

Case 21-025-FPLAT	10 S River Rd	Final Plat of Subdivision
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DES PLAINES PLANNING AND ZONING BOARD MEETING
June 22, 2021
MINUTES

The Des Plaines Planning and Zoning Board held its regularly scheduled meeting on Tuesday, June 22, 2021, at 7:00 p.m. in Room 101 of the Des Plaines Civic Center.

Acting Chairman Saletnik called the meeting to order at 7:00 p.m. and read this evening's cases. Roll call was established.

PRESENT: Catalano, Fowler, Hofherr, Saletnik

ABSENT: Bader, Veremis, Szabo

ALSO PRESENT: Michael McMahon, Director/Community & Economic Development
John Carlisle, AICP, Economic Development Manager/Community & Economic Development
Jonathan Stytz, Planner/Community & Economic Development
Wendy Bednarz/Recording Secretary

A quorum was present.

PUBLIC COMMENT

There was no public comment.

APPROVAL OF MINUTES

A motion was made by Board Member Hofherr, seconded by Board Member Fowler, to approve the minutes of June 8, 2021, as presented.

AYES: Hofherr, Fowler, Catalano, Saletnik

NAYES: None

ABSTAIN: None

*****MOTION CARRIED UNANIMOUSLY*****

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OLD BUSINESS

None

NEW BUSINESS

1. Address: 10 S. River Road

Case Number: 21-025-FPLAT
Public Hearing

The petitioners are requesting a Final Plat of Subdivision to re-subdivide certain legal lots of record under Section 13-2 of the Subdivision Regulations.

PIN: 09-17-200-022-0000; -044-0000; -045-0000; -051-0000

Petitioner: Peter Damiano, Damiano Service Center and Damiano Properties, LLC, 10 S. River Road, Des Plaines, IL 60016 and 1415 Redeker Rd, LLC, 1415 – 1419 Redeker Road, Des Plaines, IL 60016

Owner: Carol A. Damiano and Peter S. E. Damiano, 10 S. River Road, Des Plaines, IL 60016 and 1415 Redeker Rd, LLC, 1415 – 1419 Redeker Road, Des Plaines, IL 60016

Acting Chairman Saletnik swore in Jason Doland, Doland Engineering, consultant and Peter Damiano, Damiano Service Center and Damiano Properties, LLC, Petitioner for the project. Mr. Doland provided an overview of the request. Mr. Doland stated that the Petitioner will comply with the three conditions suggested by the Public Works & Engineering Department, including, demolition of the existing annex, improving the gravel area with a surface with a hard surface, and modifying storm water management.

Acting Chairman Saletnik asked if the Board had any questions.

Member Catalano asked why Staff did not provide a recommendation. Director McMahon stated that similar to the application for tentative plat of subdivision, staff remains neutral since there is no net benefit or loss to the City. Director McMahon continued that although Redeker Road will be improved, there is no real benefit to the City as a whole.

Member Catalano asked if the Petitioner would be required to pave Redeker Road, Mr. Doland responded that the Petitioner would improve Redeker Road along with improving storm water drainage.

Member Catalano asked staff about the location of the storm basins, that approximately 2/3 of the water collected funneling into one drain, and the remainder of the water draining into the north basin. Director McMahon stated that the Engineering Department approved the locations and design.

Acting Chairman Saletnik asked the Petitioner to define the improvements to the property. Mr. Doland stated that the Petitioner will improve the hard surface with asphalt, Redeker Road will be striped for through traffic on the easterly side of road, striping for parking and stalls on the westerly side of the road, improving storm sewer drainage and updating the curb and apron, funneling traffic to the drive

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aisle. Member Catalano confirmed that the Petitioner was aware of the three conditions; the Petitioner and Consultant are aware and consent to the conditions.

Acting Chairman Saletnik asked if there were any questions or comments from the audience. There were no comments.

Acting Chairman Saletnik asked that the Staff Report be entered into record. Planner Stytz provided a summary of the following report:

Issue: The petitioner is requesting a Final Plat of Subdivision under Section 13-2 of the Des Plaines Subdivision Regulations to resubdivide and absorb a portion of 1415 Redeker Road located at 09-17-200-044-0000 in the M-1 zoning district at 10 S. River Road.

Analysis:

Address: 10 S. River Road
Owner: Carol A. Damiano Trust & Peter Damiano Trust, 10 S. River Road, Des Plaines, IL 60016
Petitioner: Peter Damiano, Damiano Service Center & Damiano Properties, LLC, 10 S. River Road, Des Plaines, IL 60016

Case Number: 21-025-FPLAT

Real Estate Index Number: 09-17-200-022-0000; -044

Ward: #1, Alderman Mark A. Lysakowski

Existing Zoning: M-1, Limited Manufacturing District

Existing Land Use: Automotive Repair Shop

Surrounding Zoning:
 North: C-3, General Commercial District
 South: C-3, General Commercial District
 East: R-1, Single Family Residential District
 West: M-1, Limited Manufacturing District

Surrounding Land Use:
 North: Commercial (Retail Store)
 South: Commercial (Retail Store)
 East: Cook County Forest Preserve
 West: Manufacturing (Multi-tenant industrial building)

Street Classification: River Road is classified as an arterial road and Redeker Road is classified as a local street.

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Comprehensive Plan: The Comprehensive Plan designates the site as Commercial Industrial Urban Mix.

Project Description:

The petitioner, Peter Damiano, is requesting a Final Plat of Subdivision resubdivide and absorb a portion of 1415 Redeker Road located at 09-17-200-044-0000 in the M-1 zoning district at 10 S. River Road. The subject property is 10,862-square feet (0.249 acres) in size and is comprised of one lot, which is improved with a single building and parking area as shown in the Plat of Survey. The building on the subject property contains a 100-square foot office area, 3,906-square foot shop/storage area, and a separate 280-square foot mechanical area with restrooms. The petitioner also currently holds a Land Lease with ComEd to park within the ComEd right-of-way located south of the properties at 24 River Road and 1415 Redeker Road.

The petitioner is proposing to resubdivide and absorb a portion of 1415 Redeker Road (Parcel 09-17-200-044-0000) located west of the subject property and behind the properties located at 20 River Road and 24 River Road shown as Lot 2 on the Final Plat of Subdivision. Lot 2 is 12,684-square feet (0.291-acres) in size and is comprised of one lot, which is improved with a portion of the multi-tenant manufacturing building located on 1415 Redeker Road and a gravel drive aisle/parking area. The petitioner proposes to improve Lot 2 with a paved, dust-free hard surface and utilize it to access the leased parking area within the ComEd right-of-way as shown in the Select Final Engineering Plans. Given the proposed acquisition of Lot 2 by the petitioner, this portion of the building, denoted as the East Annex on the Existing Floor Plan, will be demolished as part of this request within a year of City Council approval. The petitioner recently submitted an application for a Tentative Plat of Subdivision and Major Variations for building setbacks and lot area, which was approved by Ordinance Z-30-21.

Final Plat of Subdivision Report

Name of Subdivision: Damiano-Merchandise Resubdivision
 Address: 10 S. River Road
 Requests: Approval of Final Plat of Subdivision
 Total Acreage of Subdivision: 0.541 acres

Lot Descriptions and Construction Plans:

The petitioner’s Final Plat of Subdivision shows the resubdivision and transfer of ownership of the Lot 2 parcel to the subject property. Lot 2 will have an area of 10,807-square feet and Lot 3 (subject property) will have an area of 8,520-square feet. The Plat shows the existing 8-foot non-exclusive easement on Lot 2, a new 24-foot ingress and egress easement on Lot 2 for use of Lots 1 and 3, and a new parking easement on Lot 2 for use of Lot 3.

