

CITY OF DARIEN
MUNICIPAL SERVICES COMMITTEE
September 22, 2014

PRESENT: Joseph Marchese - Chairperson, Alderman Tina Beilke, Alderman Joerg Seifert, Michael Griffith - Senior Planner, Dan Gombac – Director, Elizabeth Lahey - Secretary

ABSENT: None

ESTABLISH QUORUM

Chairperson Marchese called the meeting of the Municipal Services Committee to order at 6:30 p.m. at the City Hall – City Council Chambers, Darien, Illinois and declared a quorum present,

NEW BUSINESS

- A. 2601 75th Street, Mi Hacienda - Petitioner seeks approval of a variation to reduce the required corner side yard setback from 50 feet to zero feet for a patio for outdoor dining.**

Mr. Michael Griffith, Senior Planner reported that the petitioner is seeking approval of a variation to reduce the required corner side yard setback from 50 feet to zero feet for a patio for outdoor dining. He reported that the PZC held a Public Hearing and recommended denial. He stated that the variation relates to the side yard setback. Mr. Griffith reported that the community concerns relate to quality of life, close proximity of the patio to the sidewalk, parking and how it will affect the already aggravated parking.

Alderman Seifert stated that he was not pleased that the petitioner constructed the patio without a permit for the patio.

Chairperson Marchese stated that he agreed with Alderman Seifert and that the permit was an afterthought.

Alderman Beilke questioned if the setback could be minimized to allow for more parking.

The petitioner, Mr. Andrius Presniakouas provided the Committee with photos of the patio. He stated that the patio was built by the owner of Mi Hacienda and that the company who built the patio was supposed to apply for a permit. The petitioner stated that everything was done on the weekend.

Mr. Presniakouas stated that the patio is next to a business/residence and that the owner of Mi Hacienda owns the houses nearby. He stated that the owner has signatures of residents in favor of the petition.

Chairperson Marchese questioned why the petitioner is showing the Committee the photos of the patio.

Alderman Seifert stated that he is bothered that there was no permit and that he disagreed that it is the contractor's responsibility to apply for the permit. He stated that petitioners presented a proposal for a restaurant/bar at the Wolf Camera location and that the City could not see changing the character of the area. He further stated that he could not agree with changing the character and granting the request.

Chairperson Marchese questioned if the petitioner had to remove the patio because he did not apply for a permit.

Mr. Dan Gombac, Director reported that the patio would have to be removed if the variation is denied.

Chairperson Marchese explained to the petitioner that if the Committee denies the use that the removal of the patio will be at his cost and to replace the patio area with grass. He suggested that the petitioner contact the contractor to recoup some of the costs.

Chairperson Marchese stated that he is in favor of helping out businesses but that he is bothered that there was no permit.

Alderman Beilke asked about the history of the property.

Mr. Griffith reported that the building was built prior to being annexed. He stated that it already encroaches into the setback.

Alderman Beilke stated that the patio looks nice and asked if there is another use for this that will not disturb the neighbors.

Mr. Presniakouas stated that the owner of Mi Hacienda has been there for over ten years.

Chairperson Marchese explained that the petitioner will not be able to use the patio for the restaurant area.

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

Mr. Joe Webber, Darien stated that there is a section of the sidewalk that jets out and a manhole. He stated that there is zero space.

Mr. Art Donner, Darien stated that parking is the problem and if the patio is left in place will allow people to sit and congregate. He stated that there is a concern for the setback and safety.

Alderman Beilke asked if the area could be used for a smoking area.

The petitioner stated that there is not a special smoking area. He stated that he never sees kids riding their bikes because it is a dangerous area and the driveway ends.

Mr. Gombac stated that the fence encroaches by inches into the sidewalk and that the sidewalk is compromised. He stated that if a fence was placed it would have to be moved approximately six inches.

Chairperson Marchese suggested coming out 10 feet from the side of the building to allow the petitioner to save costs. He explained that the petitioner would not be able to use the site for eating and drinking.

Alderman Seifert stated that this idea would be to minimize costs for the petitioner and to keep it aesthetically pleasing.

Mr. Gombac stated that the use would be denied and not allowed any public use. He stated that the petitioner would have to remove approximately 12.5 feet of existing patio on the east side and fill half with sod and remove the fence.

Chairperson Marchese stated that it cannot be too inviting for people to utilize it.

Mr. Enrique Rodriguez, Mi Hacienda stated that no one uses the side where the patio is located because the sidewalk ends. He stated that his children and nephews are the children in the area.

Chairperson Marchese stated that the patio was built without a permit and that the Committee is trying to help the building owner cut costs.

Alderman Beilke suggested tabling the request and ask the petitioner to come back with a new plan.

Mr. Gombac stated that perimeters need to be set and that staff recommends 1 foot between the sidewalk and barrier.

Chairperson Marchese stated that he would like to see the patio set back to the tree.

Mr. Donner stated that he still did not think that this will stop people from using the patio. He stated that there is still plenty of room for tables and chairs and the ability for people to stand out there. He stated that he can get signatures from the residents in favor of taking the patio out. Mr. Donner stated that this request is putting a burden on the residents to be the watch dog.

Chairperson Marchese stated that they are simply trying to help the owner with some of the costs. He stated that if the area is used and liquor is served could put the owner in jeopardy of losing his liquor license.

