitted the filings and discussed the waiver requests as noted in the staff agenda memo.

Mr. Yanke reported that staff finds the proposal compatible with the existing adjacent uses and recommends the proposal with conditions and subject to Fire Department comments and further action.

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

Mr. Paul Swanson, petitioner stated that he has built many developments and has history in and around Darien. He stated that he has built similar buildings to this proposal and that the building has the overall character of the townhomes and condos.

Mr. Swanson provided an overview of the amenities and presented the material boards and stated that apartment living is taking off and that the suburban market is doing well. He stated that he was not in favor of building condos and that securing a loan would be difficult.

Mr. Chris Marema, Darien resident for 46 years stated that the apartment complex will devalue the homes in the area. He stated that condos are selling fast and that more condos are needed. He further stated that the development is up against the property line and that it is not the footprint from 2005.

Mr. Marema stated that they fought the development in 2005 and would be opposed to this proposal because of the variances.

Mr. George Nassis, Darien resident for 11 years stated that he opposes the 68-unit apartment complex and is a negative impact to Darien. He stated that it will be viewed from the highway and poor placement for Darien. Mr. Nassis also stated that the petitioner was asking for 4 variances. He also noted that Mr. Swanson referenced small children living in apartments and he did not believe this to be true.

Ms. Annie Shea, Darien stated that she has been corresponding with staff and that this development will drive down the property value and that the community is very nervous for this development.

Mr. Tim Tomlin, Darien stated that he did not want this next to his home and that it is a monstrosity and will change the quality of the area.

Ms. Cathy Roginella, Darien stated that she would look down on the development and is afraid that the apartments will bring in trouble.

A resident questioned why the community should suffer because the developer cannot get financing for a condo building.

At 8:56 p.m. Chairperson Mellers closed the public comment.

Commissioner Liedtke questioned the traffic study.

Mr. Swanson stated that he would send the study to staff but based on the data that there would 11 more cars. He also referenced the children in apartments statement and explained that he said there are less school aged children in apartments or condos because they move when they get older.

Mr. Yanke reported that he City consultant reported that the traffic study was calculated correctly and that he did not see any issues.

A resident questioned if Mr. Swanson owns the apartments he builds.

Mr. Swanson stated that he does not, and the last development sold 10 years after it was built. He stated that there is no guarantee that he would not sell.

Commissioner Stompanato questioned if the petitioner could provide data on filling the apartment vacancies.

Mr. Swanson stated that there is a demand and a 2% vacancy rate. He stated that the time is to build apartments and financing is impossible.

Commissioner Gonzalez stated that she is opposed to rentals and asked if the petitioner would consider a redesign.

Mr. Swanson stated that condo versus rental is tough. He stated that he met with the homeowners in the area, and he did everything he could to communicate with them about his proposal. He stated that he would like to postpone and speak more to the residents.

Commissioner Gay was not present but emailed staff his comments. Mr. Yanke read Commissioner Gay's comments which stated that he was in favor of the development but that he was not in favor of the stucco on the facade.

Commissioner Liedtke stated that he liked Mr. Swanson and his integrity and honesty. He stated that the proposal is beautiful but that the building does not match and does not fit and does not believe that apartments fit in the area.

Mr. Yanke noted that the City does not request a market study but that the Commission can direct the applicant to ask for impact studies.

Commissioner Liedtke made a motion, and it was seconded by Commissioner Desmond to postpone PZC 2021-02 2305 Sokol Court & 2345 S Frontage Road until the petitioner has an opportunity to speak with the residents and reconcept.

Upon voice vote, THE MOTION CARRIED 5-1. Commissioner Erickson voted Nay

C. Public Hearing – PZC 2021-03 2019 75TH Street – Zoning Text Amendment (City-Initiated) Petition involves a Zoning Text Amendment submitted by the City of Darien. The petition is for a Zoning Text Amendment to City Code Section 5A-9A-5(A) to add an additional property/address to the List of Permitted Locations for a Cannabis Dispensing Organization. Petition site is located at 2019 75TH Street and is within the B-2 Community Shopping Center Business District.

Mr. Jordan Yanke, City Planner reported that the City of Darien initiated proposed zoning for approval of a text amendment of the Zoning Code regarding Title 5A, Chapter 9A: Cannabis Establishments, Section 5(A): Permitted locations for Cannabis Dispensing Organizations. He reported that this amendment adds an additional property/address to the former Steak n' Shake building located at 2019 75th Street to the list of permitted locations for a Cannabis Dispensing Organization. He reported that there are 8 locations noted in the agenda member. He further reported that a two thirds vote is needed to pass at the City Council level at a future date.

