

MINUTES CITY OF DARIEN

PLANNING, ZONING, AND ECONOMIC DEVELOPMENT COMMISSION

Wednesday, May 21, 2025

PRESENT: Jonathan Christ, Shari Gillespie, Chris Green, Chris Jackson, Jonathan Johnson, Mark Kazich

ABSENT: Lou Mallers – Chairperson

OTHERS: Ryan Murphy – City Planner, Dan Gombac – Director, John Murphey – City Attorney

Mr. Ryan Murphy, City Planner called the meeting to order at 7:01 p.m. at the Darien City Hall, 1702 Plainfield Road, Darien, Illinois. Mr. Murphy declared a quorum present.

Mr. Murphy reported that Chairperson Lou Mallers would be absent, so the Commission should elect a Temporary Chairperson for the meeting.

Commissioner Kazich made a motion, and it was seconded by Commissioner Johnson to nominate Commissioner Gillespie as the temporary Chairperson for the meeting.

Upon roll call vote, the MOTION CARRIED UNANIMOUSLY 6-0.

Temporary Chairperson Gillespie swore in any audience member wishing to present public testimony.

Regular Meeting – New Business

- a. PZC2025-12 – 7322 Darien Lane – Mark Garber – Petition for a variation from Section 5A-11-3-4 of the City Code to permit a paved accessory RV/trailer parking to be placed within the required five-foot side yard setback of 7322 Darien Lane, Darien IL 60561 (PIN 09-27-108-014).**

Mr. Murphy reported that the quarter acre parcel gently slopes west to east and that the petitioner proposes to demo and repour the driveway and apron to widen and construct the parking space adjacent to the property line on the north side outside the front yard setback. He reported that driveways are required to be at least five feet from the property line and other regulations in the City Code prohibit RVs and trailers from being parked in the front yard with limited exception to allow the proposed driveway extension. Mr. Murphy reported that he had received no public comments on this item.

Temporary Chairperson Gillespie swore in the petitioner.

Mr. Mark Garber, 7322 Darien Lane, stated that the proposed width of the driveway would allow the RV to be on the side of the house. He confirmed to the Commission that the neighbor to the north is in support of the proposal.

Commissioner Kazich questioned how the proposed concrete would affect the water runoff to the street.

Mr. Garber stated that he would slope the pad towards the street, so it would run down the driveway.

There was some further discussion regarding runoff.

Mr. Dan Gombac, Director confirmed that any runoff issues would be addressed during the permitting.

There was some discussion regarding Code requirements for an RV.

Mr. Gombac confirmed to the Commission that any drainage issues would be addressed, and the Code would dictate guidelines for the proposal.

Commissioner Jackson made a motion, and it was seconded by Commissioner Johnson to approve PZC2025-12 – 7322 Darien Lane – Mark Garber – Petition for a variation from Section 5A-11-3-4 of the City Code to permit a paved accessory RV/trailer parking to be placed within the required five-foot side yard setback of 7322 Darien Lane, Darien IL 60561 (PIN 09-27-108-014).

Upon roll call vote, the MOTION CARRIED 4-2.

AYES: Gillespie, Green, Jackson, Johnson

NAYS: Christ, Kazich

ABSENT: Mallers

Mr. Gombac announced that the petition would pass to the Municipal Services Committee on May 27, 2025.

- b. PZC2025-11 – 7415 Cass Avenue – Indvestia Darien LLC – Petition for a Special Use Permit to allow the establishment of a recreational facility/health club within an existing building located in the B-2 Community Shopping Center District at 7415 South Cass Avenue, Darien IL 60561 (PIN 09-27-108-033).**

Mr. Murphy reported that the subject application would be for the former American Freight and Sears tenant space and would be deemed a Special Use for a gym in the B-2 district. He reported that the general hours of operation would include weekday hours and some 24-hour

days, as well as various fitness equipment. He reported that he had received no public comments on this item.

Commissioner Jackson recused himself from the case as he is an interested party in the property.

Temporary Chairperson Gillespie swore in the petitioner.

