



## Planning and Zoning Board Agenda

July 26, 2022

Room 102 – 7:00 P.M.

### **Call to Order – Emergency Declaration by Vice Chair**

Pursuant to the emergency procedures of the Open Meetings Act, the Vice Chair declares that a “bona fide” emergency exists because of a recent COVID-19 diagnosis of one of the Public Body members necessary to establish a quorum. As a result, this meeting is being conducted in person and remotely. The meeting venue will accommodate remote participation such that all discussion and votes may be heard by both in-person and remote participants. All votes this evening will be taken by roll call. The City has made all reasonable efforts to publicize this declaration.

### **Roll Call**

### **Election of Chair Pro-Tem**

**Approval of Minutes:** June 14, 2022 and June 28, 2022

**Public Comment:** For matters that are not on the agenda

### **Pending Applications:**

**1. Address:** 1628 Rand Road

**Case Number:** 22-024-TA-CU-V

The petitioner requests the following items: (i) zoning text amendments to allow the outdoor display of finished products in the C-3 General Commercial district where such outdoor displays are not currently allowed; (ii) an amendment to the existing Conditional Use permit for a trade contractor use at 1628 Rand Road to allow outdoor display products on the subject property; (iii) a Major Variation from to allow a total wall sign area for a single building of 236 square feet, where the maximum sign area is 125 square feet; (iv) a Major Variation to allow an electronic message board (EMB) sign located approximately 189.5 feet away from a residence in the R-1 district, where a minimum 250 feet-foot-setback is required; and (v) a Major Variation to allow an EMB sign to cover 100 percent of the total pole sign area, where a maximum 50 percent of a pole sign is permitted to be an EMB.

**PIN:** 09-16-104-022-0000

**Petitioner:** Granite Place & Quartz, LLC and Cabinet Land Kitchen & Bath Corporation, 2020 Berry Lane, Des Plaines, IL 60018

**Owner:** Art Investment, LLC, 2020 Berry Lane, Des Plaines, IL 60018

**New Business/Discussion:** Zoning Ordinance Section 12-3-1.B: Successive Applications

**Next Agenda:** August 23, 2022; *August 9, 2022 will be canceled*

City of Des Plaines, in compliance with the Americans With Disabilities Act, requests that persons with disabilities, who require certain accommodations to allow them to observe and/or participate in the meeting(s) or have questions about the accessibility of the meeting(s) or facilities, contact the ADA Coordinator at 847-391-5486 to allow the City to make reasonable accommodations for these persons. The public hearing may be continued to a further date, time and place without publication of a further published notice such as this notice.

Case 22-014-V	1285 E. Golf	Major Variation
Case 22-018-CU	676 N. Wolf Road	Conditional Use
Case 21-052-MAP-TSUB-V	622 Graceland Avenue, 1332 and 1368 Webford Ave	
Map Amendment/Tentative Plat/Variation		
Case 22-020-CU	550 Northwest Highway	Conditional Use
Case 22-022-TA		Text Amendments



**DES PLAINES PLANNING AND ZONING BOARD MEETING**

**June 14, 2022**

**DRAFT MINUTES**

The Des Plaines Planning and Zoning Board held its regularly scheduled meeting on Tuesday, June 14, 2022, at 7:00 p.m. in Room 102 of the Des Plaines Civic Center.

Chairman Szabo called the meeting to order at 7:01 p.m. and read the evening's cases. Roll call was established.

PRESENT: Szabo, Veremis, Saletnik, Hofherr, Fowler, Weaver

ABSENT: Catalano

ALSO PRESENT: John Carlisle, AICP, Director of Community & Economic Development  
 Jonathan Stytz, AICP, Senior Planner  
 Legal Counsel Stewart Weiss  
 Vanessa Wells/Recording Secretary

A quorum was present.

**APPROVAL OF MINUTES**

**A motion was made by Board Member Hofherr, seconded by Board Member Weaver, to approve the minutes of May 24, 2022, as presented.**

AYES: Szabo, Veremis, Saletnik, Hofherr, Fowler, Weaver

NAYES: None

ABSTAIN: None

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

**PUBLIC COMMENT ON NON-AGENDA ITEM**

Per the Board's adopted Rules of Procedure, this period may also be used to allow public comment for an item on the agenda if a comment period will not be available for that agenda item.

Case 22-014-V	1285 E. Golf	Major Variation
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Chairman Szabo stated that 30 minutes will be dedicated for the public to speak on the 622 Graceland Avenue petition. The comments for this case will be heard first with no public comment heard during the case.

Chairman Szabo invited anyone would like to comment or add something new from the last meeting on Case 21-052-MAP-TSUB-V.

Legal Counsel Weiss stated that testimony has been concluded; this time is for public comments that will be limited to 3 minutes each.