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Recommendation: Staff is not making a recommendation of the request for a Final Plat of Subdivision pursuant to 13-2 of the Des Plaines Subdivision Ordinance. If approval of this request is sought, staff recommends adding the following conditions.

Conditions of Approval:

- The Lot 2 property identified on the Final Plat of Subdivision to be acquired by the owner of 10 S. River Road shall be only utilized for the ingress/egress to the 10 S. River Road property and the parking of vehicles to be serviced. No equipment, materials, or other items shall be stored in this location.
- All existing structures located in Lot 2 property identified on the Final Plat of Subdivision shall be demolished and replaced with a dust-free hard surface within a year of City Council approval.
- The Lot 2 property identified on the Final Plat of Subdivision shall be demolished and replaced with a dust-free hard surface within a year of City Council approval.

Planning and Zoning Board Procedure: Under Section 13-2-5 (Approval of Final Plat By Planning and Zoning Board) of the Subdivision Ordinance, the Planning and Zoning Board has the authority to recommend approval, approval subject to conditions, or denial the above-mentioned Final Plat of Subdivision request for the property at 10 S. River Road.

A motion was made by Board Member Hofherr, seconded by Board Member Fowler, to recommend approval of the Final Plat of Subdivision request for the property at 10 S River Road, as presented:

AYES: Hofherr, Fowler, Catalano, Saletnik

NAYES: None

ABSTAIN: None

*****MOTION CARRIED UNANIMOUSLY*****

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2. Address: 1041 North Ave

Case Number: 21-017-TSUB-V
Public Hearing

The petitioner is requesting the following items: (i) a Tentative Plat of Subdivision under Section 13-2-2 of the Subdivision Regulations to split an existing lot into two new lots of record; (ii) a Standard Variation under Section 12-7-2(J) of the Des Plaines Zoning Ordinance, as amended, to allow a lot width of 50-feet where a minimum lot width of 55-feet is required in the R-1 zoning district; and the approval of any other such variations, waivers, and zoning relief as may be necessary.

PIN: 09-17-302-003-0000
Petitioner: Helen Roman, 5734 W. Warwick Ave, Chicago, IL 60634
Owner: Helen Roman, 5734 W. Warwick Ave, Chicago, IL 60634

Acting Chairman Saletnik swore in William Hepburn, Bono Consulting, engineering for the Petitioner and Helen Roman and Henry Roman, of Chicago.

Mr. Hepburn stated that the request is to subdivide the property into two lots of record; a variation of the minimum lot width is needed since the lots will only be 50-feet in width.

Acting Chairman Saletnik asked if the Board had any questions.

Acting Chairman Saletnik inquired about the square footage of the lots. Mr. Hepburn stated that each lots will be about 7,050 square feet, meeting the minimum lot size. The lots are deep but are not wide.

Member Hofherr commented on the width of neighboring lots, Mr. Hepburn stated that the two lots immediately west of the property are 50-feet wide, one is 45-feet wide, and continued that the majority of lots in the are 50-feet wide.

Member Fowler inquired about the build of the single-family homes. Mr. Hepburn stated the new homes will be built to engineering plans and will be within the max building size requirements.

Acting Chairman Saletnik confirmed that no additional zoning relief would be applied for in the future. Mr. Hepburn stated that no additional relief would be applied for, Ms. Roman plans on developing or selling the property, as is. The development will match the proposed engineering plan.

Member Catalano commented that he was impressed by the number of catch basins.

Acting Chairman Saletnik asked if there were any questions or comments from the audience. There were no comments.

Acting Chairman Saletnik asked that the Staff Report be entered into record. Planner Stytz provided a summary of the following report:

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Issue: The petitioner is requesting: (i) a Tentative Plat of Subdivision under Section 13-2 of the Subdivision Regulations to subdivide the existing lot into two lots of record; (ii) a Standard Variation under Section 12-7-2(J) of the 1998 Des Plaines Zoning Ordinance, as amended, to allow a lot width of 50-feet where the minimum lot width permitted in the R-1 zoning district for an interior lot is 55-feet; and (iii) the approval of any other such variations, waivers, and zoning relief as may be necessary.

Analysis:

Address: 1041 North Avenue
Owner: Helen Roman, 5734 W. Warwick Avenue, Chicago, IL 60634
Petitioner: Helen Roman, 5734 W. Warwick Avenue, Chicago, IL 60634

Case Number: 21-017-TSUB-V

Real Estate Index Number: 09-17-302-003-0000

Ward: #3, Alderman Sean Oskerka

Existing Zoning: R-1, Single Family Residential District

Existing Land Use: Vacant Lot

Surrounding Zoning:
 North: M-2, General Manufacturing District
 South: R-1, Single Family Residential District
 East: R-1, Single Family Residential District
 West: R-1, Single Family Residential District

Surrounding Land Use:
 North: Manufacturing (Multi-tenant industrial building)
 South: Single Family Residences
 East: Single Family Residences
 West: Single Family Residences

Street Classification: North Avenue is classified as a local street.

Comprehensive Plan: The Comprehensive Plan designates the site as Single Family Residential.

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Project Description: The petitioner, Helen Roman, is requesting a Tentative Plat of Subdivision and Standard Variations for lot width for the property located at 1041 North Avenue. The subject property is 14,161-square feet (0.325 acres) in size and is comprised of one lot, which was improved with a single-family residence, detached garage with driveway, sidewalk, and shed as shown in the Plat of Survey. However, the single-family residence has since been demolished as noted in the Existing Conditions Diagram.

The petitioner is proposing to subdivide the existing lot into two lots of record measuring 50-feet wide and 7,070.50-square feet in area. The existing detached garage, shed, and other pavement on the subject property will be removed as part of this request. There is a ten-foot public utility easement proposed for the rear of each lot as shown in the Tentative Plat of Subdivision. However, staff will require minimum five-foot public utility easements on the common line in between the proposed lots as part of the Final Plat of Subdivision submittal. There is a variation request for lot width, as the proposed lots will not meet the minimum 55-foot lot width requirement for interior lots in the R-1 district pursuant to Section 12-7-2(J) of the Zoning Ordinance.

Tentative Plat of Subdivision Report

Name of Subdivision: Helen Roman Subdivision

Address: 1041 North Avenue

Requests: Approval of Tentative Plat of Subdivision & Variation

Total Acreage of Subdivision: 0.325 acres

Lot Descriptions and Construction Plans: The petitioner’s Tentative Plat shows the subdivision of the existing lot into two 7,070.50-square foot, 50-foot wide lots. A ten-foot public utility easement is proposed for the rear of each property. Note that the Preliminary Engineering Plans are conceptual and have not been approved by staff. All engineering comments will be addressed in the Final Engineering Plans at time of the Final Plat of Subdivision.

