

**CITY OF DARIEN**  
**PLANNING AND ZONING COMMISSION**  
**AGENDA**

**Wednesday, October 21, 2015**  
**7:00 PM**

**City Hall**  
**Council Chambers**

1. Call to Order
2. Establish Quorum
3. Regular Meeting:
  - A. **Public Hearing**  
**PZC 2015-11: Smile Care Dental, 7511 Lemont Road, Chestnut Court Shopping Center:** Petitioner requests approval of a special use in order to establish a dental clinic within the B-3 General Business zoning district.
  - B. **Public Hearing**  
**PZC 2015-12: 1033 S. Frontage Road:** Revocation of special use granted by Ordinance O-20-15, which permitted the establishment of a “garage for the storage, repair and servicing of motor vehicles, including body repair, painting and engine rebuilding.”
4. Correspondence
5. Old Business/Planner’s Report
6. Minutes: Approval of October 7, 2015, minutes to be placed on November 4, 2015, agenda.
6. Next Meeting: **November 4, 2015, 7:00 PM**
7. Adjournment

**AGENDA MEMO**  
**PLANNING AND ZONING COMMISSION**  
**MEETING DATE: October 21, 2015**

**Issue Statement**

**PZC 2015-11: Smile Care Dental, 7511 Lemont Road, Chestnut Court Shopping Center:**  
Petitioner requests approval of a special use in order to establish a dental clinic within the B-3 General Business zoning district.

**General Information**

Petitioner: Dilip Patel  
12337 S. Route 59  
Plainfield, IL 60585

Property Owner: Inland Chestnut Court, LLC  
2901 Butterfield Road  
Oak Brook, IL 60523

Property Location: 7511 Lemont Road

PINs: 09-29-300-008; 09-29-300-022; 09-29-300-023; 09-29-300-024;  
09-29-300-025

Existing Zoning: B-3 General Business

Existing Land Use: Retail shopping center

Comprehensive Plan Update: Commercial

Surrounding Zoning and Land Use: (shopping center)  
North: B2 General Retail Business District (Downers Grove): retail shopping center.  
South: OR&I Office, Research and Light Industrial: Forest Preserve.  
East: B-2 Community Shopping Center Business District and R-2 Single-Family  
Residence: Retail, restaurant and single-family homes.  
West: OSB Office and Service Business District (Woodridge) and B-2 Community  
Shopping District (Woodridge): Bank, retail shopping center.

Size of Property: 18.3 acres (shopping center)

Floodplain: None.

Natural Features: None.

Transportation: Shopping center has frontage and access from Lemont  
Road and 75th Street.

History: Property annexed in 1986.

### **Documents Submitted**

This report is based on the following information submitted to the Community Development Department by the Petitioner:

1. Exhibit A-1, Site Plan of Shopping Center, 1 sheet.

### **Planning Overview/Discussion**

Chestnut Court shopping center is located at the southeast corner of the 75<sup>th</sup> Street and Lemont Road intersection. The proposed dental clinic is located in the out building located along Lemont Road, south of Chase Bank. The site plan provided shows the location of the clinic within the shopping center.

The proposed clinic is 1,500 square feet, staffed with a single dentist and up to 3 staff.

Criteria for special use approval:

1. That the special use is deemed necessary for the public convenience at the location specified.
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.
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.
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.
5. That the exterior architectural design, landscape treatment, and functional plan of any proposed structure will not be a 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.
6. That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.
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.
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 planning and Zoning Commission and the Planning and Development Committee.

**Staff Findings/Recommendations**

Staff neither objects to the proposed nor to its location. Therefore, staff recommends the Commission make the following recommendation approving the petition:

**Based upon the submitted petition and the information presented, the request associated with PZC 2015-11 is in conformance with the standards of the Darien City Code and, therefore, I move the Planning and Zoning Commission recommend approval of the petition as presented.**

