

CITY OF DARIEN
PLANNING AND ZONING COMMISSION

Wednesday, November 15, 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 – PZC2023-10 (PAGE 18)

8413 Creekside Lane – Variation

Petitioner Thomas Jones seeks approval of a variation from City Code Section 5A-7-2-6 (A) of the Zoning Ordinance. The petition specifically requests to allow for an addition to an existing single-family residence, with the addition being a garage expansion. Property is located within the R-2 Single-Family Residence Zoning District and the variation request is to the following standard in the R-2 District of the City of Darien Zoning Ordinance:

- Section 5A-7-2-6 (A): Variation request to reduce the required corner side yard setback.

b. Public Hearing – PZC2023-11 (PAGE 28)

2019 75TH Street, 7906 Cass Avenue, and 8226 Cass Avenue – Special Use

Petitioner USAgain, LLC requests approval of a special use pursuant to Section 5A-2-2-6 of the City Zoning Code. The petition specifically requests to allow for the placement of a clothing donation bin on three (3) separate properties. Properties are within the B-2 Community Shopping Center Business District, B-3 General Business District, and the Office (O) District.

4) Regular Meeting – Old Business

a. Public Hearing – PZC2023-06 (PAGE 43) – CONTINUED FROM 08/16/2023

Mixed-Use District Text Amendment

Petition from the City of Darien to amend the Zoning Ordinance (i.e. Text Amendment) to create a Mixed-Use Zoning District.

- 5) Staff Updates & Correspondence
- 6) Approval of Minutes October 4, 2023 & October 18, 2023
- 7) Next Meeting December 6, 2023
- 8) Public Comments [On Any Topic Related to Planning and Zoning]
- 9) Adjournment

MINUTES CITY OF DARIEN
PLANNING & ZONING COMMISSION MEETING

Wednesday, October 4, 2023

PRESENT: Lou Mallers – Chairperson, Robert Erickson, Shari Gillespie, Hilda Gonzalez (7:27 p.m.) Chris Jackson, Chris Green, John Johnson, Julie Kasprovicz

ABSENT: Bryan Gay

OTHERS: Dan Gombac – Director of Municipal Services, Jordan Yanke - City Planner

Chairperson Lou Mallers called the meeting to order at 7:00 p.m. at the Darien City Hall, Council Chambers, 1702 Plainfield Road, Darien, Illinois. Chairperson Mallers declared a quorum present and swore in the audience members wishing to present public testimony.

Commissioner Erickson made a motion, and it was seconded by Commissioner Gillespie to move the agenda order.

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

Regular Meeting – New Business

b. Public Hearing – PZC2023-08 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.

Mr. Jordan Yanke, City Planner reported that the subject property is located at the southeastern corner of the Lemont Road and 83rd Street/Plainfield Road intersection. He reported that that the property's existing structure is the former CVS pharmacy.

Mr. Yanke reported that the petitioner is proposing a "garage for storage, repair, and servicing of motor vehicles, including body repair, painting, and engine rebuilding" which deems it as a special use within the property's zoning designation. He reported the proposal involves minimal site work, as there are no proposed changes to the building footprint or the access drives to the site.

Mr. Yanke reported that 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 and that the enclosure is proposed so vehicles dropped off in need of repair can be parked in an area not visible to the public eye. He further reported that such

vehicles would be parked in newly designated spaces temporarily before being repaired inside the building.

Mr. Yanke reported that the wall/fence proposed within the front yard does not comply with zoning district standards. He reported that the existing drive-through located on the west side of the building will be removed and that the petitioner proposes to include the addition of two overhead doors on the west side of the building and one on the north side of the building, along with alterations to a couple curbed areas near the building to allow for better ingress/egress.

Mr. Yanke reported that 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. He reported that the required amount of parking spaces (4 spaces/1,000 square feet gross floor area) are proposed to serve the site and based on the building's square footage, 56 parking spaces are required.

Mr. Yanke reported that 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. He reported that they are in the agenda memo along with the proposed site plan, floor plan, building elevations, and other documents including public comment.

Mr. Dan Gombac, Director clarified some of the social chatter stating that the City looked at the site for sporting venues, restaurants, dollar store, hardware store and that financially, physically and after looking at incentives was not possible and the proposed use fits the property.

Mr. Tim Schwartz, Storebuild LLC introduced his team. He provided an overview of the proposal noting that they will be adding three new doors and that the interior operation will be air conditioned with minimal outside noise. He stated \$1.5 million will go to the community and that Gerber will have high paying positions with some paying over six figures.

Mr. Schwartz stated that Gerber has over 700 stores in Illinois with state-of-the-art equipment and that they are held in high regard on how they operate which is over 80 years. He reported that the paint shed will be self-contained with its own ventilation system. He further reported that they will use waterborne products making no environmental issues. He displayed a photograph of the plat.

Mr. Gombac reported that it was very important that the petitioner provide details on if there would be any odor released toxins. He referenced Sterogenics and reported that the paint will be contained.

Mr. Schwartz reported that there are 29,000 cars that travel per day and that this area is beyond a neighborhood location and that it will be nothing compared to the existing

traffic. He reported that the proposed location will be 13,000 square feet versus their usual store sites of 20,000 square feet. He further reported that the hours of operation will be 8:00 a.m. – 5:00 p.m. in a solid brick building.

Mr. Schwartz reported that they will build an architectural wall enclosure for cars coming in to hide the front from public view.

Commissioner John Johnson questioned if the wall would block sound.

Mr. Schwartz reported that he did not anticipate it would block sound, but it is a backup.

Mr. Ryan Murphy, Storebuild, LLC reported that Gerber does not repair totaled vehicles. He stated that he is very familiar with restaurants and parking and that they looked at all options for the site and considered the noise. He reported that car repairs will be done inside only, and most car repairs are scheduled through an insurance company. He further reported that 80% of all cars are not towed in.

Mr. Jim Brady, Gerber stated that all the local locations work together should there be an overflow for work to get the vehicle done quicker.

Commissioner Chris Jackson questioned how damaged parts are disposed.

Mr. Brady reported that the damaged parts are stored indoors, and trash picked up two times per week as needed by local providers.

Chairperson Mellers asked for Gerber's philosophy.

Mr. Brady stated that Gerber is always welcoming, and that they will open Monday – Friday from 8:00 a.m. – 5:00 p.m.

Chairperson Mellers questioned the 4' fence backing the residents.

Mr. Brady stated that the fence will be fixed and repaired. He stated that there is a problem with the concrete that will also need repair.

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

Ms. Susan Dorian, Downers Grove stated that Darien will not have to deal with this, but the residents will. She stated that the vehicles in and out will be a trick and that a 4' fence is no help, and that she would have to see what it looked like if updated to Trex as suggested by the City.

Mr. Gary Koche, representing the Brookeridge Homeowners Association stated that 400 residents were surveyed and against the proposal. He stated that the location is next to apartments, senior living, single family residences and inharmonious with the surrounding neighborhood. He further stated that this is "not a neighborhood location" even if a busy intersection is ours and our neighborhood.

Mr. Rich Jepsen, Oswego stated that he operates a collision center in Darien and less than 1/8 mile from the area on Lemont Road and that this will impact his business and Haraldson's Garage. He questioned if three body shops are needed within a mile radius and beneficial to the City of Darien.

Mr. Vic Patton, Darien stated that he is a chemical engineer with background in biochemistry. He reported that he provided data to the PZC on what goes on in a body shop. He stated that there are references to waterborne paints and hazardous toxins released and that it is not safe. He questioned the paint booth and exhausting it into the environment.

A Brookeridge resident (illegible signature) stated that she was concerned for the children walking and riding their bikes. She stated that she was concerned with the tow trucks and theft issues.

Mr. Trip Burton, Woodridge, stated that he lives less than a mile from the location and that this is competition with the local businesses. He stated that the third door that faces 83rd Street was not addresses.

Mr. Jim Brady stated that the third door is where the finished vehicles will be washed and cleaned and where the customer can pick up their vehicle.

Mr. Jon Fey, unincorporated Darien stated that he was three blocks from the facility. He stated that this is the worst B-2 option. He stated that this proposal will devalue the property and that he is concerned that all 32 spots will be filled with vehicles.

Ms. Judy Restivo, stated that there is childcare located across the street and questioned where the workers will go. She stated that there are already issues going into the area and this will create more problems.

Ms. Anjali Glowacz, Darien stated that this is a residential area, and that this proposal will not add value to the community. She stated that it does not make sense where kids walk and ride bikes and asked that the City to look at this long term.

Mr. Brandon Esparza, Brookeridge stated that he is two blocks away and that he would not have purchased if the Gerber was there. He further stated that the zoning is in place to protect the residents and he encouraged the PZC to not grant the special use.

Mr. Ed Cervenka, Downers Grove stated that he owns property that borders the area and wants to build but that this will not help with the value of his property.

Ms. Elizabeth Uribe, Downers Grove stated that she is concerned about safety of the children and that she is not interested in the neighborhood becoming industrial.

Ms. Nikki Giancola – Shanks, Darien stated that she was shocked that the City considered this with two local small businesses. She stated that this will have a

negative impact on them. She further stated that there are plenty of other businesses with smaller parking requirements. She urged the PZC to listen to the constituents.

Mr. Phil L., Downers Grove stated that he is an environmental enthusiast and that he heard nothing about the bike paths. He questioned the huge wall and the aesthetics and safety.

Mr. Todd S., representing Bruce Lake challenged Darien to think bigger. He stated that Speedway is a mess and that he is completely offended that the petitioner stated that the area is not residential. He further stated that ACE Hardware or produce is a better choice, but that Darien continues to put in vape shops, gambling, etc. for an easy grab.

Mr. Mike Nichaulou, asked if anyone on the PZC would like to live behind this proposal.

Mr. Dave Phillips, representing Bruce Lake stated that he was concerned with water discharge and industrial release and the water quality.

Chairperson Mellers stated that the City tried to get produce in but they all require a stand alone building. He also stated that they tried to get other operations into Darien, but it has been challenging.

Mr. Tim Schwartz addressed some of the questions. He stated that 4-5 vehicles will be repaired per day and that the operation will have minimal impact to traffic. He further stated that the wall along Lemont was a recommendation because of safety and noise for the two garage doors which ends 100 feet from 83rd Street.

Mr. Schwartz addressed the chemical questions and stated that everything is self-contained in recycled environmental containers. He stated that they must conform with the State regulations which are very stringent.

Commissioner Bob Erickson questioned how frequently they inspect. He stated that Speedway had a gas leak issue, and it was discovered too late.

Mr. Gombac questioned the VOC's and how they are contained.

Mr. Brady stated that the filters are changed monthly and that the air goes through filters which are consistently cleaned before they go out. He stated that he was not sure about the VOC's but would provide to the City.

Mr. Murphy stated that Gerber will bring a lot to the community. He stated that there will not be another business open 8-5 and that CVS had semi-trucks and there was far worse traffic generated. Mr. Murphy stated that Gerber is a publicly traded company and obviously doing things right.

Mr. Murphy stated that they are investing \$1.5 million and that other uses were researched and that restaurants have a whole lot of issues, rodents, trash, etc., and that this use is the least impact to traffic, hours, etc. He stated that the wall is a

massive expense and that they would prefer to do a fence but that they are not opposed to a larger fence and landscaping and want to be a good neighbor.

Mr. Yanke reported the traffic engineer confirmed there would be 1/2 the amount of traffic generated by Gerber during morning peak hours and 1/5 the amount of traffic generated by Gerber during evening peak hours when compared to the prior CVS.

Commissioner Julie Kasprovicz questioned the other two businesses.

Mr. Brady stated that there is plenty of competition and that the location is a good fit for their purposes.

Commissioner Chris Green questioned the east and south end changes and if the dumpster will be removed.

Mr. Gombac stated that the dumpster will remain but with additional screening.

Commissioner Green also asked if the finished vehicles will be stored inside or outside.

Mr. Brady stated that once the vehicles are completed, they will be outdoors.

Commissioner Erickson questioned the rental cars.

Mr. Brady stated that the insurance companies work with Enterprise on pick up and delivery.

Commissioner Green stated that it would be useful to get more information on traffic.

There was no one else wishing to present public comment.

Commissioner Jackson made a motion, and it was seconded by Commissioner Gillespie to continue PZC2023-08 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.

Upon roll call vote the MOTION FAILED 5-3.

AYES: Gonzalez, Green, Johnson

NAY: Erickson, Gillespie, Jackson, Kasprovicz, Mallers

Commissioner Jackson stated that this request does not meet the needs of a shopping district and that the petitioner did not address specific criteria.

Commissioner Kasprovicz make a motion seconded by Commissioner Jackson to recommend approval of PZC2023-08 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.

Upon roll call vote the MOTION FAILED 7-1.

AYES: Green

NAY: Erickson, Gillespie, Johnson, Jackson, Gonzalez, Kasprowicz, Mallers

Mr. Yanke stated that the non-favorable motion would be forwarded to the Municipal Services Committee on October 23rd.

a. Public Hearing – PZC2023-07 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.

Mr. Jordan Yanke, City Planner reported that in 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.

Mr. Dan Gombac, Director reported that 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 and staff developed revisions to the zoning ordinance pertaining to EV charging stations in order to streamline implementation and regulate infrastructure throughout the City.