Compliance with the Comprehensive Plan
There are several parts of the 2019 Des Plaines Comprehensive Plan that align with the proposed project. Those portions are as follows:

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- Under Overarching Principles:
 - The Comprehensive Plan seeks to promote a wider range of housing options and to encourage the reinvestment and preservation of established Des Plaines neighborhoods through the addition of new housing to fit diverse needs. The proposal seeks to reinvest in this vacant lot and provide additional housing options in this established neighborhood.
- Under Land Use Plan:
 - A primary goal of the Comprehensive Plan is to preserve and enhance established single-family neighborhoods while also expanding newer housing options. The proposal matches the existing character of the neighborhood and provides modern housing options that are prevalent in the immediate vicinity.
- Under Future Land Use Map:
 - The property is marked for Single-Family Residential land uses. These areas are designated for detached single-family residences to maintain and improve housing options for residents. The proposed use will transform an existing residential lot and provide an additional single-family housing option for the community as a whole.

While the aforementioned bullet points are only a small portion of the Comprehensive Plan, there is a large emphasis on maintaining detached single-family zoning areas and promoting the expansion of these developments to increase housing options for residents. The petitioner is proposing to take a 0.325-acre parcel for future development of two new residences for the community.

Variation Findings: Variation requests are subject to the standards set forth in Section 12-3-6(H) of the 1998 City of Des Plaines Zoning Ordinance, as amended.

1. **Hardship: No variation shall be granted pursuant to this subsection H unless the applicant shall establish that carrying out the strict letter of the provisions of this title would create a particular hardship or a practical difficulty:**

Comment: Requiring the petitioner to adhere to the minimum 55-foot lot width requirement would limit development on this property to one residence and would not meet the goals and objectives of the Comprehensive Plan to foster growth of residential areas and provide additional housing options. Furthermore, some of the surrounding properties in the area have similar lot widths as the proposal. Please see the Petitioner's responses to Standards for Variations.

2. **Unique Physical Condition: The subject lot is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject lot that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner**

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of the lot:

Comment: The existing property was platted with its current dimensions before the code was updated from a minimum lot width of 50-feet to 55-feet. Under the previous code, the property would have met the standards for a subdivision. However, the property is land-locked so it cannot be expanded to meet the requirements. Please see the Petitioner's responses to Standards for Variations.

- 3. Not Self-Created: The aforesaid unique physical condition is not the result of any action or inaction of the owner or its predecessors in title and existed at the time of the enactment of the provisions from which a variance is sought or was created by natural forces or was the result of governmental action, other than the adoption of this title:**

Comment: The unique physical condition is not the result of the current owner or previous owners as the property was platted long before the zoning code update to change the minimum lot width required from 50-feet to 55-feet. Additionally, there is not a way for the petitioner to widen the lot to meet the 55-foot lot width requirement. Please see the Petitioner's responses to Standards for Variations.

- 4. Denied Substantial Rights: The carrying out of the strict letter of the provision from which a variance is sought would deprive the owner of the subject lot of substantial rights commonly enjoyed by owners of other lots subject to the same provision:**

Comment: Carrying out the strict letter of the code would prevent the petitioner from subdividing the existing property for use of two single family residences as many of the surrounding properties have done, which would deny them the substantial rights of neighboring property owners. A majority of the existing lots in this area are less than 55-feet wide and do not meet the current minimum 55-foot lot width requirement. Please see the Petitioner's responses to Standards for Variations.

- 5. Not Merely Special Privilege: The alleged hardship or difficulty is neither merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely the inability of the owner to make more money from the use of the subject lot:**

Comment: The variation request would not provide the petitioner with any special privilege that is not already enjoyed by many of the surrounding property owners or allow him to make more money from the property. The petitioner does not plan to develop these lots at this time, but rather to subdivide them for future development. Please see the Petitioner's responses to Standards for Variations.

- 6. Title And Plan Purposes: The variation would not result in a use or development of the subject lot that would be not in harmony with the general and specific purposes for which this title and the provision from which a variation is sought were enacted or the general purpose and intent of the comprehensive plan:**

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Comment: The proposal would result in the future development of this site that would be in harmony with the specific purposes of Section 12-3-6 of the Zoning Ordinance or the Comprehensive Plan. This proposal sets to develop this vacant property into two separate lots to add residential options in Des Plaines. Please see the Petitioner’s responses to Standards for Variations.

- 7. No Other Remedy: There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject lot.**

Comment: There is no way that the petitioner can alter the dimensions of the property to meet the 55-foot minimum lot width requirement, as the property is land-locked by developed properties. The variation is required for the petitioner to create two residential lots and expand housing options in Des Plaines. Please see the Petitioner’s responses to Standards for Variations.

- 8. Minimum Required: The requested variation is the minimum measure of relief necessary to alleviate the alleged hardship or difficulty presented by the strict application of this title.**

Comment: The variation request is the minimum measure of relief necessary to allow the petitioner to create two residential lots out of the large existing vacant lot. Please see the Petitioner’s responses to Standards for Variations.

Recommendation: Staff recommends approval of the request for a Tentative Plat of Subdivision pursuant to 13-2 of the Des Plaines Subdivision Ordinance and the Standard Variation request for lot width pursuant to Section 12-3-6 of the Des Plaines Zoning Ordinance.

Planning and Zoning Board Procedure: Under Section 13-2-7 (Approval of Tentative Plat By Planning and Zoning Board) of the Subdivision Ordinance and Section 12-3-6 (Approval of Variations), the Planning and Zoning Board has the authority to approve, approve subject to conditions, or deny the above-mentioned Tentative Plat of Subdivision and Standard Variation request for the property at 1041 North Avenue.

A motion was made by Board Member Catalano, seconded by Board Member Hofherr, for approval of the request for a Tentative Plat of Subdivision pursuant to 13-2 of the Des Plaines Subdivision Ordinance and the Standard Variation request for lot width pursuant to Section 12-3-6 of the Des Plaines Zoning Ordinance, for the property at 1041 North Avenue, as presented.

AYES: Catalano, Hofherr, Fowler, Saletnik
 NAYES: None
 ABSTAIN: None

*****MOTION CARRIED UNANIMOUSLY*****

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3. Address: 994 Hollywood Avenue

Case Number: 21-022-V
Public Hearing

The petitioner is requesting the following items a Standard Variation under Section 12-7-2(J) of the Des Plaines Zoning Ordinance, as amended, to allow an accessory structure to be constructed within 2' of the property line when 5' is required and the approval of any other such variations, waivers, and zoning relief as may be necessary.

PIN: 09-17-301-020-0000
Petitioner: Erin Johnson, 994 Hollywood Ave, Des Plaines, IL 60016
Owner: Erin Johnson, 994 Hollywood Ave, Des Plaines, IL 60016

Acting Chairman Saletnik swore in Erin Johnson, Jim Johnson and Harry Johnson, of 994 Hollywood Ave, Petitioners for the property.

The Petitioners provided an overview of the request, stating that the variation is to replace a 25 year-old shed, the old shed currently attracts animals, has no doors, is rusted and generally is in bad shape. Ms. Johnson stated that the current City code only allows for accessory structures (sheds) to be located in the rear yard, however, due to the corner lot and not having a true rear yard the shed would need to be placed at the front of the property. The Petitioners stated that shed placement near the front of the home may have them susceptible to vandals and theft, the interior location provides some protection and lower street visibility.

Acting Chairman Saletnik asked if the Board had any questions.

Acting Chairman Saletnik inquired about the construction of the shed. Mr. Johnson stated that the shed is pre-fabricated kit.