Janet Bar, a resident of Webford, expressed her concern that the project is a large piece of concrete with no greenspace. Along with the other recent development, the area feels congested like an alleyway.

Chris Walsh, 564 Webford, suggested that the City buy the property until a better option is available. This development does not fit the area.

Caryssa Buchholz, 797 Laurel Avenue, is not against development, but believes that the Des Plaines Zoning Ordinance lacks guidance for developers. This type of project should only be in C-5 districts, as outlined in the Comprehensive Plan, until the ordinance is more specific for what can be built in the downtown area.

David Gates, Jr., Crystal Lake, Artwork Preservationist, found U.S. Post Office documents of the guidelines for preserving the artwork.

Kevin Lucas, 943 Woodlawn, supports the project. This project is smaller than the project across the street on Ellinwood Avenue, it will produce tax revenue and offer a better view.

Evan Vogel, supports high-density housing and the added improvements.

Public Comment was closed at 7:18 p.m.

**Pending Applications**

**1. Address:** 1285 E. Golf Road

**Case Number:** 22-014-V

The petitioner is requesting a major variation to allow a pole sign on a property with a lot width that does not meet the minimum lot width requirements for a pole sign, and any other variations, waivers, and zoning relief as may be necessary.

**PINs:** 09-17-200-047-0000

**Petitioner:** Lou Masco, Liberty Flag & Banner, 2747 York Street, Blue Island, IL 60406

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**Owner:** Jack F. Merchant, 1285 E. Golf Road, Des Plaines, IL 60016

The petitioner, Lou Masco of Liberty Flag and Banner on behalf of Auto Krafters, is requesting a major variation to allow for a pole sign at 1285 E. Golf Road on a lot with a lot frontage of 50 feet where a minimum lot frontage of 75 feet is required. This property contains a one-story, 5,332-square-foot building setback roughly 100 feet from Golf Road with a surface parking lot and two accessory structures in the rear yard measuring 2,919 square feet and 539 square feet as shown in the attached Plat of Survey. The L-shaped subject property is located along Golf Road and is positioned behind an existing Nicor Gas service location also located at 1285 E. Golf Road under PIN 09-17-200-046-0000. The property is accessed from Golf road next to the Nicor Gas service station where the property width measures 50 feet. There is an existing wood pole sign that appears to be installed within the public right-of-way along Golf Road as shown in the attached Existing Conditions. Given the existing building's large setback from Golf Road and the existing development on the adjoining parcel at PIN 09-17-200-046-0000, the existing pole sign serves as the only source of identification along Golf Road for the building and its tenants.

The petitioner is requesting the replacement of the existing pole sign, as the pole sign is in disrepair and does not sufficiently identify the businesses in the building for motorists traveling along Golf Road. Please see the Project Narrative for additional information. The petitioner proposes to replace the existing pole sign with a 7.25-foot-tall by 8-foot-wide enclosed pole sign structure with an overall height of 16.25 feet, including a 3-foot-tall by 8-foot-wide electronic message board (EMB) component as shown in the attached Sign Plan. The Zoning Ordinance allows for pole and monument signs to include one EMB sign component so long as this component does not exceed 50 percent of the total sign. As the EMB component yields 24 square feet and the total proposed sign area is 58 square feet, this code requirement is met. The petitioner is also proposing to install a 3-foot-wide landscape bed around the base of the new pole sign as required by the zoning ordinance as illustrated in the attached Landscape Plan.

However, pursuant to Section 12-11-6(B) of the Zoning Ordinance, a maximum of one pole sign is permitted for lots having more than 75 feet of street frontage on a single street or highway. The petitioner's request to construct a pole sign located along a street frontage of less than 75 feet constitute the need for a major variation.

**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. The PZB may use staff comments, the petitioner's response, or state their own comments as rationale for its decision, but if recommending approval, the Board should make statements in the affirmative for how the request would meet 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:* Carrying out the strict letter of this title would create a particular hardship for the petitioner given that there is limited visibility of the subject property from Golf Road. The removal of the existing pole sign without a new sign could further limit the identification of the building along Golf Road. The subject building is considerably set back from Golf Road and the petitioner

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is requesting a new pole sign to increase visibility of the business within the building and the property as a whole.

- 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:* The subject property's location behind one other lawfully established lot with a narrow driveway entrance creates a unique physical condition when viewing the property from Golf Road. The property located directly between the subject property and Golf Road is developed with a structure and enclosure, which restricts the view of the subject property from Golf Road. The subject lot is also uniquely shaped with the narrow driveway entrance, which not only limits motorist and pedestrian views of the property but also limits space for signage. Thus, the allowance of the variation would assist in reducing the physical constraints of the subject property and provide much needed visibility, especially for the deliveries associated with this property.

- 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 hardship was not created by the petitioner or building owner and cannot be corrected without the approval of the requested variation.

