

CITY OF DARIEN
PLANNING AND ZONING COMMISSION

Wednesday, October 4, 2023

7:00 PM

City Hall Council Chambers

1702 Plainfield Road

AGENDA

1) Call to Order

2) Roll Call

3) Regular Meeting – New Business

a. Public Hearing – PZC2023-07 (PAGE 2)

Electric Vehicle (EV) Charging Stations Text Amendment

Petition from the City of Darien to amend the Zoning Ordinance (i.e. Text Amendment) to create a section regulating Electric Vehicle (EV) charging stations.

b. Public Hearing – PZC2023-08 (PAGE 13)

8325 Lemont Road – Gerber Collision

Special Use request pursuant to Section 5A-8-3-4 of the Zoning Ordinance. The petition specifically requests to allow conversion of a vacant building (former CVS Pharmacy) to an auto collision, repair, and service center. Property is located within the B-2 Community Shopping Center Business District. The petitioner relies on variations granted in Ordinance No. O-08-99 and seeks additional variations as deemed necessary.

4) Regular Meeting – Old Business (NONE)

5) Staff Updates & Correspondence

6) Next Meeting October 18, 2023

7) Public Comments [On Any Topic Related to Planning and Zoning]

8) Adjournment

AGENDA MEMO
PLANNING AND ZONING COMMISSION
OCTOBER 4, 2023

CASE

PZC2023-07

Electric Vehicle (EV) Charging Stations
Zoning Text Amendment

ISSUE STATEMENT

Petition from the City of Darien to amend the Zoning Ordinance (i.e. Text Amendment) to create a section regulating Electric Vehicle (EV) charging stations.

ATTACHMENTS

- 1) **DRAFT ORDINANCE REVISIONS (EV CHARGING STATIONS)**
- 2) **OTHER MUNICIPAL ORDINANCES**
- 3) **ZONING SECTION 5A-2-2-5(G): STANDARDS FOR AMENDMENTS**
- 4) **PUBLIC COMMENT**

BACKGROUND/OVERVIEW

In late 2022, ComEd and the Metropolitan Mayors Caucus announced an inaugural cohort of communities participating in an EV Readiness Program, a unique initiative launched to help local governments prepare to meet the growing demand for Electric Vehicles (EVs) and charging infrastructure. Funded in part with a \$225,000 commitment from ComEd, the EV Readiness Program is meant to help communities streamline policies and implement best practices for safe and effective regional transportation electrification. Through the Readiness program ComEd is working with communities across the region in preparing them to meet sustainability and EV adoption goals.

With the City being an inaugural cohort community, a focus on policy development related to EV infrastructure, permitting/zoning, safety, and community engagement is paramount. Therefore, staff developed revisions to the zoning ordinance pertaining to EV charging stations in order to streamline implementation and regulate infrastructure throughout the City.

After Municipal Services Committee review, the City Council made a motion on August 21, 2023, to recommend the ordinance revisions to the Planning and Zoning Commission for public hearing. The Planning and Zoning Commission is to review and recommend on the proposed ordinance for EV charging stations. In addition to the attached revision document, note the other municipal ordinances used/researched in order to formulate the text amendment. Also included are the standards that the Planning and Zoning Commission is to consider in recommending on the case.

DECISION MODE

The Planning and Zoning Commission will consider this item at its meeting on October 4, 2023.

MEETING SCHEDULE

Planning and Zoning Commission	October 4, 2023
Municipal Services Committee	October 23, 2023
City Council	November 6, 2023

**ELECTRIC VEHICLE CHARGING STATIONS
(ZONING SECTION 5A-X-X)**

Electric Vehicle Charging Stations

(A) General

1. Electric vehicle charging stations and infrastructure shall be permitted as accessory uses to lawfully established principal uses in all zoning districts.
2. If the primary use of a parcel is the retail charging of electric vehicle batteries, then the use shall be considered as an “Automobile Service Station” for zoning purposes.

(B) Parking

1. Electric vehicle charging stations may be counted toward satisfying minimum off-street parking space requirements. A parking space served by electric vehicle supply equipment shall count as at least two (2) standard automobile parking spaces.
2. Public electric vehicle charging stations must be reserved for parking and charging electric vehicles.
3. No minimum number of charging station spaces is required.
4. Pavement Marking: Pavement markings are required. Any and all pavement markings shall be the color white or yellow and shall match the color used for all other parking stalls. No additional stencil will be permitted.

(C) Equipment Location

1. Electric charging station equipment may not be located in a place that obstructs or interferes with a driver’s view of approaching, merging, or intersecting traffic in and around the right-of-way.
2. The charging station equipment must not impede pedestrian, bicycle, or vehicular traffic, or be located within the required area of the legal parking space, vehicle overhang, or associated circulation aisles as required by this chapter.
3. Adequate protection of charging station equipment from vehicles must be provided, such as curbing, bollards, or wheel stops.

(D) Landscaping

1. Where landscaping is possible, landscaping shall be provided around electric vehicle supply equipment.

(E) Signage

Public electric vehicle charging stations must be posted with signage indicating that the space is reserved for electric vehicle “charging” purposes only. The signage must also have a phone number or other contact information to report when the equipment is not functioning properly, and any time limits on use, tow away, or fine provisions.

DEFINITIONS (ZONING SECTION 5A-13-1)

CHARGING: When the connector from an electric vehicle supply equipment (or standard outlet) is inserted into the electric vehicle inlet, and electrical power is being transferred for the purpose of recharging the batteries on board the electric vehicle.

ELECTRIC VEHICLE: A vehicle that stores electric energy to be used for propulsion. An electric vehicle shall be defined as a “motor vehicle,” as defined in the Illinois Vehicle Code; and (i) which displays the State of Illinois EV license tag; or (ii) any vehicle defined by the air resources board as “off-vehicle charge capable” meaning having the capability to charge a battery from an off-vehicle electric energy source that cannot be connected or coupled to the vehicle in any manner while the vehicle is being driven.

ELECTRIC VEHICLE CHARGING INFRASTRUCTURE: “Make ready” electrical equipment including panels with circuit breakers, switchboards, transformers, conduit, wiring, junction boxes, conduit hangers, and other interconnections necessary and integral to delivering electrical power from a facility for charging electric vehicles.

ELECTRIC VEHICLE CHARGING STATION: Equipment designed to safely supply power from a facility or structure to electric vehicles. Electric vehicle charging stations include hard-wired electric vehicle charging stations and electric vehicle charging stations that plug in to standard wall outlets and may also integrate communication, metering, GPS, and other features that assist electric vehicle drivers and the host facility.

ELECTRIC VEHICLE SUPPLY EQUIPMENT: Equipment designed to safely supply power from a facility or structure to electric vehicles. Electric vehicle supply equipment includes hard-wired electric vehicle charging stations, electric vehicle charging stations that plug in to standard wall outlets and portable electric vehicle chargers. Electric vehicle supply equipment may also integrate communication, metering, GPS, two-way electricity flow management, and other features that assist electric vehicle drivers and the host facility.

NON-ELECTRIC VEHICLE: Vehicle that does not meet the definition of Electric Vehicle (EV).

§ 154.128 - ELECTRIC VEHICLE PARKING.

- (A) Purpose: The intent of this section is to remove barriers to the use of electric vehicles, expedite and promote the development of safe, convenient, and cost-effective electric vehicle infrastructure to support the use of electric vehicles, and protect the environment by reducing vehicle emissions.
- (B) Permitted Locations:
- (1) Retail Charging, Accessory Use:
- (a) Level 1 and Level 2 Charging Stations: Level 1 and level 2 charging stations are permitted in every zoning district, when accessory to the primary permitted use of said district. Charging stations located at single-family and multiple-family dwellings shall be designated as private use only. Installation of charging stations shall be subject to permit approval. All necessary permits must be obtained prior to the installation of any charging station.
- (b) Level 3 (DC Fast) Charging Stations: Level 3 (DC fast) charging stations are permitted only in business and manufacturing districts when accessory to the primary permitted use. All necessary building and electrical permits must be obtained prior to the installation of any charging station. Installation thereof shall be subject to permit approval.
- (2) Retail Charging Primary Use: If the primary use of a parcel is the retail charging of electric vehicle batteries, then the use shall be considered a gas station for zoning purposes.
- (C) Station Requirements and Design Criteria:
- (1) Charging Station Space Requirements:
- (a) Minimum Requirements: A charging station space may be included in the calculation for minimum parking spaces that are required pursuant to other village and state regulations; however, the designation of a parking space exclusively for use by electric vehicles shall not have a negative impact on the parking demand within the village. The director of community development or his or her designee may require the removal of this exclusive designation if, in his or her sole discretion, said designation creates any parking issues within the village.
- (b) Number: No minimum number of charging station spaces is required.
- (2) Charging Station Space Location and Design Criteria: Where provided, spaces for charging station purposes are required to include the following:
- (a) Maintenance: Charging station equipment, bollards and parking spaces shall be maintained in all respects. The property owner of the equipment shall be responsible for the maintenance of the charging station and shall provide warranty and service for the charging stations and infrastructure for the duration of their useful life. A phone number

or other contact information shall be provided on the charging station equipment for reporting purposes when the equipment is not functioning or other equipment problems are encountered.