Mr. Gombac reported that the Planning and Zoning Commission is to review and recommend on the proposed ordinance for EV charging stations and consider recommending on the case.

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

A resident in the audience stated that she had a hybrid vehicle, and that Level 1 takes four days to charge and that she has Level 2 in her garage. She questioned if the Fire Department is trained for electrical fires.

Mr. Gombac reported that the Fire Department is aware of electric cars in Darien and that the City records all known electric cars in a registry. He stated that the City would like to see Level 3 put in for patrons in the City of Darien.

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

Mr. Gombac asked the PZC to provide any recommendations.

Commissioner Jackson made a motion and it was seconded by Commissioner Johnson to authorize City Staff to continue the work and move forward with PZC2023-07 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.

Upon voice vote, the MOTION CARRIED UNANIMOUSLY 8-0.

Regular Meeting – Old Business

There was no old business to discuss.

Staff Updates & Correspondence

There were no staff updates and correspondence to discuss.

Next Meeting October 18, 2023

Mr. Yanke announced that the next meeting will be held on Wednesday, October 18, 2023, at 7:00 p.m.

Public Comments (On any topic related to Planning and Zoning)

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

Adjournment

With no further business before the Commission, Commissioner Jackson made a motion, and it was seconded by Commissioner Johnson. Upon voice vote, THE MOTION CARRIED unanimously, and the meeting adjourned at 9:45 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

Elizabeth Lahey
Secretary

Lou Mallers
Chairperson

MINUTES CITY OF DARIEN
PLANNING & ZONING COMMISSION MEETING

Wednesday, October 18, 2023

PRESENT: Lou Mallers – Chairperson, Robert Erickson, Chris Jackson, Chris Green, John Johnson, Julie Kasprovicz

ABSENT: Bryan Gay, Shari Gillespie, Hilda Gonzalez

OTHERS: Jordan Yanke - City Planner

Chairperson Lou Mallers called the meeting to order at 7:00 p.m. at the Darien City Hall, Council Chambers, 1702 Plainfield Road, Darien, Illinois. Chairperson Mallers declared a quorum present and swore in the audience members wishing to present public testimony.

Regular Meeting – New Business

- a. Public Hearing – PZC2023-09 (PAGE 5) 2941, 2963, and 2985 87TH Street – Woodland Glen Development Petitioner requests approval of a Rezone, Special Use Planned Unit Development (PUD), Preliminary Plat, and Variations/Waivers as deemed necessary. The petition specifically requests approval for a 17-lot subdivision with 34 total dwelling units, or 17 two-family dwellings (i.e., duplexes). Property is comprised of 7.34 acres and is currently zoned Single-Family Residence District (R-1). The proposed zoning is Multi-Family Residence District (R-3).**

Mr. Jordan Yanke, City Planner reported that the site is located on the south side of 87th Street, west of Lemont Road and on the edge of the City's jurisdictional boundary. He reported that the site is comprised of three parcels and proposed to develop the site as a 17-lot subdivision containing 17 two-family dwellings or 34 total units. He further reported that the zoning ordinance defines the proposed dwellings as follows: DWELLING, TWO-FAMILY: A detached building or structure containing two (2) dwelling units only, designed for and occupied by two (2) families.

Mr. Yanke reported that the current zoning is Single Family Residence District (R-1) which does not permit two-family dwellings. He reported that the petitioner is requesting approval of a Planned Unit Development (PUD), which is a special use, with waivers/variations. He reported that the City Engineer provided a letter dated August 17, 2023, which provides stipulations/conditions of approval for the project and

preliminary plan prior to final planning stage. He further reported that the City's traffic consultant has also reviewed the submitted traffic memorandum and comments.

Mr. Jim Healey, Attorney, Goldstine, Skrodzki, Russian, Nemecek & Hoff, Burr Ridge presented the proposal for the Woodland Glen residential development. He stated that the development will consist of 34 duplex single-family homes, with 2 homes on each of the 17 residential lots.

Mr. Healey stated that Woodland Glen will be an upscale, maintenance free residential community, featuring larger ranch style homes with full basements, featuring both "look out" and "walk out" option. He stated that the Woodland Glen development will be rezoned as an R-3 PUD residential community, with utilities served by the City of Darien for public water and DuPage County for sanitary sewers and that all utility improvements required for Woodland Glen will be installed by the developer.

Mr. Healey stated that the existing uses on 87th Street and Lemont Road contains mixed uses, including commercial, multi-family residential and some residential properties, and that most residential homes do not face 87th Street. He stated that the Woodland Glen development will not adversely impact the essential character of the 87th Street and will be a positive addition to the corridor and that there will be no adverse effects on the adjoining properties, with open side yards between the groupings of homes allowing for the free flow of light and air through the development and the adjoining properties.

Mr. Healey stated that the development will have a negligible increase of traffic on 87th Street and allows for the free movement of all police and fire equipment with proper ingress and egress for the development off 87th Street.

Mr. Healey stated that the Woodland Glen development will have the highest quality architectural design, blending this transitional residential area into the neighboring community. He stated that the Woodland Glen development will be a positive addition to the City of Darien and offers the best transitional residential density along the 87th Street corridor in Darien.

Mr. Healey stated that the Woodland Glen development will conform to all Darien codes and regulations, except those where the City of Darien will be granting a variance or change from its Zoning Code.

Mr. Scott Stevens, Vice President, Woodland Glen Development, LLC stated that the duplex homes will be 2200 square foot brick buildings with concrete driveways and two car garage for mature buyers with a base price starting in the upper \$500,000. He provided photos from a similar development stating that the development will have a custom single family home appearance.

Mr. Steve Kranenborg, Project Manager, V3 Companies, Ltd., Woodridge stated that there is considerable amount of elevation change and no wetland delineation. He stated that they are proposing 17 residential lots and an additional out lot for stormwater and a sanitary drain and public street. Mr. Kranenborg stated that two new access points are proposed with full driveway access on the west.

Mr. Kranenborg stated that a traffic memo was submitted noting the peak hours and trips generated showing minimum traffic addition. He stated that proposed is a 3.4-acre detention storage basin and that all storm events will be captured offsite to the east with a utility provision that the stormwater released to the southeast and consistent with existing conditions and all approved through DuPage County requirements.

Commissioner John Johnson questioned if the roadway was discussed with the Fire District.

Mr. Yanke reported that Mr. Dan Gombac, Director Municipal Services is in full support of the waiver. He stated that the City has had similar requests and that the Fire District is currently looking at the proposal. Mr. Yanke suggested recommending a condition that the Fire District provide a letter with comments on the preliminary plan.

Commissioner Julie Kasprovicz questioned the landscaping requirement and mosquito abatement.

The petitioner's landscape architect stated that the plan is presently conceptual, but that native and adaptive species are proposed. She stated that there will be complete foundation landscaping and screening on 87th Street and south property line with parkway trees. She further stated that DuPage County requires a three-year establishment and from there the Homeowners Association will take over.

Mr. Stevens stated that they work with various consultants and that he did not believe that DuPage County encourages mosquito abatement. He stated that the Homeowners Association will consist of all 34 residences who will monitor and take over the basins and lift station.

Mr. Yanke reported that a final landscaping plan and final plan submittal will come before the Planning & Zoning Commission.

Chairperson Lou Mallers questioned why the large right of way reduction.

Mr. Healy stated that this was necessary for the site.

Commissioner Johnson questioned the distance to the right of way for units 1, 17,12, and 11. He stated that they appeared close to the right of way.

Mr. Don Stevens, Woodland Glen Development, LLC stated that the distance is 50 feet and that there will room for parkway trees.

Mr. Scott Stevens stated that a fair amount of land area is needed for the single-family ranch style home.

Commissioner Jackson inquired about the market study for 34 units.

Mr. Scott Stevens stated that study was recently updated showing that there is a need and supports more than 34. He stated that the homes are designed for 55 and older. He stated that the development that they built in Lemont had 90 and that they had no problem selling. He further stated that there will be restrictions on rentals and that once 70% of the homes are sold it will be taken over by the Homeowners Association.

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

Ms. Betty Scialabba stated that the proposal was very nice but that those that live behind the proposal will be flooded. She stated that from 2019 on everything has overflowed due to a tiny 12" pipe. She further stated that the City needs to look at the area a little further.

Mr. Ian Dilworth stated that gallons of water are held in the reservoir and that he would like to see the wetland detention study. Mr. Dilworth stated that the area has wildlife traffic and the rural feel which will change significantly. He questioned the fencing around the entire project and expressed his concern for children accessing the pond and that the petitioner is asking for too many variations.

A woman in the audience provided a poster of the area in the 1940s showing the basin as a swamp. She stated that the area has 12" culvert that the County manages to the pond and that the area is a mess. Ms. Kies stated that there is a very steep uphill pitch, and that the development will be nightmare for the residents and that there is too much house for too small of a lot.

Ms. Jeanine Antiporek stated that she owns the house to the east of the development and that the petitioner is asking for less than standard side yards and setbacks. Ms. Antiporek submitted a petition with fifty signatures opposing the development.

Ms. Margaret Tonal stated that she lives on the north side of 87th Street and that the cars are close to the houses and that this is a safety concern.

Ms. Karla Twombly stated that she lives directly behind the development and has lived there for 66 years. She stated that the lots are taking on more and more water flooding her lot.

Ms. Corrine Piorowski stated that her property was dry when she purchased her home and now it is wet.

Mr. Tony Antiporek stated that he has lived in his home for 26 years and that he bought it because of the acreage. He stated that there are no fences on any of the properties and that he did not agree with the variance requests.

Mr. Robert Kokleska stated that the traffic is getting worse and questioned the traffic study. He stated that nothing was addressed regarding lighting.

Mr. Mustfa Sted stated that he lives in Bolingbrook and that this a good project for the area.

Mr. Healy addressed the concerns and stated that the market study is proprietary. He stated that the animals will continue to roam as they do now and that the homes are not multi-family and there will be no fencing at all at this time. Mr. Healy stated that there is R-3 in area to the west and that the detention will be managed by the Homeowners Association. He stated that the density is 4.63 units per acre and that the drawings provided are not to scale.

Mr. Healy addressed the landscaping and lighting stating that they will follow what is required by the City.

Mr. Kranenborg addressed the wetland questions stating that the stormwater management is designed using the rainfall developed by the State. He stated that the proposed stormwater management will benefit anyone downstream and that the water will be slowly released where presently it now runs off. Mr. Kranenborg stated that the information is provided in the analysis.

A woman in the audience stated that the water is flowing from east to west not north to south.

Mr. Kranenborg stated that based on the existing topography there is no flow that goes west to east.

Commissioner Jackson questioned if there was any soil testing for groundwater and absorption rate.

Mr. Kranenborg stated that yes and that he can provide follow up data.

Commissioner Kasprovicz questioned if the petitioner could decrease the number of units to avoid the requests.

Mr. Healy stated that they would have to wipe out half of the subdivision.

Chairperson Mallers read aloud the public comments that were received through correspondence.

There was no one further in the audience to present public comment and at 8:44 p.m. Chairperson Mellers closed the public hearing.

Commissioner Bob Erickson stated that the people in the audience are unincorporated that the Mayor of Darien has fought hard for the residents.

Commissioner Chris Green suggested reducing the front yard setback to gain rear yard setback.

Mr. Kranenborg stated that after review that could not be accomplished.

Mr. Don Stevens stated that the ranch units is the reason for the reduced setback and that the geometry is fixed but that they could look at reducing the front yard setback.

Commissioner Kasprovicz questioned if there was a traffic light study.

Mr. Yanke stated that is the County and that the petitioner can work with the County.

Commissioner Jackson make a motion seconded by Commissioner Kasprovicz to recommend approval Public Hearing – PZC2023-09 (PAGE 5) 2941, 2963, and 2985 87TH Street – Woodland Glen Development Petitioner requests approval of a Rezone, Special Use Planned Unit Development (PUD), Preliminary Plat, and Variations/Waivers as deemed necessary. The petition specifically requests approval for a 17-lot subdivision with 34 total dwelling units, or 17 two-family dwellings (i.e., duplexes). Property is comprised of 7.34 acres and is currently zoned Single-Family Residence District (R-1). The proposed zoning is Multi-Family Residence District (R-3) with the following conditions:

- 1) Applicant revise the preliminary plan in regards to the location of duplexes on Lots 1, 2, 3, 9, 10, and 11. The structures on said lots shall be shifted five (5) feet towards Woodland Lane, resulting in a front yard setback of twenty (20) feet and rear yard setback of twenty-three (23) feet for each lot/duplex.**
- 2) Fire District Approval.**
- 3) Submittal of a Geotechnical Report.**
- 4) Submittal of Best Management Practices (BMPs).**
- 5) Submittal of Homeowners Association (HOA) covenants and restrictions.**
- 6) Response be obtained from DuPage County regarding sidewalk feasibility along 87TH Street.**
- 7) Traffic light feasibility study be submitted by the applicant to DuPage County.**

Upon roll call vote the MOTION CARRIED 6-0.

Regular Meeting – Old Business

There was no old business to discuss.

Staff Updates & Correspondence

There were no staff updates and correspondence to discuss.

Next Meeting

Mr. Yanke announced that the next meeting will be held on Wednesday, November 15, 2023, at 7:00 p.m.

