

Case 21-043-V  
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Case 21-038-TA

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## **DES PLAINES PLANNING AND ZONING BOARD MEETING**

**October 26, 2021**

### **MINUTES**

The Des Plaines Planning and Zoning Board held its regularly scheduled meeting on Tuesday, October 26, 2021, at 7:00 p.m. in Room 102 of the Des Plaines Civic Center.

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

PRESENT: Catalano, Hofherr, Saletnik, Szabo, Veremis

ABSENT: Fowler, Weaver

ALSO PRESENT: John T. Carlisle, AICP, Director/Community & Economic Development  
Jonathan Stytz, Planner/Community & Economic Development  
Nancy Peterson/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 Veremis, to approve the minutes of September 28, 2021, as presented.**

AYES: Hofherr, Veremis, Catalano, Szabo, Saletnik

NAYES: None

ABSTAIN: None

**\*\*\*MOTION CARRIED\*\*\***

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**OLD BUSINESS**

None

**NEW BUSINESS**

**1. Address:** 543 S. Fifth Avenue

**Case Number:** 21-043-V  
**Public Hearing**

The petitioner is requesting a Standard Variation from Section 12-7-2(J) of the Des Plaines Zoning Ordinance, as amended, to install a front porch addition that will extend more than 5 feet and 50 square feet into the required front yard and be setback less than 25 feet from the front property line, and the approval of any other such variations, waivers, and zoning relief as may be necessary.

**PIN:** 09-18-404-004-0000  
**Petitioner:** Anna Szybowska, 543 S. Fifth Avenue, Des Plaines, IL 60016  
**Owner:** Anna Szybowska, 543 S. Fifth Avenue, Des Plaines, IL 60016

Chairman Szabo swore in Anna Szybowska, Petitioner for the property located at 543 S. Fifth Avenue, Des Plaines. Ms. Szybowska stated that her house was laid out before there were zoning laws. She wants to replace the stairs and landing.

Chairman Szabo asked if the Board had any questions.

Member Hofherr asked why there were two sets of stairs and that the grass area will be limited in front. The Petitioner stated that the front stairs would be used by delivery and signal the front entrance of the house and the side stairs would be used for her family and guests; the grass area meets the code requirements.

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

**Issue:** The petitioner is requesting a Standard Variation to install a front porch addition that will extend more than 5 feet and 50 square feet into the required front yard and be set back less than 25 feet from the front property line, as required by Sections 12-7-1 and 12-7-2 of the Zoning Ordinance.

**Address:** 543 S. Fifth Avenue  
**Owner:** Anna Szybowska, 543 Fifth Avenue, Des Plaines, IL 60016  
**Petitioner:** Anna Szybowska, 543 Fifth Avenue, Des Plaines, IL 60016

**Case Number:** 21-043-V  
**PIN:** 09-18-404-004-0000

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**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  
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:** Fifth Avenue is classified as a local street.

**Comprehensive Plan:** The Comprehensive Plan illustrates the site as single-family residential.

**Project Description:** The petitioner, Anna Szybowska, is requesting a Standard Variation to install a front-porch addition on a single-family detached house on the east side of South Fifth Avenue. The existing house is a nonconforming structure that does not meet the minimum 25-foot front yard setback for principal structures in the R-1 zoning district. The lot is also nonconforming at 6,191 square feet in area and 46.55 feet wide. The home is currently about 7 feet from the front (west) lot line, with an existing enclosed front room encroaching about 105 square feet. Unlike most single-family properties, the front lot line is not near the sidewalk or curb but instead quite far back from the curb (there is no sidewalk on the east side of the street in this block of Fifth Avenue). The Existing Condition Photo (Attachment 6) shows the current access to the residence.