Member Hofherr inquired about the size of the shed. The Petitioner stated that the shed will be approximately 17.3' X 7.10', the Petitioner stated the size of the shed is needed for storage. The current home is on a slab and the property only has a one-car garage.

Member Hofherr expressed a concern that the shed is much larger than any other accessory structure on the street, and suggested a reduction of size.

Member Catalano inquired about the space between the deck and the fence. The Petitioner could not recall the distance, Director McMahon stated that the shed is on the property line. The total distance from the deck to the fence is approximately 11 feet total. Director McMahon stated that the proposed shed is slightly narrower and the shed would be approximately two feet off the property line.

Member Catalano questioned the location of the shed, and if the shed could be built against the deck. Mr. Johnson stated that the shed will be built against the deck and currently there is a cut-out in the

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deck for shed access. Member Catalano stated that his preference would be that the deck is built further off the fence/property line.

Director McMahon state the Building Department has also consulted with the Fire Department and there are no fire rating issues.

Acting Chairman Saletnik asked if were any questions or concerns form the public. There were several members of the audience in favor of the proposal. The following comments were heard:

- Alan Arsinow, 984 Hollywood Ave, Des Plaines: Mr. Arsinow urged the Board to approval this request. Mr. Arsinow’s property is the neighboring property and he would much rather look at a new shed rather than the shed in its current condition.
- Rosa Carrera, stated that the Petitioners are following the rules, and should be allowed to build the shed for storage.

Acting Chairman Saletnik asked that the Staff Report be entered into record. Planner Stytz provided a summary of the following report:

Issue: The petitioner is requesting Standard Variations under Section 12-8-1(C) of the 1998 Des Plaines Zoning Ordinance, as amended, to allow the installation of an accessory structure setback two-feet from the property line and located in the interior side yard at 994 Hollywood Avenue where the minimum setback for accessory structures in the R-1 Zoning District is five-feet and accessory structures are only permitted within the rear yard and buildable area.

Analysis:

Address: 994 Hollywood Avenue

Owner: Erin Johnson, 994 Hollywood Avenue, Des Plaines, IL 60016

Petitioner: Erin Johnson, 994 Hollywood Avenue, Des Plaines, IL 60016

Case Number: 21-022-V

PIN: 09-17-301-021-0000

Ward: #3, Alderman Sean Oskerka

Existing Zoning: R-1, Single Family Residential District

Existing Land Use: Single Family Residence

Surrounding Zoning: North: R-1, Single Family Residential District
South: R-1, Single Family Residential District
East: R-1, Single-Family Residential District

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West: R-1, Single Family Residential District

Surrounding Land Use:
 North: Single Family Residence
 South: Single Family Residence
 East: Single Family Residence
 West: Single Family Residence

Street Classification: Hollywood Avenue and Second Avenue are classified as local streets.

Comprehensive Plan: The Comprehensive Plan designates the site as Single-Family Residential.

Project Description:

The petitioner, Erin Johnson, is requesting Standard Variations to allow the installation of an accessory structure setback two-feet from the property line and located in the interior side yard at 994 Hollywood Avenue where the minimum setback for accessory structures in the R-1 Zoning District is five-feet and accessory structures are only permitted within the rear yard and buildable area. This 7,333-square foot, 51.95-foot wide property contains a one-story residence with a deck, private front walk, driveway, and existing 81.60-square foot shed as shown on the Plat of Survey. The existing development is located at the very north portion of the on the subject property and the existing shed is located approximately 0.2-feet from the west property line straddling the interior side yard and buildable area of the subject property.

The petitioner is requesting the new 17'-1/4" long by 7'-10" wide prefabricated shed (133.33 sq. ft.), as noted in the Shed Specifications, to replace the existing shed that is in disrepair and is not functional for their use. The proposed shed is intended to be located two-feet from the west property line in between the existing deck area and the property line as shown on the Site Plan. Pursuant to Sections 12-7-1(C) and 12-8-1(C), accessory sheds may only be located in the rear yard and may be located no closer than five-feet from side and rear lot lines. The petitioner's request to allow a shed in the interior side yard that is located less than five-feet from the side and rear property lines constitutes the need for variations to Sections 12-7-1(C) and 12-8-1(C) of the 1998 Des Plaines Zoning Ordinance. Staff has spoken to the petitioner regarding alternative locations for the proposed shed that do not require the request variations. However, the petitioner is requesting to locate the proposed shed in a location that is not permitted by the Zoning Ordinance. Staff does not find a hardship with the land or unique circumstance with the property to warrant such variations.

Variation Findings: Variation requests are subject to the standards set forth in Section 12-3-6(H) of the 1998 City of Des Plaines Zoning Ordinance, as amended.

- 1. Hardship: No variation shall be granted pursuant to this subsection H unless the applicant shall establish that carrying out the strict letter of the provisions of this title would create a particular hardship or a practical difficulty.**

Comment: There are no found practical difficulties or particular hardship with the subject property to warrant the extent of the variance requests. There is ample room on the subject property

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within the buildable area to install the proposed shed to avoid the variation requests. Please see the petitioner's responses to variations.

2. **Unique Physical Condition: The subject lot is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject lot that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot.**

Comment: There are no unique circumstances to this property as compared to any other lot on the block and compared to any other corner lot within the City. Even with the existing development mostly contained within the northern portion of the lot, there is still ample space in the buildable area for the proposed shed that would not be affected by any unique physical condition of the site. The requested variations to deviate from the location requirements for an accessory structure alleviates a personal situation versus a unique physical condition associated with the subject property. Please see the petitioner's responses to variations.

3. **Not Self-Created: The aforesaid unique physical condition is not the result of any action or inaction of the owner or its predecessors in title and existed at the time of the enactment of the provisions from which a variance is sought or was created by natural forces or was the result of governmental action, other than the adoption of this title.**

Comment: The requested variances are self-created as the subject property already contains a deck, room addition on the principle structure, and other lawn features that reduce the available space for the proposed shed given their placement. Additionally, the petitioners have an option to remove the existing shed and install, with a permit, a shed size and orientation that could be accessible to the property owners and meet required accessory structure location requirements. Please see the petitioner's responses to variations.

4. **Denied Substantial Rights: The carrying out of the strict letter of the provision from which a variance is sought would deprive the owner of the subject lot of substantial rights commonly enjoyed by owners of other lots subject to the same provision.**

Comment: No property rights will be diminished with the denial of these variation requests. The property owner has existing spaces to utilize as storage or has the option to replace the existing shed structure with a new shed with a size and orientation that can be better accommodated on the site and still fits within the guise of the Zoning Ordinance requirements. All single-family residences are governed by the same size, location, and setback requirements for accessory structures. Please see the petitioner's responses to variations.

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- 5. Not Merely Special Privilege: The alleged hardship or difficulty is neither merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely the inability of the owner to make more money from the use of the subject lot.**

Comment: Granting the two variances for the shed will create a special privilege for the subject property owner compared to all other homes on this block and within the City who have code compliant sheds. The owners have the capability to utilize the buildable area of their property for storage purposes while still complying with the Zoning Ordinance. There is no alleged hardship or practical difficulty with the subject property to warrant the variances. Please see the petitioner's responses to variations.