The petitioner stated that he had finalized an agreement with Planet Fitness, who would offer a quality fitness center that would be a good value for the community.

Commissioner Kazich questioned if there would be staffing during the 24-hour periods of operation.

The petitioner stated that Planet Fitness is always staffed and that they may not always be open 24 hours but wanted the ability to do so.

Temporary Chairperson Gillespie closed the public comment.

There was no further discussion amongst the Commissioners.

Commissioner Johnson made a motion, and it was seconded by Commissioner Christ to approve PZC2025-11 – 7415 Cass Avenue – Indvestia Darien LLC – Petition for a Special Use Permit to allow the establishment of a recreational facility/health club within an existing building located in the B-2 Community Shopping Center District at 7415 South Cass Avenue, Darien IL 60561 (PIN 09-27-108-033).

Upon roll call vote, the MOTION CARRIED 5-0.

AYES: Christ, Gillespie, Green, Johnson, Kazich

NAYS: None

RECUSED: Jackson

ABSENT: Mellers

Mr. Murphy announced that the item would pass to the Municipal Services Committee on May 27, 2025.

Regular Meeting – Old Business

- a. **PZC2024-09 – 7511 Lemont Road – Chestnut Court Darien IL LLC – A petition for the rezoning and redevelopment of the Chestnut Court shopping center located in the B-3 (General Business) zoning district at the southeast corner of 75th Street and Lemont Road, commonly known as 7511 Lemont Road (PINs 09-29-300-008, 09-29-300-022, 09-29-300-023, 09-29-300-24, and 09-29-300-025). The project includes the following:**

- **A request to change the zoning for the project site from B-3 (General Business District) to M-U (Mixed-Use);**
- **A variation to allow for ground-floor residential for a multifamily apartment building;**
- **A variation to reduce the required parking ratio from 2 spaces per dwelling unit to 1 space per dwelling unit;**
- **A preliminary plat of subdivision to re-subdivide the site for development purposes;**
- **The construction of three (3) retail buildings totaling 107,165 square-feet and one 151,196 square-foot four-story 156-unit multifamily apartment building comprised of studio, one-bedroom and two-bedroom units, with residential amenities including a fitness room, club room, storage, and outdoor recreation areas, with an option to increase the number of units to a total of 166-units;**
- **Façade improvements for the commercial center;**
- **On-site improvements including landscaping, fencing, walkways, parking and loading areas, on-site utilities, and drainage/stormwater facilities**

Mr. Murphy reported that following the May 7, 2025 Planning, Zoning and Economic Development Commission meeting, the Commission voted 5-1 to continue the meeting in order to obtain a copy of the market study that was conducted by the petitioner prior to submission, and also for staff to provide information on reviews from the Forest Preserve District, DuPage County Department of Transportation and other City departments. He reported that the market study had been provided, the fire district had no comments, the Forest Preserve District had some comments that were addressed by the petitioner, and other City departments had no comment. He further reported that DuPage D.O.T. had not provided comments in time for the meeting but prepared a memo which outlined the County's permitting process.

Mr. Murphy provided a summary of the proposal, including the proposed variations listed in the agenda. He reported that staff had found the ground floor variation would meet the intent of the mixed-use district and had provided review criteria for the remaining variations.

Mr. Gombac reported that the mixed-use district had been introduced as part of a City-driven through comprehensive plan to redevelop the whole mall. He reported that though this project would be eligible for a TIF district, this Commission would not have any say in the TIF and that decision would be made by the City Council. He further reported that DuPage County, regarding the roadway, had reviewed and stated that there may be signal timing changes, but no other gleaming issues.

Commissioner Johnson questioned if there would be any tax burden on Darien residents if they were to do a TIF district.

Mr. Gombac stated that the simple answer is no. He stated that those numbers would be worked out with a consultant and the developer to make sure the numbers are tied together.

Commissioner Jackson clarified that they would solely be reviewing the bullet points listed in the agenda.

Mr. Murphy clarified further that the subject application would involve the rezone, variations and preliminary plat. He stated that if the rezone is approved, the project would be by right with exception of the variance.