The petitioner is requesting to build a new front porch with a set of stairs and landing on the north and west sides of the porch as well as a front sidewalk leading from the porch to the curb as illustrated on the Site Plan (Attachment 4). The open porch and landing will project 3.5 feet from the existing building front building wall. By building closer to the front lot line, the nonconformity is extended, which is not allowed by Section 12-5-6 of the Zoning Ordinance because it increases the degree of the nonconformity. Further, Section 12.7.1 limits the amount a front porch may extend into the required front yard: 5 feet and 50 square feet. As proposed, the porch would be 21.25 feet into the required yard. However, a variation that reduces the required front yard from 25 feet to

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3.75 feet would solve both issues and permit the project. Reducing a required yard by more than 30 percent falls within the purview of the PZB and a standard variation per Section 12-3-6. Aside from the addition of open porch, stairs, landing, and new front sidewalk, the proposal does not include any other changes to the existing single-family residence (i.e., height, size, location, exterior building materials, etc.).

### **Alignment with the Comprehensive Plan**

The proposed project, including the proposed site improvements, addresses various goals and objectives of the 2019 Comprehensive Plan including the following aspects:

- **Future Land Use Plan:**
  - The property is marked for single-family residential land use. The Future Land Use Plan strives to create a well-balanced development area with a healthy mixture of residential uses. The petitioner strives to make functional and aesthetic improvements to the existing property in an effort to utilize existing space in the building while still maintaining the character of the single-family residence.
  - The request provides functional and appearance altering improvements to the front of the existing residence to similar to surrounding residential properties along Fifth Avenue to provide safer access to the front of the residence.

While the aforementioned aspects represent a small portion of the goals and strategies of the Comprehensive Plan, there is a large emphasis on encouraging reinvestment in residential properties in order to enhance the residential corridors throughout Des Plaines and to increase the quality of life for residents.

**Variation Findings:** Variation requests are subject to the standards set forth in Section 12-3-6(H) of the Zoning Ordinance. Staff has the following comments based on the standards.

- 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:* The physical constraints of the property's current configuration, including the location of buildings, prevent the petitioner from realistically complying with the Zoning Ordinance. The existing single-family residence was constructed less than 25 feet from the front property line. Requiring the petitioner to relocate the existing residence to allow for a compliant front porch could create a financial and physical hardship for the petitioner. Please see the responses to standards from the Petitioner.

- 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**

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**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:* The existing house being seven feet from the front lot line is unique. The existing residence location and configuration limit the optimal locations for a proposed porch, making it difficult for the petitioner to comply with all applicable zoning regulations. Please see the responses to standards from the Petitioner.

- 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 size and shape of the property have not changed due to any action of the petitioner. The unique physical constraints of the property are unavoidable due to the fact that the property is land-locked. Please see the responses to standards from the Petitioner.

- 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 of the strict letter of the Zoning Ordinance would not allow the petitioner to adequately and intuitively provide adequate access to the residence. In addition, surrounding residences are also located closer to the front property line and many have front porches not in compliance with this regulation. Please see the responses to standards from the Petitioner.

- 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 approval of this variation would not provide the petitioner with any special privilege or additional right, as these exact circumstances occurring on a different property would warrant similar consideration. The proposal would allow the petitioner to make improvements to an existing property by improving the existing access of the residence with a new porch area and walkway. Please see the responses to standards from the Petitioner.

- 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 approval of this variation would contribute to a harmonious neighborhood by accommodating a proposed investment in a single-family residence that upon completion will be in context with the surrounding area. Reinvestment in and retention of the illustrated single-family neighborhoods is supported by the Comprehensive Plan. Please see the responses to standards from the Petitioner.

- 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:* It would be impractical for the applicant to design the open porch and landing in a way that maintained the 25-foot minimum front yard. The location of the existing residence is nonconforming with the current front yard, so reducing the front yard to allow for the proposed project is the most reasonable way to encourage and support the planned reinvestment in the property. Please see the responses to standards from the Petitioner.

- 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 approval of this variation would be the minimum measure of relief for the petitioner to overcome the existing physical hardship on the property and make improvements to the existing residence. Please see the responses to standards from the Petitioner.

