

**MINUTES  
CITY OF DARIEN  
PLANNING & ZONING COMMISSION MEETING  
October 21, 2015**

**PRESENT:** Beverly Meyer – Chairperson, Andrew Kelly, Ron Kiefer, John Laratta, Ray Mielkus, Pauline Oberland, Ken Ritzert, Dan Gombac – Director, Elizabeth Lahey - Secretary

**ABSENT:** Lou Mallers

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

**A. Public Hearing - PZC 2015-11: Smile Care Dental, 7511 Lemont Road, Chestnut Court Shopping Center: Petitioner requests approval of a special use in order to establish a dental clinic within the B-3 General Business zoning district.**

Mr. Dan Gombac, Director reported that the request is for a dental clinic Elite Smiles located in the Chestnut Court shopping center at 7511 Lemont Road. He reported that the area was formerly Blockbuster and that the shopping center requires a special use. Mr. Gombac reported that staff feels there is no negative impact.

The petitioner, Dr. Dilip Patel reported that he grew up in Darien and wants to start a small dental business and open two to three days per week. He stated that there will be two doctors and two to three staff members.

Commissioner Kiefer questioned if the petitioner was taking the entire space.

Dr. Patel stated that he was only using half of the space.

Mr. Gombac reported that there is opportunity there for another renter.

Commissioner Ritzert questioned if this is a new business.

Dr. Patel stated that he has an office in Plainfield since 2002 and that he and his wife are both dentists and that they will alternate between offices.

Chairperson Meyer questioned the size of the waiting room and the hours of business.

Dr. Patel stated that the waiting room will seat 8 comfortably. He stated that they will operate some days 9-5 with some days open until 8:00 p.m.

There was no one else wishing to present public comment and Chairperson Meyer closed the public hearing at 7:06 p.m.

**Commissioner Laratta made a motion and it was seconded by Commissioner Ritzert that based upon the information presented, the request associated with PZC 2015-11 is in**

**conformance with the standards of the Darien City Code and move that the Planning and Zoning Commission approve the petition as presented.**

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

Mr. Gombac announced that this would be forwarded to the Municipal Services Committee.

**B. Public Hearing - PZC 2015-12: 1033 S. Frontage Road: Revocation of special use granted by Ordinance O-20-15, which permitted the establishment of a "garage for the storage, repair and servicing of motor vehicles, including body repair, painting and engine rebuilding".**

Mr. Dan Gombac, Director reported that this property has been vacant for several years. He stated that previous the property was a drop yard for storing semi-trailers. Mr. Gombac reported that in 2011 the City Council granted a special use to "garage for the storage, repair and servicing of motor vehicles, including body repair, painting and engine rebuilding".

Mr. Gombac reported that this special use is tied to the Great Dane property and that the City Council desires to start at ground zero. He stated that at the last Municipal Services Committee meeting the Committee voted 2-1 against the Thermal King petition. He reported that the petitioner contacted staff that they are not moving forward.

Commissioner Oberland questioned Great Dane's thoughts. She stated that the property sat for four years. She further stated that the land will limit marketability and questioned the urgency for pulling it off.

Mr. Gombac reported that the City wants to clean it up.

Commissioner Kelly questioned if any others have been pulled in Darien.

Mr. Gombac reported that there were no others.

Commissioner Oberland stated that the PZC and the Municipal Services Committee and staff spent a lot of hours. She stated that the Alderman didn't even care and just pulled it.

Mr. Gombac reported that with a special use the same type of business could still develop the property.

Commissioner Oberland stated that there are two industrial type businesses and public works next door and that this did not make sense.

Commissioner Kiefer stated that it is apparent that the City Council does not want a Thermal King type business there and there is nothing that the PZC can do about it.

Mr. Gombac stated that it is the desire of the City Council to clean up the property. He stated that there is a dilapidated building there that exists.

Commissioner Laratta stated that he feels like “chopped liver” and that the Committee’s recommendation does not matter.

Commissioner Kiefer stated that the Municipal Services Committee has been receptive to the PZC in the past.

Mr. Gombac stated that the petitioner pulled out and that they could have proceeded to the City Council.

Commissioner Oberland stated that if this property loses its marketability it will be a huge loss for the City of Darien.

Mr. Gombac reported that the zoning will stay the same and if a similar type business came in they would have to get approval for outside storage.

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

Mr. Steve Dellagio stated that he attended all of the meetings. He stated that there were hundreds of people against the petition and that although there were many from Timberlake, there were also many from the City of Darien.