- (b) Accessibility: Where charging station equipment is provided within a pedestrian circulation area, such as a sidewalk or other accessible route to a building entrance, the charging station equipment shall be located so as not to interfere with accessibility requirements of the Illinois Accessibility Code or other applicable accessibility standards.
 - (c) Lighting: Where charging station equipment is installed, adequate site lighting shall be provided in accordance with village ordinances and regulations.
 - (d) Charging Station Equipment: Charging station outlets and connector devices shall be no less than thirty-six inches (36") and no higher than forty-eight inches (48") from the ground or pavement surface where mounted, and shall contain a retraction device and/or a place to hang permanent cords and connectors a sufficient and safe distance above the ground or pavement surface. Equipment shall be mounted on pedestals, and located as to not impede pedestrian travel or create trip hazards on sidewalks.
 - (e) Charging Station Equipment Protection: Adequate charging station equipment protection, such as barrier curbing, concrete filled steel bollards, or similar shall be used.
 - (f) Usage Fees: An owner of a charging station is not prohibited from collecting a fee for the use of a charging station, in accordance with applicable state and federal regulations. Fees shall be prominently displayed on the charging station.
 - (g) Notification: Information on the charging station, identifying voltage and amperage levels and time of use, fees, or safety information.
 - (h) Location: Electric vehicle charging station equipment is encouraged in landscaped areas. When located within a parking lot, electric vehicle charging station equipment shall be centrally located between parking spaces to avoid vehicle conflicts.
 - (i) Pavement Marking: Any and all pavement markings shall be in compliance with section 154.122 of this Code. Any and all pavement markings shall be the color white or yellow and shall match the color used for all other parking stalls. No additional stencil will be permitted.
- (3) Data Collection: To allow for maintenance and notification, the village shall require the owners of public charging stations to provide information on the charging station's geographic location, date of installation, equipment type and model, and owner contact information to the village manager or his/her designee.
- (D) Quantity and Location Requirements:
- (1)

Residential: In order to proactively plan for and accommodate the anticipated growth in market demand for electric vehicles, it is strongly encouraged, but not required, that all new one-family and multiple-family homes with garages be constructed to provide a 220-240 volt/40-amp outlet on a dedicated circuit in close proximity to designated vehicle parking to accommodate the potential future hardwire installation of a level 2 charging station.

- (2) Nonresidential: In order to proactively plan for and accommodate the anticipated future growth in market demand for electric vehicles, it is strongly encouraged, but not required, that all new and expanded nonresidential development parking areas provide the electrical capacity necessary to accommodate the future hardwire installation of level 2 charging stations. It is recommended that a typical parking lot (e.g., one thousand (1,000) or less parking spaces) have a minimum ratio of two percent (2%) of the total parking spaces prepared for such stations.
- (3) Accessible Charging Stations: Any location where electric vehicle charging stations are installed shall be required to have at least one (1) parking space equipped with an accessible charging station. Accessible charging stations should be located in close proximity to the building or facility entrance and shall be connected to a barrier-free accessible route of travel to and from the building or facility. It is not necessary to designate the accessible charging station exclusively for the use of disabled persons. Accessible charging stations shall be maintained in compliance with the Americans with Disability Acts of 1990, 42 U.S.C. § 12101 and all applicable state and federal laws.

(E) Signage:

- (1) All electric vehicle charging stations shall comply with all village sign regulations except this provision supersedes section 119.37 of this Code with respect to electric vehicle charging station signage only.
- (2) Off-site signage and advertising are allowed on an electric vehicle charging station if it meets the definition of a public service object as permitted pursuant to subsection 155.50(E)(3).
- (3) On-site advertising is allowed on an electric vehicle charging station only when it is an integral part of the electric vehicle charging station. All advertising is limited to the promotion of goods, services and products of the owner and tenants on-site where the electric vehicle charging station is located. The on-site advertising may consist of static images that change no faster than once every ten (10) seconds or a continuous video on a LED screen. No advertisement shall play or emit any sound. Except as indicated in this section, the size of any on-site advertising signage shall not exceed four (4) square feet in gross surface area for each exposed face, nor exceed an aggregate gross surface area of six (6) square feet. On-site advertising signage on a video screen shall not exceed an aggregate gross surface area of one-fourth (0.25) square feet. If the electric vehicle charging station is located at a shopping

center greater than five hundred thousand (500,000) square feet in total size, the size of any on-site advertising signage shall not exceed eleven (11) square feet in gross surface area for each exposed face, nor exceed an aggregate gross surface area of sixteen (16) square feet.

(4) Each charging station space shall be posted with signage indicating days and hours of operation if time limits or tow away provisions are to be enforced.

(F) License Required:

(1) Any person or entity owning or operating an electric vehicle charging station within the village must obtain a vending machine license pursuant to section 119.30 et seq. of this Code.

(Ord. 19-009, passed 2-12-2019; Am. Ord. 21-004, passed 1-12-2021; Am. Ord. 21-044, passed 4-13-2021; Am. Ord. 21-082, passed 8-24-2021)

Sec. 118-70. - Electric vehicle charging stations.

- (a) *Station location.* In residential districts, an electric vehicle charging station is permitted in any area where a vehicle may be parked. In all other districts, the station is permitted for use with any legal parking space that is not in a required vehicle parking space, except when that parking space is dedicated to a specific residence.
- (b) *Equipment location.* The charging station equipment must not impede pedestrian, bicycle, or vehicular traffic or be located within the required area of the legal parking space, vehicle overhang, or associated circulation aisles as required by this chapter.
- (c) *Requirements for public use.* When the station is intended to be used by the public:
 - (1) *Equipment protection.* Adequate protection of charging station equipment from vehicles must be provided, such as curbing, bollards, or wheel stops.
 - (2) *Signage.* Any charging station that is intended to be used for multiple users must have signage indicating that parking is for electric vehicle charging only, a phone number or other contact information to report when the equipment is not functioning properly, and any time limits on use, tow away, or fine provisions.
 - (3) *Parking space identification.* The parking space must be identified per the Electric Vehicle Charging Station Guidelines.
 - (4) *Principal use.* If the primary purpose of the lot is the charging of vehicles, the use is considered an automotive fuel station for zoning purposes.

(Ord. No. 19-4-C-4451, § 1, 4-15-2019)

6.10.7. - Electric Vehicle Charging Stations

A. General

1. Private (restricted-access) electric-vehicle (EV) charging stations are permitted as accessory uses to lawfully established principal uses in all zoning districts.
2. Public EV charging stations are permitted as accessory uses to lawfully established principal nonresidential uses in all zoning districts.

B. Parking

1. Electric vehicle charging stations may be counted toward satisfying minimum off-street parking space requirements.
2. Public electric vehicle charging stations must be reserved for parking and charging electric vehicles.

C. Equipment

Vehicle charging equipment must be designed and located so as to not impede pedestrian, bicycle or wheelchair movement or create safety hazards on sidewalks.

D. Signage

Public electric vehicle charging stations must be posted with signage indicating that the space is reserved for electric vehicle charging purposes only. For purposes of this provision, "charging" means that an electric vehicle is parked at an electric vehicle charging station and is connected to the battery charging station equipment.

ATTACHMENT (3): STANDARDS FOR AMENDMENTS

5A-2-2-5: AMENDMENTS:

(G) Standards: The Plan Commission shall consider the following factors and other pertinent factors in developing a recommendation for the City Council:

1. Existing uses of property within the general area of the property in question, and the resulting character of the general area;
2. The zoning classifications of property within the general area of the property in question;
3. The suitability of the property in question to the uses permitted under the existing zoning classification including consideration of the length of time the property has been vacant as zoned;
4. The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classifications and the impact to surrounding property likely to result from the proposed use;
5. The reduction in value of the subject property resulting from the particular zoning restriction as compared to the gain to the public if the property remains restricted; and
6. The policies of all current official plans or plan elements of the City.