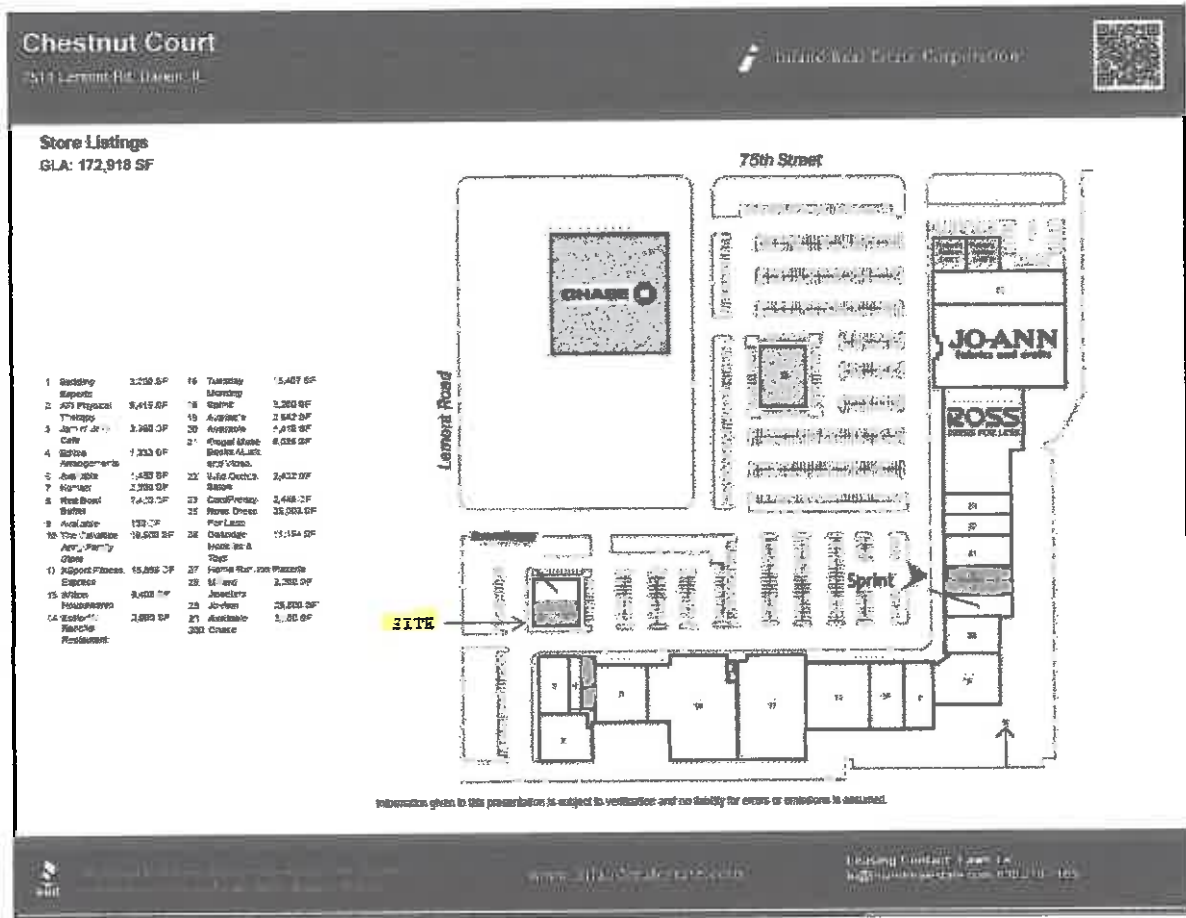
**Decision Mode**

Planning and Zoning Commission: October 21, 2015

**EXHIBIT A-1**

**SITE PLAN OF SHOPPING CENTER  
AND DEPICTION OF LOCATION OF PREMISES**

This site plan is presented solely for the purpose of identifying the approximate location and size of the Premises. Building sizes, site dimensions, access and parking areas, existing tenant locations and identities are subject to change at Landlord's discretion, except as otherwise expressly restricted in the text of the Lease.



AGENDA MEMO  
**PLANNING AND ZONING COMMISSION**  
**MEETING DATE: October 21, 2015**

**Issue Statement**

**PZC 2015-12: 1033 S. Frontage Road:** Revocation of special use granted by Ordinance O-20-15, which permitted the establishment of a “garage for the storage, repair and servicing of motor vehicles, including body repair, painting and engine rebuilding.”

