

**CITY OF DARIEN
MUNICIPAL SERVICES COMMITTEE
October 27, 2014**

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

ABSENT: None

OTHERS: Joanne Ragona – Clerk, Joe Kenny - Alderman

ESTABLISH QUORUM

Chairperson Marchese called the meeting of the Municipal Services Committee to order at 6:35 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. Dan Gombac, Director reported that this item was pulled from the October 6th City Council meeting to revise certain language. He reported that at the October 6th City Council Meeting that Mr. Rodriguez forwarded a petition supporting the patio at Mi Hacienda. He further reported that the signatures were from patrons of the restaurant and not the adjacent residents.

Mr. Gombac stated that the Committee received a memo from Attorney Murphey regarding his opinion for the use.

Mr. Gombac stated a petition against the patio was submitted, provided a breakdown of the signatures submitted and reported that he received an additional 34 signatures prior to the meeting.

Mr. Gombac stated that the residents south of Mi Hacienda are concerned about parking. He stated that it was suggested by staff that signs can be put up at the developers expense designating the area residential parking.

Alderman Seifert stated that the half patio is ambiguous and that he has not seen anything that has changed his mind. He stated that the patio was constructed without a permit and that if it was looked at from the beginning it would not have been approved. Alderman Seifert stated that he wasn't initially in favor of the half patio and although he sympathizes with the money that was spent, this still does not change his mind.

Chairperson Marchese stated that he agreed with Alderman Seifert. He stated that after reading the Attorney's memo that the half patio creates ambiguity. He further stated that

he wished that the petitioner would have done this the correct way initially and he would have saved a tremendous amount of money. Chairperson Marchese stated that he is not in favor of a half patio and that the patio should be returned to landscaping.

Alderman Beilke stated that she did not agree with the City Attorney that the owner would necessarily be spending more money and was in favor of keeping the half patio and let the owner decide if it would cost more.

Chairperson Marchese stated that the permit process was not followed.

Mr. Enrique Rodriguez, Mi Hacienda apologized for the mix up on the permit. He stated that he has been in Darien for 11 years and has never had any problems. He further stated that the purpose of the patio was to serve breakfast and that he is not planning on using the patio after 7:00 p.m. Mr. Rodriguez stated that Mr. Andreius Presniakouas talked to Wolf Camera to use the parking. He stated that he was being condemned for not getting a permit, that he is not putting a bar out on the patio.

Mr. Rodriguez stated that the neighbors on Main Street were in favor of the patio and that he can have valet parking to make the neighbors happy.

Chairperson Marchese questioned the cost to remove half of the patio.

Mr. Presniakouas stated that he thought it would be approximately \$3,000 – \$4,000. He stated that the grass never grew in that area because there is a tree there and no sun.

Alderman Seifert stated that Mr. Rodriguez was not being condemned as a business owner. He stated that they did not follow the permit process and that if they went the proper route this request may have been voted down.

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

Mr. Art Donner, 7548 Cambridge stated that he is a resident and elected Republican Committeeman and that parking is an issue. He stated that parking at Wolf Camera makes no sense. Mr. Donner stated that there is never parking down the street when businesses were there before Mi Hacienda. He stated that the area is becoming too commercialized and makes no sense.

Alderman Seifert questioned the number of parking spaces.

Mr. Michael Griffith, Senior Planner stated that there are 36 parking spaces and that the building requires 24 parking spaces based on two tenants and the square footage. He stated that one restaurant will be based on seating but that Mi Hacienda is not a stand-alone restaurant.

Ms. Luanne Spiros stated that she was concerned about the homes and property values but also about safety on the street. She stated that after reading the Attorney's comments that there should be complete removal of the patio because it has no function. Ms. Spiros stated that she had two photos of the parking on their street and that it is not safe.

Treasurer Mike Coren questioned the parking widths and if they were 9' or 10'.

Mr. Griffith stated from the plat of survey it seems the parking stalls are 10 feet wide, they can be 9 feet wide which would add one or two spots.

Mr. Gombac stated that he met with Mr. Rodriguez on October 7th to try to reconfigure the area. He stated that staff and the petitioner can go back to the drawing board and discuss at a later date. Mr. Gombac stated that a couple of bistro tables out front can be done without any issues but with alcohol it would have to be corded off.

Alderman Beilke stated that she has an issue with the setback regardless of the parking .

There was no one else wishing to present public comment.

Alderman Seifert made a motion, and it was seconded by Alderman Beilke to deny the petition as presented with items 1-4 and return the area to landscape material.