**PZB Procedure and Recommended Conditions:** Under Section 12-3-6(F) of the Zoning Ordinance (Standard Variations), the PZB has the authority to approve, approve subject to conditions, or deny the request: A variation allowing a 3.5-foot front yard setback from front (west) lot line to accommodate the proposed open porch and landing for an existing single-family residence at 543 S. Fifth Avenue. The decision should be 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 in the Zoning Ordinance.

If the PZB supports approving the request, staff recommends the following conditions.

1. No easements are affected or drainage concerns are created with the construction of the new porch and walkway.
2. All debris shall be removed from the property.
3. That all appropriate building permit documents and fire-rated separation details are submitted as necessary depending on the use classification of the proposed space. All permit documents shall be sealed and signed by a design professional licensed in the State of Illinois and must comply with all City of Des Plaines building codes.

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Acting Chairman Saletnik asked if there were any questions or comments from the audience.

Ms. Laura Rinard, 564 S. Fifth Avenue, asked if sidewalks would ever be placed on this street. Director Carlisle stated that the City has a five year Capital Improvement Plan, but he is not sure if sidewalks for this street are included at this point.

**A motion was made by Board Member Catalano, seconded by Board Member Saletnik, to approve a Standard Variation from Section 12-7-2(J) of the Des Plaines Zoning Ordinance, as amended, to install a front porch addition that will extend more than 5 feet and 50 square feet into the required front yard and be setback less than 25 feet from the front property line, and the approval of any other such variations, waivers, and zoning relief as may be necessary at 543 S. Fifth Avenue, with the conditions stated in the staff report.**

AYES: Catalano, Saletnik, Hofherr, Veremis, Szabo

NAYES: None

ABSTAIN: None

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

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**2. Address:** 580 S. Wolf Road

**Case Number:** 21-0444-CU-V  
**Public Hearing**

The petitioner is requesting the following items: (i) a Conditional Use from Section 12-7-3(K) of the Des Plaines Zoning Ordinance, as amended, to allow a livery service in the M-2 zoning district; (ii) Major Variations from Section 12-10-8(A) to provide relief from the interior parking lot landscaping requirements; (iii) a Major Variation from Section 12-10-8(B) to provide relief from the perimeter parking lot landscaping requirements; (iv) a Major Variation from Section 12-10-10 to provide relief from the foundation landscaping requirements; (v) a Major Variation from Section 12-10-9 to provide relief from the landscape buffer requirements; and (vi) the approval of any other such variations, waivers, and zoning relief as may be necessary.

**PIN:** 09-18-400-006-0000  
**Petitioner:** Transport Properties, LLC, 980 N. Michigan Avenue, Suite 1280,  
Chicago, IL 60611  
**Owner:** Chicago Title Land Trust Company, 1701 Golf Road, Suite 1-102,  
Rolling Meadows, IL 60008

Chairman Szabo swore in David Meek, Becker & Gurian, Attorney for the Petitioner; Chris Iddings, First Student; Tim McCahill, Transport Properties, LLC; Katherine Talty, Talty Landscape Architects; Luay Aboona, KLOA; Randi Willie, Lafarge Fox River Decorative Stone; and Yulyia Kravesov, Meyer Material.

Mr. Meek provided an overview of the Petitioner's request. The owner, Transport Properties, LLC, has secured a tenant for the property, First Student. Petitioner wishes to remove all structures on site with the exception of the existing main building for office space and fill the remainder of the lot with buses.

Mr. Iddings provided an overview of First Student operations, which operates school buses for various School Districts. Approximately 150 school buses will be on site and 15-20 buses leave in a 15 minute window during their peak hours with minimal idling.

Chairman Szabo asked if the Board had any questions.

Member Veremis asked if First Student took into account the train traffic in the area. Mr. Meek stated that they did consider the trains and that there are six trains per day on Wolf.

Chairman Szabo asked if the buses were diesel; what do they do in extreme cold weather. Mr. Iddings stated that the buses are started throughout the night in cold weather; due to Covid, schools call days off earlier and students are able to work from home.