- 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:* The property owner may be denied the right to replace or improve an existing pole sign without the approval of the requested variation. Given the abnormal shape of the property, the limited space for signage in accordance with all regulations, and limited visibility of the property, the petitioner would be unable to effectively advertise businesses operating out the building. The lack of a sign in this location could make it difficult to locate the property in a safe and reasonable manner.

- 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 granting of this variation would not provide the property owner with any special privilege or right and is not sought to provide the property owner with economic gain as many of

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the surrounding commercial buildings do not have visual obstructions or unique physical conditions comparable to the subject building.

- 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 proposed wall signage would be in harmony with the general purposes of this title and would be compatible with the general purpose and intent of the comprehensive plan. The replacement of the existing pole sign would improve to the entrance of the property from aesthetic and functional standpoint.

- 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:* The granting of the variation is the only remedy to the existing street frontage length of the existing pole sign without creating additional hardship for 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 granting of these variation is the minimum relief necessary to alleviate the hardship for the petitioner. The petitioner wishes to remove the existing pole sign and replace it with a new pole sign in conformance with all other zoning regulations.

**PZB Procedure and Recommended Conditions:** Under Section 12-3-6(G)(2) (Procedure for Review and Decision for Major Variation) 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 major variation at 1285 E. Golf Road. The 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 findings of fact, as specified in Section 12-3-6(H) (Standards for Variation) of the Zoning Ordinance. If the PZB recommends and City Council ultimately approves the request, staff recommends the following conditions:

1. That all appropriate building permit documents and details are submitted as necessary for the proposed pole sign. 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.
2. The pole sign is designed, positioned, and utilized to meet all applicable City of Des Plaines codes.

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Chairman Szabo swore-in Petitioner John Miller, representing Liberty Flag & Banner, 2747 York Street, Blue Island, IL 60406.

Mr. Miller requested a new pole sign with an electronic banner to replace the existing pole sign. There is only 50-feet of frontage and this size is not allowed. The new sign is proposed in the same area and is located at the required 5-foot setback.

Jonathan Stytz, Senior Planner, reviewed the Staff Report and read aloud the two recommended conditions for approval.

Member Saletnik clarified that the proposed sign is located approximately 35-feet from the roadway.

**A motion was made by Board Member Weaver, seconded by Board Member Veremis, to recommend approval of a Major variation to allow a pole sign on a property with a lot width that does not meet the minimum lot width requirements for a pole sign, and any other variations, waivers, and zoning relief as may be necessary.**

AYES: Szabo, Veremis, Saletnik, Hofherr, Fowler, Weaver

NAYES: None

ABSTAIN: None

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

**2. Address:** 676 N. Wolf Road

**Case Number:** 22-018-CU

**Issue:** The petitioner is requesting a conditional use amendment to expand an existing domestic pet service use in the C-3 General Commercial District at 676 N. Wolf Road.

**Address:** 676 N. Wolf Road

**Owner:** Michael Galante, 945 Forestview Avenue, Park Ridge, IL 60068

**Petitioners:** Michelle Janczak, 1008 E. Ironwood Drive, Mount Prospect, IL 60056;  
Catherine Schilling, 1636 E. Clayton Court, Arlington Heights, IL 60004

**Case Number:** 22-018-CU

**PINs:** 09-07-210-046-0000; -047

**Ward:** #7, Alderman Patsy Smith



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**Existing Zoning:** C-3, General Commercial District

**Existing Land Use:** Commercial Shopping Center

**Surrounding Zoning:** North: C-3, General Commercial District  
 South: C-3, General Commercial District  
 East: C-3, General Commercial District  
 West: R-3, Townhouse Residential District

**Surrounding Land Use:** North: Gas Station (Commercial)  
 South: Shopping Center/Restaurant (Commercial)  
 East: Shopping Center (Commercial)  
 West: Townhouses (Residential)

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

**Comprehensive Plan:** The Comprehensive Plan illustrates the site as Commercial.

**Zoning/Property History:** Based on City records, the property was annexed into Des Plaines in 1927. The subject address has been utilized as a Domestic Pet Service since 2017 through a conditional use permit. This conditional use was amended in 2019 to allow for expanded hours of operation including overnight hours for dog boarding and an allowance of up to 30 dogs during the day and up to 10 dogs boarded overnight.

**Project Description:** The petitioners, Michelle Janczak and Catherine Schilling of Playtime Pup Ranch, are requesting a conditional use amendment to expand an existing domestic pet service use in the C-3 General Commercial District at 676 N. Wolf Road. The business is housed within a tenant space in the Wolf Shopping Plaza, which is generally at the southwest corner of Wolf and Central Roads. The property consists of two parcels totaling 30,930 square feet (0.71 acres) and currently contains an 8,857-square-foot, one-story commercial building with a 182-square-foot outdoor cooler at the rear, 39-space paved parking area to serve the whole center, and a pole sign as shown on the attached Plat of Survey. The subject property is accessed by one curb cut off Wolf. The existing one-story commercial building is set back approximately 92 feet off the east property line (front) along Wolf Road, 25 feet from the west property line (rear), 3 feet off the north property line (side), and 14 feet off the south property line (side).