Public Comments (On any topic related to Planning and Zoning)

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

Adjournment

With no further business before the Commission, Commissioner Jackson made a motion, and it was seconded by Commissioner Erickson. Upon voice vote, THE MOTION CARRIED unanimously, and the meeting adjourned at 9:24 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

**Elizabeth Lahey
Secretary**

**Lou Mallers
Chairperson**

AGENDA MEMO
PLANNING AND ZONING COMMISSION
NOVEMBER 15, 2023

CASE

PZC2023-10

Variation (Corner Side Yard Setback)
Thomas Jones – 8413 Creekside Lane

ISSUE STATEMENT

Petitioner Thomas Jones seeks approval of a variation request from Section 5A-7-2-6 (A) of the City Zoning Code to allow for an addition to an existing single-family residence, with the addition being a garage expansion. Property is located within the R-2 Single Family Residence Zoning District and the variation request is to the following standard in the R-2 District:

- Zoning Section 5A-7-2-6 (A): R-2 District Corner Side Yard Requirement.

GENERAL INFORMATION

Petitioner/Owner:

Thomas Jones

Property Location:

8413 Creekside Lane

PIN Number:

09-33-308-007

Existing Zoning:

Single Family Residence District (R-2)

Existing Land Use:

Single Family

Comprehensive Plan:

Low Density Residential (Existing/Future)

Surrounding Zoning & Uses

North:

Single Family Residence District (R-2); Single Family

East:

Single Family Residence District (R-2); Single Family

South:

Single Family Residence District (R-2); Single Family

West:

Single Family Residence District (R-2); Single Family

Size of Property:

0.33 Acres

Floodplain:

According to the DuPage County Parcel Viewer System, there is floodplain on the site but it does not impact the proposal.

Natural Features:

According to the DuPage County Parcel Viewer System, there is a natural wetland feature on the property but it does not impact the proposal.

Transportation:

The petition site gains access off of Creekside Lane.

PETITIONER DOCUMENTS (ATTACHED TO MEMO)

- 1) APPLICATION
- 2) JUSTIFICATION NARRATIVE
- 3) SITE PLAN
- 4) FLOOR PLAN
- 5) ELEVATION & RENDERING

CITY STAFF DOCUMENTS (ATTACHED TO MEMO)

- 6) LOCATION MAP & AERIAL IMAGE
- 7) SITE PHOTO

PLANNING OVERVIEW/DISCUSSION

The subject property was platted in 1977 and is part of the Brookeridge Creek Subdivision. The parcel is improved with a single-family residence. The property slopes toward its rear where a wetland feature (creek) and floodplain exist. These natural features do not impact the proposal. According to the submitted application and site plan, the petitioner is proposing a garage expansion by adding a third bay.

The proposed garage expansion would result in a corner side yard setback of 17.5' from the parcel's southern property line that curves along Creekside Lane. The underlying zoning district (R-2) has a corner side yard setback of 15' regularly, but the subject lot was approved under an ordinance specifying a 25' corner side yard setback for the property. Thus, the expansion requires approval of a variance and the result would be a 7.5' encroachment into the required 25' setback.

Site Plan Review & Findings of Fact

City staff has reviewed the petitioner submitted documents and staff does not have any review comments on the site plan. The submittals include a *justification narrative* and description of the request. For reference, the set of criteria the Planning and Zoning Commission votes on for this request is included below:

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) 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.*
- b) The plight of the owner is due to unique circumstances.*
- c) The variation if granted will not alter the essential character of the locality.*
- d) 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.*
- e) 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.*
- f) 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.*
- g) 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.*
- h) 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.*
- i) Net Benefit: The positive impacts to the community outweigh the negative impacts.*
- j) 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 November 15, 2023.

MEETING SCHEDULE

Planning and Zoning Commission	November 15, 2023
Municipal Services Committee	TBD
City Council	TBD



RECEIVED
OCT 13 2023
Community Development
City of Darien

ZONING APPLICATION

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

CONTACT INFORMATION

THOMAS J. JONES
Applicant's Name
8413 CREEKSIDE LN. DARIEN IL 60561
Address, City, State, Zip Code
630-908-0432
Telephone
tjj8413@comcast.net
Email

THOMAS J. JONES &
JOANNE M. JONES
Owner's Name
8413 CREEKSIDE LN
DARIEN IL. 60561
Address, City, State, Zip Code
630-908-0432
Telephone
tjj8413@comcast.net
Email

PROPERTY INFORMATION

8413 CREEKSIDE LN. - DARIEN IL. 09-33-308-007
Property address PIN Number(s)
(R-2)
Zoning District RESIDENTIAL
Current Land Use(s)

(Attach additional information per the Submittal Checklist.)

REQUEST

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

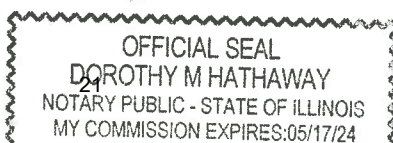
WE WISH TO ADD A THIRD BAY TO OUR EXISTING
2 CAR GARAGE. THIS IS FOR OUR SINGLE
RESIDENTIAL HOME.

[Signature]
Applicant Signature 10/13/23

As Notary Public, in and for DuPage County in Illinois, I do hereby certify that Thomas J. Jones 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 13 day of October 2023

[Signature]
Notary Public

For office use only	
Date Received:	<u>10/13/2023</u>
Case Number:	<u>PZC2023-10</u>
Fee Paid:	<u>\$360.00</u>
Hearing Date:	<u>11/15/2023</u>



CITY OF DARIEN

JUSTIFICATION NARRATIVE
Variation for: 8413 Creekside Lane

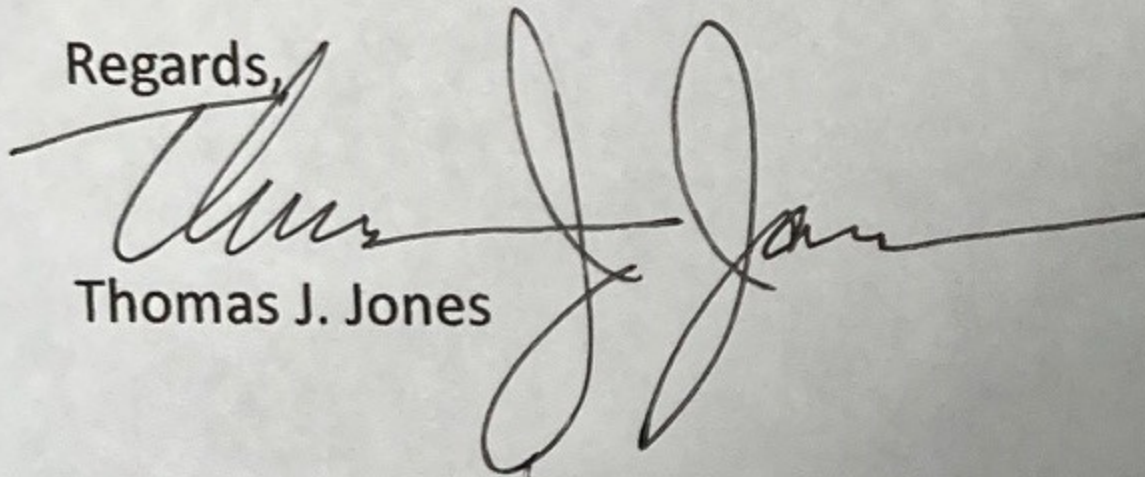
We are applying for this variation to enable us to add an additional (third) bay to our current 2 car garage to be used for parking, and additional storage.

We believe the addition will NOT negatively alter the character of our locality, BUT will actually improve the aesthetic and financial value of our home and those homes near to our property.

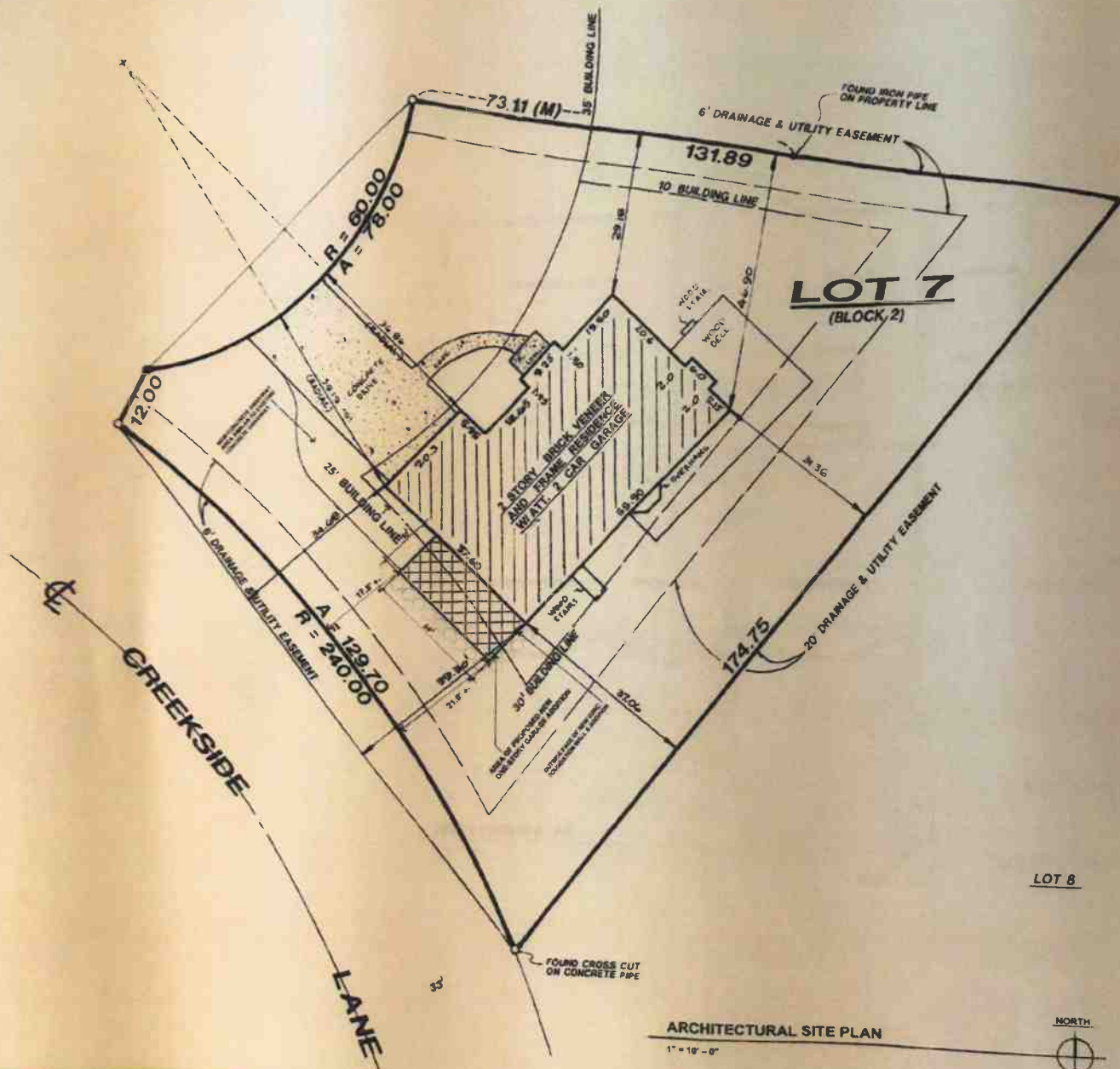
We see no problems that could be created for neighboring properties. There are multiple homes in our area, including 2 of our neighbors, with 3 car garages

Aside from creating more utility and value to our home, we believe our drawings submitted with the Zoning Application, illustrate a more aesthetic and attractive appearance to the side of our residence affected by the addition.

Regards,

A handwritten signature in black ink, appearing to read 'Thomas J. Jones', written over a horizontal line.

Thomas J. Jones



PRELIMINARY DESIGN DRAWINGS FOR PROPOSED NEW ONE-STORY GARAGE ADDITION AND REQUIRED ZONING VARIANCE FOR NEW SETBACK REQUIRED. (SEE ALL PLANS & EXTERIOR ELEVATIONS)

I HEREBY CERTIFY THAT THESE DRAWINGS WERE PREPARED UNDER MY DIRECT SUPERVISION AND THAT TO THE BEST OF MY KNOWLEDGE THEY COMPLY WITH ALL CODES AND ORDINANCES OF DARIEN AND THE STATE OF ILLINOIS.