Temporary Chairperson Gillespie called forth anyone wishing to present public comment.

Mr. Vic Patton, 1905 Manning Road, stated that he would not like to see a four-story building on this corner, and that he is not a big proponent of high density in Darien. He stated that he felt the developer left many things out of their presentation, including a play area for children, and that it would be dangerous for kids to play near the parking lot or the wetlands. Mr. Patton stated that the petitioner had failed to address EV parking and that there would be a lot of risk with EV causing fires. He further stated that there would be a potential for various serious waste products going into the wetlands. He questioned how they would get the amps to charge vehicles.

Mr. Mark Sewell, owner of the south five feet of tract E of Chestnut Court, stated that he had spoken to Pine Tree in the past about them purchasing the parcel or including it in a future sale, but he hadn't heard of the sale to Mr. Kumar Bahavanasi until the May 7th meeting. He stated that this parcel should be included with Chestnut Court since they are responsible for the maintenance, and he shared some of the history of the parcel. Mr. Sewell stated that there had been some confusion with the tax deeds of the parcel, but he would like to offer it to Mr. Bahavanasi to include in future development.

Ms. Liz Hayes, Darien resident, questioned what the impact on the school district would be with 150 units. She stated that from what she read, it would be District 66 and would like the Commission to consider the impact that 150 units would produce on children funneling into a single school district.

Ms. Pam Taylor, Darien resident, questioned if children would be allowed. She stated that the structure of the apartment units would not be conducive to families, but single people, and that renters are not invested in the City. She further questioned how much the rent would be and if the apartment would have a separate ingress and egress. Ms. Taylor stated that the space may be conducive to condos, but property tax-wise it would be better to build more shops and businesses.

Ms. Diana Meyer, Darien resident, stated that she has been a Darien resident most of her life and the draw to Darien is how peaceful it is. She stated that this would be a lot of apartments for such a small City and that the families would have nowhere to go with such little space and that there would be danger posed to children. Ms. Meyer stated that the development would not be an asset to Darien, that renters are transient and that other areas that have done similar developments have seen increase in crime and oversaturation of school districts. She further stated that she is shocked the police department and fire department made no comment, and

that if you squeeze 166 families into this space there would be fires, disruption and chaos. She stated that she would be all for improvements, restaurants and businesses, but not for an apartment building.

Mr. Paul Steck, 3050 Spring Green Drive, stated that he has lived in Darien almost his whole life and that he did not like the idea of a building higher than three stories or the one car parking space. He stated that he would be strongly opposed to the small sized apartments and that people would go stir crazy.

Temporary Chairperson Gillespie closed the discussion to public comment and asked the petitioner to comment.

Mr. Anders Rustin, architect for the development and representative of Mr. Kumar Bahavanasi, stated that they had sent the market study which would show rental needs in the area and show a recommendation to help understand the appropriate mix of units, rents and need for the specific neighborhood. He stated that it would be unwise for developers to deviate from the market study since it would be a proof of concept. Mr. Rustin noted that the market study recommended a maximum of five stories, but they elected four as they felt it would not be an appropriate scale perspective, and that from a density perspective, the proposed building would only be a couple feet higher than the top of the Ross structure.

Commissioner Jackson questioned if the study had been done in 212 units.

Mr. Rustin confirmed that that number had been recommended under the five-unit model, but they did not want to overpopulate the site with units that weren't needed.

Mr. Gombac requested Mr. Rustin comment on the proposed target markets.

Mr. Rustin stated that the market study suggested two-bedroom or even three-bedroom, but they would like to avoid any saturation into the school system. He stated that they would be targeting young professionals, young couples and young single people for this development, which would be the type of renters attracted to a development such as this. He further stated that he would not imagine there would be many families or kids because that isn't what the units are designed for.

Commissioner Johnson questioned what the rent would cost.

Mr. Rustin stated that there had been an estimate price provided through the market study. He further stated that all parking spaces would be EV ready, and that there would be a transformer on site and panels would run underground directly to the surfaces. He stated that electrical connection for the building would be an independent system.