Ms. Talty reviewed the landscaping plans for the site.

Mr. Meek reviewed the traffic study and traffic impacts. Buses are located 200 feet from the nearest homes and the majority of homes are significantly more.



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Member Saletnik stated that the traffic study is the most important item in this request; trains can have 100 cars; tracks can be blocked for 10 minutes or more. Mr. Aboona stated that Wolf Road peaks from 7:30AM-8:30AM and the buses are driven during off-peak hours.

Member Saletnik stated that this will have a major traffic impact in the area; he questions the traffic report and believes that 890 trucks entering and departing the concrete plant number is a gross exaggeration; he's concerned about school bell times; these are key points in whether the Conditional Use should be approved.

Member Catalano asked for verification on the Capacity Analysis Results. Mr. Aboona explained the peak hour traffic and their direction.

Chairman Szabo asked if there were any questions or comments from the audience.

Ms. Cheryl Pratt, 681 Kenilworth, Des Plaines, stated that she is a 29 year resident; there's graffiti everywhere on the site currently; this area is not safe for kids; there will be a noise problem. Mr. Meek stated that the Conditional Use will clean up the property and the area will be fenced to control noise.

Ms. Linda Garner, 661 Kenilworth, Des Plaines, stated that the Petitioner is not following the landscaping rules; back-up noise from buses is unbearable; diesel fumes are not safe; this will affect their property values; concerned about the hours of operation. Ms. Talty reviewed the heights of trees, which are fast growing and will reach heights of 50 feet to block noise and views of the property. Mr. McCahill stated that as the owner, they are going above and beyond to make the neighbors happy.

Member Saletnik again reiterated his doubts regarding the Traffic Study; bell times should be provided to the City Council before they approve; he again questions the Study's statement that the concrete plant had 600 daily concrete mixer trucks (300 in and 300 out).

Mr. Randi Willie, 1300 S. IL Route 31, Elgin, stated that he formally worked for Meyer Material; the traffic count probably included more than trucks and included cars of employees.

Ms. Kravesov applauds Transport Properties, LLC use of the property and what they are trying to do; this is a good option for the community; they have looked for a buyer for years.

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

**Issue:** The petitioner is requesting the following items: (i) a Conditional Use as required by Section 12-7-3(K) of the Zoning Ordinance to allow a livery service in the M-2 zoning district; (ii) Major Variations from Section 12-10-8(A) to provide relief from the interior parking lot landscaping requirements; (iii) a Major Variation from Section 12-10-8(B) to provide relief from the perimeter parking lot landscaping requirements; (iv) a Major Variation from Section 12-10-10 to provide relief from the foundation

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landscaping requirements; and (v) a Major Variation from Section 12-10-9 to provide relief from the landscape buffer requirements

**Address:** 580 S. Wolf Road  
**Petitioner:** Transport Properties, LLC, 980 N. Michigan Avenue, Suite 1280, Chicago, IL 60611  
**Owner:** Chicago Title Land Trust Company, as Trustee of the Chicago Land Trust Company Trust #53278

**Case Number:** 21-044-CU-V  
**Real Estate Index #:** 09-18-400-006-0000

**Ward:** #4, Alderman Artur Zadrozny

**Existing Zoning:** M-2, General Manufacturing District

**Existing Land Use:** Vacant; was last Meyer Material former concrete batch plant

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

**Surrounding Land Use:** North: ComEd (Utilities) / Industrial Building  
South: Single Family Residences (Residential)  
East: Industrial Building / Single Family Residences (Residential)  
West: Railroad; Single Family Residences (Residential)

**Street Classification:** Wolf Road is classified as a minor arterial.

**Comprehensive Plan:** The Comprehensive Plan illustrates this site as industrial.  
**Issue:** The petitioner is requesting variations (major and minor) from the Zoning Ordinance to allow a parking pad and to reduce the minimum side yard at 2071 Pine Street.

