

**MINUTES  
CITY OF DARIEN  
PLANNING & ZONING COMMISSION MEETING  
September 7, 2022**

**PRESENT:** Lou Mallers – Chairperson, Robert Erickson, Shari Gillespie, Hilda Gonzalez, Chris Jackson, Julie Kasprovicz, Ralph Stompanato

**ABSENT:** Bryan Gay, Brian Liedtke

**OTHERS:** Jordan Yanke - 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/NEW BUSINESS:**

**Public Hearing – PZC 2022-03 (REVISED FROM 07/06/2022) 8431 Wilmette Avenue – Special Use Amendment & Variations Petitioner (Art Cano) seeks approval for an amendment to a Special Use and Variation requests from Sections 5A-7-3-5(D) and 5A-7-3-8(B) of the Zoning Ordinance. The petition specifically requests to allow for the interior remodeling and addition of three (3) studio apartments inside an existing apartment building. Property is located within the R-3 Multi-Family Residence District and the Variation requests are from the following standards in the City of Darien Zoning Ordinance: 1) Section 5A-7-3-5(D): R-3 District Land Area per Dwelling Unit Standards. 2) Section 5A-7-3-8(B): R-3 District Minimum Floor Area Standards.**

Mr. Jordan Yanke, City Planner reported that this is a revised case allowing the petitioner to bring the proposal back to the City. He reported that there are no physical changes to the layout or proposal and that the livable square footage was incorrectly noted by the petitioner at the last meeting. He further reported that the petitioner's changes are based on the total square footage.

Mr. Yanke reported that the property is 17,706 square feet according to the plat of survey and that code specifies studio/efficiency units shall contain a minimum of 750 square feet in floor area. He reported that the proposed units are slightly over 500 square feet each according to the submittal.

Chairperson Lou Mallers welcomed Mr. Art Cano, petitioner and thanked him for working with the City.

Mr. Art Cano stated that he was resubmitting his proposal to include the studio units at 500 plus square feet. He explained that he misstated the square footage at the last meeting and that 400 square feet is the net space and what is required for the glass

area. Mr. Cano stated that he read the minutes and that the concerns appear to be the size and the egress.

Mr. Cano reported that he prepared a line drawing for the PZC showing the actual livable area in total and enough space for the required space of 1576 and 3 units. He stated that is units exceed the 2019 average of a 400-500 square foot studio. He stated that he is asking for a 225-foot variance or 30%.

Commissioner Shari Gillespie questioned if the proposal would eliminate storage from the apartments above.

Mr. Cano reported that the units above have storage and that they used additional storage in the basement.

Commissioner Julie Kasprowicz questioned if the closets are included in the square footage.

Mr. Yanke reported that closets can be included in the square footage.

Commissioner Julie Kasprowicz questioned why the petitioner was not building two units.

Mr. Cano stated that he would be competing with himself and others in the area with two units. He stated that it was not economical and that no one wants to live in the basement. Mr. Cano stated that the studio apartments in the basement would be for those who want to rent for less.

Commissioner Gillespie questioned if the slider windows look into a window well.

Mr. Cano stated that the windows are for light and air and are needed per Code and they were window wells. He stated that the International Compliance Code requires the window for emergency.

Commissioner Gillespie asked the petitioner if he thinks he will get renters.

Mr. Cano stated that he has received numerous emails and that he will advertise. He stated that he is also investing \$100,000 plus to add the units.

Commissioner Chris Jackson questioned if the petitioner had a contract with Argonne.

Mr. Cano stated that he did not but that he has contacts there who would allow him to advertise.

Commissioner Hilda Gonzalez stated that the petitioner can build two units at 750 square feet.

Mr. Cano stated that people are desperate to find smaller units. He stated that there are many people staying at the hotel for \$500 per week without any application. He stated that his renters will need to have a good credit score, security deposit, etc.

Commissioner Bob Erickson stated that the hotel cannot be compared to the apartments and that they are different uses. He stated that the petitioner was not comparing apples to apples.

Mr. Cano stated that he has some short-term renters that stay for six months and have someone else rent the other six months. He stated that his lease is one year minimum and noted that all his units are presently rented.

Commissioner Ralph Stompanato stated that four-month rentals will not work. Commissioner Gonzalez stated that neither would an internship at Argonne.

Commissioner Jackson questioned if the petitioner was asking for the 30% relief to maximize profit.

Mr. Cano answered that he was maximizing for a profit.

Chairperson Mellers stated that the Commissioners need to look at the criteria and that putting in two units makes more sense for the area and the community.

Commissioner Jackson stated that the second variance is a density concern.