LAWRENCE P. FILIPPI - ARCHITECT - LIC. NO. 001-071912 - EXP. 11-30-2014
PROJ. LIC. NO. 184-886238-001 - EXP. 04-18-2022

ARCHITECTURAL SITE PLAN
1" = 10' - 0"

NEW PROPOSED GARAGE ADDITION FOR MR. & MRS. TOM JONES

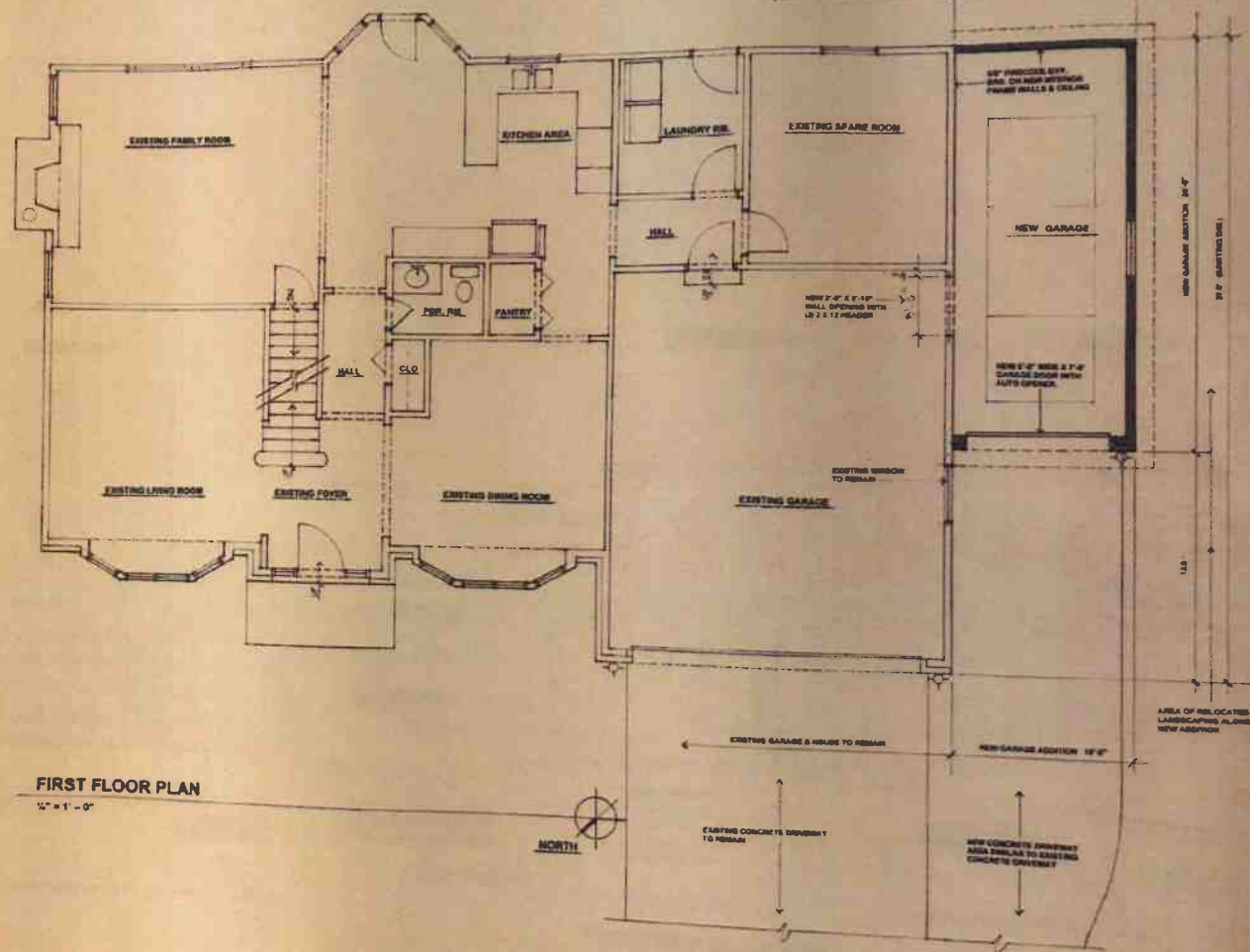
PROJECT LOCATION:
6613 CREEKSIDE LANE 23
DARIEN, ILLINOIS 60551

LAWRENCE P. FILIPPI & ASSOCIATES, INC.
6420 EMERALD COURT
MILLWOBROCK, ILLINOIS 60427

ARCHITECT

DATE: SEPTEMBER 12, 2023

ATTACHMENT (4): FLOOR PLAN



NEW PROPOSED GARAGE ADDITION FOR MR. & MRS. TOM JONES

PROJECT LOCATION:
8433 CREEKBIDE LANE
DARIEN, ILLINOIS 60541

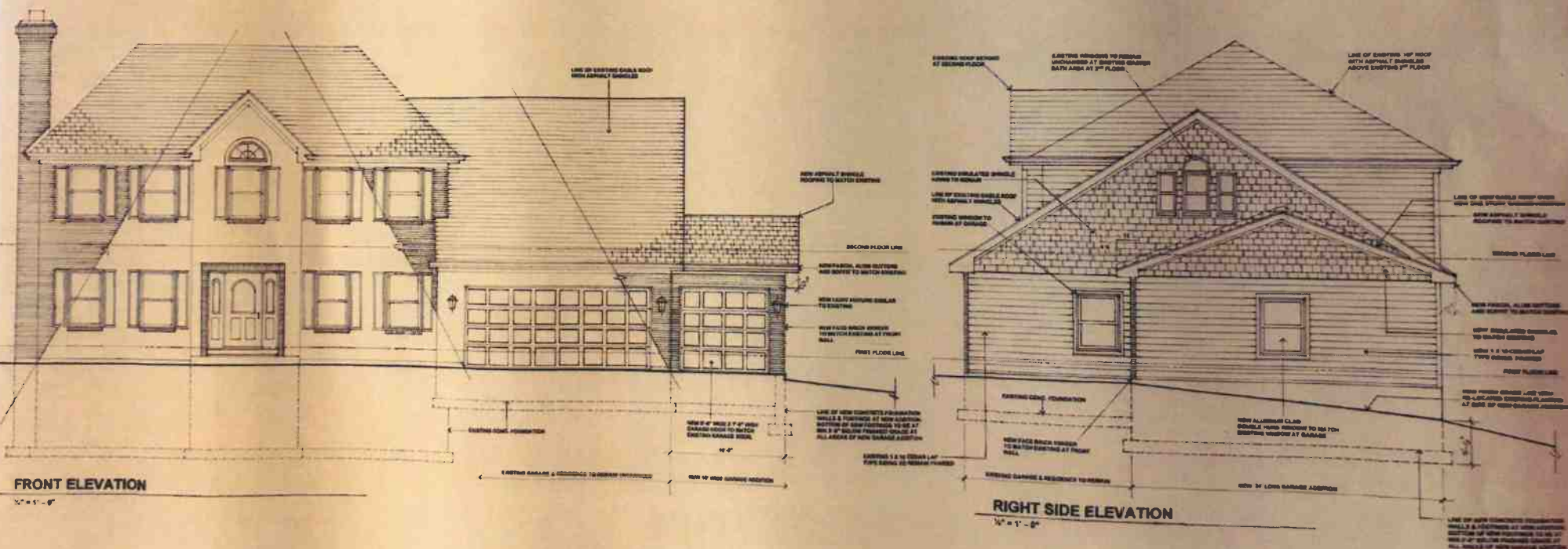
LAWRENCE P. FILIPPI & ASSOCIATES, INC.
8439 EMERALD COURT
WILLOWBROOK, ILLINOIS 60527

ARCHITECT

DATE: SEPTEMBER 13, 2001

A2

ATTACHMENT (5): ELEVATION & RENDERING



NEW PROPOSED GARAGE ADDITION FOR MR. & MRS. TOM JONES

PROJECT LOCATION
 8430 CREEKSIDE LAKE
 DARIEN, ILLINOIS 60511

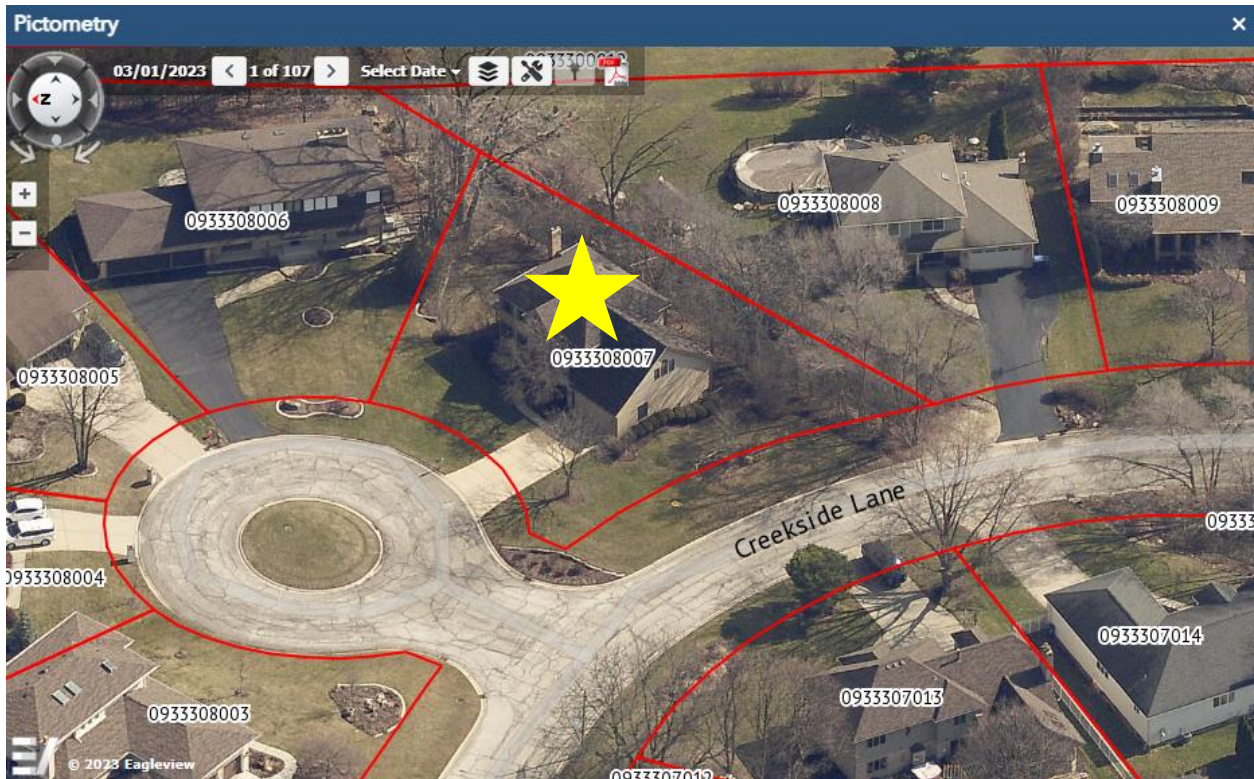
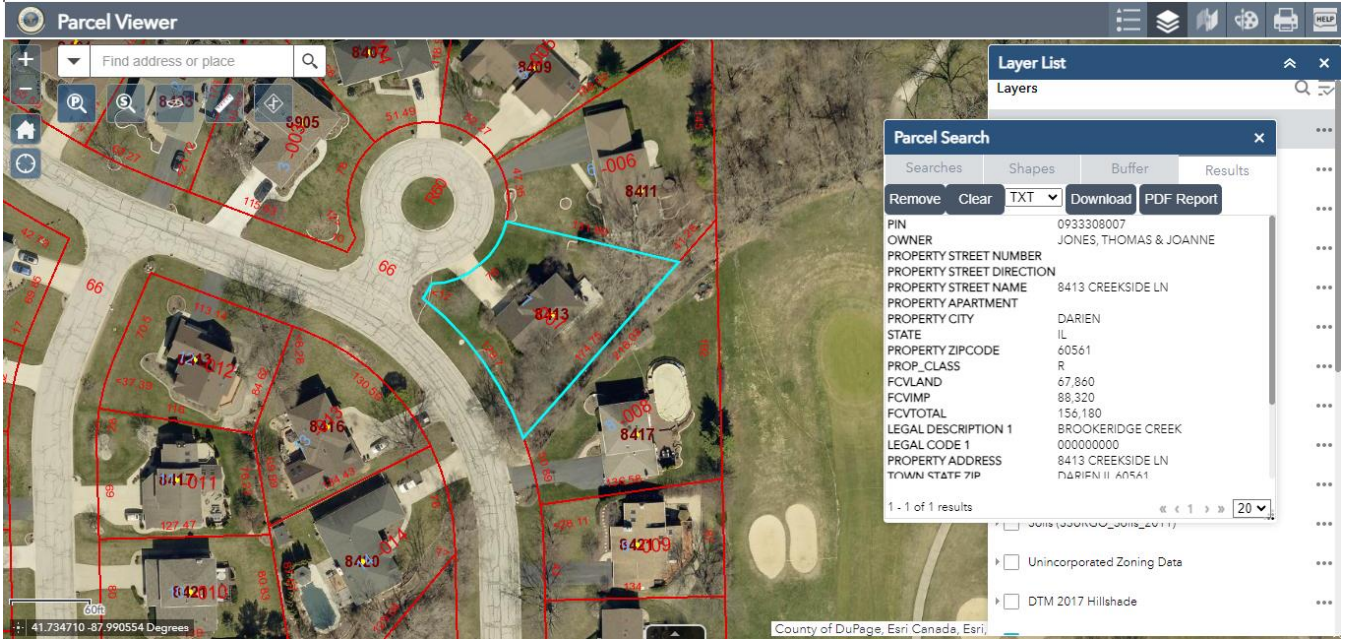
LAWRENCE P. FILIPPI & ASSOCIATES, INC.
 8430 EMERALD COURT
 WILLOWBROOK, ILLINOIS 60127

DATE: SEPTEMBER 16, 2008

ARCHITECT

A3

ATTACHMENT (6): LOCATION MAP & AERIAL IMAGE



ATTACHMENT (7): SITE PHOTOS



AGENDA MEMO
PLANNING AND ZONING COMMISSION
NOVEMBER 15, 2023

CASE

PZC2023-11

Special Use – USAgain, LLC

ISSUE STATEMENT

Petitioner (USAgain, LLC) seeks approval of a special use request pursuant to Section 5A-2-2-6 of the City Zoning Code. The petition specifically requests to allow for the placement of a clothing donation bin on three (3) separate properties. Properties are within the B-2 Community Shopping Center Business District, B-3 General Business District, and the Office (O) District. Properties are located at 2019 75TH Street, 7906 Cass Avenue, and 8226 Cass Avenue.