**General Information**

Petitioner: City of Darien  
1702 Plainfield Road  
Darien, IL 60561

Property Owner: GD Darien LLC  
1035 S. Frontage Road  
Darien, IL 60561

Property Location: 1033-35 S. Frontage Road

PINs: 09-34-303-025; 09-34-303-027; 09-34-303-029

Existing Zoning: I-1 General Industrial

Existing Land Use: Vacant

Comprehensive Plan Update: Industry

**Surrounding Zoning and Land Use:**

North: OR&I Office, Research and Light Industry: I-55, vacant (proposed hotel).  
South: R-1 Single-Family Residence District (DuPage County) – forest preserve.  
East: R-2 Single-Family Residence District (DuPage County) – single-family home.  
West: I-1 General Industrial District: Municipal Services Facility.

Size of Property: 10 acres

Floodplain: Floodplain extends onto the east portion of the property.

Natural Features: None.

Transportation: Frontage and access onto S. Frontage Road

History: The property has been vacant for several years. Previously, the property was a drop yard for storing semi-trailers. In 2011, the City Council granted a special use to “garage for the storage, repair and servicing of motor vehicles, including body repair, painting and engine rebuilding”.

### **Planning Overview/Discussion**

In 2011, a petition was submitted by Great Dane L.P., 222 N. LaSalle Street, Chicago, IL 60601, requesting a special use to establish a “garage for the storage, repair and servicing of motor vehicles, including body repair, painting and engine rebuilding.” The City Council granted the special use at their regular meeting of September 6, 2011, Ordinance O-20-11.

The Darien Zoning Ordinance provides criteria for revoking a special use once granted. Per Section 5A-2-2-6(I) of the Zoning Ordinance:

**(I) Revocation Of Special Use Permit:**

1. A special use permit granted by the City Council shall be subject to revocation in part or in whole in the manner provided herein below under any of the following circumstances:

(a) Failure to commence construction of the proposed use within one year from and after the date of the granting of said permit. Construction shall not be deemed to have commenced unless and until: 1) all necessary permits have been obtained; 2) the site has been properly graded; 3) all foundations and footings are in place; and 4) all utilities have been provided for.

(b) Failure to carry the construction work forward expeditiously with adequate forces for a period of twelve (12) months out of any eighteen (18) month period.

(c) Following the issuance of occupancy permits, abandonment, or other failure to utilize the property for the purposes permitted by the special use for a period of two (2) months out of any consecutive six (6) month period.

(d) Where changed circumstances or experience derived from the exercise of the special use previously granted indicates that the continuation of the special use no longer carries out the goals of this Zoning Title. Provided, however, that any special use so withdrawn may continue to exist to the extent that it has been utilized and developed subject to the provisions of Chapter 4 of this Title.

(e) Upon written application, the City Council may authorize extensions of any time period specified hereinabove, at any time prior to the expiration of such time period but each such extension shall not exceed one year at a time.

The Planning and Zoning Commission shall prepare findings of fact and recommendation:

1. Regarding the continuation or revocation of the special use; and
2. Regarding the rezoning of the property to another classification.

The Commission's findings and recommendation will be transmitted to the City Council's Municipal Services Committee which will in turn provide a recommendation to the full City Council for final action.

In making a determination, the Commission shall consider the effect of changed conditions, if any, upon the property.

**Staff Findings/Recommendations**

Staff finds criteria (1)(a) has been meet: Since the special use was granted on September 6, 2011, construction of the proposed use has not commenced within one (1) year from and after the date of granting of a permit. A permit for said construction has not been submitted, the site has not been properly graded, foundations and footings are not in place, utilities have not been provided for.

Therefore, staff recommends the Planning and Zoning Commission make a recommendation to revoke the special use granted by Ordinance O-20-11.

**Decision Mode**

Planning and Zoning Commission: October 21, 2015



**CITY OF DARIEN  
DU PAGE COUNTY, ILLINOIS**

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**ORDINANCE NO. O-20-11**

**AN ORDINANCE APPROVING A SPECIAL USE AND  
VARIATIONS TO THE DARIEN ZONING ORDINANCE AND  
DARIEN SIGN CODE**

**(PZC 2011-09: 1033 S. Frontage Road, Great Dane)**

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**ADOPTED BY THE  
MAYOR AND CITY COUNCIL  
OF THE  
CITY OF DARIEN**

**THIS 6<sup>th</sup> DAY OF SEPTEMBER, 2011**

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**Published in pamphlet form by authority  
of the Mayor and City Council of the City  
of Darien, DuPage County, Illinois, this 7<sup>th</sup>  
day of September, 2011.**