Jordan Yanke

From: Joseph Myczek
Sent: Thursday, September 28, 2023 9:21 PM
To: Jordan Yanke
Subject: CASE NO. PZC2023-08; CASE NO. PZC2023-07

Hi Jordan,

This email is feedback / commentary regarding the Zoning Petitions referenced above.

Case #PZC2023-08, zoning variations allowing the conversion of the former CVS Pharmacy building to an automobile collision repair and service facility should be denied. The proposed business is inappropriate for the location.

The fumes and noise created by its daily activities would be a disturbance to the neighboring residence (Meyers Commons Senior Apartments).

Case #PZC2023-07. Darien should proceed carefully and conservatively when considering the locations of EV charging stations.

The industry is still nascent, and the public's desire for EVs is relatively weak due to vehicle cost, "range anxiety," and charging time requirements.

I advise prohibiting stand-alone charging stations. If a business (eg., Walmart) wants to have a charging station on its property, it should be located where it will not be a visual nuisance to the public.

Too often, when a business dies, it leaves its "artifacts" for someone else to clean-up.

Joe Myczek

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AGENDA MEMO
PLANNING AND ZONING COMMISSION
OCTOBER 4, 2023

CASE

PZC2023-08

Special Use & Variation (Gerber Collision – 8325 Lemont Road)

ISSUE STATEMENT

Petitioner (Storebuild LLC c/o Gerber Collision) seeks approval of a special use request pursuant to Section 5A-8-3-4 of the Zoning Ordinance. The petition specifically requests to allow conversion of a vacant building (former CVS Pharmacy) to an auto collision, repair, and service center. Property is located within the B-2 Community Shopping Center Business District. The petitioner relies on variations granted in Ordinance No. O-08-99 and seeks an additional variation listed as follows:

- Zoning Section 5A-5-8-2(B)(2): Variation to allow a 6’ high opaque wall/fence within the front yard, whereas code stipulates maximum 4’ high “open” style fence is allowed.

Applicable Regulations:

Ordinance No. O-07-99 and O-08-99
Zoning Section 5A-8-3, B-2 District Standards

GENERAL INFORMATION

Petitioner:

Storebuild LLC c/o Gerber Collision

Property Owner:

SB 83 LLC; MJP 8325 LLC;
D&D Capital Investments Darien LLC

Property Location:

8325 Lemont Road

PIN Number:

09-32-301-039

Existing Zoning:

Community Shopping Center Business District (B-2)

Existing Land Use:

Vacant (Former CVS Pharmacy)

Comprehensive Plan:

Commercial (Existing); Commercial (Future)

Surrounding Zoning & Uses

North:

General Business District (B-3); Gas Station

East:

Multi Family Residence District (R-3); Senior Housing

South:

Unincorporated Single Family (R-2); Single Family

West:

Community Shopping Center Business District (B-2);
Pharmacy

History:

The subject property was approved and developed as a retail and drive-through pharmacy per Ordinance No. O-07-99 and O-08-99. The property remains in essentially the same condition since construction.

Size of Property:

2.01 Acres

Floodplain:

N/A

Natural Features:

N/A

Transportation:

The petition site gains access from both Lemont Road and 83RD Street/Plainfield Road.

PETITIONER DOCUMENTS (ATTACHED TO MEMO)

- 1) APPLICATION
- 2) JUSTIFICATION NARRATIVE & FINDINGS OF FACT
- 3) PLAT OF SURVEY (EXISTING)
- 4) SITE PLAN (PROPOSED)
- 5) FLOOR PLAN
- 6) BUILDING ELEVATIONS

CITY STAFF DOCUMENTS (ATTACHED TO MEMO)

- 7) LOCATION MAP & AERIAL IMAGES
- 8) SITE PHOTOS
- 9) PUBLIC COMMENT

PLANNING OVERVIEW/DISCUSSION

The subject property is located at the southeastern corner of the Lemont Road and 83RD Street/Plainfield Road intersection. The property is 2.01 acres in size and is zoned Community Shopping Center Business District (B-2). The property’s existing structure (former CVS pharmacy) and site development were approved in 1999 and constructed per city ordinances (O-07-99 and O-08-99). The site remains in essentially the same condition today since construction.

The petitioner has proposed a conversion of the existing, vacant building to an auto collision, repair, and service center. The city’s zoning ordinance lists the proposed use as a “garage for storage, repair, and servicing of motor vehicles, including body repair, painting, and engine rebuilding” and deems it as a special use within the property’s zoning designation.

The project involves minimal site work, as there are no proposed changes to the building footprint or the access drives to the site. The most notable change is a new 6’ wall/fence to enclose an existing paved area on the west side of the property between Lemont Road and the building. The enclosure is proposed so vehicles dropped off in need of repair can be parked in an area not visible to the public eye. Such vehicles would be parked in newly designated spaces temporarily before being repaired inside the building. Since the wall/fence is proposed within the front yard, a variation is required from the following zoning section:

- Zoning Section 5A-5-8-2(B)(2): Variation to allow a 6’ high opaque wall/fence within the front yard, whereas code stipulates maximum 4’ high “open” style fence is allowed.

Other changes to the site include removal of the drive-through that served the prior pharmacy. The existing drive-through is located on the west side of the building and its removal is key to implementation of the enclosed area mentioned above. Finally, the petition includes the addition of two (2) overhead doors on the west side of the building and one (1) on the north side of the building, along with alterations to a couple curbed areas near the building to allow for better ingress/egress.

As noted above, in 1999 the City Council adopted Ordinances O-07-99 and O-08-99 authorizing the site to be developed and granting certain variations for the subject property. The property was developed in conformance with the 1999 ordinances and remains in essentially the same condition since construction. Given these approvals, the applicant/developer is not required to obtain what are commonly referred to as “existing condition variations” as part of its application.

Site Plan Review & Findings of Fact

City staff has reviewed the petitioner submitted documents. The project meets applicable zoning standards outside of the aforementioned variation requirement. The petitioner will be required to submit a building permit if the case is approved, with architect stamped and signed plans for the interior remodel.

Note that the required amount of parking spaces (*4 spaces/1,000 square feet gross floor area*) are proposed to serve the site. Based on the building’s square footage, which is 13,681 square feet, 56 parking spaces are required. The proposal includes 60 parking spaces with the required three (3) ADA spaces.

The petitioner submitted a *Justification Narrative* with a detailed description of Gerber Collision and project summary, in addition to *Findings of Fact* that would support the application request. Those items are attached to this memo along with the proposed site plan, floor plan, building elevations, and other documents including public comment. For reference, the sets of criteria the Planning and Zoning Commission and City Council votes on for the special use and variation requests are included below.

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.*
- 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 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.*

- 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 Plan Commission and Planning and Development Committee.*

Variation Criteria:

The City may grant variations based on the finding-of-fact that supports the following criteria outlined below by the City to be the most relevant to the subject property situation.

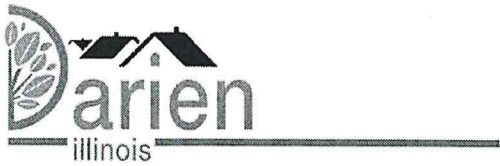
- a) *Essential Need: The owner would suffer substantial difficulty or hardship and not mere inconvenience or a decrease in financial gain if the variation is not granted.*
- b) *Problem with Property: There is a feature of the property such as slope or shape or change made to the property, which does not exist on neighboring properties, which makes it unreasonable for the owner to make the proposed improvement in compliance with this title. Such feature or change was not made by the current owner and was not known to the current buyer at the time of purchase.*
- c) *Smallest Solution: There is no suitable or reasonable way to redesign the proposed improvements without incurring substantial difficulty or hardship or reduce the amount of variation required to make such improvements.*
- d) *Create Neighbor Problem: The variation, if granted, will not cause a substantial difficulty, undue hardship, unreasonable burden, or loss of value to the neighboring properties.*
- e) *Create Community Problem: The variation, if granted, may result in the same or similar requests from other property owners within the community, but will not cause an unreasonable burden or undesirable result within the community.*
- f) *Net Benefit: The positive impacts to the community outweigh the negative impacts.*
- g) *Sacrifice Basic Protections: The variation, if granted, will comply with the purposes and intent of this title set forth in subsection 5A-1-2(A) of this title and summarized as follows: to lessen congestion, to avoid overcrowding, to prevent blight, to facilitate public services, to conserve land values, to protect from incompatible uses, to avoid nuisances, to enhance aesthetic values, to ensure an adequate supply of light and air, and to protect public health, safety, and welfare.*

DECISION MODE

The Planning and Zoning Commission will consider this item at its meeting on October 4, 2023.

