

**MINUTES
CITY OF DARIEN
PLANNING/DEVELOPMENT COMMITTEE MEETING
September 28, 2009**

PRESENT: Alderman Sylvia McIvor, Alderman Joseph Marchese, Dan Gombac-Director, Michael Griffith – Senior Planner, Elizabeth Lahey-Secretary

ABSENT: Alderman John Poteraske

Chairperson McIvor called the Planning/Development Committee Meeting to order at 6:30 p.m. at City Hall – City Council Chambers, Darien, Illinois and declared a quorum present.

MEETING:

- A. PZC 2009-08: 7506 Adams Street: Petitioner requests a variation to reduce the required side yard setback for a driveway from 5 feet to zero feet. (Committee discussion followed by public comment).**

Mr. Michael Griffith, Senior Planner, presented the staff report. He stated that the petitioner is seeking a variation to reduce the required setback for a driveway from 5 feet to zero feet along the side lot line.

Mr. Griffith reported that the PZC held a public hearing and recommended approval with the conditions noted in an email from Mr. Dan Gombac, Director, to Ms. Beverly Meyer, Chairperson regarding a grading plan. He further reported that the information was noted on page 5 of the Agenda Memo.

Mr. Griffith reported that staff received correspondence from Ms. Jean Finnegan, 7502 Adams Street, Darien, IL, stating that she was concerned with drainage, the need for a driveway and why it cannot be moved to 5 feet within the front yard. He reported that the drainage issue was addressed.

Mr. Dan Gombac, Director stated that the petitioner's home is the typical ranch with the garage built in the front. He stated that the petitioner is representing what is present in the homes in the area.

Mr. Griffith stated that both of the petitioner's neighbors have driveways next to the property, including Mrs. Finnegan. He further stated that the petitioner wishes to build a garage in the back and needs a driveway to do so.

Alderman Marchese questioned what the petitioner plans on doing with the attached garage.

Mr. Griffith reported that the petitioner has plans to eventually turn the garage into living space.

Mr. Gombac stated that many of the homeowners in the area have done the same thing with the driveway and that the properties in the past were allowed without a variance.

Alderman Marchese stated that his concern was that driveways will be built next to one another.

Mr. Gombac stated that there are many homes that have the driveways side by side and that it is allowed.

Mr. Griffith stated that the petitioner asked Mrs. Finnegan, his neighbor if he could connect her drive and that she was not interested.

The petitioner, Mr. Answer Saleem, 7506 Adams, Darien, stated that his neighbor's drive is paver brick and that there is a small area of grass in between.

Chairperson McIvor stated that she was concerned that there would be three driveways in close proximity. She questioned if a time frame should be put in place for the existing driveway to be removed.

Mr. Saleem stated that he has plans in the future to remove the existing driveway, but not soon.

Alderman Marchese stated that he did not want to place a financial strain on the petitioner but that he was concerned that the adjoining driveways are not matching.

Mr. Gombac stated that the neighbor to the north has a paver/concrete driveway.

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

Alderman Marchese made a motion and it was seconded by Alderman McIvor that based upon the submitted petition and the information presented, the request associated with PZC 2009-08 is in conformance with the standards of the Darien City Code and move that the Planning/Development Committee recommend to the City Council approval of the petition as presented subject to the following condition:

- 1. The driveway is to be pitched such that it will not direct stormwater run off onto the adjacent property an;**
- 2. Comments noted in an email to Beverly Meyer dated September 15, 2009.**

Upon voice vote, THE MOTION CARRIED unanimously 2-0. Alderman Poteraske was not present.

Chairperson McIvor announced that this would be forwarded to the City Council on Monday, October 5, 2009 at 7:30 p.m.

B. James Peter Court Subdivision: Consideration of a Resolution declaring default and demanding payment under a certain letter of credit.

Mr. Dan Gombac, Director, presented the staff report. He reported that the request is for consideration of a resolution declaring a default and demanding payment under a certain letter of credit for the sidewalk installation, certain curb and gutter removal and replacement, bituminous bas repair, and the final bituminous surface course, tree planting and minor grading and landscape restoration for James Peter Court in the amount of \$43,182.79.

Mr. Gombac reported that the subdivision consists of 6 residential lots and a new street and that 5 of the lots are built out. He reported that City staff recently conducted a final inspection and that the developer has several public improvement issues including the sidewalk installation-fronting lot 1, removal and replacement of 30 lineal feet of curb and gutter, bituminous base repair, bituminous surface course, tree planting, minor grading, landscape restoration, fire hydrant port repositioning and buffalo box adjustment. He further reported that staff received competitive quotes for all the items. Mr. Gombac stated that the petitioner, Mr. Frank Farano, Jr. was present.

Chairperson McIvor questioned how long the items have remained outstanding.

Mr. Gombac reported that they have been outstanding since February of last year.

Mr. Gombac reported that he spoke with Alderman Poteraske who is out of town and that he expressed that the Committee should proceed as presented.

The petitioner, Mr. John Farano, Jr., stated that James Peter Court is a family business with his three sisters. He stated that the Farano's have completed 14 homes in Darien and that he is asking the Committee to reconsider due to the economy. Mr. Farano stated that he respects the City's pricing but that he could price them out for half of the cost.