- 6. Title And Plan Purposes: The variation would not result in a use or development of the subject lot that would be not in harmony with the general and specific purposes for which this title and the provision from which a variation is sought were enacted or the general purpose and intent of the comprehensive plan.**

Comment: The existing 81.60-square foot shed located in the interior side yard is not in harmony with the surrounding residential development in the area and does not match the goals and objects outlined in the Comprehensive Plan. Accessory structures in line with the size and location requirements specified in the Zoning Ordinance are prevalent throughout the surrounding area and the City as a whole. Allowing a shed in the current location and in violation of these code requirements will set a precedent for excessive shed requests in potentially unsafe locations. Please see the petitioner's responses to variations.

- 7. No Other Remedy: There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject lot.**

Comment: There are other remedies available, aside from the variations, which permit a reasonable use of the subject lot. One remedy would be to utilize existing unobstructed space on the site to locate the proposed shed. Another remedy could be the replacement or alteration of the existing obstructions in the area where the shed is proposed to meet the location requirements pursuant to the Zoning Ordinance. Please see the petitioner's responses to variations.

- 8. Minimum Required: The requested variation is the minimum measure of relief necessary to alleviate the alleged hardship or difficulty presented by the strict application of this title.**

Comment: The minimum extent for the proposed variations have not been met. The subject property currently contains ample room within the buildable area to sufficiently accommodate the proposed shed without any variations. The alleged hardship raised by the property owner is

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a personal hardship, not a physical hardship with the subject property. The extent of the requested variances are not warranted given the opportunity to fully utilize the available space on site and still meet the current zoning regulation.

Recommendation: Staff recommends denial of the requested variations based on review of the information presented by the applicant and the standards and conditions met by Section 12-3-6(H) (Findings of Fact for Variations) as outlined within the City of Des Plaines Zoning Ordinance, as amended, for the proposed variations at 994 Hollywood Avenue.

Planning and Zoning Board Procedure: Under Section 12-3-6(F) of the Zoning Ordinance (Standard Variations), the Planning and Zoning Board has the authority to approve, approve subject to conditions, or deny the above-mentioned variances for the installation of an accessory structure located within the interior side yard and located less than five-feet from the property line at 994 Hollywood Avenue.

A motion was made by Board Member Fowler, seconded by Board Member Hofherr, to approve a Standard Variation under Section 12-7-2(J) of the Des Plaines Zoning Ordinance, as amended, to allow an accessory structure to be constructed within 2' of the property line when 5' is required and the approval of any other such variations, waivers, and zoning relief as may be necessary, at the property located at 994 Hollywood Avenue.

AYES: Fowler, Hofherr, Catalano, Saletnik

NAYES: None

ABSTAIN: None

*****MOTION CARRIES UNANIMOUSLY *****

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4. Addresses: 1050 East Oakton Street
1090-1100 Executive Way, 1555 Times Drive

Case Number: 21-019-PPUD-TSUB-MAP-CU
Public Hearing

The petitioner is requesting the following items: (i) a Preliminary Planned Unit Development (PUD) under Section 12-3-5 of the Des Plaines Zoning Ordinance, as amended; (ii) a Conditional Use for a Planned Unit Development under Section 12-3-4 of the 1998 Des Plaines Zoning Ordinance as amended; (iii) Tentative Plat of Subdivision under Section 13-2-2 of the Subdivision Regulations; and (iv) a Map Amendment under Section 12-3-7 of the 1998 Des Plaines Zoning Ordinance as amended to rezone the subject property from C-3, General Commercial District to R-3, Townhouse Residential.

PINs: 09-20-316-020-0000; -021-0000; -023-0000; -024-0000; -025-0000; -026-0000;
09-20-321-005-0000; 09-20-322-001-0000

Petitioner: Marc McLaughlin, M/I Homes of Chicago, LLC

Owner: 1090-1100 Executive Way, LLC; Times Drive, LLC; Oakton Mannheim LLC

Acting Chairman Saletnik swore in Julie Workman of Levenfeld Pearlstein, LLC, Rich Olson of Gary R Weber and Associates , and Marc McLaughlin of M/I Homes of Chicago, LLC.

Ms. Workman provided an overview of the request and stated that all necessary actions have been completed; transit-orientated development will consist of 125 townhomes and is in line with the City's Comprehensive Plan.

Mr. McLaughlin provided an overview of M/I Homes and provided additional information on the proposed site.

Acting Chairman Saletnik asked if the Board had any questions.

Acting Chairman Saletnik inquired about current locations of developments built by M/I Homes. Mr. McLaughlin stated that there are townhome developments in nearby Arlington Heights, Rolling Meadows, and Northbrook. There is a single home development in Lake Zurich. Mr. McLaughlin also stated that M/I Home developments are split, with approximately 50% townhome developments/50% single family homes.

Member Fowler inquired about single-story townhomes. Mr. McLaughlin stated that M/I Homes is developing a two-story townhome to be released Spring 2022, however, that is not an option for the Halston Market development.

Member Hofherr expressed a desire for a ranch-style townhome development.

Acting Chairman Saletnik inquired about the floor plan of the homes and square footage. Mr. McLaughlin stated that each home will be between 1,600 and just under 2,000 square feet, with three levels; basement level (garage, foyer), main level (kitchen and living space), and second floor (bedrooms).

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Member Fowler inquired about the price point of the units. Mr. McLaughlin stated that units begin in the \$200's, with closing in the \$300's, there will be five different unit templates, each with their own pricing.

Acting Chairman Saletnik stated that the development is high quality, attractive and adds value to the area.

Member Catalano inquired about moving the buildings near the property line to an area of green space. The Petitioner stated that the green space is the low point of the property and will be used to regulate stormwater. Mr. McLaughlin stated the pond relocation may be considered, but the pond is located in the outfall and may be difficult to move.

Member Fowler asked the Petitioners to address the issue with the fence, and to consider increasing the height of the fence at the north lot line for additional screening and privacy. Member Fowler commented that the proposed development is a marked improvement of what is existing and urged the Petitioners to "be good neighbors".

Member Fowler inquired about the timeline for the completion of the stoplight at Lee & Forest. Director McMahon stated that the project should be substantially complete by August.

Acting Chairman Saletnik asked if there were any questions or concerns from the public. The following comments were heard:

- Tony Chamas, 1061 Wicke Ave, Des Plaines: Stated that he moved into the neighborhood eight years ago and it is a quiet residential neighborhood. Mr. Chamas stated that he is uncomfortable with a 120-unit development 29 feet from his window. Mr. Chamas also stated that he was not aware of this development and did not receive notice.
- Rosa Carrerra and Sean Chizmel, 1099 Wicke Ave, Des Plaines: Stated that the development is right in their backyard and the area is currently a dump yard. Ms. Carrerra does not want a three-story building behind a fence. Ms. Carrerra also stated that the area also is highly congested with traffic due to the Jewel and construction projects; she appreciates the developers looking at Des Plaines for building, but urged a different site. Mr. Chizmel inquired about the traffic studies, current eastbound Oakton only has center lane turn lane. Mr. Chizmel also suggested a higher than six foot privacy fence if the development is approved.
- Mike and Vickie Benzinger, Des Plaines: The Benzingers' provided comments on traffic in the area, using the neighboring as a cut-through to bypass the Oakton & Lee light. They also commented on the traffic generated by Maine West High School and Beacon Tap. Ms. Benzinger also commented on public safety, especially a fire concern, and infrastructure concerns, and stated that she has pictures that she plans on sending to Ald. Brookman. Ms. Benzinger concluded that she would rather a single home development or warehouse use with Monday-Friday business hours. Overall, they want to enjoy their backyard and neighbors and are against the development.
- Michael Madden, Des Plaines: Mr. Madden inquired about the process for the public hearing and confirmed that this is the first step. Mr. Madden asked if there was any need for imminent

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domain, regarding the two properties near Jewel, staff responded that there has been no discussion to that affect. Mr. Madden also commented on the eight foot fence near Jewel that is rotted and needs to be replaced, he suggested a minimum of a sixteen foot fence for privacy.