The petitioner stated that he can plant bushes that were there.

Alderman Seifert stated that he would like to see it fixed and that the Committee has to keep with the variance.

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

Alderman Seifert made a motion, and it was seconded by Alderman Beilke to deny the variance request subject to the following conditions:

- 1. The patio, constructed without a permit, shall be allowed to extend a maximum of 12 feet from the existing east wall of the building.**
- 2. The yard is to be restored with sod or other landscaping.**
- 3. The fence is to be removed.**
- 4. The patio is not to be used for eating, drinking or a smoking area.**
- 5. The patio is to be a landscape feature only.**

Upon voice vote, THE MOTION CARRIED unanimously 3-0.

Chairperson Marchese stated that if the petitioner utilizes the area that this will jeopardize the liquor license. He stated that this item will be forwarded to the City Council on October 6th and may be placed under New Business and open for discussion. He informed the petitioner in the future to apply for a permit first.

B. Resolution - Awarding a contract to Homer Tree Care, Inc. in an amount not to exceed \$78,075.00, for the City's 2014-15 Tree Trimming and Removal Program.

Mr. Dan Gombac, Director reported that the bid results for this year's program were favorable. He reported that this contract consists of the removal of various dead trees and tree trimming for 1800 parkway trees. Mr. Gombac stated that the contract also calls for private resident tree trimming including stumping at a pass through cost. He reported that there is also an opportunity for two additional contract extensions for subsequent years pending future budgeting and contractor performance.

Chairperson Marchese suggested using Direct Connect to inform the residents.

Alderman Beilke questioned how much was spent last year.

Mr. Gombac reported that there were more trees removed last year and that approximately \$10,000 more due to general removals and storm related incidences.

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

Alderman Seifert made a motion, and it was seconded by Alderman Beilke to approve a Resolution awarding a contract to Homer Tree Care, Inc. in an amount not to exceed \$78,075.00 for the City's 2014-15 Tree Trimming and Removal Program.

Upon voice vote, THE MOTION CARRIED unanimously 3-0.

C. Resolution - To increase funding for the Residential Rear Yard Drainage Assistance Program in an amount of \$20,000.00.

Mr. Dan Gombac, Director reported that the program this year is overwhelming. He reported that Attachment "A" provided in the agenda memo provides a summary of

completed rear yard drainage programs along with pending projects due to funding. The rear yard drainage program is designed to eliminate ponding water and flooding. He reported that the funding is available from the General Fund Balance.

Alderman Beilke questioned the contribution and how to get to \$5,000.

Mr. Gombac reported that the City will contribute up to \$5,000 per project and the residents are responsible for the first \$1,000 and anything additional. Each project is reviewed and a cost estimate is prepared and presented to the residents. The requests are based on a first come first served basis. He stated that the goal is to seek funding to complete all the open requests this year.

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

Alderman Seifert made a motion, and it was seconded by Alderman Beilke to approve a Resolution to increase funding for the Residential Rear Yard Drainage Assistance Program in an amount of \$20,000.

Upon voice vote, THE MOTION CARRIED unanimously 3-0.

D. Minutes – July 28, 2014 Municipal Services Committee

Alderman Seifert made a motion, and it was seconded by Alderman Beilke to approve the July 28, 2014 Municipal Services Committee Meeting Minutes.

Upon voice vote, THE MOTION CARRIED unanimously 2-0. Alderman Marchese abstained.

Minutes - August 18, 2014 Special Meeting, Municipal Services Committee

Alderman Beilke made a motion, and it was seconded by Alderman Seifert to approve the August 18, 2014 Municipal Services Committee Special Meeting Minutes.

Upon voice vote, THE MOTION CARRIED unanimously 3-0.

Minutes - August 25, 2014 Municipal Services Committee

Alderman Marchese made a motion, and it was seconded by Alderman Seifert to approve the August 25, 2014 Municipal Services Committee Meeting Minutes.

Upon voice vote, THE MOTION CARRIED unanimously 2-0. Alderman Beilke abstained.

DIRECTOR'S REPORT

Ms. Joanne Ragona, City Clerk was in the audience. She stated that she received a flyer in the mail from a business offering BYOB and questioned the City's position on BYOB and the liability.

Mr. Gombac reported that staff will research and place it on the agenda for the October 27th meeting.

Mr. Gombac reported the 75th Street project is five to six weeks behind schedule. He reported that Chase Bank is opening in approximately two months and that the developer for the Heritage Plaza is working on the asbestos abatement of the existing building.

Chairperson Marchese stated that he received correspondence from an irate resident regarding the idea for a driving range on the 13th hole at Carriage Greens. He stated that he suggested that the golf course meet with the residents first before coming to the City.

Mr. Gombac reported that Carriage Greens is not set up for a range and that they will have to come in for a special use variation.

NEXT SCHEDULED MEETING

Chairperson Marchese announced that the next regular meeting is scheduled for Monday, October 27, 2014 at 6:30 p.m.

ADJOURNMENT

With no further business before the Committee, Alderman Marchese made a motion and it was seconded by Alderman Seifert to adjourn. Upon voice vote, THE MOTION CARRIED unanimously and the meeting adjourned at 7:40 p.m.

RESPECTFULLY SUBMITTED:

Joseph Marchese
Chairman

Tina Beilke
Alderman

Joerg Seifert
Alderman