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

Chairperson Marchese announced that this would be on the City Council agenda scheduled for November 3rd.

B. PZC 2014-08: 1000 N. Frontage Road, Unit C, Miskatonic Brewing: Petitioner seeks approval of the following:

- 1. Text amendment to the Zoning Ordinance listing a brewery with taproom as a special use within the OR&I Office, Research and Light Industrial District.**
- 2. Special use for a brewery with taproom in the OR&I Office, Research and Light Industrial District.**
- 3. A variation from the Zoning Ordinance to reduce the required corner side yard setback from 50 feet to 24 feet in order to construct a patio.**
- 4. A variation from the Sign Code to permit a 100 square foot identification sign on the overhead door where 16 square feet is otherwise permitted.**

Mr. Michael Griffith, Senior Planner reported that the PZC held a public hearing and recommend approval of the petition as presented. He reported that residents were present and voiced their concerns with truck traffic and parking on Wilmette. He stated that the daycare to the east was also represented and concerned about alcohol near a daycare but it was confirmed that the distance was not an issue.

Mr. Griffith stated that they are proposing a brewing business with a taproom and a patio. He stated that the business will hold events for brewing and private group tours but that the primary business is wholesale but that they would like to sell onsite with refillable growlers.

Chairperson Marchese questioned the food trucks.

Mr. Dan Gombac, Director reported that he has had meetings with the petitioners and that they are going to work with the local restaurants. He stated that it will be Bring Your Own Food concept and not having the ability to serve food.

Alderman Seifert questioned the private parties and if they are seeking a full bar permit.

Mr. Gombac reported that they are not seeking a full bar permit.

The petitioner, Mr. Josh Mowery, Miskatonic Brewing stated that the tap room will hold 50 or less for private parties. He stated that he envisions community groups, VFW, Chamber using the space for meetings and events. He stated they do not intend to have a full service liquor license.

Mr. Griffith reported that there were no concerns with the patio but that the residents to the east and south had issues with parking and the hours.

Alderman Seifert stated that it was a nice idea and a wonderful addition to Darien.

Alderman Beilke questioned if they were the tenant in the middle.

Mr. Mowery stated that currently they are the tenant in the middle but that they have an agreement with the owners and plans to go into bottling and will need more space.

Alderman Beilke questioned the sales of the growlers.

Mr. Mowery stated that the growlers will be sealed and available for purchase and taxed. He stated that the growlers will be available in a 32 or 64 ounce glass or steel recepticals and sealed to stay fresh. He further stated that it is beer to go.

Mr. John Wyzkiewicz, Miskatonic Brewing stated that growlers are not a keg but more like a pint. He stated they have an agreement with the owners of the building to the north for overflow parking.

Alderman Beilke questioned if the food trucks would be set up in the parking lot.

Mr. Mowery stated that the food trucks will be more for catering special events.

Alderman Seifert questioned if staff compared other municipalities with this type of business.

Mr. Griffith reported that staff used the data of what the petitioner provided and did not contact other municipalities.

Mr. Gombac stated that they would gather some information and forward to the Committee prior to the City Council meeting.

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 PZC 2014-08: 1000 N. Frontage Road, Unit C, Miskatonic Brewing.

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

C. Ordinance – Amending the Liquor Control Regulations, Section 3-3 of the City Code to create a new liquor license, a Class N License.

Mr. Michael Griffith, Senior Planner reported that currently there is not a liquor license that meets the needs of the brewery. He stated that creating a new liquor license requires amending the City Code. Mr. Griffith reported that the Committee received the license language which limits the amount of beer, onsite and offsite retail, hours and restricts live entertainment outdoors.

Mr. Dan Gombac, Director reported that the language was crafted from other municipalities and reviewed by the City Attorney.

Alderman Seifert questioned if the petitioners would restrict bringing in other liquor. He stated that bottle sharing is common.

Mr. Josh Mowery, Miskatonic Brewing stated sharing bottles from other breweries is common and they would like to allow it in the tap room.

Alderman Beilke questioned the signage and advertising.

Mr. Mowery stated that they will follow the sign code and the square footage on the building. He stated that the 10' x 10' sign is for identification for the overhead door.

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 an Ordinance amending the Liquor Control Regulations, Section 3-3 of the City Code to create a new liquor license, a Class N License.