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

Ms. Joanne Levitas, Darien expressed her concern for another location and the close proximately to homes, schools, and churches. She prepared a written presentation for the record.

Mr. Tom Glenn, Darien stated that this development is 500 feet from his door and that this location is unacceptable. He stated that cannabis stores bring crime and property value down. He further stated his concern for the proximity to the school and playground and that there are 8 locations which is enough.

Ms. Lenora Reedy, Darien stated that she is a 50-year Darien resident, and that this proposal will ruin the City. She stated that Darien will be a nice place to live and nice place for weed.

Mr. Brad Wrangler, Darien stated that he works in the mental health field and that his children attend Marquette Manor. He stated that Darien has already designated locations. He mentioned cannabis and health risks and stated that Darien is creating tremendous risk with proximity to schools.

Mr. Yousuf Shikari, Darien stated that he strongly opposes and that his driveway is less than 100 feet from his home.

Ms. Nancy Hill, Woodridge stated that her children attend Marquette Manor, and this will be terrible for small children and that she strongly opposes.

Mr. John Pastorie, Darien stated that he relocated to Darien from Bolingbrook and questioned why Darien wants to do this when it is close to schools and to an already busy intersection. He stated that there is constant traffic, and he strongly opposes.

Mr. Tom McFurry, Darien stated that the other locations are not near a church, school, or residents.

Mr. John Baranick, Darien stated that he is disappointed that the City Council wants this so close to young families to "sell drugs" just for tax dollars. He stated that he hopes that common sense pays in the Committee's decision.

Ms. Joellen Baranick, Darien stated that the money from the dispensary is the City's answer to help fund the police pension fund. She stated that the schools are too close, and she strongly opposes.

Mr. Rafal Rogninela, Darien stated that the Steak n' Shake made a lot of noise and safety is a concern. He stated that he sent a letter to staff.

There was no one else wishing to present public comment and at 7:47 p.m., Chairperson Mellers closed the public hearing.

Commissioner Liedtke reported on the misunderstandings and that there is more risk from bars. He explained that marijuana is legal and there is no wall to keep it out of Darien. Commissioner Liedtke stated that the site is not the best use for the location and that a restaurant in Darien is a better fit. He explained that the PZC worked very hard to approve the locations and that he would vote no.

Commissioner Desmond questioned why Alderman Gustafson was not present.

Chairperson Mellers stated that there are 8 other locations and that he is not in favor of anything within the residential area, church, or school. He reported that this location came up and the PZC was not in favor.

Commissioner Gonzalez stated that she is opposed to anything close to a church or school and in the middle of Darien. She encouraged the residents to talk to their Aldermen.

Mr. Yanke reported that this was proposed by Alderman Gustafson and is a text amendment and not rezone. He reported that the City has not been approached by any one for this site.

Commissioner Desmond made a motion, and it was seconded by Commissioner Erickson to not recommend PZC 2021-03 2019 75TH Street – Zoning Text Amendment (City-Initiated) City Code Section 5A-9A-5(A) to add an additional property/address to the List of Permitted Locations for a Cannabis Dispensing Organization.

Upon voice vote, THE MOTION CARRIED 6-0.

Mayor Joseph Marchese reported that there is no entity coming to Darien. He stated that they are aware of the police pension funding issue and that they do not need a cannabis site to fund the pension. Mayor Marchese reported that he is working very hard to get a restaurant to the site and that they will address the pension fund issue separately.

Mr. Yanke reported that this will be forwarded to the Municipal Services Committee on Monday, April 26th at 7:00 p.m.

CORRESPONDENCE

There was no correspondence.

OLD BUSINESS

There was no old business.

NEW BUSINESS

There was no new business

APPROVAL OF MINUTES

Commissioner Gonzalez made a motion, and it was seconded by Commissioner Stompanato to approve the November 4, 2020 Regular Meeting Minutes.

Upon voice vote, THE MOTION CARRIED 6-0.

NEXT MEETING

Mr. Jordan Yanke announced that the next meeting is scheduled for April 21, 2021.

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 Stompanato. Upon voice vote, THE MOTION CARRIED unanimously, and the meeting adjourned at 9:20 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

Elizabeth Lahey
Secretary

Lou Mallers
Chairperson