Playtime Pup Ranch is a dog daycare, pet retail, boarding, and grooming facility that is located in the northern tenant spaces of the shopping center building. The petitioners desire to expand their existing use into the adjoining 1,000-square-foot tenant space to the south of their current location to expand the pet grooming service area, provide a lunch area for employees, and provide an office area for the business owner. The current hours of operation are 6:30 a.m. to 6:30 p.m. Monday through Friday, 8 a.m. to 5 p.m. on Saturday, and closed on Sunday. See the attached Project Narrative for more information. The petitioner is not proposing any enlargements or changes to the exterior of the existing building. However, the proposal does include interior remodeling of the existing and new tenant spaces as shown in the attached Floor Plan of Existing Space and Floor Plan of New Space, which include details of the layout and use of the existing business and proposed floor plan of the new tenant space. Given that the tenant spaces in question are located within a shopping center, Section 12-9-7 of the Zoning Ordinance

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requires a minimum of one parking space for every 1,000 square feet of gross floor area. Thus, a total of 27 parking spaces are required, which is satisfied by the existing parking spaces available.

The dog daycare, boarding, and grooming activities fall within the domestic pet service use, defined in Section 12-13-3 of the Zoning Ordinance as an establishment where the grooming of domestic animals, the accessory sale of miscellaneous domestic pet food and other items, and the temporary boarding of domestic animals is permitted. The subject property is located in the C-3 district and a domestic pet service use requires a conditional use in this district. The current conditional use for a domestic pet service will need to be amended to allow Playtime Pup Ranch to expand into the new tenant space.

**Conditional Use Findings:** Conditional use requests are subject to the standards set forth in Section 12-3- 4(E) of the Zoning Ordinance. The PZB may use the staff comments below or the attached petitioner responses as its findings, or the Board may adopt its own:

- **The proposed Conditional Use is in fact a Conditional Use established within the specific Zoning district involved:**  
*Comment:* The proposed principal use is classified as a domestic pet service use. A domestic pet service use is a conditional use as specified in Section 12-7-3 of the Zoning Ordinance.
- **The proposed Conditional Use is in accordance with the objectives of the City’s Comprehensive Plan:**  
*Comment:* The subject property is a multi-tenant building with available commercial space. The proposal would repurpose available space to provide additional capacity of pet boarding and grooming services for residents.
- **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:* The expanded domestic pet service use would utilize the existing building and site, which is harmonious with the surrounding commercial development to the east, north, and south of the property. As the domestic pet service use is already operational at this location, the expansion of this use would not change the character or impact of the site on the surrounding region.
- **The proposed Conditional Use is not hazardous or disturbing to existing neighboring uses:**  
*Comment:* The expanded domestic pet service use would not be hazardous or disturbing to the existing neighboring uses. Instead, the proposal will improve an underutilized portion of the existing commercial building that is self-contained inside a building and will not detract or disturb surrounding uses in the area. The expanded domestic pet service use is not anticipated to be hazardous or disturbing to existing neighborhood uses.
- **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:* The subject property is an interior lot with direct access to essential public facilities and services. Staff has no concerns that the expansion of the existing domestic pet service use will be adequately served with essential public facilities and services.

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- **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:* The expanded domestic pet service use would neither create a burden on public facilities, nor would it be a detriment to the economic well-being of the community. The expansion of the existing use could help the existing business grow and promotes business retention of surrounding commercial areas.

- **The proposed Conditional Use does not involve uses, activities, processes, materials, equipment imental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke fumes, glare or odors:**

*Comment:* All activities for the expanded domestic pet service use will continue to take place inside, reducing any noise, smoke fumes, light, glare, odors, or other concerns. The existing development and site improvements currently do not project adverse effects on the surrounding properties.

- **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:* The proposed use will not create an interference with traffic on surrounding public thoroughfares as access is from an existing street. The proposal will not alter the existing access point or add any curb cuts to the existing property.

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

*Comment:* The subject property is already developed so the expanded domestic pet service use would not result in the loss or damage of natural, scenic, or historic features. Instead, the petitioner is repurposing available space in an existing shopping center in an effort to provide additional capacity of services to the city.

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

*Comment:* The expanded domestic pet service use will comply with all applicable requirements as stated in the Zoning Ordinance.

**PZB Procedure and Recommended Conditions:** Under Section 12-3-4(D)(3) (Procedure for Review and Decision of Conditional Uses), the PZB has the authority to recommend that the City Council approve, approve subject to conditions, or deny the above-mentioned conditional use request for 676 N. Wolf Road. The 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) of the Zoning Ordinance. Staff does not recommend any conditions with this request.