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

D. Discussion – Request from Jim’s Quality Meats, Ltd.

Mr. Dan Gombac, Director reported that for the last six months to a year staff has been working with Jim’s Meats for a commitment to stay in Darien. He reported that the owner, Ed Wedell and his accountant Al Malley submitted a letter requesting a grant from the City in an amount of \$235,000 to be used for the tenant build out and equipment purchase. Mr. Gombac stated that the Mr. Wedell has a deadline for a commitment to the developer.

Mr. Michael Coren, City Treasurer questioned if Mr. Wedell approached the new landlord.

Mr. Wedell stated that he had not approached the landlord and that his attorney is still waiting to see the lease. Mr. Wedell stated that he is looking for guidance. He stated that he had a set of plans for the building but no further commitments or plans.

Mr. Coren stated that Mr. Wedell was putting the cart before the horse and that he should negotiate with the Landlord first.

Mr. Al Malley stated that the cost is \$80 per square foot and that they are trying to cut costs by purchasing used equipment if it is available. He stated that they are looking for concession for the business similar to what the City did for some businesses in Darien.

Mr. Coren explained that the City provided concessions for the Home Depot and Walmart which bring in substantial sales tax. He stated that the City provided concession to another business by fronting money but it did not cost the City anything. He stated that the money was set up as a loan. He further stated that the deal that Jim's is asking for is better than any big business in town and that he has difficulty supporting the request. Mr. Coren stated that the deal is out of bounds with any other concessions granted to other City businesses.

Mr. Wedell stated that he is looking for guidance and help.

Mr. Malley questioned if they could use the same model that Chuck's used.

Alderman Seifert stated that keeping Jim's has always been in conversation but that it is necessary to negotiate with the landlord. He stated that this request places the City with negotiating against ourselves and we cannot address this issue at all right now.

Chairperson Marchese stated that he hopes that Jim's stays in Darien and that something gets worked out.

Mr. Gombac stated that he can organize a meeting with Ed and the landlord. He stated that the Senior Partner of Darien Pointe is aware of Jim's and has planned on retaining him in Darien.

E. Discussion – Neighborhood Parking Issues/Hinsdale South High School – Discussion regarding overflow Hinsdale South High School special event parking on Poplar Lane, Eleanor Place and Elm Street.

Mr. Dan Gombac reported that the parking at the High School has been an ongoing issue. He reported that staff is suggesting adding additional streets to the Ordinance.

Alderman Beilke asked if the school or City has looked into purchasing lots for additional parking.

Alderman Seifert stated that he looked at the area and that the school purchasing a lot is not going to happen. He suggested looking at all the parking surrounding the school and come up with a universal ordinance.

Alderman Beilke suggested parking on one side of the street for all of the blocks.

Mr. Gombac reported that he spoke with the school regarding above ground parking adjacent to Elm and Eleanor and that they have not moved forward.

Alderman Seifert stated that one side parking will cause a lot of issues.

Chairperson Marchese suggested no parking on either side with or without an event.

Mr. Gombac reported that a survey will be sent to the residents on Poplar, Elm and 74th Street regarding signage. Staff will also be reaching out to the County regarding parking

F, Minutes – September 22, 2014 Municipal Services Committee

Alderman Seifert made a motion, and it was seconded by Alderman Beilke to approve the September 22, 2014 Municipal Services Committee Meeting Minutes.

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

DIRECTOR’S REPORT

A. Discussion – BYOB Survey

Mr. Dan Gombac, Director reported that City Clerk, Joanne Ragona approached the Committee regarding businesses with BYOB.

Mr. Michael Griffith, Senior Planner reported that he contacted a couple municipalities with BYOB. He reported that some require a liquor license and some do not but that the business requires extra insurance. Mr. Griffith stated that staff will survey the surrounding communities and report back to the Committee. He reported that he is aware of two businesses in Darien with BYOB.

Ms. Joanne Ragona, City Clerk suggested contacting the Illinois Liquor Commission. She stated that they regulate the registered licenses and can provide guidance regarding insurance as well as corking fees and other things associated with this.

NEXT SCHEDULED MEETING

Chairperson Marchese announced that the next regular meeting is scheduled for Monday, November 24, 2014 at 6:30 p.m.

ADJOURNMENT

With no further business before the Committee, Alderman Beilke made a motion and it was seconded by Alderman Seifert to adjourn. Upon voice vote, THE MOTION CARRIED unanimously and the meeting adjourned at 8:37 p.m.

RESPECTFULLY SUBMITTED:

Joseph Marchese
Chairman

Tina Beilke
Alderman

Joerg Seifert
Alderman