Mr. Farano stated that he is trying to sell his home and that he is going to build a home for himself in the last lot. He stated that the economy is tough right now and that he wants to sell. He further stated that he is asking the City for a reasonable extension and for consideration to have his people complete the improvements.

Mr. Farano stated that he continues to take care of the subdivision and that he is just looking for a reasonable time frame. He stated that the City is putting a gun to his head by taking \$40,000. Mr. Farano asked if it will kill the City to give him 90 days. Mr. Farano presented the Committee with a quote from Tully to complete the work for less than what the City was quoted.

Mr. Gombac stated that he respected the quote from Tully but that it did not include all of the items that needed to be done. He stated that staff received a quote of \$32,192.24.

Mr. Farano stated that Tully is the contractor and that their price is to complete the work. He stated that he would pave the street.

Chairperson McIvor asked what the City requires of a developer for a six lot development.

Mr. Gombac stated that developers are required to complete everything that was mentioned and listed on the staff report.

Chairperson McIvor questioned if there were any complaints.

Mr. Gombac reported that one resident has asked when the road will be done. He stated that the City has been plowing the snow in the subdivision.

Chairperson McIvor asked what immediate items need to be done. She stated that she is looking to come to a compromise.

Alderman Marchese stated that the letter of credit is there and that Mr. Farano makes some valid points. He suggested a compromise of holding off on the sidewalk installation.

Mr. Gombac stated that the longer the City waits on the road the more expensive it becomes.

Mr. Farano asked the Committee to consider 60 days.

Mr. Gombac stated that 60 days was not an option.

Mr. Farano stated that he can complete the curbs, hydrant, asphalt and landscaping within 60 days.

Chairperson McIvor was in favor of Mr. Farano's request but she stated that if it was not completed in 60 days that the City move forward on what is presented.

Alderman Marchese stated that the City can revisit with Mr. Farano in 60 days and that if the items are not completed the City will pull the letter of credit.

Mr. Farano agreed to complete the curb and gutter, street, buffalo box adjustment, fire hydrant port repositioning, and landscaping. He stated that he was not interested in using the City for landscaping.

Chairperson McIvor stated that Mr. Farano had 60 days to complete the items 100 percent.

Mr. Gombac stated that he would forward the tree planting program information to Mr. Farano.

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

Alderman Marchese made a motion and it was seconded by Alderman McIvor to allow James Peter Court 60 days to complete the following and review the items as completed at the November 23, 2009 Planning/Development Committee Meeting:

- 1. Removal and replacement of 30 lineal feet of curb and gutter.**
- 2. Bituminous base repair**
- 3. Bituminous surface course**
- 4. Tree planning**
- 5. Minor grading**
- 6. Landscape restoration**
- 7. Fire Hydrant port repositioning**
- 8. Buffalo Box adjustment**

Upon voice vote, THE MOTION CARRIED unanimously 2-0. Alderman Poteraske was not present.

Chairperson McIvor announced that this would be forwarded to the City Council on October 5, 2009 at 7:30 p.m.

C. James Peter Court Subdivision, Street Paving: Consideration of a Resolution to accept a proposal from B.V. Santiago Construction Company Inc., for the repair and completion of the road surface on James Peter Court, in an amount not to exceed \$20,933.50. (Committee discussion followed by public comment).

Mr. Dan Gombac, Director presented the staff report. He stated that this item is to be considered should the developer fail to complete the bituminous base repair, butt joint, road fabric material, and bituminous surface course.

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

Alderman Marchese made a motion and it was seconded by Alderman McIvor to accept the proposal from B.V. Santiago Construction Company Inc., for the repair and completion of the road surface on James Peter Court, in an amount not to exceed \$20,933.50.

Upon voice vote, THE MOTION CARRIED unanimously 2-0. Alderman Poteraske was not present.

D. James Peter Court Subdivision, Landscape Restoration: Consideration of a Resolution to accept a proposal from Beary Landscaping, Inc. for the landscape restoration for the James Peter Court Subdivision in an amount not to exceed \$6,000.00.

Mr. Dan Gombac, Director presented the staff report. He stated that this item is to be considered should the developer fail to complete the landscaping restoration.

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

Alderman Marchese made a motion and it was seconded by Alderman McIvor to accept the proposal from Beary Landscaping, Inc. for the landscape restoration for the James Peter Subdivision in and amount not to exceed \$6,000.

Upon voice vote, THE MOTION CARRIED unanimously 2-0. Alderman Poteraske was not present.

PUBLIC COMMENT:

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

MINUTES:

Chairperson McIvor reported that the minutes would be approved at the next Planning/Development Committee Meeting.

CORRESPONDENCE:

Mr. Griffith reported that the Committee received a copy of the final Darien-Willowbrook Boundary Agreement. He stated that the attorneys from both parties changed some minor wording.

OLD BUSINESS:

None.

DIRECTOR'S REPORT:

None.

NEXT MEETING:

Chairperson McIvor announced that the next regularly scheduled meeting is scheduled for Tuesday, October 27, 2009 at 6:30 p.m.

ADJOURNMENT:

With no further business before the Committee, Alderman Poterasko made a motion and it was seconded by Alderman McIvor to adjourn. Upon voice vote, THE MOTION CARRIED unanimously and the meeting adjourned at 7:25 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

**Elizabeth Lahey
Secretary**

**Sylvia McIvor
Chairperson**

**John Poterasko
Alderman**

**Joseph Marchese
Alderman**