

**MINUTES
CITY OF DARIEN
PLANNING & ZONING COMMISSION MEETING
July 18, 2018**

PRESENT: Lou Mallers, Chairperson, Michael Desmond, Robert Erickson, Brian Gay, Brian Liedtke, John Laratta, Ralph Stompanato, Steven Manning - City Planner

ABSENT: Robert Cortez, Mary Sullivan

Chairperson Mallers 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.

Commissioner Laratta announced that he was a member of Post 2838.

REGULAR MEETING:

A. Public Hearing Case: PZC 2018-05 801 Plainfield Road (VFW) Petitioner Darien VFW Post 2838, as lessee of Suite 12 in the building at 801 Plainfield Road, seeks approval of a special use zoning permit to operate an eating establishment with a bar serving alcohol.

Mr. Steve Manning, City Planner reported that the petitioner, the VFW operated a drinking establishment at 7515 Cass Avenue in the former Heritage Plaza in 2013. He reported that they are proposing to operate a business with five video gambling stations and a bar and lounge serving alcohol and prepared food. Mr. Manning reported that the VFW intends to use the revenue generated for veteran assistance and community service programs.

Mr. Matt Goodwin, VFW Post 2838 Quartermaster, reported that the VFW has been in Darien since 1985 providing scholarships to schools, students, Women's Club, Rotary Club, etc. He stated that they are trying to improve fundraising efforts.

Mr. Goodwin stated that veterans are unaware that the group exists and that the old days of standing on the corner asking for donations to support the program is dangerous.

Commissioner Laratta questioned why the video gambling.

Mr. Goodwin stated that bingo and pull tabs are used but that the legalization of video gambling allows the VFW another opportunity for fundraising. He stated that the money collected will not go into anyone's pocket and that every dollar will be used for the veterans.

Commissioner Desmond questioned what approval is being requested.

Mr. Goodwin said that the City Council has created a class of liquor licenses for non-profit organizations, however the City cannot issue a liquor license to the VFW until the zoning is approved for their location. The VFW application for a video gambling license cannot be approved by the state until the VFW has a city liquor license.

Mr. Manning reported that the City zoning code does not regulate video gambling. The location sought by the VFW is zoned B-1, which City zoning allows eating establishments as a special

use but does not allow liquor only establishments. The VFW petition being presented here is for a special use for an eating establishment, which by definition can include the serving of liquor.

Commissioner Laratta questioned the VFW intent to use proceeds from this establishment to purchase or build a new building. He also stated that the VFW will receive 34% of the gambling proceeds and asked what percentage will come from liquor sales.

Mr. Goodwin stated that he did not have any percentage data.

Commissioner Laratta stated that the project is good but he stated that other groups could do the same. He questioned the sales tax and revenue for the VFW and that there is nothing concrete and that they will have a "slush fund".

Mr. Goodwin stated that "slush fund" is a gross mischaracterization. He stated that the VFW files the 990 IRS form regarding funding and who benefits and that it is all public record.

Commissioner Laratta questioned the end result? He stated that there are going to be 9 gaming locations in Darien.

Commissioner Desmond stated that the gaming aspect of this establishment is not something the PZC has any jurisdiction over. He stated that this is about the special use for an eating establishment.

Commissioner Liedtke questioned the hours.

Mr. Goodwin stated that they have restricted the hours from 11:00 am - 11:00 pm and that they will probably not stay open that late.

Commissioner Erickson questioned how frequently the programs benefit.

Mr. Goodwin stated it would be immediate and that traditional fundraising is dwindling.

Commissioner Desmond questioned if there would be prepackaged food and if the VFW intends to have a full service kitchen.

Mr. Goodwin stated that they do not plan to have a full service kitchen with a small facility and that it will not be the type of restaurant serving prepared food.

At 7:27 pm Chairperson Mallers closed the discussion portion of the public hearing.

Commissioner Desmond questioned if the liquor and gaming is already approved.

Mr. Manning stated that gaming is regulated by the State and that the City approves business licenses subject to zoning.

Mr. Goodwin stated that years back the liquor license was signed and that they did not pursue the gaming license but that with this location the VFW asked for it and the City Council approved.

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

Commissioner Liedtke made a motion and it was seconded by Commissioner Stompanato to approve the special use as presented for eating establishment in the B-1 District.

Upon roll call vote, THE MOTION CARRIED 7-0.

Mr. Manning reported that this would be forwarded to the Municipal Services Committee on July 23, 2018 and to the City Council on August 6, 2018.

B. Public Hearing Case: PZC 2018-06 1035 S. Frontage Road (Sterling Bay) Petitioner Sterling Bay, a company with contract to purchase property at 1035 S. Frontage Road, seeks approval of a variation to Section 5A-9-4-8 of the Darien Zoning Code that otherwise requires a 35 foot building height for their proposed warehouse.

Commissioner Desmond stated that he and the attorney Peter Tsantilis representing Sterling Bay were partners for years and that because of this he recuses himself from voting.

Mr. Steve Manning, City Planner reported that the petitioner has contracted to purchase three lots to build a warehouse for sale or lease, which is a permitted use in the I-1 District. He reported that the site was formerly developed for a trucking cartage business. He further reported the petitioner is requesting a variation for building height of approximately 39 feet where 35 feet is required. Mr. Manning stated that this approval is for height variance only and that legal notice was published, mailed, and posted.