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Petitioner Michelle Janczak, 676 N Wolf Road, Des Plaines, 60016 was sworn in and stated the main purpose for the request is to expand the pet grooming service area, provide a lunch area for employees, and provide an office area for the business owner.

Jonathan Stytz, Senior Planner, reviewed the Staff Report.

**A motion was made by Board Member Saletnik, seconded by Board Member Hofherr, to recommend approval of a conditional use amendment to allow an expansion of the existing domestic pet service use on the subject property in the C-3 General Commercial district, and any other variations, waivers, and zoning relief as may be necessary.**

AYES: Szabo, Veremis, Saletnik, Hofherr, Fowler, Weaver

NAYES: None

ABSTAIN: None

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

**3. Addresses:** 622 Graceland Avenue,  
1332 and 1368 Webford Avenue

**Case Number:** 21-052-MAP-TSUB-V

The following is the staff report for the request, revised from the version used for the May 24, 2022 proceeding:

The petitioner is requesting the following items: (i) zoning map amendment to rezone the subject property from C-3 General Commercial District to C-5 Central Business District; and (ii) Tentative Plat of Subdivision to consolidate three existing lots lot of record into one.

**PINs:** 09-17-306-036-0000; 09-17-306-038-0000; 09-17-306-040-0000

**Petitioner:** Joe Taylor, 622 Graceland Apartments, LLC, 202 S. Cook Street, Suite 210, Barrington, IL 60010

**Owner:** Wessell Holdings, LLC, 622 Graceland Avenue, Des Plaines, IL 60016;  
City of Des Plaines, 1420 Miner Street, Des Plaines, IL 60016

**Background:** At its May 24, 2022 meeting, the PZB closed a public hearing, which began on April 12 and was continued to May 10 and May 24, regarding Petitioner 622 Graceland Apartments LLC's Map Amendment request for the subject property. The Board is also considering a Tentative Plat of Subdivision under Title 13 of the City Code. The Petitioner withdrew their request for variations before the May 24 continuation. On May 24 the Board voted 6-1 to continue its deliberation and defer its final votes to June

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14 so that staff could specifically address the various standards for Site Plan Review for the Board's consideration. While discussion of various standards occurs throughout the staff memo and attachments, beginning on Page 15 the Board will find a "Standards for Site Plan Review" section inserted. Similar to its consideration of the findings for Map Amendments, the Board may use and adopt the Site Plan Review comments as written as its evaluation and findings, adopt with modification, or create its own.

In addition, the May 20, 2022 memo incorrectly identified the timing of Site Plan Review, which is intrinsic to Map Amendments and therefore is conducted at this time instead of at the time of building permitting. The "PZB Recommendation and Conditions" section has been edited accordingly and also clarifies guidance to the Board. Regarding attachments, Attachment 16 contains a site lighting diagram, which is part of the record from the April 12 proceeding. Attachment 17 is a submission of proposed Findings of Fact regarding Map Amendments and Site Plan Review by the opposition (Hansen and Rominski, 1339 and 1333 Webford Avenue, represented by Mark W. Daniel and Lawrence E. Thompson).

At its April 12, 2022 meeting, the PZB began a public hearing to consider the following requests: (i) a Map Amendment (rezoning) under Section 12-3-7 of the Zoning Ordinance, from the existing C-3 General Commercial District to the C-5 Central Business District; (ii) variations under 12-3-6 of the Zoning Ordinance related to location and design of off-street parking and loading; and (iii) a Tentative Plat of Subdivision to consolidate three lots of record into one (Subdivision Regulations, Title 13 of City Code). The Board heard presentation and testimony from the petitioner and members of the public. Because of substantial input received, the Board voted unanimously to continue the hearing until May 10, 2022. Between April 12 and May 10, the petitioner submitted a written request to continue the hearing to May 24 to provide additional time to undertake a number of design changes in the submittal and to accommodate staff review and preparation of materials for the continued hearing. On May 10, the hearing was opened, members of the public were afforded the opportunity to comment, and the Board ultimately voted 5-1 to continue the hearing to May 24, 2022. The petitioner has since revised various components of the submittal:

- The previously proposed 16 surface *off-street* parking spaces and one *off-street* loading space have been removed; as a result, per the revised Project Narrative the petitioner is withdrawing the request for variation. The matters for the Board's consideration are now (i) Map Amendment and (ii) Tentative Plat of Subdivision.
- Revised plans illustrate an approximately 3,400-square-foot park/green space area directly south of the proposed parking garage. This park area, while proposed on private property, is designated on the Tentative Plat of Subdivision to be reserved for public use, to be maintained by the property owner.
- As part of the petitioner's required public improvements, five parallel *on-street* parking would be provided at the north curb of a newly widened segment of Webford Avenue. An on-street loading area is also shown. These are designed to augment the 179 indoor garage spaces, which are unchanged from the submittal for the initial hearing.