**Project Description:** \_\_\_ The petitioner, Transport Properties, LLC, has requested a Conditional Use for a Livery Service Use and several variations for landscaping and screening at 580 S. Wolf Road. The 8.5-acre subject property is situated

in between two separate railroads to its west and south, and is within the M-2 General Manufacturing district, where a Livery Service is a conditional use. The Plat of Survey (Attachment 4) shows a main building on the northeast side of the lot and multiple other structures throughout the remainder of the site, most notably a concrete production tower ("batch plant"). These are surrounded by paved, semi-paved, and gravel areas. Access to the subject property is available off Wolf Road only. At one time, there was a southern access road utilized off Thacker Street. However, this access point would be closed off and not be utilized for this use.

The petitioner wishes to remove all structures on site with the exception of the existing main building: a one-story warehouse building with the two-story attached office space located on the northeast corner of the site and fill the remainder of the lot with 16 passenger vehicle and 236 bus parking spaces as noted in the Site Plan Exhibit (Attachment 5). The petitioner wishes to utilize the existing 24,690-square-foot, one-story warehouse portion of the building for bus maintenance and storage, and use the two-story office portion (6,430-square foot first level and 2,433-square foot second level) of the building for all office activities. The proposal does not include changes to the exterior of the building, as the petitioner is interested in utilizing the existing doors, windows, building materials, and finishes as indicated in the Building Plans (Attachment 6). The petitioner's proposal also includes site improvements such as the addition of a new paved and striped parking area, landscaping along the perimeter of the parking lot area, new interior parking lot landscape beds, new turf areas, a 5,000-gallon fuel tank, and proposed screening with an eight-foot-tall fence around the entire site as shown on the Site Plan Exhibit (Attachment 5). Staff has added a condition that the dumpster shall be stored inside the building except during trash pickup days.

The proposed floor plan includes a 5,570-square-foot first-floor office area, 2,212-square-foot second floor office area, an 8,407-square-foot service bay area, and a 15,568-square-foot bus equipment and storage area, totaling 27,123 square feet. Note that the floor area calculation excludes bathrooms, mechanical rooms, hallways, stairwells, and storage areas up to ten percent of the entire combined floor area. The Livery Service use follows the off-street parking regulations for offices to accommodate employee, guest, and livery service related vehicle

parking. Pursuant to Section 12-9-7 of the Zoning Ordinance, one parking space is required for every 250 square feet of gross floor area. A total of 109 off-street parking spaces are required, including five handicap accessible parking spaces. The Site Plan Exhibit (Attachment 5) provides 16 personal vehicle spaces, including one handicap parking space, and 236 bus parking spaces totaling 252 total spaces. However, the site plan does not designate all five required accessible parking spaces. Staff has added a condition that the petitioner's site plan submitted at the time of building permitting contain all required accessible parking with the required striping and dimensions.

The initial tenant for the livery service, First Student, anticipates having approximately 150 school buses parked on the subject property with an additional 10-15 buses typically in service for maintenance or repair. Roughly 20-25 office, dispatch, and maintenance employees will be on the subject property during a.m. and p.m. shifts. For the a.m. shift, maintenance employees arrive starting at 5 a.m., and shift bus drivers will arrive starting at 6:15 a.m. for 6:30 a.m. departures. Bus service during the morning shift will be staggered starting at 6 a.m. and ending around 9:30 a.m. The shift cross-over is between 11 and 12 a.m. For the p.m. shift, bus service shift will be staggered starting at 1 p.m. with buses returning by 5:30 p.m. Afternoon shift workers will leave at 5:30 p.m. A majority of the bus operations will occur during the regular school year from mid-August through early June. However, roughly 20-25 buses will be utilized during the summer months for the summer school season. See the Project Narrative (Attachment 1) for more details.