Commissioner Jackson clarified that EV-ready had already been codified.

There was some debate amongst audience members which Temporary Chairperson Gillespie shut down.

Commissioner Jackson questioned if there had been any more thought as to outdoor amenities.

Mr. Rustin stated that they fully plan to amenitize the outdoor space based on the market study, it just hadn't been fully designed yet.

Commissioner Jackson questioned if it could include an outdoor pet walk area or a grilling area.

Mr. Rustin confirmed that it could.

Commissioner Green questioned if the site would be surrounded by a fence.

Mr. Rustin stated that there is one currently there and that Mr. Bahavanasi would be agreeable to replace it.

Commissioner Green questioned if the wetlands would be restricted.

Mr. Rustin confirmed that they would be and that there is a retaining wall on the south side of the property that would prohibit access into the wetlands.

Commissioner Kazich questioned if Mr. Bahavanasi had made any decision regarding pets in the building.

Mr. Rustin stated that the initial planning had accommodated a pet wash area and room for a pet run if it would be a pet friendly building, but that decision had not been made yet.

Mr. Gombac stated that there would be no criteria that the Commission would have the right to mandate pet friendly apartments or not.

Commissioner Kazich questioned, regarding Attorney Murphey, if the plat of subdivision should be recorded following approval.

Attorney Murphey stated that this would be the preliminary plat stage and that the final plat would not be recorded until final engineering is done.

Commissioner Kazich stated his assumption that the worst-case scenario would be that the preliminary plat would be filed and then the developer puts the property up for sale.

Attorney Murphey stated that this would be a unified approval and would be covered by the final planning process. He stated that they don't know if the City Council would approve a TIF but that would be the type of condition that would be set forth in the development agreement. He further stated that it would be a two-step process: the first being to get the zoning in place. Attorney Murphey stated that the zoning would be very important because this is what the city planned for the property with the new district and because unless there would be a basic zoning entitlement, the type of commercial or business service users we would want to see would not wait around. He emphasized that the zoning grant is very important to "prime the

pump” in what continues to be a competitive environment. He further referenced examples of mixed-use spaces in other municipalities.

Attorney Murphey acknowledged several of the points brought up by residents. He stated that the service road on the south edge of the property would be a private negotiation between the developer and the taxpayer of the other property. He further stated that, regarding the school issue, during the TIF process, both under law and as a requirement in the City, District 66 would be reimbursed for the children that reside there after the school year. He elaborated that it would be an unknown how many school-aged children the development would produce, but there would be an agreement in place to even up any incurred cost as part of the TIF process if the council would approve it.

Commissioner Jackson stated that the role of this body would be to make a recommendation moving forward on entitlements, which is still a concept. He stated that they would review the variations, looking at the six bullet points listed. He further stated that this isn’t just a mixed-use without anything else, it would be a mixed-use for one part of it to support the other. Commissioner Jackson stated that the on-site and façade improvements would be a no-brainer.

Mr. Murphy clarified that the on-site and façade improvements would be included to ensure the public is aware of the project as a whole, and that the entitlements would include the mixed-use zoning, the variations and the plat.

Commissioner Johnson questioned if there would be enough room in the back of the property to put a park in. He stated he would want to address the safety of the residents.

Mr. Gombac stated that based on the market study, they don’t know how many kids will be included in the development, and that they wouldn’t want to set the precedent for children if that was not in the developer’s plan.

Commissioner Jackson cited some examples including the Jade Residences in Darien, which is landlocked with no retail supporting it, Burr Ridge Village Center, which have retail but no parks or other amenities, and the Idyllwild apartments, which have some amenities but are not supported by retail and back up to wetlands. He emphasized that the proposed project would be 156 apartments supported by retail with amenities.

Commissioner Johnson stated that he understands Commissioner Jackson’s point, but his concern is with the safety of any kids living there.

Commissioner Jackson stated that the building was designed in an H to support an enclosed structure.

Commissioner Johnson stated that safety is a concern for the residents that should be accommodated.

Commissioner Jackson stated that he believes the accommodations have been met. He further questioned how they would be able to modify the 166 units.

