

**MINUTES
CITY OF DARIEN
PLANNING & ZONING COMMISSION MEETING
January 15, 2014**

PRESENT: Beverly Meyer – Chairperson, Don Hickok, Ron Kiefer, Ray Mielkus, Pauline Oberland, Ken Ritzert, Susan Vonder Heide, Michael Griffith – Senior Planner, Elizabeth Lahey – Secretary.

ABSENT: John Lind, Lou Mallers

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

A. Public Hearing - PZC 2013-11: 2551 75th Street: Petitioner requests to rezone the subject property from B-1 Neighborhood Convenience Shopping District to B-2 Community Shopping Center Business District, and special use approval for a drinking establishment within the B-2 Community Shopping Center Business District.

Mr. Michael Griffith – Senior Planner reported that the property is zoned B-1. He reported that within this zoning district, a drinking establishment, bar, is neither a permitted use nor a special use. He further reported that other commercial properties in Darien along 75th Street between Lemont Road and Plainfield Road are currently zoned either B-2 Community Shopping Center Business District or B-3 General Business District. He reported that rezoning the subject property in the B-2 would treat the subject property in the same manner as other commercial properties along the stretch of 75th Street.

Mr. Griffith reported that the property to the west currently includes a restaurant and café, both of which serve alcohol. He reported that the plat of survey shows 25 parking stalls and whether this is adequate for the proposed use. He further reported that the plat also shows an existing 6-foot tall fence east of the parking area and north the building and that staff believes that the fence belongs to the property to the east.

Mr. Griffith reported that staff received an email from Alderman McIvor dated January 15, 2014 noting several concerns from residents as well as a petition from the residents.

The petitioner, Mr. Vldas Kriauciunas stated that he would like to open a bar and grill. He stated that he has a restaurant in Darien at 83rd and Lemont.

Commissioner Oberland questioned if the restaurant will have TVs.

The petitioner stated that he will have seven TVs over the bar area.

Commissioner Oberland stated that having seven TVs makes it more of a sports bar than a restaurant.

Commissioner Ritzert questioned the hours of operation.

The petitioner stated that he will be open Monday through Friday until 10 p.m. and until 11 p.m. on weekends.

Commissioner Kiefer stated that he counted 60 plus for seating and that there were only 27 parking spaces.

The petitioner stated that he did not think he would need any more spaces.

Commissioner Oberland questioned how he could be sure that 27 was enough spaces. She asked if the petitioner would turn people away because there was not enough parking.

The petitioner stated that he may be changing the plan.

Commissioner Kiefer stated that if the petitioner is looking to change anything that the Commission should wait to see the new proposal.

Commissioner Hickok questioned the size of the dining room. He stated that it appeared to be 50 ft. by 100 ft. and that parking will be an issue.

Chairperson Meyer stated that she was concerned with people going in and out.

Commissioner Oberland stated that there is a very gray area as to what is intended and what is documented. She stated that there is no place for parking and it doesn't make sense.

Commissioner Hickok stated that there is no place to pile the snow.

Chairperson Meyer stated that the restaurant is really small to accommodate 60 people. She stated that she is concerned that there will be overflow into the neighborhood.

Commissioner Vonder Heide stated that even if parking is restricted there is no place for people to park.

Commissioner Kiefer suggested tabling the proposal until the petitioner can make revisions.

Mr. Griffith reported that he counted seating for 138. He reported that the Zoning Ordinance establishes minimum parking standards for a bar counting stools as seating. He further stated that he tried to prorate it and that even prorated that 57 spaces would be required.

Commissioner Vonder Heide suggested that the PZC discuss the special use criteria items 1-8 noted in the agenda memo.

After discussion of items 1-8 the PZC agreed that the criteria was not met.

Chairperson Meyer opened the meeting to anyone in the audience wishing to present public comment.