Mr. McLaughlin provided the following responses to resident comments:

- Resident notification was handled at the municipal level and the Developer was not involved in that process.
- The egress/ingress of the property is located off Oakton. The Developers have completed a traffic study completed by KLOA, the study dictated that an additional traffic light was not warranted. Mr. McLaughlin stated that traffic studies are determined by the frequency of movement, the movement dictates the need for additional traffic signals. City staff is in receipt of the full version of the traffic study.
- Mr. McLaughlin stated that they plan on keeping the existing tree line, with the closest buildings 21-feet from the property line.

Rich Olson provided the following responses to resident comments:

- Mr. Olson highlighted the landscape plan including the buffering measures with heavy screening of vegetation. There are currently an excess of over 50 trees in the rear, near the property line and hope to continue the additional screening. Mr. Olson clarified which buildings are proposed to be sited within the rear yard (20-21-foot setback) There are four buildings that require this exception.
- Mr. Olson provided an orientation of the subdivision, parking and landscape features. The parking minimum requirement would be met.
- Mr. Olson also stated that this was a first submission and they are open to feedback.

Mr. Chamas had a concern about the vegetation and was offended by the statement “high quality brick for the area”. Mr. Olson responded that trees will be planted in accordance with the code requirements. Mr. Olson further stated that he did not mean for his comment to be offensive, but that the building materials are high quality and will be used in Des Plaines.

Mike Benzinger asked the Petitioners how far off the fence line the buildings would be built. Acting Chairman Saletnik referred to the site plan, there is green space and parking adjacent to the property line; one building is approximately 21 feet from a fence line, while another is approximately 45 feet from a side lot, with the area heavily landscaped.

Mr. Benzinger inquired further about the traffic study, stating that three people have been killed in the area over the past ten years. Mr. Benzinger also questioned putting a single-family home development in the location instead of townhomes. Ms. Workman stated that due to the proximity of the proposed Oakton Metra station, the City had a wish list item for a transit-orientated development, this project hopes to meet that need. The project is well-suited to achieving the City’s goals as in line with the Comprehensive Plan and Oakton Street Corridor plan.

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Ms. Workman also stated that the conclusions of the traffic study can be found on page 52 of the informational packet. Ms. Workman continued that IDOT approves traffic signals, and from the findings of the traffic study a signal would not be warranted. The development will have pedestrian walkways to promote safety. Ms. Workman provided some information on the increase of traffic due the pandemic, with people being home, picking-up/dropping-off children, and that traffic should normalize as we move toward pre-pandemic normalcy.

Ms. Vickie Benzinger expressed concern over traffic, especially with the state of parking lots for Jewel and Starbucks. Ms. Workman stated that the development plans to having walking paths for connectivity to local shopping centers.

Ms. Carrera inquired about the building process and how long the project would take to completed. Mr. McLaughlin stated that once the development is approved through the municipal process, they plan to break ground Spring 2022. The development will be completed in two phases, a north and south, and should take approximately six months for land development and a model, pending adequate approvals.

Acting Chairman Saletnik asked Staff to walk through the application process. Direct McMahon responded with the following process:

1. Public Hearing for Preliminary Planned Unit Development at Planning & Zoning Board Meeting
2. Preliminary Planned Unit Development item at City Council Meeting
3. Engineering Department Review
4. Public Hearing Final Planned Unit Development at Planning & Zoning Board Meeting
5. Final Planned Unit Development at City Council Meeting

Acting Chairman Saletnik reminded the audience that the Public Hearing is an opportunity for positive dialogue with the Developers.

Acting Chairman Saletnik stated that this development has been the most sensitive and to scale compared to other developments is the same site.

Member Catalano inquired about how long the property has been vacant. Mr. Carlisle stated that the previous building was demolished in 2013, and the property has been cleared throughout the years. Mr. Carlisle noted that there have been several code violations on the site. He also mentioned large vacancies in neighborhoods are a drag to property values.

Acting Chairman Saletnik asked that the Staff Report be entered into record. Economic Development Manager Carlisle provided a summary of the following report:

Issue: The petitioner is requesting the following under the Zoning Ordinance: (i) a Preliminary PUD under Section 12-3-5; (ii) a Conditional Use for a PUD under Section 12-3-4; and (iii) a Map Amendment to rezone the subject property from C-3, General Commercial District to R-3, Townhouse Residential under Section

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12-3-7. The petitioner also requests a Tentative Plat of Subdivision under Section 13-2-2 of the Subdivision Regulations. Finally, under Section 8-1-9 of the Municipal Code, the petitioner will seek a Vacation of Public Streets to be approved by the City Council.

Owner: 1090-1100 Executive Way, LLC; Times Drive, LLC;
Oakton Mannheim, LLC

Petitioner: Marc McLaughlin, M/I Homes of Chicago, LLC

Case Number: 21-019-PPUD-TSUB-MAP-CU

PINs: 09-20-316-020-0000; -021-0000; -023-0000; -024-0000; -025-0000; -
026-0000; 09-20-321-005-0000; 09-20-322-001-0000

Ward: #5, Carla Brookman

Existing Zoning: C-3, General Commercial District

Existing and Historical

Land Use: Vacant; site formerly contained Grazie restaurant and banquet hall, which was demolished in 2013, as well as office buildings and surface parking

Surrounding Zoning: North: R-1, Single-Family Residential
South: C-3, General Commercial and C-4, Regional Shopping
East: C-3, General Commercial, and C-4 Regional Shopping
West: C-3, General Commercial

Surrounding Land Use: North: Single-family detached homes
South: Restaurants and retail goods
East: Services (Vision Care), restaurants, retail goods (Jewel-Osco grocer)
West: Post office

Street Classification: Oakton Street is classified as an arterial roadway. Times Drive and Executive Way are local roadways.

Comprehensive Plan

Illustration The Comprehensive Plan illustrates this property as commercial

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Preliminary Planned Unit Development (PUD)

Project Summary:

The petitioner is proposing a full redevelopment of 11.2 contiguous acres of vacant property at 1050 East Oakton Street, 1090-1100 Executive Way, and 1515 Times Drive. The proposal is for a residential-only development of 125 townhouses, tentatively branded as Halston Market. Seven townhouses would have two bedrooms, and 118 would have three bedrooms. The units would be horizontally connected to each other and spread across 23 separate buildings. Each building would be three stories with each unit having a ground-floor, two-car, rear-loaded garage (i.e. facing inward, not toward public streets or private drives). Walkways would connect unit front doors to public and private sidewalks.

Each building will also have balconies and include landscaped grass front yards. However, the amount of private open space per unit is minimal, as the concept is built around shared open space. Centrally located on the site would be a landscaped common plaza area of 14,000 square feet with benches, plantings, walkways, and open green space.