PETITIONER DOCUMENTS (ATTACHED TO MEMO)

- 1) APPLICATION
- 2) JUSTIFICATION NARRATIVE
- 3) ENVIRONMENTAL INFORMATION
- 4) SITE PLANS
- 5) DONATION BIN SPECIFICATIONS

PLANNING OVERVIEW/DISCUSSION

The petitioner has requested approval for placement of a clothing donation bin on three (3) separate properties in the City. While the zoning ordinance does not directly regulate such use, staff has determined the request requires approval of a special use. The petitioner elected to submit a bundled application, meaning the special use request includes the three (3) properties referenced above and in the attachments. The most comparable case and proposal in the City's past is AMVETS, which is located in the parking lot outside of Walmart and required zoning approval.

The petitioner submitted a *justification narrative* with a detailed description of the project, in addition to *findings of fact* that would support the application request. Those items are attached to this memo along with the proposed site plans and other supporting documents. For reference, the set of criteria the Planning and Zoning Commission votes on for the special use request is 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.*
-

DECISION MODE

The Planning and Zoning Commission will consider this item at its meeting on November 15, 2023.

MEETING SCHEDULE

Planning and Zoning Commission	November 15, 2023
Municipal Services Committee	TBD
City Council	TBD



ZONING APPLICATION

CITY OF DARIEN

1702 Plainfield Road, Darien, IL 60561

www.darienil.us 630-852-5000

RECEIVED
OCT 10 2023
Community Development
City of Darien

CONTACT INFORMATION

USAgain, LLC

Applicant's Name
1555 West Hawthorne Lane, Suite 4W,
West Chicago, Illinois 60185
Address, City, State, Zip Code

217-891-6647
Telephone

a.proctor@usagain.com
Email

Fry the Coop

Owner's Name
2019 75th Street, Darien, Illinois 60561
Address, City, State, Zip Code

630-541-7802
Telephone

darien@frythecoop.com
Email

PROPERTY INFORMATION

2019 75th Street, Darien, Illinois 60561 09-29-409-021
Property address PIN Number(s)

B-2 Community Shopping Center Business District Restaurant
Zoning District Current Land Use(s)

(Attach additional information per the Submittal Checklist.)

REQUEST

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

The ability to place a clothing donation bin on the property. We have a lease agreement with
the property owner.

[Signature]
Applicant Signature

As Notary Public, in and for DuPage County in Illinois, I do hereby certify that [Signature] 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 23 day of SEPT 2023.

[Signature]
Notary Public



For office use only	
Date Received:	<u>10/10/2023</u>
Case Number:	<u>PZC2023-11</u>
Fee Paid:	<u>\$ 585.00</u>
Hearing Date:	<u>11/15/2023</u>



ZONING APPLICATION

CITY OF DARIEN

1702 Plainfield Road, Darien, IL 60561

www.darienil.us 630-852-5000

RECEIVED
OCT 10 2023
Community Development
City of Darien

CONTACT INFORMATION

USAgain, LLC

Applicant's Name

1555 West Hawthorne Lane, Suite 4W,
West Chicago, Illinois 60185

Address, City, State, Zip Code

217-891-6647

Telephone

a.proctor@usagain.com

Email

Kindercare

Owner's Name

7906 S. Cass Ave, Darien, Illinois 60561

Address, City, State, Zip Code

630-964-9094

Telephone

darien@kindercare.com

Email

PROPERTY INFORMATION

7906 S. Cass Ave, Darien, Illinois 60561

Property address

0928410023

PIN Number(s)

Office

Zoning District

Day Care

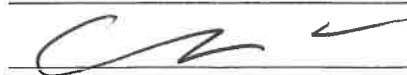
Current Land Use(s)

(Attach additional information per the Submittal Checklist.)

REQUEST

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

The ability to place a clothing donation bin on the property. We have a lease agreement with the property owner.

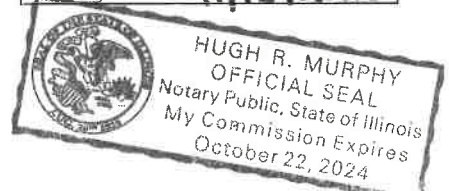

Applicant Signature

As Notary Public, in and for DuPage County in Illinois, I do hereby certify that Andrew Wilson 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 31 day of SEPT 2023


Notary Public

For office use only	
Date Received:	10/10/2023
Case Number:	PZC2023-11
Fee Paid:	\$ 585.00
Hearing Date:	11/15/2023





ZONING APPLICATION

CITY OF DARIEN

1702 Plainfield Road, Darien, IL 60561

www.darienil.us 630-852-5000

RECEIVED
OCT 10 2023
Community Development
City of Darien

CONTACT INFORMATION

USAgain, LLC

Applicant's Name

1555 West Hawthorne Lane, Suite 4W,
West Chicago, Illinois 60185

Address, City, State, Zip Code

217-891-6647

Telephone

a.proctor@usagain.com

Email

Darien Shell Food Mart

Owner's Name

8226 S. Cass Ave, Darien, Illinois 60561

Address, City, State, Zip Code

630-362-5533

Telephone

shelldarien@gmail.com

Email

PROPERTY INFORMATION

8226 S. Cass Ave, Darien, Illinois 60561

Property address

09-33-205-036

PIN Number(s)

B-3 General Business District

Zoning District

Gas Station

Current Land Use(s)

(Attach additional information per the Submittal Checklist.)

REQUEST

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

The ability to place a clothing donation bin on the property. We have a lease agreement with the property owner.

Applicant Signature

As Notary Public in and for DuPage County in Illinois, I do hereby certify that Raymond Proctor 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 30th day of SEPT 2023.

Notary Public

For office use only	
Date Received:	10/10/2023
Case Number:	PZC2023-11
Fee Paid:	\$ 565.00
Hearing Date:	11/15/2023
HUGH R. MUNNICH OFFICIAL SEAL Notary Public, State of Illinois My Commission Expires October 22, 2024	

Justification Narrative - 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.

Our company USAgain is a textile reuse and recycling company that raises funds by collecting and selling used clothes and shoes from areas where they hold little value, transforming them into valuable resources in developing countries where the need is abundant. With our TreeMachine and Clothing Drop Spot collection bins, we provide communities across the United States with a convenient and eco-friendly option to dispose of their excess clothing diverting it from landfills. By exporting clothes and shoes to developing countries, we not only generate revenue but also create green jobs in the U.S and globally. Through our efforts, we actively reduce the demand for manufacturing and minimize greenhouse gas emissions from the textile industry, effectively combating global warming and climate change. This also translates to the decrease in the extraction of natural resources such as water, land, and raw materials that are required for textile manufacturing.

To achieve these goals, we collaborate with businesses, schools, municipalities, retail chains, property management companies, malls, to place our TreeMachines and Clothing Drop Spots in these locations. We also educate municipalities about the importance of recycling and promote USAgain through local marketing and community events. We actively engage with local causes, give presentations, and hold classes at local schools to influence and educate the younger generation – Generation C. By instilling environmental awareness and knowledge for the younger generation, USAgain is creating a future generation that is equipped to address to the challenges of global warming and climate change.

Therefore, as part of our continued expansion we are seeking a special use permit from the Community Development Department to allow us to place four TreeMachines in the City of Darien in each of the following locations: 8109 S. Cass Avenue, 8226 S. Cass Avenue, 7906 S. Cass Avenue, and 2019 75th Street. Strategically placing the four TreeMachines in the specified locations is deemed necessary for the public convenience, as it will provide the residents of Darien with accessible and convenient recycling options for their unwanted clothes and shoes. As a result, this effort will help divert these items from the United States landfills and contribute to environmental sustainability. Residents will no longer need to go out of their way to find recycling facilities, as these bins will be conveniently located in areas, they already frequent, increasing the likelihood of them participating in the recycling process. Our TreeMachines have played a crucial role in allowing us to be successful in collecting a significant amount of clothes and shoes. In 2022, USAgain collected 38.7 million pounds of used clothes and shoes. By the end of 2023, we expect to collect 45 million pounds, and our goal for 2024 is to collect 55 million pounds. As a for-profit company with a strong environmental profile, we set ourselves apart by going beyond just mere collection efforts. We combat global warming and climate while also supporting communities in need. Through our partnership with the nonprofit organization Trees for the Future, we plant a tree every time a TreeMachine bin is filled with clothes. Since 2013, we have planted a total of one million trees, positively

impacting communities in developing countries in sub-Saharan regions. The addition of four more TreeMachines in the City of Darien can help us achieve that goal. Through our collective efforts, we actively reduce the demand for manufacturing and minimize greenhouse gas emissions from the textile industry. By doing so, we effectively combat global warming and climate change. Additionally, this translates into a reduced need for extracting natural resources such as water, land, and raw materials that are required for textile manufacturing.

The USAgain TreeMachine (“clothing donation bin”) provides a convenient and non-intrusive method for the general public to donation clothes and shoes. It occupies one parking space, does not require any utility hook ups, and is serviced/maintained on a weekly basis. USAgain has a lease agreement with the property owner to place the TreeMachine on the property for one year with the option to renew. The property owner also selects the parking space to ensure minimal if any impact to the property’s current operations.

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.

The four TreeMachines will not be detrimental or endanger the public health, safety, or general welfare. The TreeMachine is constructed to function safely, they are constructed from durable metal with the dimensions of 6.5’H x 3.75’ W x 3.75’D, which have been chosen to minimize any negative impact of the immediate vicinity. To facilitate easy donations, residents place their items inside the TreeMachine by effortlessly lifting a handle, which then drops the donation securely in the bin. The exterior architectural design of the TreeMachine is painted white and green along with a USAgain logo decal, making sure it’s in harmony with the existing structures in the neighborhood and the character of the applicable district.

Because USAgain services/maintains the TreeMachine on a weekly basis, we address any maintenance or operation needs in a timely manner. Our site hosts also report any issues immediately to USAgain operational staff to report any issues and we typically are able to address them the same day with our regional staff on the ground.

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.

To ensure that the TreeMachines are in good condition and are properly functioning, each bin is maintained regularly by USAgain staff either daily, weekly, or as needed when bins are filled with donations. Once the bins are filled with donations, it is collected and transported to the West Chicago warehouse by USAgain drivers. To address potential concerns, each TreeMachine includes a 24-hour phone line where the public can report any instances of donations placed outside the bin or if they notice the bin is full. Upon receiving such reports, we dispatch one of our staff to the location within 24 to 36 hours. Their responsibilities include cleaning the area and collecting any donations left outside the TreeMachine and any other improper disposals nearby to maintain cleanliness and prevent contamination. In addition,

regular inspections and repairs will be done by USAgain welders at the West Chicago warehouse to promptly address any physical damage to the bins. Along with these measures, we keep track of improper disposals and log them into our Central Management Services database. This not only demonstrates our commitment to responsible waste management but also ensures that the presence of the four TreeMachines will not diminish or impair property values within the neighborhood, preventing any depreciation in property values.

USAgain places “No Dumping Signs” on the TreeMachines to discourage fly dumping and overflows. We are also able to place security cameras at the locations to allow 24/7 monitoring of the site to address any issues as they arise. The property owner earns additional revenue through the our lease agreement and has the opportunity to increase foot traffic to their business by patron’s use of the TreeMachine.

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.

To construct and operate each TreeMachine, USAgain will provide all the necessary utilities and materials. The planned placements for each TreeMachine will be situated in a private parking lot and will be placed within a designated parking stall, chosen by the property owner. All the TreeMachines have been carefully planned to avoid causing traffic congestion on public streets. This strategic placement ensures that the TreeMachines do not interfere with the flow of traffic or disrupt the operations of nearby businesses. Since all the TreeMachines will be in private parking lots, they will not occupy space on public streets where vehicles would park or drive through. Lastly, USAgain’s proposed four TreeMachines in the City of Darien will be in full compliance with all the regulations of the district in which they are anticipated to be located at, ensuring their seamless integration into their respective locations.

The TreeMachine only occupies one parking space on the property. The property owner also picks the location for their ideal placement to have minimal if any impact on their current operations. If operational issues do arise, we relocate and/or remove the TreeMachine at the property owner’s request.

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.

This question really is not applicable to the TreeMachine, however, USAgain has taken great steps to design a clothing donation bin that is aesthetically pleasing to the eye, blends in with the rest of the area but still somewhat noticeable, and takes great pride in how we maintain the TreeMachine to make sure it is an attractive feature of the

property. The TreeMachine is USAgain's brand and if the TreeMachine looks bad, then that reflects poorly on our brand as a business.

6. That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.

Not really applicable. The TreeMachine has no utility hook ups, does not require any access roads (other than one parking space), and will not affect drainage.

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.