MEETING SCHEDULE

Planning and Zoning Commission	October 4, 2023
Municipal Services Committee	October 23, 2023
City Council	November 6, 2023



ZONING APPLICATION

CITY OF DARIEN
1702 Plainfield Road, Darien, IL 60561
www.darienil.us 630-852-5000

CONTACT INFORMATION

Form with two columns for contact information: Storebuild LLC, Applicant's Name, Address, Telephone, Email, and Owner's Name, SB 81 LLC, D&D Capital Investments Darien LLC, etc.

PROPERTY INFORMATION

Form with two columns for property information: 8325 Lemont Road, Property address, B-2 Zoning District, 09-32-301-039 PIN Number(s), Retail / Pharmacy Current Land Use(s).

RECEIVED SEP 13 2023 Community Development City of Darien

(Attach additional information per the Submittal Checklist.)

REQUEST

Brief description of the zoning approval requested. (Contact the City Planner for guidance.)

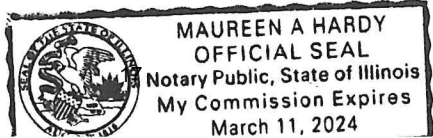
The owner is seeking special use to operate a auto collision and windshield auto glass service center.

Applicant Signature (Handwritten signature of Ryan Murphy)

As Notary Public, in and for DuPage County in Illinois, I do hereby certify that Ryan Murphy is personally known by me to be the same person whose name is subscribed above and has appeared before me this day in person and acknowledged that they have signed this document as their own free and voluntary act, for the purposes therein set forth. Given under my hand and seal, this 13th day of September 2023.

Table for office use only with fields: Date Received: 09/13/2023, Case Number: PZC 2023-08, Fee Paid: \$585.00, Hearing Date: 10/04/2023

Notary Public (Handwritten signature of Maureen A. Hardy)



September 27, 2023

Jordan Yanke
Senior Planner
1702 Plainfield Road
Darien, IL 60561

Re: Gerber Daily Operations, 8325 Lemont Rd, Darien, IL

Dear Jordan,

In follow up to our discussions and as required for the special use permit for the above referenced property, below is a summary of the operations / day to day for the facility.

Gerber Overview:

Founded in 1937 by Phil Gerber, Gerber Collision & Glass has provided quality auto collision and glass repair service for more than 80 years. What started as a single auto glass and trim shop in Chicago has grown to one of the largest auto collision and glass repair companies in North America.

Gerber Collision & Glass has over 700 repair center locations.

Gerber Collision & Glass repairs each vehicle to the highest standards in the industry. We use computerized estimating systems to calculate the damages on each vehicle. We have frame machines that straighten a vehicle's frame to manufacturer standards. Our shops are equipped with computerized paint systems that offer superior color-matching capabilities. We use diagnostic repair scanning technology to ensure the highest quality in all our shops. Our I-CAR- and ASE-certified technicians refinish each vehicle in paint booths that use advanced ventilation systems to ensure a flawless finish. Lifetime Guarantee: We stand behind every repair we complete. That's why Gerber Collision & Glass is proud to offer a Lifetime Guarantee on all of our work. For as long as you own the vehicle, you can rest assured that should anything happen to the repair we complete we'll make it right.

Hours of Operation:

Darien would be standard hours of Monday thru Friday 8 AM to 5 PM. Closed on Saturdays and Sundays. Some locations do expand hours to include Saturday's from 8 AM to Noon, but Darien will open as Monday thru Friday only. Almost all of the traffic into the facility is done by appointment.

Number of Employees:

Darien location will employ +/- 25 with 8 – 12 working onsite during peak hours.



Site Circulation and Functionality:

The access will remain unchanged which includes two cuts off Lemont Rd and one cut off 83rd Street. Vehicles drop off and estimating will occur on the north side of the building via a new garage door to be installed. Two additional doors will be added on the west side of the building (off the screened parking area) for cars in need of repair to enter and exit the building.

The employee parking and finished cars parking lot will be in front of the store facing 83rd Street (main parking lot in front of storefront).

The screened in cars that need repair will be on the west side of the building (by the old CVS drive thru) screened by both the existing evergreens and other landscaped areas, berm, and a fence to be installed. In addition, this area will be gated.

Note: there will be no addition/expansion of the building but the drive thru will be removed.

Proposed Changes to the Site (Indoor or Outdoor):

- As referenced above, the fence to enclose and screen a parking area on the west side of the building for cars in need of repair.
- A designated drop off area will be identified too should there be any vehicle drop offs outside operating hours.
- Existing drive thru will be removed
- 2 garage doors added to the west side of building facing Lemont Rd and one to the north elevation.
- Additional parking stalls will be added to the enclosed parking area within existing asphalt areas.

Indoor changes will be consistent with other Gerber locations which includes the “box inside the box” for the paint work which includes high tech systems to minimize waste and advanced ventilation system. Paints are all water based, low or non VOC, and eco-friendly.

Note: there is no long term storage of vehicles. Gerber looks to repair all vehicles in as timely of a manner as possible.

Additional materials will be provided including a draft floor plan and elevation, survey, legal description and site plan.

Thank you,



Michael J Peirce
Storebuild LLC

SPECIAL USE CRITERIA

The special use request must address the following criteria for approval:

1. That the special use is deemed necessary for the public convenience at the location specified. YES
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. CORRECT, IT WILL NOT.
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. CORRECT, IT WILL NOT.
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. CORRECT, WILL NOT
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. CORRECT, WILL NOT.
6. That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided. CORRECT, ALREADY IN PLACE.
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. CORRECT, IN PLACE.
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. YES, THIS IS CORRECT.

CITY OF DARIEN
ZONING VARIATIONS
JUSTIFICATION NARRATIVE

Purpose

To be consistent and fair, the City is obligated to make decisions on zoning variation requests based on findings-of-fact. The Applicant should write a justification narrative that contains evidence (facts) that support a conclusion (finding) that the variation is necessary and would not cause problems. It should include: a) explanation of why the variation is being requested, b) describe the 'hardship condition' of the property that makes it difficult to conform, c) estimate the impact on neighbors, and d) respond to each of the decision criteria below.

Decision Criteria (See City Code Section 5A-2-2-3)

2a. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the zone.

Yes, this is correct - proven after +/- 2 years of marketing.

2b. The plight of the owner is due to unique circumstances.

Yes, no user demand for this property proven after +/- 2yrs marketing.

2c. The variation if granted will not alter the essential character of the locality.

Yes building & site work remains the same w/some improvements

3a. Essential Need? The owner would suffer substantial difficulty or hardship and not mere inconvenience or a decrease in financial gain if the variation is not granted.

Yes, taxes, mortgage, & maintenance costs cannot be absorbed by owner

3b. Problem with Property? There is a feature of the property such as slope or shape or change made to the property, which does not exist on neighboring properties, which makes it unreasonable for the owner to make the proposed improvement in compliance with the Zoning Code. Such feature or change was not made by the current owner and was not known to the current buyer at the time of purchase.

Yes, as this was built for a specific and unique use--pharmacy

3c. Smallest Solution? There is no suitable or reasonable way to redesign the proposed improvements without incurring substantial difficulty or hardship or reduce the amount of variation required to make such improvements.

Yes, this is correct.

3d. Create Neighbor Problem? The variation, if granted, will not cause a substantial difficulty, undue hardship, unreasonable burden, or loss of value to the neighboring properties.

This will not create a neighbor problem.

3e. Create Community Problem? The variation, if granted, may result in the same or similar requests from other property owners within the community, but will not cause an unreasonable burden or undesirable result within the community.

This will not create a community problem.

3f. Net Benefit? The positive impacts to the community outweigh the negative impacts.

The net benefit far outweighs any potential negative impacts.