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- The traffic study by Eriksson Engineering Associates has been updated to reflect the new circulation pattern and to provide additional data, including direct traffic counts between April 20-27, 2022.
- A knee wall was added along the south elevation intended to block potential headlights from parked vehicles in the garage from being visible from properties on the south side of Webford.
- Additional building openings and fenestration have been created along the west elevation: glazing (residential unit windows facing west) on Levels 5, 6, and 7; scrim (metal screen) at the northwest corner, wrapped around from the north elevation; and an opening for pedestrians at the southwest corner designed to provide a pathway between, for example, the building at 1330 Webford and public parking spaces in the proposed garage.
- A sun study is provided to show the shadow cast by the proposed building at different times of year.

The following report and several attachments have been updated to reflect the revised requests. For administrative consistency, the “V” remains in the case number, but variation is no longer being pursued.

**Issue:** To allow a proposed mixed-use residential, commercial, and parking development, the petitioner is requesting a Zoning Map Amendment and a Tentative Plat of Subdivision.

**Owners:** Wessell Holdings, LLC (622 Graceland, 1368 Webford) and City of Des Plaines (1332 Webford)

**Petitioner:** 622 Graceland Apartments, LLC (Compasspoint Development; Principal: Joe Taylor)

**Case Number:** 21-052-MAP-TSUB-V

**PINs:** 09-17-306-036-0000; 09-17-306-038-0000; 09-17-306-040-0000

**Ward:** #3, Alderman Sean Oskerka

**Existing Zoning:** C-3 General Commercial (proposed C-5 Central Business)

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**Existing Land Use and**

**History:**

The principal building at 622 Graceland is currently the headquarters of the Journal & Topics newspaper. According to the Des Plaines History Center, the building was constructed as a Post Office in 1940-1941, most likely under the Works Progress Administration (WPA).

A smaller accessory building is also part of the Journal & Topics property. At 1332 Webford is a 38-space surface parking lot owned by the City of Des Plaines and used for public parking, both time-limited (14 spaces) and permit-restricted (24 spaces).

**Surrounding Zoning:**

North: Railroad tracks; then C-3 General Commercial District  
 South: C-3, General Commercial / R-1 Single-Family Residential Districts  
 East: C-5, Central Business District  
 West: C-3, General Commercial District

**Surrounding Land Use:** North: Union Pacific Railroad (Metra UP-Northwest Line); then a pharmacy

South: Commercial building (850 Graceland), United Methodist Church parking lot, single-family detached home in commercial district (1347 Webford), single-family detached homes in residential district (1333 and 1339 Webford)

East: Mixed-use residential and commercial (Bayview-Compasspoint project under construction at 1425 Ellinwood)

West: Commercial building (1330 Webford), followed by multiple-family dwelling (1328 Webford)

**Street Classification:** Graceland Avenue is an arterial, and Webford Avenue is a local roadway.

**Project Summary:**

**Overall**

Petitioner 622 Graceland Apartments LLC (Joe Taylor, Compasspoint Development) proposes a full redevelopment of a just-less-than-one-acre zoning lot (43,500 square feet) at the northwest corner of Graceland Avenue and Webford Avenue. The proposed project would be a mix of residential and commercial space with indoor and outdoor parking. A proposed 82-foot-tall building would contain 131 multiple-family dwelling units – 17 studios, 103 one-bedrooms, and 11 two-bedrooms – on the third through seventh floors. Approximately 2,800 net square feet of an open-to-the-public restaurant and lounge would occupy portions of the first (ground) and second floors. Proposed resident amenities are a coworking office space, a fitness area, lounges and meeting rooms, a club room with bar, a

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multimedia/game lounge, a dog run and dog wash, indoor bike parking, and an outdoor swimming pool and recreation deck. The proposed building in all is approximately 187,000 square feet.

The project includes a 179-space indoor parking garage. These 179 spaces are intended to fulfill the *off-street* parking minimum requirements for the residential units and the restaurant-lounge (154 spaces), as well as create a supply of public parking to partially replace the current 1332 Webford public lot. The segment of Webford alongside the subject property is proposed to widen to a general distance of 28 feet from curb to curb within existing public right-of-way, except for an area where on-street parallel parking is proposed, in which case the curb-to-curb area is 35 feet: 28 feet for the two-way traffic lanes and 7 feet for parking spaces. The total of off-street and on-street parking proposed is 184 spaces, with an on-street loading area. With the consent of the property owners, the petitioner is seeking zoning and subdivision approvals.