The TreeMachine only occupies one parking space and the property owner picks the space to have minimal if any affect on the property's traffic flow, ingress, and egress. While the TreeMachine is visited by patrons to making clothing and shoe donations, it is very rare, if ever, that there are multiple people there at a time to cause a traffic line. The typical person spends about 30 seconds to 1 minute at the TreeMachine location to park in front of the TreeMachine, get out of the car, grab their donations, and place them in the donation bin.

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.

The TreeMachine will have minimal if any impact on the property in the zoning district. The TreeMachine is only 3 feet wide and 6.5 feet high and only occupies one parking space on the property that is selected by the property owner. In some regards the TreeMachine will have less impact on the property than a motor vehicle that would be otherwise by located in this parking space. And as stated above, because of USAgain's commitment to service, maintenance, and operating the donation bin to have minimal if any impact on the current operations of the business on the property, the TreeMachine will not have an adverse affect on the property and will provide a convenient benefit to the surround community by providing an easy way for residents to donated unwanted clothes and shoes rather than throwing them away into the community's waste stream ending up in the landfill.

Information About USAgain and Environmental Impact of Textile Waste

The Problem - Environmental Impact of Textile and Clothing Waste

According to the US EPA, over 17 million tons of textile waste is generated nationwide each year with nearly 70% of that waste ending up in our nation's landfills. It takes over 200 years for textile waste to decompose in landfills which generate greenhouse methane gas and leaches toxic chemicals and dyes into the groundwater and our soil. For every pound of clothes that is collected for reuse purposes saves 15 pounds of CO2 emissions.

The Solution – The TreeMachine

The typical Clothing Drop Spot collects between 300 to 500 pounds of donated clothes, shoes, and textiles each week that are typically thrown away if a convenient donation facility is not available. This can result in over 15,600 to 26,000 pounds of clothes, shoes, and textiles being reused or recycled and diverted from your community's landfill. This equates to a positive environmental impact of saving 234,000 to 390,000 pounds of CO2 emissions on a yearly basis.

About USAgain, LLC

Originally founded in 1999 in Seattle, Washington, USAgain started with a mission to create a better world where PEOPLE and PLANET are given the value and priority they deserve. Our headquarters is in West Chicago, Illinois, we operate in 13 states and in over 500 cities.

We live in a world of fast fashion and overall, clothing is getting cheaper. According to the US EPA, over 17 million tons of textile waste is generated nationwide each year with nearly 70% of that waste ending up in our nation's landfills. While there is an abundance of clothes in wealthier countries, seventy percent of the world's population continues to depend on secondhand clothing to clothe themselves and their children. USAgain is connecting those who have surplus clothing to those who need the clothing.

With our TreeMachines, we provide communities with a convenient and eco-friendly option to rid themselves of excess clothing, which is diverted from landfills. By exporting clothes and shoes to struggling countries we generate revenue, create green jobs here in the US and abroad and help to improve the well-being of people around the world. By putting clothes back in the use cycle we conserve precious natural resources and limit the emission of greenhouse gases to fight Global Warming and the Climate Crisis. What's more, we plant a tree every time the TreeMachine is full through our partner, Trees for the Future.

Over 1 Million Trees Planted Worldwide

In partnership with Trees for the Future, a non-profit based in Maryland, USAgain plants a tree every time the Clothing Drop spot is full, allowing us to support communities in developing countries in the

fight against Global Warming and the Climate Crisis. Together we have planted more than 1 million trees since 2013.

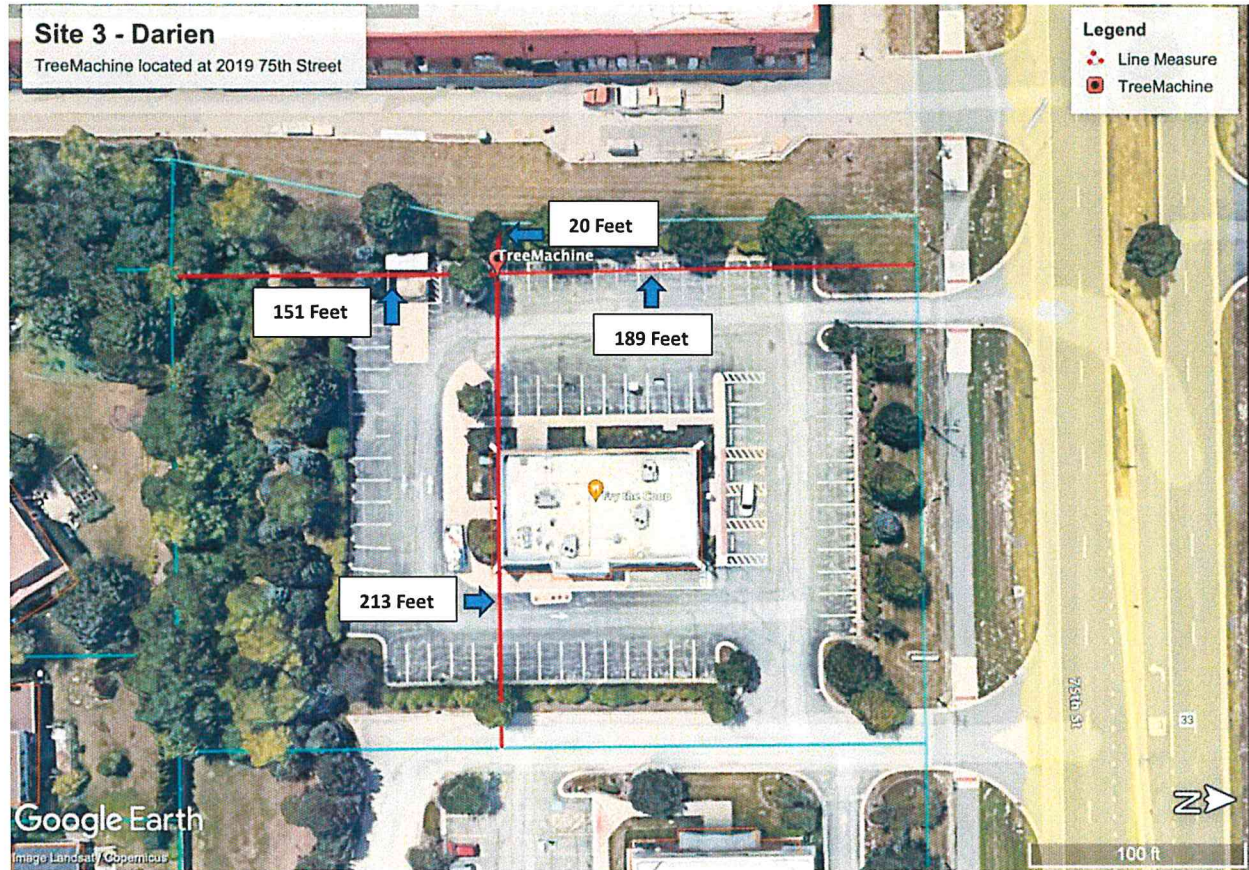
Trees help restore the environment, mitigate the Climate Crisis and create a greener earth for future generations. When trees are planted with food crops this is called agroforestry and it helps people increase their crop yields to grow their own food and build sustainable incomes for their families by producing and selling a surplus. The program helps in creating sustainable sources of crop shade, soil rehabilitation, food, windbreaks, medicine, mudslide control and more for communities that need them.

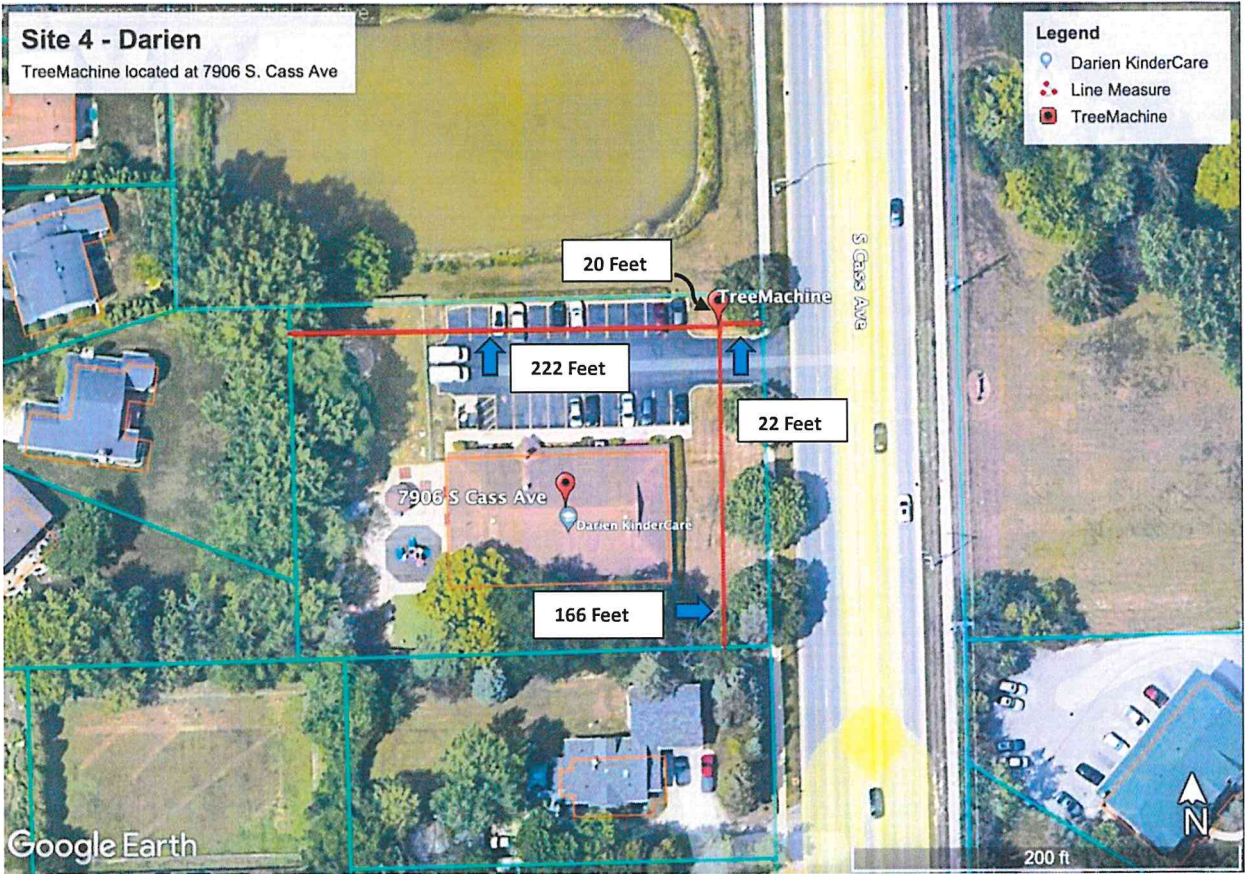
Trees for the Future works in six Sub-Saharan countries where they have strong on-the-ground personnel and numerous clusters of farmers motivated to join the program. Though they have planted trees in 60 countries, they are actively replicating a pathway out of poverty in Senegal, Cameroon, Kenya, Tanzania, Guinea, and Uganda. They work with farmers living below the poverty line, struggling to feed their families with the one or few crops they raise on increasingly degraded land.

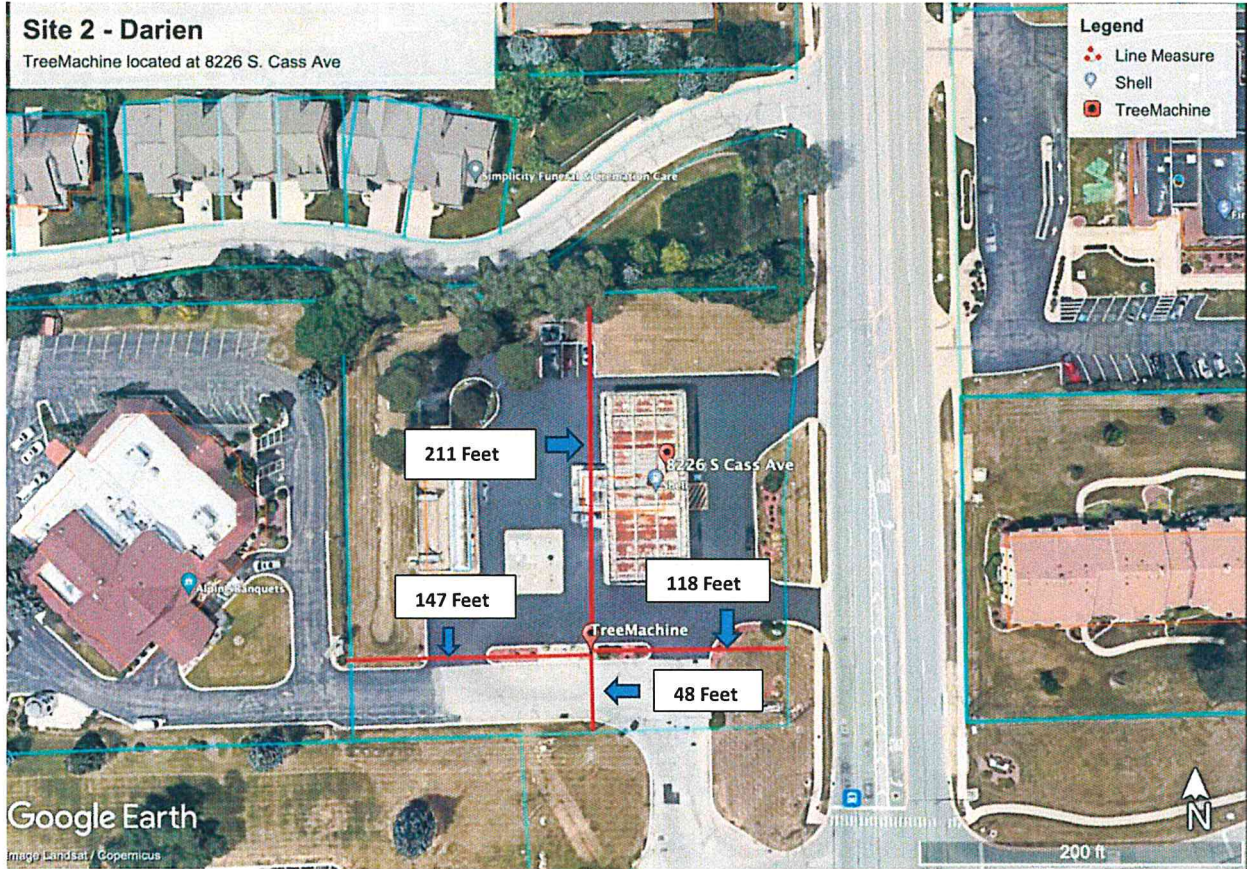
Positive Environmental Impact

- 1,505,528 trees planted
- 13,574,223,726 pounds of CO2 saved
- 2,171,882,551,800 gallons of water saved
- 18,098,997 people clothed