3g. Sacrifice Basic Protections? The variation, if granted, will comply with the purposes and intent of the Zoning Code set forth in Section 5A-1-2(A) and summarized as follows; to lessen congestion, to avoid overcrowding, to prevent blight, to facilitate public services, to conserve land values, to protect from incompatible uses, to avoid nuisances, to enhance aesthetic values, to ensure an adequate supply of light and air, and to protect public health, safety, and welfare.

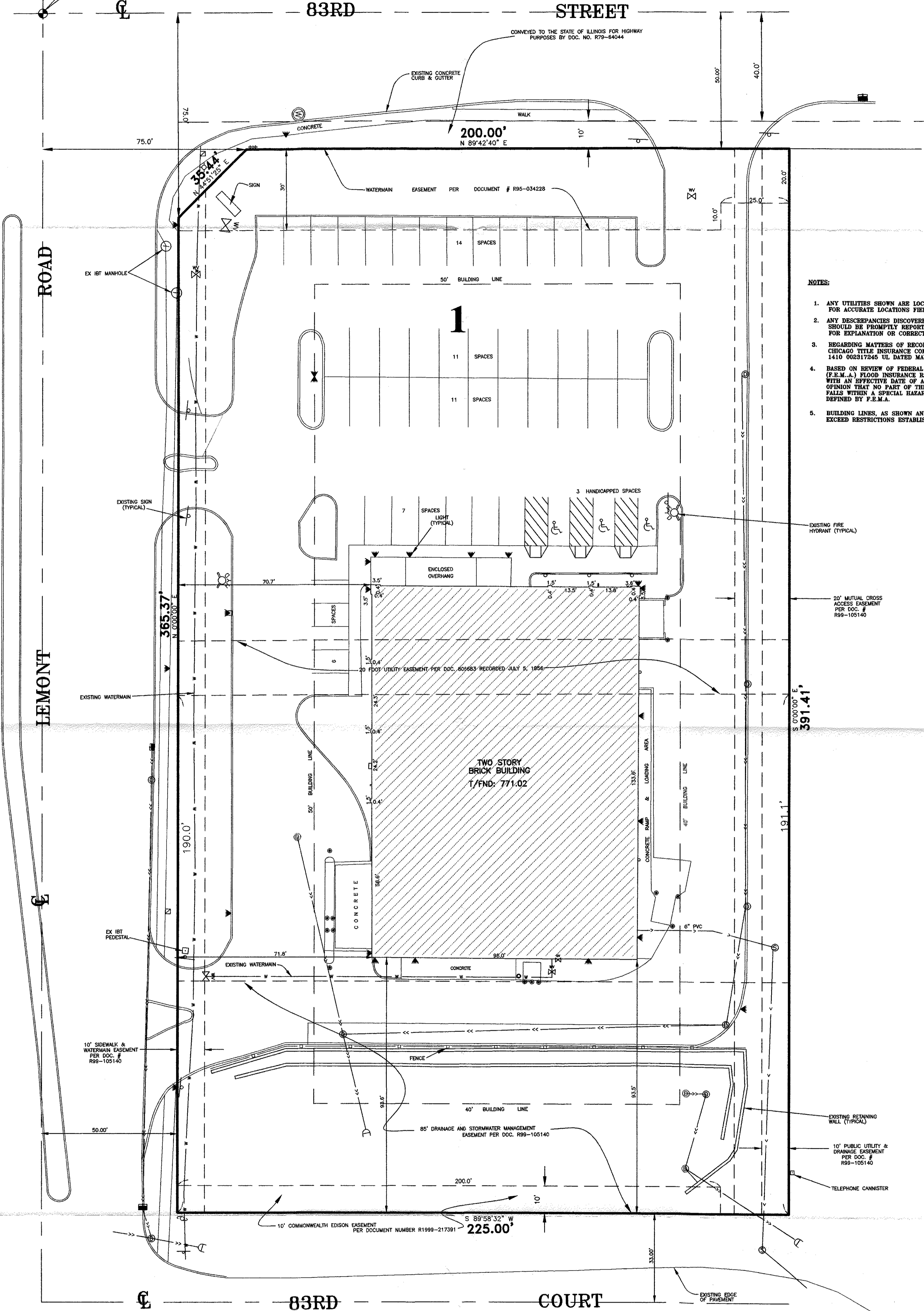
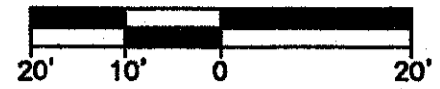
Yes, this is correct.

ALTA/ACSM LAND TITLE SURVEY

ATTACHMENT (3): PLAT OF SURVEY (EXISTING)

LOT 1 IN POKORNY RESUBDIVISION, BEING A RESUBDIVISION IN PART OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 10, 1999 AS DOCUMENT NUMBER R1999-105440 IN DUPAGE COUNTY, ILLINOIS.

BENCHMARK
BRASS PLUG LOCATED AT THE CENTERLINE OF LEMONT ROAD & 83RD STREET
ELEV: 774.91



- NOTES:**
- ANY UTILITIES SHOWN ARE LOCATED BY PHYSICAL EVIDENCE. FOR ACCURATE LOCATIONS FIELD EXCAVATE AND VERIFY.
 - ANY DISCREPANCIES DISCOVERED UPON THE GROUND SHOULD BE PROMPTLY REPORTED TO THE SURVEYOR FOR EXPLANATION OR CORRECTION.
 - REGARDING MATTERS OF RECORD WE HAVE RELIED UPON CHICAGO TITLE INSURANCE COMPANY COMMITMENT NO: 1410 002817245 UL DATED MAY 16, 2005.
 - BASED ON REVIEW OF FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAP PANEL NO. 170197 0060 B WITH AN EFFECTIVE DATE OF APRIL 15, 1982, IT IS OUR OPINION THAT NO PART OF THE PROPERTY DESCRIBED HEREON FALLS WITHIN A SPECIAL HAZARD ZONE AS DESIGNATED AND DEFINED BY F.E.M.A.
 - BUILDING LINES, AS SHOWN AND CREATED PER DOCUMENT R99-105140 EXCEED RESTRICTIONS ESTABLISHED PER DOCUMENT NUMBER 006680.

SYMBOL LEGEND

- | | | | |
|---|---|---|--|
| <ul style="list-style-type: none"> ○ - MANHOLE ○ - CATCHBASIN ■ - CONCRETE BASE WITH LIGHT — WATER VALVE (UNLESS OTHERWISE NOTED) △ - HYDRANT ⊕ - VALVE & VAULT ⊗ - GAS VALVE — UTILITY POLE W/GUY ⊥ - POWER POLE ⊥ - STREET SIGN ⊥ - STREET LIGHT ⊗ - WELL ⊗ - TRAFFIC SIGNAL ⊗ - HANDHOLE ⊗ - SANITARY SEWER | <ul style="list-style-type: none"> — GUARDRAIL — HEADWALL ⊥ - FLARED END SECTION — EXIST. CONTOURS — PROP. CONTOURS ⊗ - MAILBOX — SANITARY SEWER — STORM SEWER — WATERMAIN — OVERHEAD WIRES — UNDERGROUND GAS LINE — UNDERGROUND ELECTRIC CABLE — UNDERGROUND PHONE CABLE — UNDERGROUND TELEVISION CABLE — INLET | <ul style="list-style-type: none"> ⊗ - TELEPHONE CANISTER ⊗ - COM. ED. CANISTER ⊗ - CABLE CANISTER ⊗ - TRANSFORMER ⊗ - WATERMAIN STUB ⊗ - SANITARY SEWER STUB ⊗ - STORM SEWER STUB — FENCE LINE ⊗ - ELECTRIC CONTROL BOX ⊗ - JUNCTION BOX ⊗ - SPRINKLER ⊗ - STAND PIPE ⊗ - BOLLARD ⊗ - GAS METER ⊗ - BORING LOCATION | <ul style="list-style-type: none"> ⊗ - DECIDUOUS TREE, LESS THAN 6" DIA. UNLESS OTHERWISE NOTED ⊗ - EVERGREEN TREE, LESS THAN 6" DIA. UNLESS OTHERWISE NOTED (XXX.XX) - ELEV. TO HUNDRETH IN PARENTHESIS INDICATES EXISTING LITHODIAL SURFACE ELEVATIONS (UNLESS OTHERWISE INDICATED) XXX.X - ELEV. TO TENTH INDICATES EXISTING NON-LITHODIAL SURFACE ELEVATIONS — DEPRESSED CURB ⊗ - BUFFALO BOX ⊗ - TELEPHONE MANHOLE ⊗ - ELECTRIC MANHOLE ⊗ - STORM DRAIN ⊗ - DRAIN TILE ⊗ - SIGNAL CONTROL BOX ⊗ - CONCRETE SURFACE ⊗ - BENCH |
|---|---|---|--|

PREPARED FOR: LIETZ, BANNER, & FORD (ATTORNEYS AT LAW)
JOB ADDRESS: LEMONT RD. & 83RD ST., DARIEN, IL
JOB NO.: 03-08-0048R2

NEKOLA
SIGNATURE SURVEY
A DIVISION OF MORRIS ENGINEERING
400 N. SCHMIDT RD., SUITE 209
BOLINGBROOK, IL. 60440
(630)769-0155 phone (630)769-0297 fax

NO IMPROVEMENTS SHOULD BE MADE ON THE BASIS OF THIS PLAT ALONE. FIELD MONUMENTATION OF CRITICAL POINTS SHOULD BE ESTABLISHED PRIOR TO COMMENCEMENT OF ANY AND ALL CONSTRUCTION. FOR BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS NOT SHOWN HEREON REFER TO YOUR DEED, ABSTRACT, TITLE POLICY, CONTRACTS AND LOCAL BUILDING AND ZONING ORDINANCES.