**Request Summary:**

**Map Amendment**

To accommodate the multiple-family dwelling use above the first floor, as well the proposed building's desired bulk and scale, the petitioner is seeking a Map Amendment (rezoning) from the C-3 General Commercial District to the C-5 Central Business District. C-5 zoning exists on the east side of Graceland but currently is not present west of Graceland. The zoning change is essential for project feasibility, so the staff review of the project is based on C-5 allowances and requirements. Table 1 compares selected use requirements, and Table 2 compares bulk requirements, each focusing on what the petitioner is proposing as well as how the districts differ in what is allowed at the subject property. The C-3 district is generally more permissive from a *use* standpoint, and the C-5 district is more permissive from a *bulk* standpoint.

**Table 1. Use Regulations Comparison, Excerpt from Section 12-7-3.K**

Use	C-3	C-5
Car wash	C	--
Center, Childcare	C	C <sup>10</sup>
Center, Adult Day Service	C	C <sup>10</sup>
Commercial Outdoor Recreation	C	--
Commercial Shopping Center	P	--
Consumer Lender	C	--
Convenience Mart Fueling Station	C <sup>4</sup>	--



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Domestic Pet Service	C <sup>11,12</sup>	--
<b>Dwellings, Multiple-Family</b>	--	<b>p<sup>3</sup></b>
Leasing/Rental Agents, Equipment	C	--
Motor Vehicle Sales	C <sup>5</sup>	--
Government Facility	--	P
Radio Transmitting Towers, Public Broadcasting	C	--
<b>Restaurants (Class A and Class B)</b>	<b>P</b>	<b>P</b>
Taverns and Lounges	P	P
Offices	P	P
Hotels	P	P

*P = Permitted Use; C = Conditional Use required; -- = Not possible in the district at subject property*

Notes:

- 3. When above the first floor only.
- 4. On sites of 20,000 square feet or more.
- 5. On sites of 25,000 square feet or more. For proposed sites of less than 25,000 square feet but more than 22,000 square feet, the City Council may consider additional factors, including, but not limited to, traffic, economic and other conditions of the area, or proposed business and site plan issues in considering whether to grant a conditional use for a used car business of less than 25,000 square feet but more than 22,000 square feet.
- 10. Except on Miner Street, Ellinwood Street or Lee Street.
- 11. Outdoor kennels are not allowed.
- 12. Outdoor runs are allowed.

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**Table 2. Bulk Regulations Comparison, Excerpt from Section 12-7-3.L**

<b>Bulk Control</b>	<b>C-3</b>	<b>C-5</b>
<b>Maximum Height</b>	45 feet	100 feet
<b>Minimum Front Yard<sup>1</sup></b>  -Adjacent Residential:  -Adjacent Other:	-Setback of Adjacent Residential district  -5 feet	-Setback of Adjacent Residential district  -Not applicable
<b>Minimum Side Yard</b>  -Adjacent Residential:  -Adjacent Other:	-Setback of Adjacent Residential district  -5 feet if abutting street	-Setback of Adjacent Residential district  -5 feet if abutting street
<b>Minimum Rear Yard</b>  -Adjacent Residential:  -Adjacent Other:	-25 feet or 20% of lot depth, whichever is less  -5 feet if abutting street	-25 feet or 20% of lot depth, whichever is less  -Not applicable

Notes:

1. With respect to front yard setbacks, "adjacent residential" shall mean when at least 80 percent of the opposing block frontage is residential.

**Height Implications**

Amending the zoning to C-5 allows for a building up to 100 feet in height. In the public hearing and other proceedings, some public comment has questioned whether the City of Des Plaines Fire Department is capable of adequately serving a proposed 82-foot-tall building at this property. Attached to this report is a memo from the Fire Chief. The memo outlines how Fire staff have consulted with the petitioner as the concept was being designed, how this project would compare to others already built in Des Plaines, and that a 100-foot aerial tower ladder truck is available. From the final paragraph of the memo: "The Fire Department does not have any specific concerns related to the project other than to maintain the standards of construction as well as required fire alarm and sprinkler/standpipe systems." The proposed

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construction would be reviewed according to all adopted international building and life safety (i.e. fire) codes before a building permit would be issued, and ongoing inspections of the Building Division would be required during construction before occupancy.

The petitioner’s proposed building footprint is based on the C-5 minimum yard requirements. The Graceland lot line is the front lot line, and the Webford lot line is a side lot line. For the 290 feet of the site’s Webford frontage, much of the opposing block is a commercial district, so for this portion, the minimum required yard under C-5 is five feet. For the westernmost portion of the frontage, where the opposing block is zoned residential, the minimum required yard would be 25 feet. The definition of “yard” in Section 12-13-3 establishes that a yard “...extends *along* a lot line and *at right angles* to such lot line...” Under C-5 zoning, there would not be a required yard along the Graceland/front lot line, nor along the rear lot line – which borders 1330 Webford (“The Dance Building”) – nor along the north/side lot line, which borders the railroad tracks. The required yards exist only from the Webford (south) lot line and are shown in an attached map.