ATTACHMENT (4): SITE PLANS









Donation Bin "TreeMachine" Technical Specifications



Technical Specifications

- Dimensions – 6.5' H x 3.75' W x 3.75' D
- Metal construction
- Secure
 - Can be camera monitored 24/7
 - Locked 24/7
- Placement requires only 1 parking spot
- TreeMachine does not require on-site utilities



Staffed by Expert Professionals

- USAgain expert staff leads the industry in textile recycling processing
- TreeMachines are regularly maintained
- TreeMachines are attended to weekly or daily as needed
- Any overflow and/or fly dumping is immediately reported to staff and cleared
- Fully insured equipment and employees

Contact

Andrew Proctor
Director of Government Relations
USAgain
E: a.proctor@usagain.com
P: 630-273-5271

AGENDA MEMO
PLANNING AND ZONING COMMISSION
NOVEMBER 15, 2023

CASE

PZC2023-06

Mixed-Use District – Zoning Text Amendment

ISSUE STATEMENT

Petition from the City of Darien to amend the Zoning Ordinance (i.e. Text Amendment) to create a Mixed-Use Zoning District.

ATTACHMENTS

- 1) ORDINANCE REVISIONS (MIXED-USE DISTRICT) – EDITS HIGHLIGHTED**
- 2) OTHER MUNICIPAL ORDINANCES**
- 3) ZONING SECTION 5A-2-2-5(G): STANDARDS FOR AMENDMENTS**

BACKGROUND/OVERVIEW

On November 14, 2022, the City Council held its annual goal-setting session. Part of the meeting focused on the City’s zoning ordinance and its current list of permitted/special uses in the business, office, and industrial districts. During the focus session Council pointed to the fact the zoning ordinance does not include a mixed-use district. After discussion, Council directed staff to review the list of uses and create a mixed-use zoning district.

Staff developed the recommended ordinance revisions (attached) creating a mixed-use district. After Municipal Services Committee review, the City Council made a motion on June 5, 2023, to recommend the ordinance revisions to the Planning and Zoning Commission for public hearing. The Planning and Zoning Commission held a public hearing on August 16, 2023 and continued the case to allow more time for staff to obtain feedback from the Commissioners on the proposed ordinance. Additional feedback was obtained and the document has been revised for another review.

The Planning and Zoning Commission is to recommend on the proposed ordinance language provided per this agenda memo. 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 November 15, 2023.

MEETING SCHEDULE

Planning and Zoning Commission	November 15, 2023
Municipal Services Committee	TBD
City Council	TBD

MIXED-USE (M-U) ZONING DISTRICT (EDITS HIGHLIGHTED)

(A) Intent: The intent of this M-U Mixed Use District is to accommodate development characterized by a mixture of housing types in commercial areas and to facilitate the development and redevelopment of areas suited to a combination of commercial and residential uses within the same building. It is recognized that some mature areas of the City are comprised of a variety of compatible uses and the M-U Mixed Use District is created for the purpose of maintaining the vitality of such areas and encouraging appropriate redevelopment. The focus is to allow a more balanced mix of uses in the siting and design of new developments and redevelopment to anticipate changes in the marketplace and to provide for the diverse needs of the residents of the City. Flexibility will be allowed to accomplish such goals through the utilization of streets as public places that encourage pedestrian and bicycle travel and the encouragement of efficient land use by facilitating compact, high-intensity development, minimizing the amount of land needed for surface parking and, facilitation of development (e.g., land use mix, density, and design) that supports public transit where applicable.

(B) Purpose: The purposes of the M-U Mixed Use District are to:

1. Accommodate mixed-use buildings with neighborhood-serving retail, service, and other uses on the ground floor and residential units above the non-residential space;
2. Encourage development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style shopping streets;
3. Allow for the conversion of dwelling units in older commercial areas of mixed dwelling types in order to extend the economic life of these structures and allow owners to justify expenditures for repairs and modernization; and
4. Serve as a zone of transition between commercially dense districts and residential districts by permitting residential occupancy in the units above the non-residential space.

(C) Definition: Mixed-Use Building: A building that contains at least one floor devoted to allowed non-residential uses and at least one devoted to allowed residential uses.

(D) Permitted Uses: The following uses are permitted in the M-U Mixed Use District:

- Banks.
- Barbershops.
- Beauty Salon.
- Clinics, medical and dental.
- Drinking Establishment.
- Eating Establishment.
- Fire stations.
- General Retail.
- Hotels and motels.
- Laundromats.
- Multi-family residential (upper level only).
- Nail Salon.
- Offices.
- Outdoor dining.
- Printing shops.
- Recreational activities, commercial types.
- Retail stores.
- Schools, music and dance.
- Single-family residential (upper level only).
- Theaters, other than drive-ins.
- Other uses of the same general character as above.

EDITS HIGHLIGHTED. PZC TO ADVISE ON PERMITTED/SPECIAL/ PROHIBITED USES AT NEXT MEETING AND ADVISE ON DEVELOPMENT STANDARDS

(E) Building Height: No principal structure shall exceed ~~three five (3 5)~~ stories or ~~thirty five feet~~ ~~fifty five feet (35' 55')~~ in height. No accessory structure shall exceed one story or fifteen feet (15') in height.

(F) Lot Requirements: The following minimum lot requirements shall be observed:

1. Lot Area: Two thousand five hundred (2,500) square feet for all mixed use.
2. Lot Width: ~~No minimum.~~ 20'.
3. Floor Area Ratio (FAR)

(G) Yard Requirements:

1. Minimum Depths: Yards of the following minimum depths shall be provided:
 - a. Front Yards: No minimum.
 - b. Side Yards: No minimum.
 - c. Rear Yard: Not less than ten feet (10').
 - d. If the side yard or rear yard abuts a residential district, there shall be a minimum five foot (5') side yard and twenty foot (20') rear yard.
2. Vegetation in Yards: Property owners may plant bushes, trees, flowers or other ornamental plantings; however, for any growth extending over the lot line of an adjoining neighbor, or that any way may reasonably become a danger or nuisance to the community, the vegetation may be required to be abated.

(H) Off-Street Parking and Loading Requirements: All off-street parking and loading shall conform to the requirements enumerated in Chapter 11 of this title.

(D) Fences:

1. Height Limitations: If a fence is to be constructed at the rear or side yard of an M-U Mixed Use lot that abuts a residential district, it shall be at least six feet (6') in height along the lot line that abuts the residence district.
2. Location: The fence must be at least six inches (6") from the lot line. If there are complaints by an adjoining neighbor and the fence is determined to be closer than six inches (6") from the lot line, the responsibility is upon the fence owner to remove it at his own expense.
3. Jointly Owned Fences: If adjoining property owners agree in writing and file an acknowledgment with the City Clerk, a fence may be built on the precise lot line between the properties. The agreement must specify that neither owner may remove the fence without the permission of the other owner. Both parties are responsible for the maintenance of the fence.

(G) Indoor/Outdoor Operations: All permitted uses, including commercial and residential purposes, in the M-U Mixed Use District must be conducted completely within the enclosed buildings on the lot unless expressly authorized otherwise by the City Council. This requirement does not apply to off-street parking or load areas, outdoor seating areas, or other specifically allowed outdoor activities in a Business District.

(H) Signs: All signs shall conform to the requirements enumerated in Chapter 3 of Title 4.

(I) Zoning Map Amendment Guidelines: In making its legislative determination to zone or rezone property to the M-U Mixed Use District zoning classification, the Planning and Zoning Commission and City Council may apply the following guidelines to the proposal under consideration:

1. The capacity of existing and proposed community facilities and utilities including water, sewer, and transportation systems to serve the permitted uses which might lawfully occur on the property so zoned;
2. The relationship of the subject property to the various aspects of the City's transportation system including pedestrian ways, bicycle paths, major and collector streets, and public transit;
3. The adequacy of public services including schools, police and fire protection, and solid waste collection serving the property and the impact the permitted uses would have upon these services;

4. The potential impact existing or permitted uses in the vicinity would have upon the land uses authorized in the M-U Mixed Use District and the impact such uses, if developed, would have upon existing uses in the vicinity;
5. The extent to which the proposal will promote balanced growth in the community and will be consistent with the City's goals for equal housing opportunity and a variety of housing types;
6. The impact any natural disasters, including flooding, would have upon the permitted uses;
7. The impact the proposal would have upon the environment including noise, air and water pollution;
8. The conformance of the proposal to the overall comprehensive plan and map for the City.

11-7-10: MX MIXED USE ZONING DISTRICT:

A. Intent: The intent of this MX Mixed Use District is to accommodate development characterized by a mixture of housing types in commercial areas and to facilitate the development and redevelopment of areas suited to a combination of commercial and residential uses within the same building. It is recognized that some mature areas of the Village are comprised of a variety of compatible uses and the MX Mixed Use District is created for the purpose of maintaining the vitality of such areas and encouraging appropriate redevelopment.

B. Purpose: The purposes of the MX Mixed Use District are to:

- 1. Accommodate mixed-use buildings with neighborhood-serving retail, service, and other uses on the ground floor and residential units above the non-residential space;
- 2. Encourage development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style shopping streets;
- 3. Allow for the conversion of dwelling units in older commercial areas of mixed dwelling types in order to extend the economic life of these structures and allow owners to justify expenditures for repairs and modernization; and
- 4. Serve as a zone of transition between commercially dense districts and residential districts by permitting residential occupancy in the units above the non-residential space.

C. Definition:

MIXED-USE BUILDING:	A building that contains at least one floor devoted to allowed non-residential uses and at least one devoted to allowed residential uses.
---------------------	---

D. Permitted Uses: The following uses are permitted in the MX Mixed Use District:

- Banks.
- Barbershops.
- Fire stations.
- Hotels and motels.
- Laundromats.
- Offices.
- Printing shops.
- Recreational activities, commercial types.
- Restaurants.
- Retail stores.
- Single-family residential (upper level only).
- Theaters, other than drive-ins.
- Other uses of the same general character as above.

E. Building Height: No principal structure shall exceed three (3) stories or thirty five feet (35') in height. No accessory structure shall exceed one story or fifteen feet (15') in height.

F. Lot Requirements: The following minimum lot requirements shall be observed:

- 1. Lot Area: Two thousand five hundred (2,500) square feet for all mixed use.
- 2. Lot Width: No minimum.

G. Yard Requirements:

- 1. Minimum Depths: Yards of the following minimum depths shall be provided:
 - a. Front Yards: No minimum.
 - b. Side Yards: No minimum.
 - c. Rear Yard: Not less than ten feet (10').

d. If the side yard or rear yard abuts a residential district, there shall be a minimum five foot (5') side yard and twenty foot (20') rear yard.

- 2. Vegetation In Yards: Property owners may plant bushes, trees, flowers or other ornamental plantings; however, for

any growth extending over the lot line of an adjoining neighbor, or that any way may reasonably become a danger or nuisance to the community, the vegetation may be required to be abated.

H. Off-Street Parking And Loading Requirements: All off-street parking and loading shall conform to the requirements enumerated in chapter 11 of this title.

I. Fences:

1. Height Limitations: If a fence is to be constructed at the rear or side yard of a MX Mixed Use lot that abuts a residential district, it shall be at least six feet (6') in height along the lot line that abuts the residence district.

2. Location: The fence must be at least six inches (6") from the lot line. If there are complaints by an adjoining neighbor and the fence is determined to be closer than six inches (6") from the lot line, the responsibility is upon the fence owner to remove it at his own expense.

3. Jointly Owned Fences: If adjoining property owners agree in writing and file an acknowledgment with the village clerk, a fence may be built on the precise lot line between the properties. The agreement must specify that neither owner may remove the fence without the permission of the other owner. Both parties are responsible for the maintenance of the fence.