Mr. Peter Tsantilis, attorney representing the petitioner stated that they are proposing a 153,000 square foot building. He displayed a rendering of the proposed building.

Mr. Matt Lucas, Project Manager for Sterling Bay described the dimensions and stated that the building exterior height is proposed at 39 feet which gives an interior clearance floor to ceiling of 32 feet for racking space. He stated that 32 feet inside meets the storage needs of their targeted market.

Mr. Jeff Fischer, Real Estate Executive representing the petitioner, stated that Sterling Bay would like to build the facility with today's standards. He stated that the facility located on Lemont Road has the same height as what is proposed and that the lower buildings are the buildings that tend to be vacant.

Commissioner Erikson questioned if they are proposing to build more in the area and Mr. Fischer reported that just the one in Darien.

Commissioner Laratta questioned the traffic back and forth on Frontage Road.

Mr. Fischer reported that most of the traffic will come off of Cass Avenue.

Commissioner Gay questioned if the City anticipates any other variations.

Mr. Manning reported that there are no other variations requested.

Mr. Lucas reported that KLOA conducted a traffic study and concluded that there is no need for further signaling. He reported that the study was submitted to the City and that the usage does not necessitate a light.

Chairperson Mallers questioned if an additional traffic study is necessary.

Mr. Manning reported that the City evaluates existing conditions and still has an opportunity to require traffic controls if warranted. He reported that the site plan will be sent to the Tri-State Fire Protection District and that they will be reviewing.

Commissioner Laratta questioned the number of docks in the building.

Mr. Fischer stated that it will depend on the tenant but that there is the ability to put in 30.

Chairperson Mallers opened the meeting to anyone wishing to present public comment.

Mr. Pete Maslowski, Willowbrook questioned if there was a similar warehouse in the area.

Mr. Fischer stated that the building will be similar to the warehouse at 7879 Lemont Road.

Mr. Manning reported that the building on Lemont Road appears taller because of the ground elevation is about 10 feet above Lemont Road, whereas the floor elevation planned by Sterling Bay would be 2-7 feet lower than S. Frontage Road.

Mr. Brett Duffy, SpaceCo reported that the building will not be elevated like the Lemont facility.

Mr. Steve DeLurgio, Willowbrook stated that he has issues with the number of trips and that there were issues when Thermal King was there. Mr. DeLurgio stated that there were 236 trucks a day. He questioned if the zoning review is done after the height variance is approved.

Mr. Manning reported that the traffic generated will be discussed when the proposal is forwarded to the Municipal Services Committee. He stated that anyone can attend and testify. Mr. Manning further stated that the Municipal Services Committee meeting is scheduled for August 27th but that this proposal is not firm for the agenda.

Chairperson Mallers questioned the number of truck parking stalls.

The architect for the petitioner reported that there are 31 trucks stalls for the number of docks.

Mr. John Curcio, Willowbrook questioned if there were any signs on the top of the building or alongside and what is the height requirement.

Mr. Lucas reported that they will follow the ordinance requirements.

Mr. Manning reported that Darien Code allows signage on the front wall but not on top of building.

Mr. Chuck Fisher stated that he was perplexed by the number of trucks going in and out. He stated that there are 120 trucks daily and 82,000 a year with noise and air pollution and traffic congestion. He questioned if this is going to be a trucking community and that there should be serious consideration.

Chairperson Mallers stated that the area has been vacant for a while and that there were other proposals that did not work out. He stated that the City is careful in making sure that Darien is a nice place to live.

There was no one in the audience wishing to present public comment and at 8:03 pm Chairperson Mallers closed the public hearing.

Commissioner Liedtke stated that he understood the feedback but that the height requirement will bring in Class A facilities. He suggested that the Code be amended to 39 feet to accommodate this new warehousing technology.

Commissioner Liedtke made a motion and it was seconded by Commissioner Gay to recommend approval of a variation to Section 5A-9-4-8 of the Darien Zoning Code that otherwise requires a 35 foot building height as presented.

Upon roll call vote, THE MOTION CARRIED 6-0. Commissioner Desmond abstained.

C. Workshop Procedures

Mr. Steve Manning, City Planner reported that he provided the Committee with current and proposed criteria for variations that the PZC has been working on for the past several workshops.

Commissioner Desmond stated that this is good criteria to have but that the Codes need to be updated. He also stated that a motion template would be helpful.

The workshop will be continued to the next regular meeting of the PZC.

CORRESPONDENCE

None

OLD BUSINESS

None

NEW BUSINESS

Commissioner Liedtke made a motion and it was seconded by Commissioner Desmond to recommend to the City Council to consider a zoning text amendment that would increase the building height to recruit Class A type facilities.

Upon voice vote, the MOTION CARRIED UNANIMOUSLY 7-0.

APPROVAL OF MINUTES

Commissioner Erickson made a motion and it was seconded by Commissioner Stompanato to approve the June 6, 2018 Regular Meeting Minutes.

Upon voice vote, the MOTION CARRIED UNANIMOUSLY 7-0.

NEXT MEETING

Chairperson Mallers announced that the next meeting is scheduled for Wednesday, August 1, 2018 at 7:00 p.m.

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 Liedtke made a motion and it was seconded by Commissioner Gay. Upon voice vote, THE MOTION CARRIED unanimously and the meeting adjourned at 8:44 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

Elizabeth Lahey
Secretary

Lou Mallers
President