Mr. Gombac stated that they would be able to put a maximum to the number of units.

Commissioner Jackson questioned where they landed on parking. He stated that the traffic study supported about 1.2 and the site plan supported about 1.75.

Commissioner Kazich clarified the number of units per floor plan for the audience.

Commissioner Jackson stated that there would be an overreach on the ask as the design doesn't support it. He stated that he would support the retain and that this developer can attract good businesses. He further stated that he would not support the proposed parking reduction, but he would support some reduction and they would need to find the magic number.

Commissioner Christ stated that he believes it would be about 1.6.

Mr. Murphy stated that it would vary based on the petitioner's use of different unit count.

There was some discussion about the maximum unit number requested by the petitioner.

Mr. Rustin stated that based on the modular construction technique they wanted the flexibility of up to 10 units because there may be units slightly larger. He stated that when he spoke with Mr. Murphy he had stated it would be maybe three or four, but they are asking for 10 to provide the flexibility to figure that out.

Commissioner Jackson stated that he would support a modified variation on the parking and a firm unit mix.

Commissioner Christ questioned if each line item would be looked at as individual motions.

Attorney Murphey stated that that would make sense, that they should have a separate motion on the rezoning first, then the site plan. He clarified that they would be able to condition the variations subject to maximum unit number. He further clarified for Commissioner Kazich's previous question that it would not be unusual to see significant changes during final engineering. Attorney Murphey emphasized that preliminary is preliminary.

There was some further clarification amongst the Commission regarding how to vote on each item.

Commissioner Jackson made a motion, and it was seconded by Commissioner Christ to approve PZC2024-09 – 7511 Lemont Road – Chestnut Court Darien IL LLC - A request to change the zoning for the project site from B-3 (General Business District) to M-U (Mixed-Use).

Upon roll call vote, the MOTION CARRIED 5-1.

AYES: Christ, Green, Jackson, Johnson, Kazich

NAYS: Gillespie

ABSENT: Mellers

Mr. Gombac announced that this motion would carry to Municipal Services on its own merit.

The Commission confirmed that the next item they would vote on would be the variation for ground-floor residential.

Commissioner Christ questioned if there had been some comment about the ground-floor residential from staff.

Mr. Murphy stated that his staff report described two types of mixed-use, one being vertical with retail below and residential above, the other being horizontal with retail placed in front and residential behind. He stated that the horizontal style of mixed-use would be in the spirit of the mixed-use zoning district that had been adopted in 2024.

Commissioner Jackson stated that he agreed with staff on that.

Commissioner Kazich stated that his concern was that the City Council approved the mixed-use stating one floor would be devoted to non-residential uses and at least one devoted to residential uses. He stated that they would be changing the variance less than a year later.

Mr. Gombac questioned if Commissioner Jackson could give his opinion on this based on his architectural background.

Commissioner Jackson stated that Attorney Murphey had somewhat alluded to this, and that he had seen mixed-use unmixing. He stated that while it's a mixed-use development, the building itself isn't mixed-use.

Commissioner Green stated that they would be zoning it mixed-use, so it fits the spirit of the zoning, minus the variance to not have ground-floor. He stated that it would have to live within the mixed-use development requirements, not multi-family and business B-2.

Commissioner Christ questioned if Commissioner Kazich's concern would be limiting the retail.

Commissioner Jackson pointed out that Commissioner Kazich's concern would be that it's a variation.

Commissioner Kazich stated that it is because this is a variation that they created less than a year ago.

Commissioner Jackson stated that he would urge Commissioner Kazich to read through the variation criteria and see if it made sense that way. He stated that this process is in place to allow variation from the ordinance and that it does not contemplate every scenario.

Commissioner Jackson made a motion, and it was seconded by Commissioner Green to approve PZC2024-09 – 7511 Lemont Road – Chestnut Court Darien IL LLC – Item A: A variation to allow for ground-floor residential for a multi-family apartment building.

Upon roll call vote, the MOTION CARRIED 4-2.

