

**MINUTES
CITY OF DARIEN
PLANNING & ZONING COMMISSION MEETING
June 3, 2020**

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

ABSENT: None

OTHERS: Joseph Hennerfeind-City Planner

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 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.

Mr. Joe Hennerfeind, City Planner reported that the home was platted in 1959 with a permitted 30' front yard setback to the street and was incorporated as part of Darien in the R-2 zoning district with a 35' front yard setback.

Mr. Hennerfeind reported that the homes in the subdivision vary and most are small ranches. He reported that the petitioners are rehabbing the home and adding a detached garage and propose to construct a 6' wide porch addition that would be at 29.8' or a 5.2" encroachment into the required 35' front yard setback.

Mr. Hennerfeind reported that the petitioners completed the Findings of Fact and that the 6' wide porch fits within the character of the community and is not excessive.

Mr. Daniel Gombac, petitioner stated that the home was built in 1959 and he is unclear as to why the setback was further. He stated that the goal is to construct a craftsman style home with the ambiance of a front porch. He added that the PZC had the renderings in the packet.

Mr. Gombac stated that he spoke with the adjacent neighbors and has their support.

Chairperson Mallers stated that he was unfamiliar with that section of Darien and that a vast majority of the homes in the area will probably be updated.

Commissioner Hiatt stated that the proposal is consistent with the homes in the neighborhood and that the variance request is very small. He further stated that he was pleased with the rehab and that it was not a knock down.

Commissioner Stompanato stated that he appreciated the extra effort to contact the neighbors.

Commissioner Desmond questioned if any neighbors were opposed.

Mr. Gombac stated that he and his wife went door to door for over four hours trying to get the entire block and although some were not home there was no opposition.

There was no one else in the audience wishing to present public comment and Chairperson Mallers closed the public hearing at 7:11 p.m.

Commissioner Desmond reviewed the Findings of Fact and presented the motion.

Commissioner Desmond made a motion and is was seconded by Commissioner Stompanato 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.

Upon roll call vote, THE MOTION CARRIED 9-0.

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.

Mr. Joe Hennerfeind, City Planner reported to the audience members and the Commission that this is the second time discussing and that it is almost identical to what was discussed in February and that the structure has not changed.

Mr. Hennerfeind reported that City Council was presented with all of the options and a third option was considered that would permit the installation of one sign, and limit construction of the second sign exclusively to infrastructure and that completion of the second sign could not occur without a second ordinance of approval by Council. He reported that this process would allow for codification of the necessary variations, permit construction of the first sign to evaluate net effect in advance of the second sign, and provide expiration of the second sign variations in the event it was not requested within one year of initial construction.

Mr. Hennerfeind reported that although City Council recommended this third alternative directing staff to prepare the necessary corresponding ordinance, the ordinance did not receive approval, specifically for details in the Lease Agreement. He reported that since the denial that staff has renegotiated the lease terms and received authorization from Council to represent the third option for new consideration.

Mr. Hennerfeind reported that the amended request would be approval to permit the construction of one electronic message board sign 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 the 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 year after the date the first signage becomes operational.

Mr. Hennerfeind reported that the proposed conditions would be written into the approving ordinance. He reported that 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 second 10-second spot with opportunities to allow non-profits with the City to utilize. He further reported that the owner of Brookhaven is entitled to one spot to share for the 2 businesses on the property and the grocery store.

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

Ms. Pamela Taylor, Darien questioned the construction at Brookhaven and questioned how the sign is contributing to tax revenue and if the City is making any money from the structure.

Mr. Hennerfeind reported that the construction is the Dunkin Donuts with a drive-thru and a pizzeria which is independent of the petition this evening. He reported that the City has a working relationship with the property owner and the easement. He further reported that there is no revenue benefit from the sign but that the slots for advertising is of monetary value to the City.

Mr. Bill Przybylski, Chicago Billboards stated that he is working very closely with staff and that there will be a pond less water feature incorporated within the sign.

Mr. Hennerfeind reported that Director Dan Gombac designed a water feature with the first sign and if a second sign is incorporated the water feature will be seen facing southeast.

Commissioner Kasproicz questioned the cost of an advertising slot.