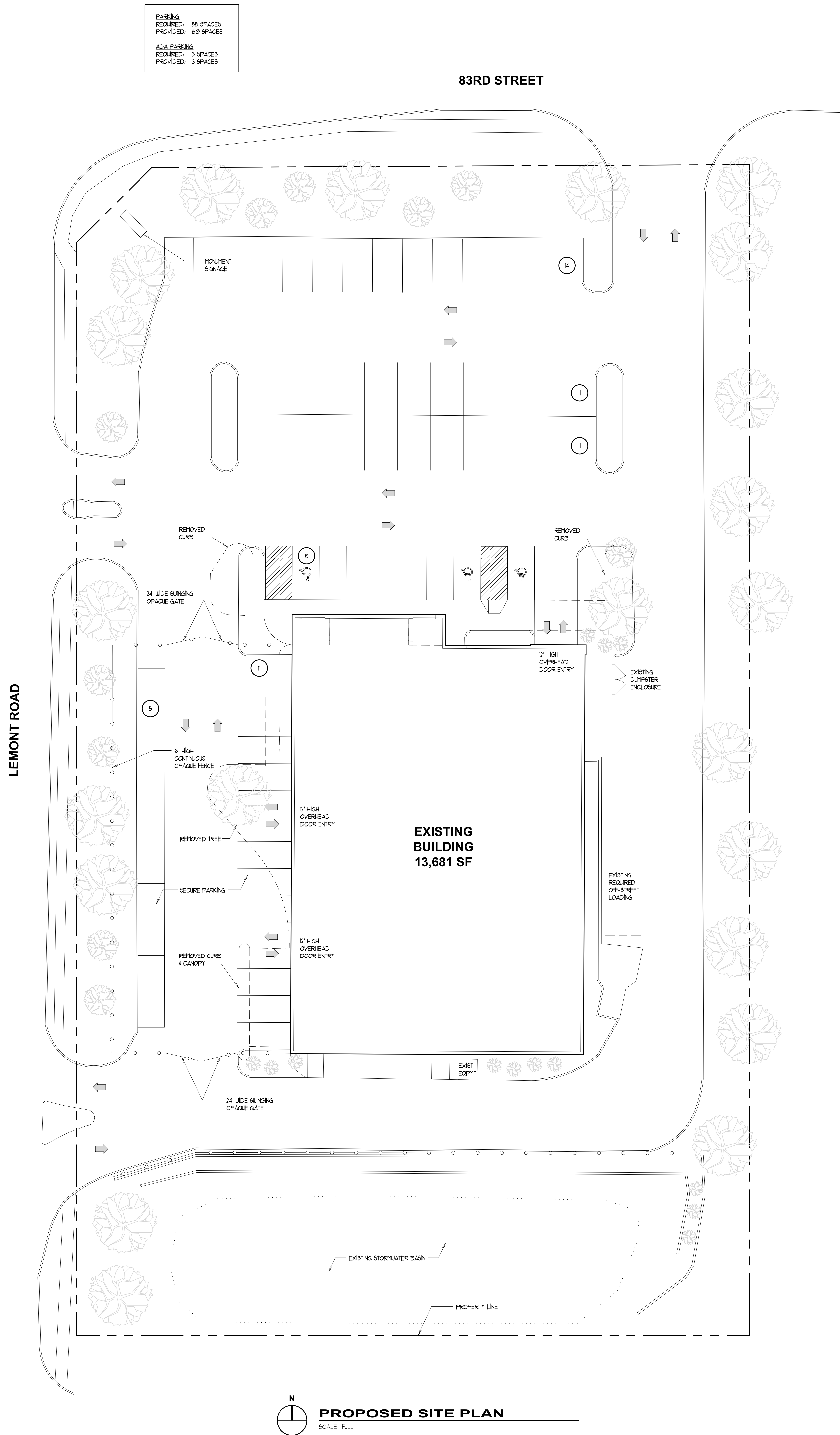
STATE OF ILLINOIS)
COUNTY OF WILL)
I, WAYNE W. NEKOLA, ILLINOIS PROFESSIONAL LAND SURVEYOR NUMBER 2662, DO HEREBY CERTIFY TO CHICAGO TITLE INSURANCE COMPANY AND TO INDIAN VALLEY GOLF CLUB, INC., AN ILLINOIS CORPORATION, THAT THIS PLAT AND THE SURVEY IN WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA, ACSM AND NSPS IN 1999, AND INCLUDES ITEMS 1, 8 AND 11 OF TABLE A THEREOF, PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA, NSPS, AND ACSM AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, UNDEERSIGNED FURTHER CERTIFIES THAT THE POSITIONAL UNCERTAINTIES RESULTING FROM THE SURVEY MEASUREMENTS MADE ON THE SURVEY DO NOT EXCEED THE ALLOWABLE POSITIONAL TOLERANCE.

DATED AT LISLE, ILLINOIS, THIS 14TH DAY OF AUGUST, A.D. 2005.