The petitioner submitted a traffic study by KLOA, Inc. to assess the anticipated impact of the new livery service on the subject property and surrounding infrastructure. The traffic study concludes that the anticipated traffic volumes of this use would be primarily generated outside of peak hours of adjacent roadway traffic on Wolf road and would generate less overall traffic than the previous concrete batch plant did. There were no concerns that the existing access system is sufficient to handle the proposed livery service. However, it was noted that "additional evaluation" should occur regarding the at-grade railroad crossing on Wolf Road, just south of the entrance to the subject property (in other words, there is some concern about bus queueing and backup around the tracks). It was suggested that bus routing and/or departure time could be adjusted to limit the number of buses utilizing the railroad

crossing on Wolf Road—meaning that buses could be routed mostly to the north (left) when leaving the property and would return from the same direction, generally avoiding the tracks. Consider, however, that this would add to traffic that would likely come to the Golf-Wolf intersection approximately a half-mile to the north.

Whether buses are required to come to a complete stop each and every time they cross the tracks is a question the petitioner should be prepared to address. The PZB should evaluate during the public hearing and may consider an additional condition that a routing plan should be added to the submittal prior to consideration of the City Council.

Regarding sound impacts, consider the proposed user (First Student) will consist of many school vehicles that have an audible backing sound/beep. The petitioner writes in the Project Narrative that upon returning to the facility each night, vehicles would be backed in, causing the concentration of the sound to occur in mid-to-late afternoons instead of early in the morning. In addition, like all vehicles, there is sound from engine start-up. Transport Properties would discourage First Student from idling, except when required for vehicle maintenance. See Attachment 1 for more details.

#### **Major Variations**

**Project Description:** \_\_\_

The petitioner is also requesting several variations with the conditional use request regarding landscape requirements. The original request included a variation to reduce the required number of off-street parking spaces on the subject property from 31 to sixteen. However, as stated above and noted in the Livery Service definition in Section 12-13-3 of the Zoning Ordinance, the livery service use shall follow the parking regulation for offices to accommodate employee, guest, *and livery service related* vehicle parking. This allows the proposed bus parking spaces to be factored into the total off-street parking space calculation, negating the need for a variation. However, it is important to note that the Site Plan Exhibit (Attachment 5) will still need to be revised to provide the five required mobility impaired parking spaces pursuant to Section 12-9-8(A) of the Zoning Ordinance.

The petitioner has also requested several variations pertaining to landscape requirements as summarized in the table below. Due to the nature of the use, the requested variations for relief from interior parking

lot landscaping requirements—specifically quantity of trees and location of landscape areas—could be warranted based on design, as the request does intend to provide a substantial amount of landscaping throughout the site where there is currently none. Conversely, perimeter parking lot landscaping, landscape buffering, and foundation landscaping are paramount to bringing the existing property closer to conformance with the Zoning Ordinance and are arguably achievable given the layout of the subject property, the existing building, and the property’s close proximity to single-family development on three of its four sides. Discussion of the variation standards are addressed by the petitioner in the Responses to Standards (Attachment 2).

Request	Requirement	Proposal
Interior Parking Lot Landscaping – Quantity of Trees	161	125
Interior Parking Lot Landscaping – Location of Landscaped Areas	Located every 30 parking spaces and at the end of all parking rows.	Landscape area after 34 spaces and no areas at the end of two parking rows.
Perimeter Parking Lot Landscaping – # of Trees	7	4
Foundation Landscaping	Min. 3’ wide landscape bed covering 25% of building’s foundation	Existing Foundation Landscaping Without Additions
Landscape Buffers (i.e., screening)	8’ Solid wood, vinyl, or masonry fence along 100% of yard length	6’ solid wood fence along Wolf Road and 6’ chain link for rest of site.