Ms. Luanne Spiros, 7521 Main Street thanked the Commission members for their commitment to Darien. She urged the PZC to vote no. Ms. Spiros stated that she is concerned about safety of the children in the area. She stated that two thirds of the children are under the age of ten. Ms. Spiros expressed concern regarding the bus stop at 75th and Main and that the children will be subjected to an open bar area. She stated that there are ingress and egress issues and there is a difference between a restaurant versus an establishment to go and eat.

Ms. Spiros stated that there is no other stand alone in the area that has what is proposed. She stated that there will be smokers outside and then comes the beer garden. She stated that this business will negatively impact the neighborhood. She further stated that there is no buffer zone.

Ms. Spiros urged the Commission to vote no to B-2 and no to the special use.

Mr. Art Donner, 7548 Cambridge stated that he was the former City of Darien Treasurer. He reported that when Wolf Camera came to Darien that the Mayor visited the neighbors to ask for a variance and promised the neighbors that there would not be a bar in the future. Mr. Donner stated that the City has an obligation to keep that promise.

Mr. Donner explained that if the City approves a bar in a residential area that the City will incur many 911 calls from residents. He stated that this will be very expensive for the City.

Mr. Tim Patyk, 7500 Cambridge stated that he lived adjacent to the property. He questioned where the workers are going to park. Mr. Patyk stated that this proposal will definitely impact the neighborhood and quality of life.

Mr. Ron Viall stated that taverns are against Code and that parking is going to be a mess.

Mr. Joe Weber, 7521 Main stated that he is a business owner and understands the risks of opening a business. He explained how he grew up working in restaurants and bars and that it is clear that this proposal is for a bar and not a restaurant. Mr. Weber stated that this proposal does not make sense for the area. He stated that Stella's, Dotti's and the VFW did not draw the crowd that is here tonight.

Mr. Thomas Raftis, 7515 Main Street stated that there is already overflow parking on Friday and Saturday nights. He stated that he has a child who gets off at the bus stop and it is already unsafe. He questioned who is going to police the area.

Alderman Sylvia McIvor, Ward 6 stated that she received a lot of correspondence and calls from residents against the proposal. She stated that she is not in favor of it. Alderman McIvor thanked the petitioner for his present business and that it has been a great addition to Darien.

Alderman McIvor stated that this business is not conducive for the location. She stated that it abuts to three back yards and a neighborhood of small children. She further stated that she personally is voicing her lack of support and that the petitioner should contact the City staff so that they can help him to find a more suitable location that would work.

Mr. Eric Gustafson, 7556 Wakefield Drive stated that Walmart is expanding and the volume of people and cars is expanding and pulling out onto a main street is extremely dangerous and will be a real challenge.

Chairperson Meyer asked the petitioner to answer any questions of the residents.

The petitioner stated that his proposal is for a small restaurant and that there will be no problems.

At 7:49 p.m. Chairperson Meyer closed the public hearing.

Commissioner Vonder Heide stated that the City permitted 27 spaces for the site when 29 was warranted and the smaller spaces compromises the lot even further.

Mr. Griffith stated that the new Code parking spaces are 9 ft. wide.

Commissioner Kiefer stated that the PZC looks at each proposal and how it will affect the community. He stated that it is obvious that the neighborhood will be impacted and he cannot move forward especially knowing that the 911 calls will be a huge expense to the City.

Commissioner Ritzert stated that he cannot see a worse use for the property.

Commissioner Vonder Heide made a motion and it was seconded by Commissioner Kiefer to deny PZC 2013-11 - to rezone the subject property from B-1 to B-2 within the B-2 Community Shopping Center Business District.

Upon roll call vote, THE MOTION CARRIED UNANIMOUSLY 7-0. Commissioner Lind and Commissioner Mallers were not present.

Mr. Griffith announced that this would be forwarded to the Municipal Services Committee on Monday, January 27th at 6:30 p.m.

B. Public Hearing – PZC 2013-12: 105 74th Street: Petitioner requests to rezone the subject property from R-2 Single Family Residence to B-1 Neighborhood Convenience Shopping District related to expanding The Patio Restaurant parking lot.