Mr. Przybylski stated that because of Covid 19 that the rates are down. He stated that rates range from \$600 – \$900 per month . He further stated that Brookhaven, the Pizzeria, and the Dunkin Donuts will share one slot with slots at full rate advertising.

Commissioner Desmond questioned what other changes were made to the terms of lease. He asked if the use restrictions were new.

Mr. Hennerfeind reported that the lease could be discussed, but does not necessarily influence the variation requests. He stated that use restrictions were always a part of the lease, but had not been previously discussed. Changes include a second slot for non-profits, the shorter lease term, and no discounts to the other Brookhaven tenants. He reported that if the City does not like the sign in 10 years the lease can be renegotiated.

Commissioner Kasprovicz questioned what happens to the property should the lease be terminated.

Mr. Przybylski stated that they will restore the property back to the original state.

There was some discussion regarding Amber Alerts, setting up messaging and graphics.

Commissioner Gay stated that he did some research at the sign at 103rd and Cicero. He stated that it was the closest benchmark as to what is being proposed in Darien.

Commissioner Gay provided photos showing the size of the sign, advertising on the sign 32 miles away and the proximity to the street. He submitted the photos for evidence and stated that having a sign is going to create more competition for the businesses in town. Commissioner Gay stated that he was not in favor of a sign.

Commissioner Gonzalez stated that the signs are gigantic and block the view of the stores. She referenced the signs in Willowbrook that are high and more attractive.

Commissioner Hiatt stated that advertising 5-10 miles away is more risk and that he is hung up on the size. He stated that the second sign blocks the view.

Commissioner Liedtke questioned the maintenance upgrades and if they were included.

Mr. Przybylski stated that maintenance upgrades are done after 10 years and that everything is included.

Commissioner Stompanato stated that staff received a lot of emails against the sign. He stated that the size is overpowering to everyone.

Commissioner Liedtke questioned if the sign could be done without a variance.

Mr. Przybylski stated that the sign is not feasible and not buildable under the standards of the City of Darien zoning.

Commissioner Desmond questioned why the City of Darien is a party to the lease and why not between the property owner and the sign company. He stated that he did not understand it and that it is very unusual. He questioned how other signs are done.

Mr. Przybylski stated that it is mixed. Some are owned by the municipality and some are private.

Commissioner Desmond stated that this creates a liability for the City of Darien.

Mr. Hennerfeind reported that staff and the City Attorney have discussed the lease.

Commissioner Kasprovicz questioned if the City has explored doing a sign. Mr. Hennerfeind reported that it was not discussed.

Commissioner Desmond questioned if any traffic study was done. Mr. Hennerfeind reported that a traffic study was not done.

Commissioner Hiatt stated that the lease is not a zoning issue.

Commissioner Erickson questioned how advertising is done.

Mr. Przybylski stated that his partner works very closely with the Chambers of Commerce and other opportunities.

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

Commissioner Hiatt made a motion and it was seconded by Commissioner Kasprovicz to approve Public Hearing PZC 2020-05 -7532 South Cass Avenue (Sign Variations) 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.

Upon roll call vote, THE MOTION WAS DENIED 8-1.

Aye – Erickson

Nay – Desmond, Gay, Gonzalez, Hiatt, Kasprovicz, Liedtke, Mallers, Stompanato

Commissioner Liedtke made a motion and is was seconded by Commissioner Gonzalez approval to permit the construction of 1 electronic message board adjacent Cass Avenue and Plainfield Road, located within the B-2 Community Shopping Center Business District.

Upon roll call vote, THE MOTION CARRIED 5-4.

Aye – Liedtke, Gonzalez, Mallers, Erickson, Hiatt

Nay – Desmond, Gay, Kasprovicz, Stompanato

CORRESPONDENCE

There was no correspondence.

OLD BUSINESS

There was no old business.

NEW BUSINESS

There was no new business.

APPROVAL OF MINUTES

Commissioner Desmond made a motion and is was seconded by Commissioner Liedtke to approve the May 6, 2020 Regular Meeting Minutes.

Upon voice vote, THE MOTION CARRIED 8-0. Commissioner Gay abstained.

NEXT MEETING

Chairperson Mallers announced that the next meeting is scheduled for June 17, 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 8:30 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

**Elizabeth Lahey
Secretary**

**Lou Mallers
Chairperson**