**Conditional Use Findings:** Conditional Use requests are subject to the standards set forth in Section 12-3-4(E) of the Zoning Ordinance. The petitioner provided responses to standards, which the PZB should read and evaluate, deciding whether or not to adopt as findings. Holistically, staff views this potential use as one that is not free from neighbor impacts, particularly around traffic and sound. However, the impacts may be more preferable than a concrete-production user (e.g. smell, sound) or a large vacant site (e.g. fly dumping, property maintenance, eyesore/aesthetics, drag on property values). If approved, this project would return a vacant site to productive use. Stormwater management requirements would necessitate the installation of on-site detention (currently planned to be installed underground), which would improve drainage. The site is constrained from redevelopment with, for example, a modern industrial user

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because the overhead power lines limit building height (floor-to-ceiling), which is a crucial consideration in industrial site selection.

- 1. The proposed Conditional Use is in fact a Conditional Use established within the specific Zoning district involved:**

*Comment:* Please see the petitioner's responses to Standards for Conditional Uses.

- 2. The proposed Conditional Use is in accordance with the objectives of the City's Comprehensive Plan:**

*Comment:* Please see the petitioner's responses to Standards for Conditional Uses.

- 3. The proposed Conditional Use is designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity:**

*Comment:* Please see the petitioner's responses to Standards for Conditional Uses.

- 4. The proposed Conditional Use is not hazardous or disturbing to existing neighboring uses:**

*Comment:* Please see the petitioner's responses to Standards for Conditional Uses.

- 5. The proposed Conditional Use is to be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or, agencies responsible for establishing the Conditional Use shall provide adequately any such services:**

*Comment:* Please see the petitioner's responses to Standards for Conditional Uses.

- 6. The proposed Conditional Use does not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic well-being of the entire community:**

*Comment:* Please see the petitioner's responses to Standards for Conditional Uses.

- 7. The proposed Conditional Use does not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke fumes, glare or odors:**

*Comment:* Please see the petitioner's responses to Standards for Conditional Uses.

- 8. The proposed Conditional Use provides vehicular access to the property designed so that it does not create an interference with traffic on surrounding public thoroughfares:**

*Comment:* Please see the petitioner's responses to Standards for Conditional Uses.

- 9. The proposed Conditional Use does not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance:**

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Comment: Please see the petitioner's responses to Standards for Conditional Uses.

**10. The proposed Conditional Use complies with all additional regulations in the Zoning Ordinance specific to the Conditional Use requested:**

Comment: Please see the petitioner's responses to Standards for Conditional Uses.

**Variation Findings:** Variation requests are subject to the standards set forth in Section 12-3-6(H) of the Zoning Ordinance. The petitioner provided responses to standards, which the PZB should read and evaluate, deciding whether or not to adopt as findings.

- 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: Please see the responses to standards from the Petitioner.

- 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: Please see the responses to standards from the Petitioner.

- 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: Please see the responses to standards from the Petitioner.

- 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: Please see the responses to standards from the Petitioner.

- 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.**



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Comment: Please see the responses to standards from the Petitioner.

- 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: Please see the responses to standards from the Petitioner.

- 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: Please see the responses to standards from the Petitioner.

- 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: Please see the responses to standards from the Petitioner.

**PZB Procedure and Recommended Conditions:** Under Section 12-3-4(D) (Procedure for Review and Decision for Conditional Uses) and Section 12-3-6(G) (Standards for Review for Major Variations) of the Zoning Ordinance, the PZB has the authority to *recommend* that the City Council approve, approve subject to conditions, or deny the above-mentioned conditional use and variations for a Livery Service Use at 580 S. Wolf Road. City Council has final authority on the proposal.

Consideration of the request should be based on a review of the information presented by the applicant and the findings made above, as specified in Section 12-3-4(E) (Standards for Conditional Uses) and Section 12-3-6(H) (Standards for Variations) of the Zoning Ordinance. If the PZB recommends and City Council ultimately approves the request, staff recommends the following conditions.