Mr. Dellagio stated that the Thermal King business is a very dirty operation. He stated that the residents were against the petition because of safety and the impact to Waterfall Glen. He further stated that the President of the Dupage County Forest Preserve Joe Cantore attended the public hearing and stated that the business would be detrimental to the Forest Preserve.

Mr. Dellagio stated that the property has not been marketed for other uses. He stated that Thermal King withdrew because of the community outcry and traffic issues.

Ms. Heidi Ramirez stated that she attended the meetings as well and that she was in favor of Thermal King. Ms. Ramirez stated that there were misrepresentation of facts. She stated that if the property goes to the Forest Preserve there are more tax dollars removed from Darien and that this is wrong and a concern for the schools and where they will get their funding.

Ms. Ramirez stated that the Municipal Services Committee bowed to Timberlake and false information. She stated that it was an out and out push to Darien. She further stated that the perception is that the City is setting up for some back door deal.

Mr. Gombac stated that Thermal King pulled their petition. He stated that the comments were more negative than positive and that it never got to the City Council because the petitioner pulled out. He further stated that staff provides the facts and can only do so much.

Ms. Ramirez stated that the pressure was not from Darien residents.

Mr. Gombac reported that he received a letter stating that the Forest Preserve is not interested in the property.

Mr. Brian Athern stated that he attended the September Municipal Services Committee meeting and explained to the Committee that there was a lot of misinformation. Mr. Athern stated that he is a ten-year resident of Darien and also an employee of CR England who is Thermal King's largest vendor. Mr. Athern stated that he is present to try and reinvigorate Thermal King. He stated that the property is in disrepair and that there is a valuable suitor to fix it, Illinois Auto who has been a member of their existing community for 48 years.

Mr. Athern agreed that repairing is a bit dirty but that the City Alderman and the residents missed the value in business to Darien. Mr. Athern referenced the money that will be spent by the drivers alone just in food and convenience items. He stated that the average driver may spend up to \$40 per week per person on fluff items and gas and that that does not even include the Thermal King employees.

Mr. Athern stated that the site has been sitting for four years and it is an eyesore. He referenced the noise issues expressed and stated that the Public Works chipper is much louder than the refer units. Mr. Athern stated that the comments made do not hold water and that they are all hogwash. He further stated that the Portage, IN location's neighbor is a Forest Preserve.

Mr. Athern stated that people and business cannot get along without trucking. He stated that Thermal King is seeking the site because of the convenient on and off access. He further stated that the City appraiser quoted the area as an "industrial use".

There was no one else wishing to present public comment and Chairperson Meyer closed the public hearing at 7:59 p.m.

Commissioner Oberland stated that this will make it more difficult for Thermal King and one more hoop to jump through.

Commissioner Kelly questioned if there has been any more discussion with Thermal King.

Mr. Gombac stated that there has been some conversation but no new information.

Commissioner Mielkus stated that if Thermal King wanted to work with the City it would be different.

Mr. Gombac stated that Great Dane has been respectful and that they could have leased it all along.

Commissioner Oberland stated that the truck traffic could be much worse with brokers.

Commissioner Mielkus suggested tabling to see if Thermal King wants to come back.

Mr. Gombac stated that tabling is irrelevant because a variation will be required. The PZC was not interested in discussing the rezoning of the property.

**Commissioner Kiefer made a motion and it was seconded by Commissioner Kelly to approve the request associated with PZC 2015-12: 1033 S. Frontage Road: Revocation of special use granted by Ordinance O-20-15, which permitted the establishment of a "garage**

for the storage, repair and servicing of motor vehicles, including body repair, painting and engine rebuilding".

Upon roll call vote, **THE MOTION CARRIED 6-1.** Commissioner Mallers was not present.

**AYES: Kelly, Kiefer, Laratta, Mielkus, Ritzert, Meyers**

**NAYS: Oberland**

**MINUTES**

The approval of the October 7, 2015 meeting minutes will be placed on the November 4, 2015 agenda.

**CORRESPONDENCE**

None.

**OLD BUSINESS/PLANNER'S REPORT**

None.

**NEXT MEETING**

Mr. Griffith announced that the next meeting is scheduled for Wednesday, November 4, 2015 at 7:00 p.m.

**ADJOURNMENT**

**With no further business before the Commission, Commissioner Kiefer made a motion and it was seconded by Commissioner Kelly. Upon voice vote, THE MOTION CARRIED unanimously and the meeting adjourned at 8:09 p.m.**

**RESPECTFULLY SUBMITTED:**

**APPROVED:**

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**Elizabeth Lahey  
Secretary**

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**Beverly Meyer  
Chairman**