**AN ORDINANCE APPROVING A SPECIAL USE AND  
VARIATIONS TO THE DARIEN ZONING ORDINANCE AND  
DARIEN SIGN CODE**

**(PZC 2011-09: 1033 S. Frontage Road, Great Dane)**

**WHEREAS**, the City of Darien is a home rule unit of local government pursuant to the provisions of Article VII, Section 6 of the Illinois Constitution of 1970; and

**WHEREAS**, as a home rule unit of local government, the City may exercise any power and perform any function pertaining to its government except as limited by Article VII, Section 6; and

**WHEREAS**, the property legally described in Section 1 (the "Subject Property"), is zoned I-1 General Industrial District pursuant to the Darien Zoning Ordinance; and

**WHEREAS**, the petitioner has requested approval of a special use to permit the establishment of a garage for the storage, repair and servicing of motor vehicles, including body repair, painting and engine rebuilding; and

**WHEREAS**, the petitioner has also requested approval of a variation from the terms of the Darien Zoning Ordinance to permit an 8-foot tall fence within the front yard of the subject property; and

**WHEREAS**, the petitioner has also requested approval of a variation from the terms of the Darien Sign Code to permit a 31-foot tall, 154 square foot pole sign; and

**WHEREAS**, pursuant to proper legal notice, a Public Hearing on said petitions was held before the Planning and Zoning Commission on August 17, 2011; and

**ORDINANCE NO.   O-20-11**

WHEREAS, the Planning and Zoning Commission at its regular meeting of August 17, 2011, recommended approval of said petitions and has forwarded its findings and recommendation of approval to the City Council; and

WHEREAS, on August 22, 2011, the Municipal Services Committee of the City Council reviewed the petition and has forwarded its recommendation of approval of said petitions to the City Council; and

WHEREAS, the City Council has reviewed the findings and recommendations described above and now determines to grant the petitions subject to the terms, conditions and limitations described below.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:**

**SECTION 1: Subject Property.** This Ordinance is limited and restricted to the property generally located at 1033 S. Frontage Road, Darien, Illinois, and legally described as follows:

LOT 2 IN THE DARIEN PUBLIC WORKS SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT RECORDED ON MARCH 24, 2004, DOCUMENT NUMBER R2004-075594, IN DUPAGE COUNTY, ILLINOIS.

PIN: 09-34-303-025; -026; -027

**SECTION 2: Special Use from the Zoning Ordinance Granted.** A special use from the Zoning Ordinance Section 5A-9-4-4 is hereby granted to permit the establishment of a garage for

ORDINANCE NO.   O-20-11  

the storage, repair and servicing of motor vehicles, including body repair, painting and engine rebuilding.

**SECTION 3: Variation from the Zoning Ordinance Granted.** A variation from the Zoning Ordinance Section 5A-5-8-2(C)(2) is hereby granted to permit the erection of an 8-foot tall fence within the front yard of the subject property, subject to the following conditions:

1. A black, metal fence, "wrought iron style", is to be installed along the front of the property, 8-foot tall being acceptable, instead of a chain-link fence;
2. Landscaping is to be included along the frontage of the property, street side of the fence;
3. Staff to review exterior lighting details for Code compliance.

**SECTION 4: Variation from the Sign Code Granted.** The following variations from the Sign Code are hereby granted:

1. Section 4-3-10(D)(1), Signs in the Industrial District (I-1): To permit a sign 31 feet tall and 154 square feet in area.
2. Section 4-3-7(B), Signs Specifically Prohibited: To permit a pole sign.

**SECTION 5: Home Rule.** This ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the City of Darien that to the extent of the terms of this ordinance should be inconsistent with any non-preemptive state law, that this ordinance shall supercede state law in that regard within its jurisdiction.

**SECTION 6: Effective Date.** This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

ORDINANCE NO. 0-20-11

PASSED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this 6<sup>th</sup> day of September, 2011.

AYES: 7 – Avci, Beilke, Marchese, McIvor, Poteraske, Schauer, Seifert

NAYS: 0 – NONE

ABSENT: 0 – NONE

APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this 6<sup>th</sup> day of September, 2011.

Kathleen Moesle Weaver  
KATHLEEN MOESLE WEAVER, MAYOR

ATTEST:  
Joanne E. Ragona  
JOANNE E. RAGONA, CITY CLERK

APPROVED AS TO FORM:  
[Signature]  
CITY ATTORNEY