AYES: Christ, Green, Jackson, Johnson

NAYS: Gillespie, Kazich

ABSENT: Mallers

There was much discussion amongst the Commission regarding how many parking spaces should be required.

Mr. Gombac questioned how many parking spaces they would require per unit based on 156 units.

The Commissioners confirmed that they would require 1.5 spaces per unit, regardless of the number of units.

Commissioner Johnson made a motion, and it was seconded by Commissioner Green to approve PZC2024-09 – 7511 Lemont Road – Chestnut Court Darien IL LLC – Item B: A variation to reduce the required parking ratio from 2 spaces per dwelling unit to 1.5 space per dwelling unit.

Upon roll call vote, the MOTION CARRIED UNANIMOUSLY 6-0.

There was no discussion amongst the Commission regarding Item C.

Commissioner Green made a motion, and it was seconded by Commissioner Johnson to approve PZC2024-09 – 7511 Lemont Road – Chestnut Court Darien IL LLC – Item C: A preliminary plat of subdivision to re-subdivide the site for development purposes.

Upon roll call vote, the MOTION CARRIED UNANIMOUSLY 6-0.

Mr. Gombac clarified the next item for the audience.

Commissioner Green stated that 156 would be the petitioner's minimum and his opinion would be that that is where they should keep it, and not allow the option for additional units.

Mr. Murphy clarified that the item would be approving the modification of the proposed site.

Mr. Gombac clarified further that the real issue to vote on would be the increase in number of units.

The Commission clarified that the item included an addition, new construction and a remodel.

Mr. Rustin stated that he would be concerned about locking the development in to 156 units due to the potential pricing increase.

There was some clarification of the parking density based on the 166 units.

Commissioner Green made a motion, and it was seconded by Commissioner Jackson to approve PZC2024-09 – 7511 Lemont Road – Chestnut Court Darien IL LLC – Item D: The construction of three (3) retail buildings totaling 107,165 square-feet and one 151,196 square-foot four-story 156-unit multifamily apartment building comprised of studio, one-bedroom and two-bedroom units, with residential amenities including a fitness room, club room, storage, and outdoor recreation areas.

Commissioner Kazich requested to add a condition to include balconies.

Commissioner Green stated he can make a separate motion following this vote.

Upon roll call vote, the MOTION CARRIED 4-2.

AYES: Christ, Green, Jackson, Johnson

NAYS: Gillespie, Kazich

ABSENT: Mallers

Commissioner Kazich made a motion, and it was seconded by Commissioner Jackson to approve PZC2024-09 – 7511 Lemont Road – Chestnut Court Darien IL LLC – Item D: The construction of three (3) retail buildings totaling 107,165 square-feet and one 151,196 square-foot four-story 156-unit multifamily apartment building comprised of studio, one-bedroom and two-bedroom units, with residential amenities including a fitness room, club room, storage, and outdoor recreation areas with the following condition:

- 1. To include the construction and installation of balconies for each residential unit of approximately 60 square feet.**

Upon roll call vote, the MOTION FAILS 2-4.

AYES: Gillespie, Kazich

NAYS: Christ, Green, Jackson, Johnson

ABSENT: Mallers

Mr. Gombac stated that the next two items would not need a decision, therefore would not be voted on.

Mr. Murphy announced that this item would move to the Municipal Services Committee on May 27, 2025 at 6:00 p.m.

Staff Updates & Correspondence

There were no staff updates or correspondence to discuss.

Approval of Minutes

Commissioner Jackson made a motion, and it was seconded by Commissioner Green to approve the May 7, 2025 Regular Meeting Minutes.

Upon voice vote, the MOTION CARRIED UNANIMOUSLY 6-0.

Next Meeting

Temporary Chairperson Gillespie announced that the next meeting would be June 4, 2025.

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 Christ made a motion, and it was seconded by Commissioner Kazich. Upon voice vote, the MOTION CARRIED UNANIMOUSLY, and the meeting adjourned at 8:40 p.m.

Respectfully Submitted:

Approved:

X

Jessica Plzak
Secretary

X

Lou Mallers
Chairperson