**Conditions of Approval:**

1. That a public sidewalk is installed across the subject property's frontage along Wolf Road to the applicable specifications of the Des Plaines Municipal Code and additional governmental agency regulations as necessary.
2. The dumpster shall be stored inside the building except during trash pickup days. If a future trash enclosure is pursued, a building permit with plans for the dumpster enclosure in compliance with Section 12-10-11 of the Zoning Ordinance shall be submitted to staff.
3. The Site Plan shall be revised to contain all required accessible parking spaces with the required striping and dimensions and resubmitted at the time of building permitting.
4. A Photometric Plan in compliance with Section 12-12-10 of the Zoning Ordinance shall be submitted to staff at time of building permit.

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5. The use shall be monitored regularly for compliance with the Environmental Performance Standards in Chapter 12 of the Zoning Ordinance, particularly regarding sound/noise. Sufficient documentation regarding the proposed fuel tank shall be submitted with the application for a building permit to suffice for a Fire and life safety approval, pursuant to Sections 12-12-3 and 12-12-4.

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

**A motion was made by Board Member Hofherr, seconded by Board Member Catalano, to recommend approval of 580 S. Wolf Road requesting a Conditional Use from Section 12-7-3(K) of the Des Plaines Zoning Ordinance, as amended, to allow a livery service in the M-2 zoning district. Member Catalano added the following two conditions, each of which is stated in the conclusions of the traffic report submitted by the applicant. These were added to the five conditions recommended by staff:**

6. Evaluate the travel paths of the school buses to determine if there are any opportunities to reroute them and minimize the number of buses that will travel to/from the south on Wolf Road and cross the railroad tracks; and
7. Monitor the operations of the facility annually after opening. This would include keeping track of bus departure times and routes of travel throughout the morning period. This should be utilized to determine if any adjustment to the routing and times of departure will be necessary.

AYES: Hofherr, Catalano, Veremis, Saletnik

NAYES: Saletnik

ABSTAIN: None

**\*\*\*MOTION CARRIED \*\*\***

**A motion was made by Board Member Hofherr, seconded by Board Member Catalano, to recommend approval of 580 S. Wolf Road requesting the following items: Major Variations from Section 12-10-8(A) to provide relief from the interior parking lot landscaping requirements; a Major Variation from Section 12-10-8(B) to provide relief from the perimeter parking lot landscaping requirements; a Major Variation from Section 12-10-9 to provide relief from the landscape buffer requirements; and a Major Variation from Section 12-10-10 to provide relief from the foundation landscaping requirements.**

AYES: Hofherr, Catalano, Veremis, Saletnik

NAYES: Saletnik

ABSTAIN: None

**\*\*\*MOTION CARRIED \*\*\***

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Chairman Szabo called for a 5-minute recess at 9:25 p.m. The Board reconvened at 9:31 p.m.

**3. Address:** Citywide Text Amendment

**Case Number:** 21-038-TX  
**Public Hearing** (Continued from September 14, 2021)

The City of Des Plaines requests consideration of text amendments to the Des Plaines Zoning Ordinance to add limitations to the eligibility for collective parking under Section 12-9-3 and any other amendments as may be necessary.

**PIN:** Citywide  
**Petitioner:** City of Des Plaines, 1420 Miner Street, Des Plaines, IL 60016  
**Owner:** City of Des Plaines, 1420 Miner Street, Des Plaines, IL 60016

Director Carlisle summarized the Board's feedback on the initial proposal, provided and presented additional research. Revised amendments were presented.

Acting Chairman Saletnik asked if the Board had any questions.

The Board discussed briefly and agreed with the feedback.

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

**A motion was made by Board Member Saletnik, seconded by Board Member Catalano, for approval of text amendments to the Des Plaines Zoning Ordinance to add limitations to the eligibility for collective parking under Section 12-9-3 and any other amendments as may be necessary.**

AYES: Saletnik, Catalano, Szabo, Veremis, Saletnik

NAYES: None

ABSTAIN: None

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

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**ADJOURNMENT**

The next scheduled Planning & Zoning Board meeting is Tuesday, November 9, 2021.

Chairman Szabo adjourned the meeting by voice vote at 9:38 p.m.

Sincerely,

Nancy Peterson, Recording Secretary

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