

**MINUTES
CITY OF DARIEN
PLANNING & ZONING COMMISSION MEETING
August 20, 2014**

PRESENT: Beverly Meyer – Chairperson, Ron Kiefer, John Lind, Lou Mallers, Ray Mielkus, Pauline Oberland, Ken Ritzert, Michael Griffith – Senior Planner

ABSENT: Susan Vonder Heide, Elizabeth Lahey - Secretary

Chairperson Meyer 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.

A. PZC 2014-06: 7731 Lester Lane: Petitioner seeks approval of a variation to reduce the required front yard setback from 35 feet to 30 feet in order to construct a covered front porch.

Mr. Michael Griffith, Senior Planner reported that the petitioner seeks approval of a variation to reduce the required front yard setback from 35 feet to 30 feet in order to construct a covered front porch.

Commissioner Kiefer, Commissioner Oberland and Commissioner Mallers stated that they did not have a problem with the request.

Chairperson Meyer stated that there is an existing stoop.

There was no one in the audience wishing to present public comment. Chairperson Meyer closed the public hearing at 7:07 p.m.

Commissioner Kiefer made a motion and it was seconded by Commissioner Mallers that based upon the submitted petition and the information presented, the request associated with PZC 2014-06 is in conformance with the standards of the Darien City Code and move that the Planning and Zoning Commission recommend approval of the petition.

Upon roll call vote, THE MOTION CARRIED UNANIMOUSLY 7-0. Commissioner Vonder Heide was not present.

B. PZC 2014-07: 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 requesting approval of a variation to reduce the required corner side yard setback from 50 feet to zero feet in order to

construct a patio for outdoor dining. He reported that the existing building currently encroaches 25 feet into the setback and any patio within this yard would also encroach.

Mr. Griffith reported that the petitioner plans to serve alcohol outdoors and reported to the PZC the Code regulations.

Commissioner Oberland stated that she was a bit bothered by the petitioner and that he did not obtain a building permit before constructing the patio. Commissioner Mallers agreed.

Commissioner Oberland questioned what was to the south of the property.

Mr. Griffith reported that there is a home to the south but that it is also a landscape business that is operated out of the home and it is not up next to the subject property.

Chairperson Meyer questioned if there should be a fence enclosure.

Mr. Griffith reported that the Liquor Code does not require a fence or fence height but that the Code requires they are to be enclosed.

The petitioner, Mr. Andrius Presniakouas stated that he is the owner of the building. He stated that Enrique Rodriquez who runs Mi Hacienda approached him about business being slow and suggested that a patio may help. He stated that he was in favor of the patio and thought that Mr. Rodriquez obtained the permit. He also stated that Mr. Rodriquez owns the first two homes across the street on Main Street.

Commissioner Oberland asked when the property was purchased and if the petitioner owned any other property.

Mr. Presniakouas stated that he purchased the property in 2011 and owns other commercial property.

Commissioner Oberland stated that he should have known that a building permit was required.

There was much discussion from the PZC regarding the proposed enclosure. The petitioner stated that the enclosure was 42 inches tall and that the purpose is to route customers into the restaurant for service and to prevent customers from wandering off the patio.

Chairperson Meyer opened the public hearing to anyone wishing to present public comment.

Ms. Luanne Spirros, 7521 Main Street stated that she was opposed to the variation and that it will adversely impact her quality of life. She stated that the congestion on Main Street will be increased and that currently vehicles are parked on both sides of Main Street making it difficult to see when exiting. She further stated that allowing the patio without a permit sends mixed messages.

Mr. Joe Websser, 7521 Main Street stated that he was also opposed to the variation and that the site does not have enough parking. He stated that the patio will increase the capacity making parking more of a problem and that the parking standards for a stand-alone restaurant, based on seating should be applied instead of the standard for a multi-tenant building.

Commissioner Oberland questioned how many tables would fit on the patio.

The petitioner stated that there is room for tables with four per table.

Mr. Paul Jope, 7518 Cambridge Drive stated that he has issues with the fence up against the sidewalk. He stated that there is an overhead power line and questioned the safety of it being over a patio. He further stated that the street is residential. There was no one else wishing to present public comment and Chairperson Meyer closed the public hearing.

Chairperson Meyer questioned if there would be live entertainment on the patio.

The petitioner stated that there would not be any live entertainment.

Mr. Griffith reported that the Liquor Code does not permit live entertainment outdoors.

Commissioner Kiefer stated that he was concerned with the patio encroaching to the sidewalk.

Commissioner Oberland also stated that she was concerned with patio being so close to the sidewalk with people walking on the sidewalk next to the patio with people eating.

Commissioner Ritzert stated that he was concerned with the noise bothering the residents to the south.

Chairperson Meyer stated that the Lithuanian restaurant has a small seating area and is mostly carryout. She stated that she had issues with the patio activity in a residential area.

The petitioner stated that the busiest nights for Mi Hacienda occurs on Friday.

Commissioner Lind stated that the parking situation is already there and it should not be aggravated any more. He stated that one vehicle on the street is too many.

Commissioner Kiefer stated that he was concerned with the patio activity in a residential area.

Commissioner Mallers made a motion recommending denial of the variation petition. Commissioner Oberland seconded the motion.

Upon roll call vote, THE MOTION CARRIED UNANIMOUSLY 7-0. Commissioner Vonder Heide was not present.

MINUTES

Commissioner Kiefer made a motion and it was seconded by Commissioner Mielkus to waive the reading of the July 16, 2014 Regular Meeting Minutes.

Upon voice vote, **THE MOTION CARRIED UNANIMOUSLY 7-0.** Commissioner VonderHeide was not present.

Commissioner Ritzert made a motion and it was seconded by Commissioner Mielkus to approve the July 16, 2014 Regular Meeting Minutes.

Upon roll call vote, **THE MOTION CARRIED UNANIMOUSLY 7-0.** Commissioner VonderHeide was not present.

CORRESPONDENCE

None.

OLD BUSINESS/PLANNER'S REPORT

None.

NEXT MEETING

Mr. Griffith announced that the next meeting is scheduled for Wednesday, September 3, 2014 at 7:00 p.m.

ADJOURNMENT

With no further business before the Commission, Commissioner Kiefer made a motion and it was seconded by Commissioner Lind. Upon voice vote, **THE MOTION CARRIED unanimously and the meeting adjourned at 8:30 p.m.**

RESPECTFULLY SUBMITTED:

APPROVED:

Michael Griffith
Senior Planner

Beverly Meyer
Chairman