Mr. Michael Griffith, Senior Planner reported that the petitioner proposes to demolish the existing single family home and expand their parking. He reported that the proposed expansion will increase the petitioners parking from 80 to 113 parking stalls and access will be from the existing parking lot.

Mr. Griffith reported that the petitioner will replace the existing fence along 74th Street with a new 6-foot tall white vinyl fence as well as landscaping. He reported that the amount of landscaping complies with the Zoning Ordinance.

Mr. Griffith reported that storm water detention is to be located at the far west end of the property and that it has been reviewed by the City's engineer. He reported that three light poles will be located within the new parking area and that the photometric plan shows the lights will not exceed the amount of light permitted at the property line, e foot-candles and that they will have to be adjusted to not glare to the adjacent properties.

The petitioner, Mr. John Kolopoulos stated that he is requesting additional parking for his employees. He stated that the area will be fenced on three sides with lights. He further stated that he is always trying to improve the area. Mr. Kolopoulos stated that this will increase the lot to approximately 30 stalls.

Mr. Griffith reported that he did receive a call from a resident asking about the nature of the request.

Chairperson Meyer opened the public hearing to anyone in the audience wishing to present public comment.

Ms. Dorota Kreczko stated that she lived behind the parking lot. She questioned the safety for the children in the area.

Commissioner Kiefer stated that there will be less traffic with the new parking added.

Ms. Kreczko expressed her concern regarding parking on the streets especially during the games held at the high school.

Chairperson Meyer stated that the additional parking is not serving the people going the games.

Mr. Griffith reported that the City has gotten many complaints regarding the overflow parking from the schools. He stated that the police need to be called to enforce the parking issues.

Ms. Kreczko stated that she is concerned about the parking affecting her property value.

Mr. Griffith reported that the high school has talked to the City about a parking lot. Mr. Griffith stated that he would forward Ms. Kreczko's concern regard the overflow high school parking on the streets in her neighborhood.

Mr. Art Donner stated that the Patio Restaurant and owner are spectacular and that they are an asset to Darien.

Commissioner Kiefer stated that the neighborhood will be better with the fence and landscaping.

Commissioner Vonder Heide stated that the plan is well thought out and that the criteria has been met. She stated that the proposed plan will be screened better than it was.

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

Commissioner Hickok made a motion and it was seconded by Commissioner Ritzert to approve PZC 2013-12: 105 74th Street: to rezone the subject property from-2 Single Family Residence to B-1 Neighborhood Convenience Shopping District related to expanding The Patio Restaurant parking lot.

Upon roll call vote, THE MOTION CARRIED UNANIMOUSLY 7-0. Commissioner Lind and Commissioner Mallers were not present.

Mr. Griffith reported that this would be forwarded to the Municipal Services Committee on Monday, January 27th at 6:30 p.m.

MINUTES

Commissioner Hickok made a motion and it was seconded by Commissioner Mielkus to waive the reading of the December 4, 2013 Meeting Minutes.

Upon voice vote, THE MOTION CARRIED UNANIMOUSLY 7-0. Commissioner Lind and Commissioner Mallers were not present.

Commissioner Ritzert made a motion and it was seconded by Commissioner Hickok to approve the December 4, 2013 Meeting Minutes.

Upon roll call vote, **THE MOTION CARRIED UNANIMOUSLY 7-0.** Commissioner Lind and Commissioner Mallers were not present.

CORRESPONDENCE

None.

OLD BUSINESS/PLANNER'S REPORT

None.

NEXT MEETING

Mr. Griffith announced that the next meeting is scheduled for Wednesday, February 5, 2014 at 7:00 p.m.

ADJOURNMENT

With no further business before the Commission, Commissioner Hickok made a motion and it was seconded by Commissioner Kiefer. Upon voice vote, THE MOTION CARRIED unanimously and the meeting adjourned at 8:19 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

**Elizabeth Lahey
Secretary**

**Beverly Meyer
Chairman**