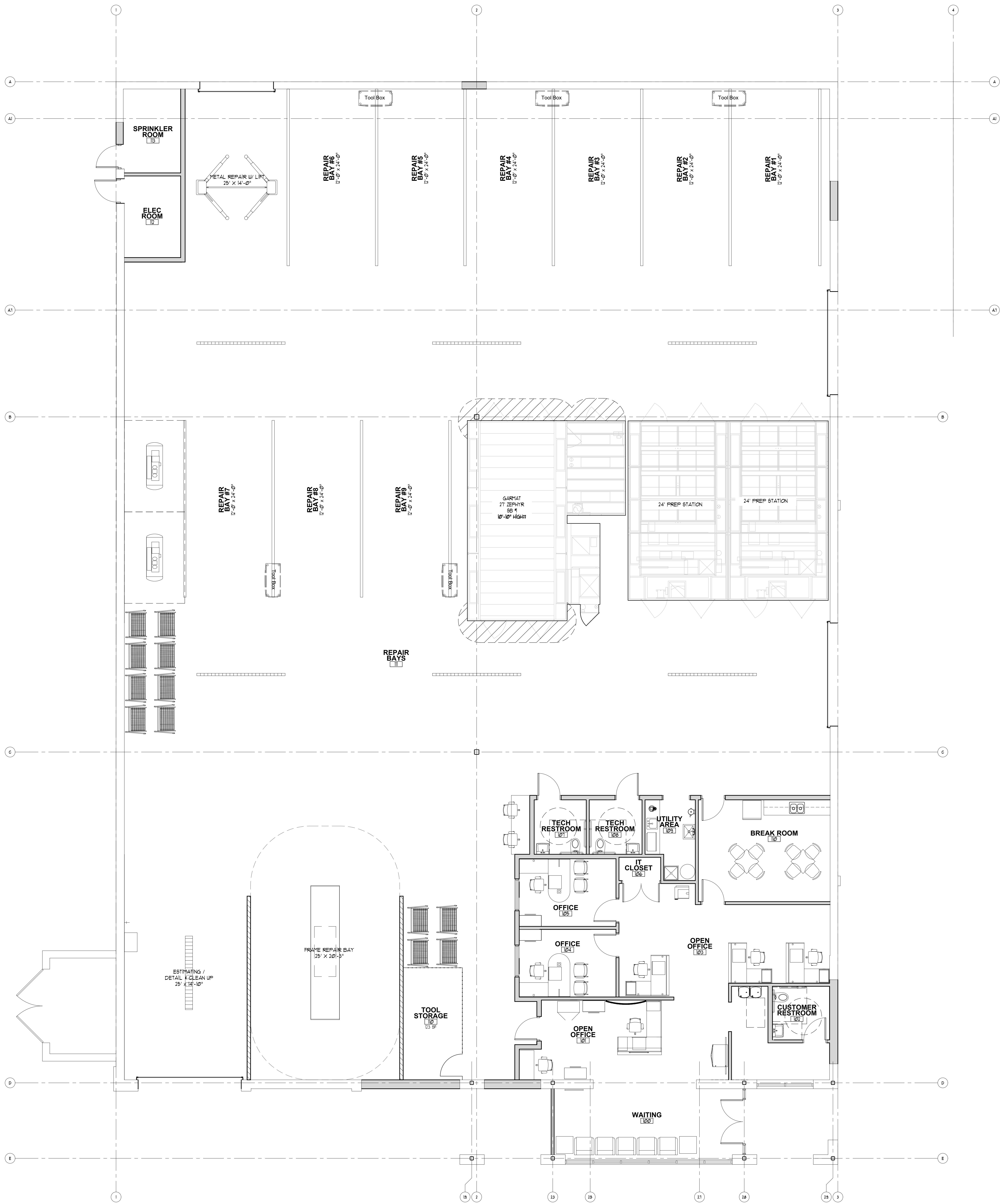
Wayne W. Nekola
PLS No. 2923



ATTACHMENT (4): SITE PLAN (PROPOSED)



ATTACHMENT (5): FLOOR PLAN

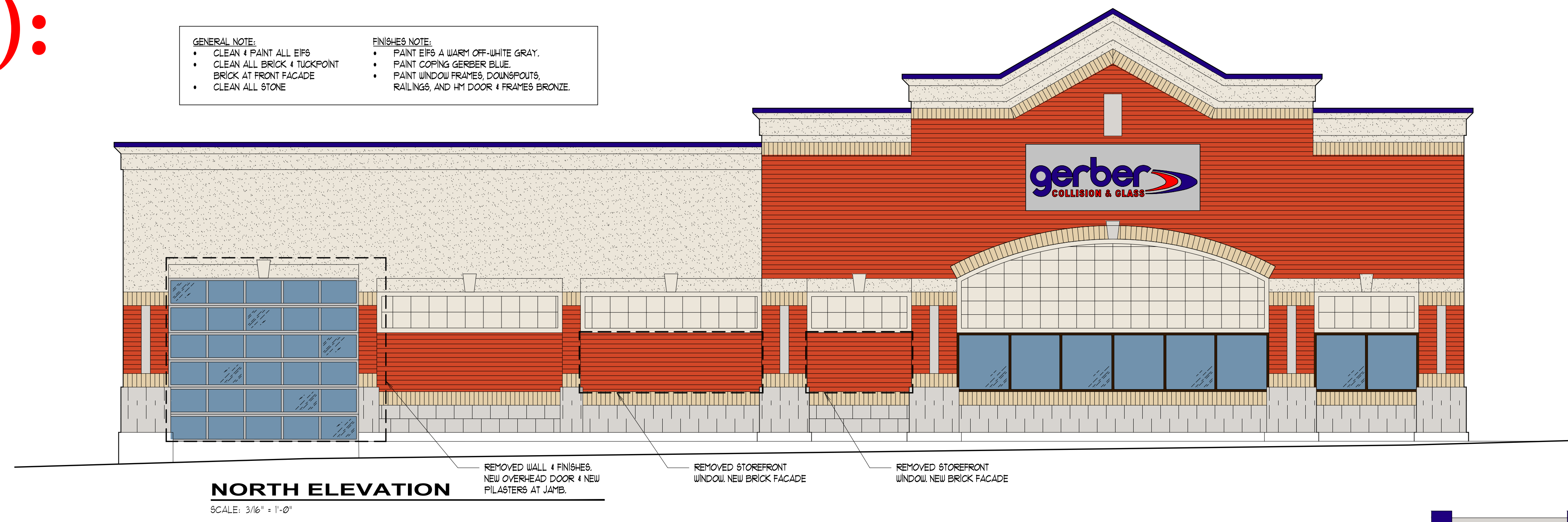


PROPOSED FLOOR PLAN
SCALE: 3/16"=1'-0"

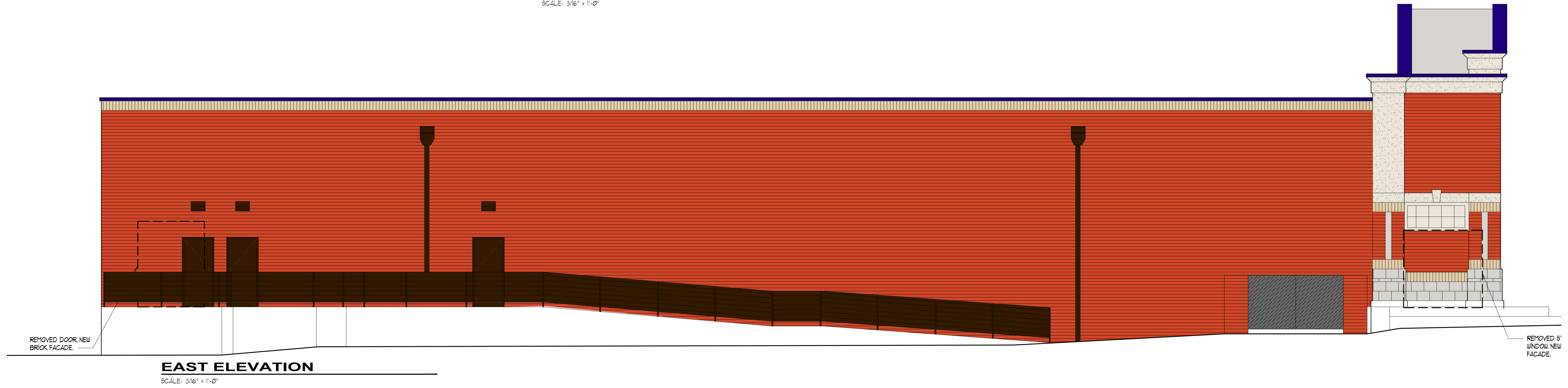


ATTACHMENT (6): BUILDING ELEVATIONS

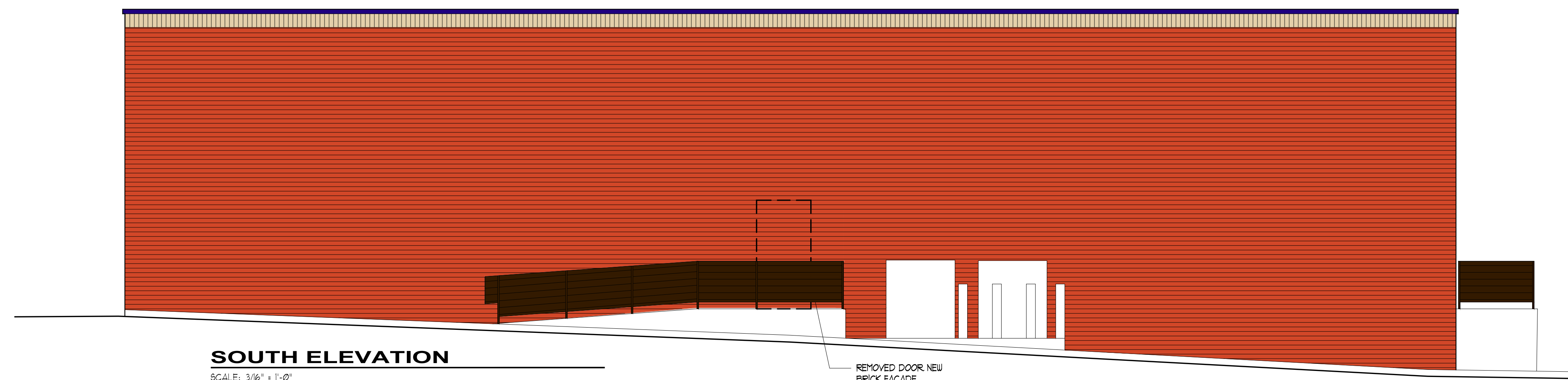
- | | |
|---|---|
| GENERAL NOTE: | FINISHES NOTE: |
| <ul style="list-style-type: none"> • CLEAN & PAINT ALL EIFS • CLEAN ALL BRICK & TUCKPOINT • BRICK AT FRONT FACADE • CLEAN ALL STONE | <ul style="list-style-type: none"> • PAINT EIFS A WARM OFF-WHITE GRAY. • PAINT COPING GERBER BLUE. • PAINT WINDOW FRAMES, DOWNSPOUTS, RAILINGS, AND HY DOOR & FRAMES BRONZE. |