J. Indoor/Outdoor Operations: All permitted uses, including commercial and residential purposes, in the MX Mixed Use District must be conducted completely within the enclosed buildings on the lot unless expressly authorized otherwise by the Village Board. This requirement does not apply to off-street parking or load areas, outdoor seating areas, or other specifically allowed outdoor activities in a C Commercial zoning district.

K. Signs: All signs shall conform to the requirements enumerated in chapter 10 of this title.

L. Zoning Map Amendment Guidelines: In making its legislative determination to zone or rezone property to the MX Mixed Use District zoning classification, the Zoning Committee, Zoning Board of Appeals and/or Planning Commission may apply the following guidelines to the proposal under consideration:

1. The capacity of existing and proposed community facilities and utilities including water, sewer, and transportation systems to serve the permitted uses which might lawfully occur on the property so zoned;

2. The relationship of the subject property to the various aspects of the village's transportation system including pedestrian ways, bicycle paths, major and collector streets, and public transit;

3. The adequacy of public services including schools, police and fire protection, and solid waste collection serving the property and the impact the permitted uses would have upon these services;

4. The potential impact existing or permitted uses in the vicinity would have upon the land uses authorized in the MX Mixed Use District and the impact such uses, if developed, would have upon existing uses in the vicinity;

5. The extent to which the proposal will promote balanced growth in the community and will be consistent with the village's goals for equal housing opportunity and a variety of housing types;

6. The impact any natural disasters, including flooding, would have upon the permitted uses;

7. The impact the proposal would have upon the environment including noise, air and water pollution;

8. The conformance of the proposal to the overall comprehensive plan and map for the village. (Ord. 2013-48, 11-7-2013)

SECTION 19-153 – DEVELOPMENT DISTRICTS

(3) MIXED USE DISTRICT: MXD

(A) Definition. A development consisting of one or more lots developed as a cohesive project and designed with a blend of various compatible uses such as commercial, residential and institutional. The uses may be located in the same building or in separate buildings.

(B) Intent. The intent of this district is to encourage and promote well planned, suitable and appropriate mixed use developments with residential, civic uses, and commercial components within identified areas. The focus is to allow a more balanced mix of uses in the siting and design of new developments and redevelopment to anticipate changes in the marketplace and to provide for the diverse needs of the residents of the City. Flexibility will be allowed to accomplish such goals through the utilization of streets as public places that encourage pedestrian and bicycle travel and the encouragement of efficient land use by facilitating compact, high-intensity development, minimizing the amount of land needed for surface parking and, facilitation of development (e.g., land use mix, density, and design) that supports public transit where applicable.

(C) Pre-Application Conference. Before submitting an application for MXD zoning, pre-application consultation between the applicant and the Planning and Development Manager is encouraged to obtain information and guidance prior to entering binding commitments or incurring substantial expense in the preparation of plans, surveys, impact assessments and other data.

(D) Master Development Plan. A Master Plan for the entire Mixed Use District shall be submitted. The proposed Plan shall be prepared by a licensed engineer, surveyor, architect or planner. It shall be drawn to scale and include the following:

- (1) An insert map at a scale of not less than one inch to one mile, showing the property in relation to surrounding roads, subdivisions, or major landmarks;
- (2) A north arrow;
- (3) Topography of the district showing 10 foot contour lines for the site;
- (4) Land uses for the district and proposed density (in a single building of vertical mixed uses the gross area floor ratio must be provided);
- (5) Approximate location of existing buildings, structures and uses on the properties adjacent to the district;
- (6) Natural features of the site including, but not limited to, drainage patterns, riparian areas, water bodies, wetlands, steep slopes or ravines;
- (7) Type, size, and location of any proposed signs;
- (8) Approximate location of proposed streets, driveways, alleys, and rights-of-way with an indication of whether public or private;
- (9) Location of pedestrian access such as sidewalks or trails to key areas of attraction within the district;

- (10) The proposed lot pattern, lot standards, and lot coverage requirements;
- (11) Schematic plans which shall indicate the phasing of the development;
- (12) A landscaping and tree planting plan, including the location of street trees, with a notation indicating the location and retention of existing trees;
- (13) The location, layout, and the surfacing of all vehicle parking and loading areas;
- (14) The location and layout of mass transit stations if applicable;
- (15) A written statement satisfactory to the City of Tega Cay on the guarantees and assurances to be provided for the maintenance of common areas, open space, recreation areas, sidewalks, parking, private streets, driveways or alleys and other privately owned but common facilities serving the district.

(E) Specific Development Standards and Requirements. Each MXD must ensure that the following development standards are met.

- (1) Elevations for all buildings and structures, other than single family dwellings, shall be provided and include architectural treatments that create visual interest and community character and promote a sense of pedestrian scale and shall contain the following:
 - (a) Where applicable, cornices (e.g., building tops or first-story cornices) shall be aligned to generally match the height(s) of those on adjacent buildings. Building height limitations shall be governed by the applicable Building Codes.
 - (b) Maximum Building height for Mixed Use Buildings shall be 4 stories/55 feet including roof design and profile. Building height is limited to 65 feet when locating mechanical equipment on the roof. Mechanical area can contain no living space and must be accessible by elevator. In addition, all mechanical equipment must be screened from other rooftop uses. Building height “transitions” or step-downs shall be provided where the MXD district abuts adjacent residential properties where the maximum building height is three stories/45 feet.
 - (c) Mixed use buildings shall have a minimum Ground floor height, floor to ceiling, of 12 feet and Upper story height, floor to ceiling, of 10 feet with a minimum of 9 feet.
 - (d) Any building façade oriented to the public view shall provide ground floor transparent windows to allow visual access into and out of the building;
 - (e) Primary entrances shall open on to a street or interior courtyard.
 - (f) Building frontages along streets shall break any flat, monolithic façade by including architectural features such as, but not limited to, bay windows, recessed entrances, fluted masonry, fenestration, cornices, or other articulation so as to provide visual interest and a pedestrian scale to the first floor.
 - (g) Multi-story buildings shall extend the same architectural features above the ground floor level through variations in design, detail, and proportion, and by avoiding designs featuring a monolithic street façade.
- (2) To encourage the use of design to minimize opportunities for crime and to increase public safety the following should be utilized:

- (a) Building entrances, parking areas, private and public open spaces, and pathways should be accentuated with appropriate features such as landscaping, pavement treatment, art and signs which draw attention to the area. Such features should be placed or designed in such a manner that the view into the area is not obscured.
- (b) The proposed layout, building, and landscape design should promote natural surveillance. Physical features and activities should be oriented and designed in ways that maximize the ability to see throughout the site.
- (c) The proposed site layout and building design should encourage activity in public spaces.
- (d) The development should control access wherever possible by properly siting and designing entrances and exits (i.e., clear view from the store) and through the appropriate use of lighting, signs and/or other features.
- (3) To encourage buildings to be designed to a human scale for pedestrian access, safety and comfort and to promote a design which would provide direct and safe access between the site and adjacent land uses that is convenient and pleasant for the pedestrian the following should be utilized:
 - (a) The site layout should cluster buildings on the site to promote linked trips via interconnected pedestrian promenades (such that a pedestrian need not cross more than 64 lineal feet of parking or driveway area, or one double loaded row of parking (not inclusive of sidewalks, pathways, landscaping, plazas, and other pedestrian facilities), whichever is less, between buildings).
 - (b) The development should provide internal and/or public pedestrian connections that are direct, convenient and pleasant with appropriate amenities.
- (4) Residential uses may be located in a separate building or in mixed configuration with commercial in the same structure. When in a mixed configuration, residential uses should be located on the upper stories; or, on ground floors when they do not use storefront space. In no case shall residential uses be located on the ground floor of a building located on commercial street frontage.
- (5) Live/Work should incorporate the following criteria:
 - (a) May not be converted to purely residential use.
 - (b) May be converted to an all commercial use, with the review and approval of the City.
 - (c) May constitute all or part of the residential percentage of the mixed-use development. A mixed-use development should not consist exclusively of live/work units.
 - (d) Shall be located near the commercial portion of the mixed-use development.
- (6) Units of various sizes (e.g., studios, one and two bedroom units) are encouraged.
- (7) On-site parking areas:
 - (a) Parking areas shall be located where residents and businesses have easy and convenient access. Opportunities for shared parking shall be utilized. However, the project may consider dedicating a certain portion of the parking for each use.
 - (b) Surface parking should be oriented behind buildings when possible.
 - (c) Surface Parking shall not be located on street corners.

- (d) Surface parking shall not exceed 110% of the minimum parking requirement for the subject land use(s) as identified in the Section 19-301 of the Zoning Code. Exemptions to the standard can be approved through site/design review for developments that provide parking structures, shared parking, valet parking spaces, market rate parking, or similarly managed parking facilities;
- (e) Parking Structures with frontages on commercial corridors must allocate space for commercial use on the first floor.
- (f) Parking Structures located adjacent to a residential use shall have a side and rear setback of 20 feet and be landscaped and screened. Should the Parking Structure be located on a corner adjacent to residential uses, the first floor commercial use must wrap the corner and the landscaped setback may be reduced to 10 feet.
- (g) The Parking Structure must be screened or wrapped with the Mixed Use Structure with a minimum of 25 feet of either hard or softscape design or an approved mixture of both.
- (8) The area covered by impervious surfaces (i.e., area covered by buildings and pavement) shall be minimized to the greatest extent practicable; best practices for surface water management shall be required.
- (9) Building setbacks shall be as follows:
 - (a) Front setback along a primary or major street shall utilize a Build-to Zone of 0 feet minimum and 10 feet maximum.
 - (b) Front setback along a secondary or minor street shall utilize a Build-to Zone of 0 feet minimum to 10 feet maximum.
 - (c) Side setback along a primary or major street shall utilize a Build-to Zone of 0 feet minimum and 10 feet maximum.
 - (d) Side setback along a secondary or interior street shall utilize a Build-to Zone of 0 feet minimum and 10 feet maximum.
 - (e) Rear setback shall utilize a Build-to Zone of 0 feet minimum and 10 feet maximum to other properties within the MXD.
 - (f) Side and Rear setbacks abutting residential districts shall be 20 feet.
- (10) Side and Rear setbacks abutting other commercial properties shall be 10 feet. The maximum Floor Area Ratio (FAR) shall be [2.0] for mixed-use buildings and [1.25] for all other buildings.

(F) Permitted Uses. The following are the principal uses permitted in this district:

- (1) Single Family Residential detached and attached.
- (2) Live/Work Space located above the ground floor of commercial buildings.
- (3) Multi-Family Residential (for-lease apartments, condominiums).
- (4) Commercial recreation establishments, including movie theaters, pool and video game rooms, bowling and skating rinks.
- (5) Primary retail establishments such as department stores, general mercantile stores, clothing, variety, and similar low bulk items.
- (6) Secondary retail establishments such as those selling principally one-stop items, usually high-bulk, including furniture, appliance, home furnishings, floor coverings,

- business machines, heating and air conditioning sales and service, bicycle sales and services, and similar establishments.
- (7) Social retail uses such as coffee shops, brew pubs, bookstores, art galleries, bakeries, and florists.
 - (8) Convenience retail establishments such as small scale grocery and beverage stores.
 - (9) Restaurants, including those with or without on premise alcohol sales.
 - (10) Personal service establishments such as barber and beauty shops; laundromats; laundry pick-up; tailor; dressmaker; shoe shops; photo studio
 - (11) Business Services (printing, copying, parcel services).
 - (12) Medical offices, clinics, and pharmacies.
 - (13) Educational institutions, primary through graduate, public and private.
 - (14) Commercial adult and child care facilities as a Conditional Use.
 - (15) Churches and places of worship or religious institutions.
 - (16) Financial institutions, banks, credit unions, CDA & Accounting and Brokerage.
 - (17) Professional Office such as legal services, architectural and engineering services.
 - (18) Fresh Farm/Open Air Markets.
 - (19) Public and private transportation service and facilities, including bus terminals, bus stops and taxi stands.
 - (20) Animal Services, including kennels, veterinary clinics and grooming facilities.
 - (21) Hotels and Bed and Breakfast Establishments.
 - (22) Assisted Living facilities as a Special Use.
 - (23) Instructional studios, art, music, dance and drama studios.

(G) Approval Process

- (1) **Public Hearing:** The procedures for public hearing and consideration by the Planning Commission and the City Council shall be as set forth in Article XV of Ordinance #77 Zoning. The Planning Commission and City Council shall conduct a joint public hearing to consider the Mixed Use District application.
- (2) **Planning Commission Recommendation:** After the public hearing is closed the Planning Commission shall consider the Mixed Use District Master Plan to determine a) the need for the proposed amendment; b) the effect of the amendment on the property and the surrounding properties; and, c) the relationship of the proposed amendment with the Comprehensive Plan, and the general planning programs of the city. Within thirty days, the Planning Commission shall submit its recommendation to City Council.
- (3) **City Council Action:** The City Council shall consider the Planning Commission recommendation and make a decision on the matter. The City Council may also approve additions, deletions and/or changes to the Mixed Use District Master Plan prior to final approval. Upon approval of the Mixed Use District Master Plan by the City Council, the Mixed Use District is deemed established. The Mixed Use District shall be designated on the Zoning Map as MXD.

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.