Mr. Cano questioned Chairperson Mellers comment about downgrading.

Chairperson Mellers stated that he did not say the units would downgrade the area but rather he wanted what is best for Darien residents.

Commissioner Gonzalez stated that the square footage of the proposal is way below Darien's criteria.

Commissioner Jackson stated that 31,000 square feet of lot area to 17,000 is a concern.

Mr. Yanke reported that Commissioner Brian Liedtke could not be present but that he was comfortable with the special use and variation request and that the proposal demonstrates a unique target.

Mr. Yanke reported that Commissioner Liedtke questioned the balconies and if failure to the balconies should they collapse fall onto the egress.

Mr. Cano stated that the excavation is inspected by the City Engineer and that prior to excavation construction he will be required to provide what is necessary to uphold any failure. He questioned if there was a fire on the deck that fell into the egress that the resident could walk out the door to escape.

Commissioner Jackson stated that this is a fire hazard. He questioned if the sidewalks needed to be redone because they appear tight.

Mr. Cano stated that the sidewalks were fine.

Commissioner Erickson questioned if there was every any flooding in the basement.

Mr. Cano stated that there was when the sump pump did not function. He stated that the Sump Pumps are designed to handle the water flow.

The PZC reviewed and discussed the following:

Variation Criteria:

1. Whether the general character of the property will be adversely altered. *Yes*
2. Whether the overall value of the property will be improved and there will not be any potential adverse effects on the neighboring properties. *Yes*
3. Whether the alleged need for the variation has been created by any person presently having a proprietary interest in the premises. *Yes*
4. Whether the proposed variation will impair an adequate supply of light and air in adjacent property, substantially increase congestion in the public streets, increase the danger of fire or endanger the public safety. *Not enough information. To be determined.*
5. Whether the proposed variation will adversely alter the essential character of the neighborhood. *Yes*

Special Use Criteria:

No special use shall be recommended to the City Council by the Plan Commission, nor approved by the City Council, unless findings of fact have been made on those of the following factors which relate to the special use being sought:

1. That the special use is deemed necessary for the public convenience at the location specified. *No*
2. That the establishment, maintenance, or operation of the special use will not be detrimental to, or endanger the public health, safety, or general welfare. *Yes*
3. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. *Yes*
4. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. *Yes*
5. That the exterior architectural design, landscape treatment, and functional plan of any proposed structure will not be at variation with either the exterior architectural design, landscape treatment, and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood. *No*

6. That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided. *Not enough information. o be determined.*

7. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. *No*

8. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the City Council pursuant to the recommendations of the Plan Commission and Planning and Development Committee. *Yes*

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

**Commissioner Stompanato made a motion, and it was seconded by Commissioner Kasprovicz to approve PZC 2022-03 (REVISED FROM 07/06/2022) 8431 Wilmette Avenue – Special Use Amendment & Variations Petitioner (Art Cano) seeks approval for an amendment to a Special Use and Variation requests from Sections 5A-7-3-5(D) and 5A-7-3-8(B) of the Zoning Ordinance. The petition specifically requests to allow for the interior remodeling and addition of three (3) studio apartments inside an existing apartment building. Property is located within the R-3 Multi-Family Residence District and the Variation requests are from the following standards in the City of Darien Zoning Ordinance: 1) Section 5A-7-3-5(D): R-3 District Land Area per Dwelling Unit Standards. 2) Section 5A-7-3-8(B): R-3 District Minimum Floor Area Standards.**

**Upon roll call vote, THE MOTION UNANIMOUSLY FAILED 7-0.**

Mr. Yanke reported that this would be forward to the Municipal Services Committee on Monday, September 26, 2022 at 6:30 p.m.

### **OLD BUSINESS**

There was no old business

### **STAFF UPDATES & CORRESPONDENCE**

Mr. Jordan Yanke, City Planner reported that the next meeting will be a special use for a tobacco and food store with a drive-thru and the maps of the Key Development Areas.

### **APPROVAL OF MINUTES**

**Commissioner Erickson made a motion, and it was seconded by Commissioner Stompanato to approve the July 20, 2022, Regular Meeting Minutes.**

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

**NEXT MEETING**

Mr. Jordan Yanke announced that the next meeting is scheduled for Wednesday, September 21, 2022.

**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 Erickson made a motion, and it was seconded by Commissioner Gillespie. Upon voice vote, **THE MOTION CARRIED unanimously**, and the meeting adjourned at 8:28 p.m.

**RESPECTFULLY SUBMITTED:**

**APPROVED:**

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**Elizabeth Lahey**  
**Secretary**

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**Lou Mallers**  
**Chairperson**