There is also a 10,605-square-foot common area oriented north-south between the buildings in the southwest portion. In the southeast portion, a stormwater detention area ("dry" basin, not a pond) of approximately 69,050-square feet (1.6 acres) is shown, with 21 adjacent surface parking spaces intended for visitors. Fifteen additional spaces intended for visitors are interspersed through the development for a total of 286, which would meet the parking minimum of Section 12-9-7.

The Building Design Review requirement under Section 12-3-11 would apply. In general, the applicant is proposing that for the elevations that would face public streets, the primary material is face brick on all three stories with projections of complementary vinyl. Elevations that would not face public streets contain face brick only on the ground floor, and where garage doors are shown, the brick is interrupted.

Considering the large scale of the redevelopment, the proposal is somewhat restrained in tree removal. According to the petitioner, healthy trees in the existing row at the north lot line will be preserved and augmented where necessary. Together, these plantings along with existing and proposed fencing should serve as effective screening and separation between the development and the single-family residential neighborhood to the north and the commercial development to the east. New plantings throughout the development appear to provide both functional and aesthetic benefits.

At this time, the petitioner is requesting the following bulk exceptions under Section 12-3-5 from the regulations for the proposed R-3 district:

Minimum lot area: Seventy-nine units are proposed with a lot area of 923 square feet, and 46 units are proposed at 1,038 square feet. The proposed lot area for each unit includes only the livable space inside the building and a small landscaped front yard. All other area in the development (e.g. open space,

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driveways, stormwater detention) is allocated not to dwelling units but instead to the development overall. The minimum lot area per dwelling unit is 2,800 square feet.

Minimum rear yard (north): A setback of 20.63 feet is proposed where the minimum rear yard setback is 25 feet.

Regarding streets and access, the petitioner proposes that the north-south portion of Executive Way – where it connects to Oakton and borders the post office – would remain a public street. However, at the curve it would become a private drive, which requires a public street vacation of approximately 21,000 square feet. Similarly, a portion of Times Drive (approximately 7,700 square feet) would also be vacated and become private. This does not align with the submitted Tentative Plat of Subdivision.

The traffic statement discusses the parking and trip generation for the proposed townhouse development in more detail. The Illinois Department of Transportation (IDOT), citing existing signalized intersections at Lee Street and Webster Lane (1,600 feet apart), does not support the creation of an additional signalized intersection at Oakton. For pedestrians this will require using the north side of Oakton before reaching a marked crossing, approximately 700-800 feet in each direction (three-to-five-minute walk for an able-bodied person).

Map Amendment & Conditional Use

Request Summary:

The petitioner has requested a map amendment to rezone the subject property from C-3 General Commercial to R-3 Townhouse Residential. Although the site is illustrated as commercial in the 2019 Comprehensive Plan, the 2009 Oakton-Elmhurst Plan sets forth a vision with residential occupying much of the site – albeit with some commercial fronting Oakton Street. Nonetheless, R-3 is present about 1,000 feet to the west and does directly border Oakton Street (Fairmont Place development).

In general, residential is necessary proximate to commercial areas to support their vitality, and while this project would front Oakton Street, it would not front Lee Street, which would preserve commercial use at the main intersection of the Oakton-Lee area. The creation of the Oakton-Lee TIF district, as well as the City's vision to establish a Metra commuter train station at Oakton and the North Central Service line, calls for adding residential units in the vicinity and activating vacant sites through unsubsidized development to raise the assessed value of the TIF. Improving the vacant land with this proposal would accomplish those goals

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Other than the listed exceptions under Preliminary Planned Unit Development, the proposed development would meet all other R-3 bulk regulations as excerpted in the table to follow:

Bulk Regulations for R-3 Townhouse Residential

Yard	Required	Proposed
Front Yard (South)	Min.: 25 Feet	25 Feet
<i>Rear Yard (North)*</i>	<i>Min.: 25 Feet, if Building Height < 35 feet</i>	<i>About 21 Feet</i>
Side Yard (East)	Min: 5 Feet	22 Feet
Corner Side Yard (West)	Min: 10 Feet	21 feet
Building Height	Max: 45 Feet	Three stories (About 35 feet)

****An exception would be required to the minimum required rear yard.***
A conditional use is required in R-3 by virtue of the proposed PUD.

Tentative Plat of Subdivision

Request Summary:

The petitioner is requesting a Tentative Plat of Subdivision to resubdivide the subject property. Under Section 13-3-1 the Subdivision Regulations require improvement of adjacent rights-of-way, which means, for example, that Executive Way next to the Post Office will receive new curb, gutter, and resurfacing. Further, under Section 13-4 the Subdivision Regulations require park land dedication and/or fee-in-lieu, although proposed private open space could provide a partial offset.

The existing property contains eight lots, which would be divided into lots for each individual townhouse unit (125), plus six lots for common areas, private drives, and the stormwater detention area for a total of 131. The new subdivision will encompass the entire 11.2-acres as shown in Attachment 6. The petitioner’s Tentative Plat shows that the size of each townhouse parcel will vary from 923 square feet in size for interior units to 1,038 square feet in size for end units. The Tentative Plat also shows the following existing easements: (i) a 13-foot Public Utility Easement and 20-foot building line on both sides of Executive Way throughout the development; (ii) a 13-foot Public Utility Easement and 20-foot building line on both sides of Times Drive throughout the development; (iii) a 20-foot building line along Oakton Street on the south side of the lot; (iv) a ten-foot electric and telephone easement and 24-foot ingress, egress, and driveway easement behind the commercial development on the south side of the lot; (v) a 23-foot public utility easement along the existing drive aisle east of the proposed detention area; (vi) a 15-

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foot public utility easement along the east property line of the development; and (vii) a five-foot public utility easement located along the north property line of the development.

The proposal includes vacating a portion of Executive Way and Times Drive with their respective easements, which is described in more detail below.

Vacation of Public Streets

Request Summary:

As described in the Project Summary on Pages 2-3, the applicant will seek vacations of public streets. It is unclear in the submission if the private drives will be gated at the point they intersect with public street segments (for example, at the Executive Way curve). Furthermore, regarding Times Drive, the commercial property at the northeast corner of Times and Oakton relies on Times for access, so it is recommended the City retain the southernmost approximately 110 linear feet, with the redevelopment agreement stating that townhouse owners will be responsible for maintenance of this segment. The City is in the process of appraising the right-of-way areas, and staff recommends that executing the agreement(s) and recording the corresponding plat is a condition for final approval.

Alignment with the 2019 Comprehensive Plan

Under Overarching Principles:

The principle to “Provide a Range of Housing Options” mentions “high-quality townhomes” in general and recommends, “For the Oakton Street Corridor, it is recommended that the City update ... zoning ... to permit townhomes, rowhomes, and mixed-used development.”

Under Land Use & Development:

The Future Land Use Plan illustrates the property as commercial. While the proposal does not align, it may be seen as a reasonable concept to support nearby commercial uses and the theme that the Oakton-Lee intersection should be anchored by commercial.

Under Housing:

There is a recommendation to “Ensure the City has several housing options to fit diverse needs.” Townhouses appeal to a wide range of potential households and provide a middle ground between the heavy supply (proportionally) of single-family detached homes and apartments/condominiums.