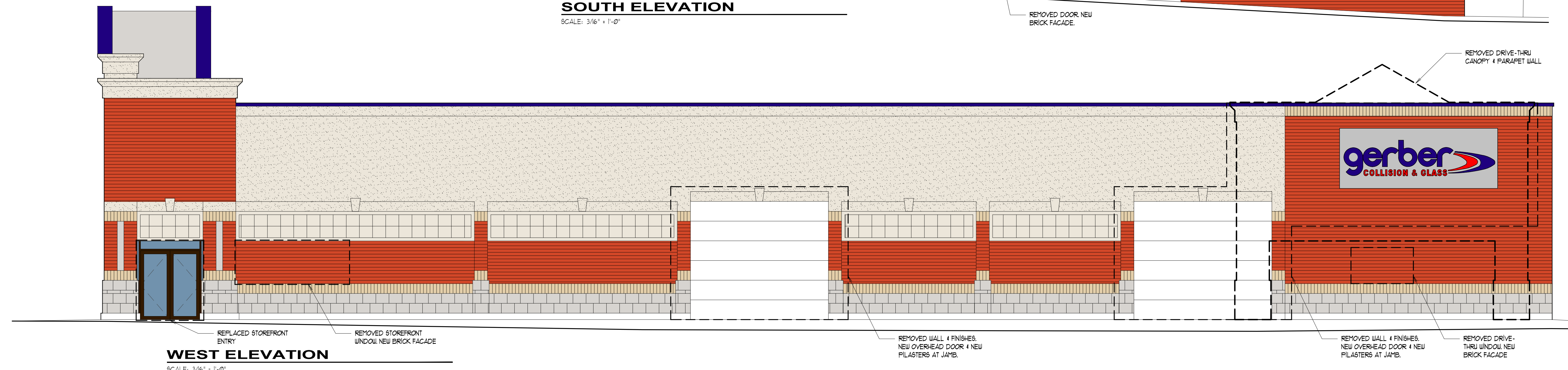
NORTH ELEVATION
SCALE: 3/16" = 1'-0"



EAST ELEVATION
SCALE: 3/16" = 1'-0"



SOUTH ELEVATION
SCALE: 3/16" = 1'-0"



WEST ELEVATION
SCALE: 3/16" = 1'-0"

ATTACHMENT (7): LOCATION MAP & AERIAL IMAGES

Parcel Viewer

8325 LEMONT RD, DARIEI X

Show search results for 8325 L...

Layer List

Layers

Parcel Search

Searches Shapes Buffer Results

Remove Clear TXT Download PDF Report

PIN	0932301039
OWNER	CVS HEALTH CORPORATION
PROPERTY STREET NUMBER	
PROPERTY STREET DIRECTION	
PROPERTY STREET NAME	8325 LEMONT RD
PROPERTY APARTMENT	
PROPERTY CITY	DARIEN
STATE	IL
PROPERTY ZIPCODE	60561
PROP_CLASS	C
FCVLAND	199,850
FCVIMP	554,010
FCVTOTAL	753,860
LEGAL DESCRIPTION 1	POKORNY RESUB
LEGAL CODE 1	000000000
PROPERTY ADDRESS	8325 LEMONT RD
TOWN STATE ZIP	DARIEN IL 60561

1 - 1 of 1 results

Soils (SSURGO_Soils_2011)

Unincorporated Zoning Data

County of DuPage, Esri Canada, Esri





ATTACHMENT (8): SITE PHOTOS





Jordan Yanke

From: Brian Liedtke
Sent: Wednesday, September 20, 2023 11:15 AM
To: Joe Marchese; Eric Gustafson; Jordan Yanke; Bryon Vana; Mary Sullivan; Joseph Kenny; Dan Gombac; Ted schauer; Ralph Stompanato; Gerry Leganski; Tom Belczak
Subject: CVS Property

Good Morning Mayor, City Council, and City Staff -

I read an article in the Darien Patch this morning, sharing some details around the former CVS property at 8325 Lemont Rd (<https://patch.com/illinois/darien-il/plan-old-darien-cvs>). I hadn't seen anything on the Economic Development, Planning and Zoning, or City Council agendas, nor anything in the Direct Connect or on the City's Twitter or Facebook pages, about potential plans for this site, so I wanted to get confirmation about the desired plan to approve a permit for Gerber Collision and Glass in this location.

If this is true, I find it extremely disappointing, that after years of discussion around economic development and future land use planning, with a unanimous agreement on attracting mixed use developments, Darien would take one of the last, prime corners in their city boundaries and allow an auto body shop, which does not match the character of this area.

To the north of this area you have The Perfect Swing and Midwest Badminton Club, and a little bit further you have Skeleton Key Brewery. Goddard School exists right to the West, and you have Apartments and Homes directly South and East of this location. Another sports/entertainment/recreation type of business, or a brewery/pub would be a fantastic addition to this area.

I obviously know and understand better than most that you cannot just snap your fingers and bring in any type of business that you desire, there has to be an interest from a potential developer. But this City Council recently amended the Comprehensive Plan to include 9 Key Development Areas. And while 83rd and Lemont Rd was not included in that amendment, this is a vital corridor that leads to 2 key development areas (#7 which is I-55 and Lemont Rd and #9 which is 87th and Lemont Rd), and I firmly believe 83rd and Lemont Rd should receive similar consideration around long term planning/vision for the Lemont Rd corridor.

I am encouraging you to scrutinize this proposal and vote to allow the highest and best use for this property, especially one that better fits the character of this area. I know it may be tempting to just accept the first development wanting to redevelop the property but I encourage you to have the patience and conviction to stand by your long term comprehensive plan.

I appreciate you taking the time to consider my thoughts and would appreciate you including this note in the public record for the October 4 meeting.

Sincerely,
Brian Liedtke

CAUTION: This e-mail originated outside of the City's email system. DO NOT click links or open attachments unless you confirm the incoming address of the sender and know the content is safe.

Jordan Yanke

From: Eric Gustafson
Sent: Friday, September 22, 2023 8:53 AM
To: Jordan Yanke
Subject: Fwd: CVS Location

Comment for resident for public hearing.

Sent from my iPhone

Begin forwarded message:

From: Kristine Collins
Date: September 22, 2023 at 8:23:49 AM CDT
To: Eric Gustafson <egustafson@darienil.gov>
Subject: CVS Location

Hi Eric,

I posted the article from the Patch on FB in hopes to get some folks from the community to attend the meeting. Unfortunately, I'll be out of town for a tradeshow.

Would you please express my displeasure of having a Gerber glass in that location? It does nothing to enhance our neighborhood or drive up our home values. This is exactly why the city needs to hire a person who will look for good viable businesses to fill empty space.

Thanks for your service!!!

Best,
Kris

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Jordan Yanke

From: Joseph Myczek
Sent: Thursday, September 28, 2023 9:21 PM
To: Jordan Yanke
Subject: CASE NO. PZC2023-08; CASE NO. PZC2023-07

Hi Jordan,

This email is feedback / commentary regarding the Zoning Petitions referenced above.

Case #PZC2023-08, zoning variations allowing the conversion of the former CVS Pharmacy building to an automobile collision repair and service facility should be denied. The proposed business is inappropriate for the location.

The fumes and noise created by its daily activities would be a disturbance to the neighboring residence (Meyers Commons Senior Apartments).

Case #PZC2023-07. Darien should proceed carefully and conservatively when considering the locations of EV charging stations.

The industry is still nascent, and the public's desire for EVs is relatively weak due to vehicle cost, "range anxiety," and charging time requirements.

I advise prohibiting stand-alone charging stations. If a business (eg., Walmart) wants to have a charging station on its property, it should be located where it will not be a visual nuisance to the public.

Too often, when a business dies, it leaves its "artifacts" for someone else to clean-up.

Joe Myczek

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