Alignment with the 2009 Oakton Street/Elmhurst Road Corridor Plan

- This proposal coincides with the vision to develop a portion of a large site with residential, although the plan calls for multifamily and the proposal is for single-family attached. However, because residential would occupy the entire site, it is likely the number of units envisioned in the general area is more or less aligned.
- However, the proposal does not include any commercial, and the plan called for both residential and commercial (mixed use). In the concept sketch, generally small, standalone

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commercial buildings akin to Vision Care, Dunkin Donuts, and Charcoal Delights are shown at the Oakton frontage.

Alignment with the 2019 Oakton Station Feasibility Study

- The study includes the subject site in the proposed station area because it is within a half-mile radius (10-minute walk). The study suggested that a new Metra station could attract transit-oriented development (TOD) in the form of multifamily, office, and retail. However, TOD tends to follow after the transit operator has formally committed to the station or after it is operational.
- While not as dense as the multifamily residential typically found next to Metra stations, this proposed townhouse residential development would add an estimated 300 residents to the area (based on the resident projections in the Subdivision Regulations). These new residents would grow the market of potential riders and bolster the City’s case for having a station.

PUD and Conditional Use Findings

As required, the proposed development is reviewed below in terms of the findings contained in 12-3-4 and 12-3-5 of the Zoning Ordinance:

A. The extent to which the Proposed Plan is or is not consistent with the stated purpose of the PUD regulations in Section 12-3.5-1 and is a stated Conditional Use in the subject zoning district:

Comment: A PUD is a listed conditional use in the R-3 zoning district. The proposed project meets the stated purpose of the PUD. Additionally, the redevelopment of the subject parcels will enhance the neighboring area, but also be cognizant of nearby land uses. Please also see the responses from the applicant.

B. The extent to which the proposed plan meets the prerequisites and standards of the planned unit development regulations:

Comment: The proposed development will be in keeping with the City’s prerequisites and standards regarding planned unit development regulations. Please also see the responses from the applicant.

C. The extent to which the proposed plan departs from the applicable zoning and subdivision regulations otherwise applicable to the subject property, including, but not limited to the density, dimension, area, bulk, and use and the reasons why such departures are or are not deemed to be in the public interest:

Comment: The proposed project is in-line with the intent of a PUD as there are exceptions being requested to accommodate the specific design of this mixed-use development, which allocates much of its land to common areas to appeal to households to whom it is marketed. Please also see the responses from the applicant.

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D. The extent to which the physical design of the proposed development does or does not make adequate provision for public services, provide adequate control of vehicular traffic, provide for, protect open space, and further the amenities of light and air, recreation and visual enjoyment:

Comment: All provisions for public services, adequate traffic control and the protection of open space are would be accommodated in the proposed development. Please also see the responses from the applicant.

E. The extent to which the relationship and compatibility of the proposed development is beneficial or adverse to adjacent properties and neighborhood:

Comment: The proposed development serves as a transition between single-family development to the north and corridor commercial development to the south and east. Additionally, considerations will be made to mitigate impact on the nearby residential uses from light and noise pollution. Please also see the responses from the applicant.

F. The extent to which the proposed plan is not desirable to physical development, tax base, and economic well-being of the entire community:

Comment: The proposed project will contribute to an improved physical appearance by removing a large, vacant, visually unappealing property. Such a significant improvement will contribute positively to the tax base – of the City overall and the Oakton-Lee TIF – and economic well-being of the community. Please also see the responses from the applicant.

G. The extent to which the proposed plan is in conformity with the recommendations of the 2019 Comprehensive Plan:

Comment: The proposed development meets general goals and objectives of the Comprehensive Plan. Please also see the responses from the applicant.

Map Amendment Findings

As required, the proposed development is reviewed below in terms of the findings contained in 12-3-7 of the Zoning Ordinance:

A. Whether the proposed amendment is consistent with the goals, objectives, and policies of the comprehensive plan, as adopted and amended from time to time by the city council:

Comment: The proposed amendment is consistent with general guidance and vision, if not the property illustration future land use map. Please also see the responses from the applicant.

B. Whether the proposed amendment is compatible with current conditions and the overall character of existing development in the immediate vicinity of the subject property;

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Comment: Townhouse residential is already present on the north side of Oakton in the vicinity and would be complementary to and bolstering of desired commercial character nearby. Please also see the responses from the applicant.

C. Whether the proposed amendment is appropriate considering the adequacy of public facilities and services available to this subject property;

Comment: Public facilities and services must be made available to the subject property, even after public street vacations. Please also see the responses from the applicant.

D. Whether the proposed amendment will have an adverse effect on the value of properties throughout the jurisdiction; and

Comment: The amendment would likely lead to redevelopment and the elimination of a large, vacant property that is a drag on property value. To that end, it would be an enhancement of property value. Please also see the responses from the applicant.

E. Whether the proposed amendment reflects responsible standards for development and growth.

Comment: The proposed development complements existing development and is a good first step in achieving the revitalization desired through the Oakton-Lee TIF and Oakton train station feasibility study. Additionally, screening considerations, particularly at the north lot line, will be made to reduce any impact on the nearby residential uses from light and noise pollution. Please also see the responses from the applicant.

Recommendation:

Staff supports the Preliminary PUD; Conditional Use for PUD, Map Amendment from C-3 to R-3, and Tentative Plat of Subdivision subject to the following conditions:

1. The necessary redevelopment agreement and Plat of Vacation should be negotiated with and approved by the City prior to recording of any Final PUD Plat or Final Plat of Subdivision. All preliminary or tentative plats should be revised, if necessary, to reflect the agreed-upon vacations.
2. The governing documents for the subject parcels will be reviewed and approved by the City Attorney prior to the recording of any Final PUD Plat or Final Plat of Subdivision.
3. All proposed improvements and modifications shall be in full compliance with all applicable codes and ordinances. Drawings may have to be modified to comply with current codes and ordinances.

Planning and Zoning Board Procedure:

The Planning and Zoning Board may vote to *recommend* approval, approval with modifications, or disapproval. The City Council has final authority over the Preliminary Planned Unit Development, the Conditional Use, the Map Amendment, the Tentative Plat of Subdivision, and the Vacation of Public Streets requests for 1050 East Oakton Street.

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A motion was made by Board Member Hofherr, seconded by Board Member Catalano, to approve the Preliminary Planned Unit Development, the Conditional Use, the Map Amendment, the Tentative Plat of Subdivision, and the Vacation of Public Streets requests for 1050 East Oakton Street, with the following conditions: (i) The necessary redevelopment agreement and Plat of Vacation should be negotiated with and approved by the City prior to recording of any Final PUD Plat or Final Plat of Subdivision. All preliminary or tentative plats should be revised, if necessary, to reflect the agreed-upon vacations (ii) The governing documents for the subject parcels will be reviewed and approved by the City Attorney prior to the recording of any Final PUD Plat or Final Plat of Subdivision and (iii) All proposed improvements and modifications shall be in full compliance with all applicable codes and ordinances. Drawings may have to be modified to comply with current codes and ordinances.

AYES: Hofherr, Catalano, Fowler, Saletnik
NAYES: None
ABSTAIN: None

*****MOTION CARRIES UNANIMOUSLY *****

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ADJOURNMENT

The next scheduled Planning & Zoning Board meeting is Tuesday, July 13, 2021.

Acting Chairman Saletnik adjourned the meeting by voice vote at 8:36 p.m.

Sincerely,

Wendy Bednarz, Recording Secretary

cc: City Officials, Aldermen, Zoning Board of Appeals, Petitioners