*Minimum Floor Area Per Dwelling*

The C-5 district regulates density by minimum floor area per unit. The floor plans as part of the submittal show the smallest of the studio/efficiency units at 535 square feet, which would comply with the minimum requirement of Section 12-7-3.H. The smallest one-bedroom would be 694 square feet, which exceeds the minimum 620. With 103 units, the one-bedroom type is by far the most common in the building program, with square footages in the 700s; some are as large as 891. Ranging from 1,079 to 1,128 square feet, the two-bedroom units are well in excess of the minimum 780.

**Table 3. Multiple-Family Dwelling Units in the C-5 District**

<b>Number of Bedrooms</b>	<b>Minimum Floor Area (Square Feet)</b>
Efficiency dwelling unit (studio)	535
One-bedroom unit	620
Two-bedroom unit	780

*Commercial Use: Restaurant-Lounge*

At the southeast corner of the building, the petitioner is proposing a bi-level restaurant-lounge, which has access to the public street on the first/ground floor and a second floor that opens to the first. Both restaurants and lounges are permitted in C-5, but the petitioner has described this use as one combined business. Therefore, staff has reviewed based on requirements for a Class A (primarily sit-down) Restaurant. However, note that a walk-up service window is illustrated, as is outdoor seating in the right-of-way. Both of these elements are logical considering the effect

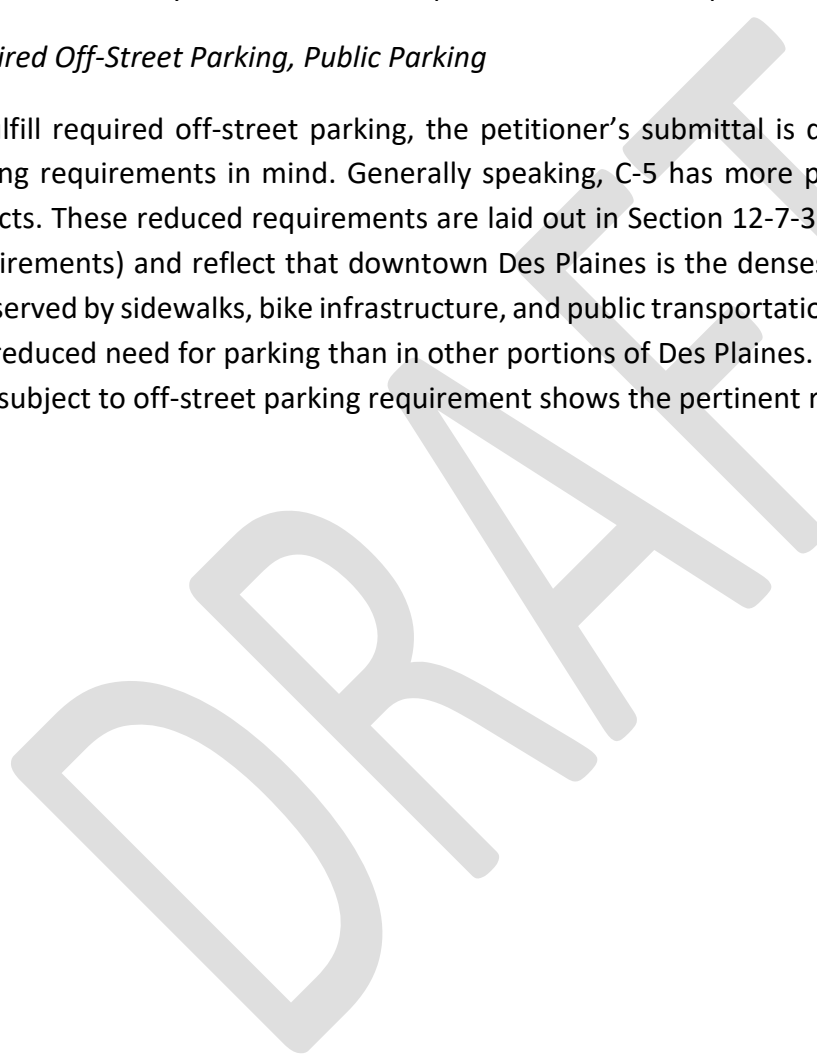
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of the COVID-19 pandemic on the restaurant business, as they allow for diversified service and revenue. The outdoor seating area has been enlarged in the revised submittal.

The floor plan indicates a kitchen and multiple bar seating areas, as well as different styles of tables and chairs, with the second-floor labeled as a “speakeasy,” giving a glimpse of the envisioned concept. The first floor is demarcated to separate the proposed restaurant area from the first-floor lobby for the residential portion of the development.

*Required Off-Street Parking, Public Parking*

To fulfill required off-street parking, the petitioner’s submittal is designed with C-5 off-street parking requirements in mind. Generally speaking, C-5 has more permissive ratios than other districts. These reduced requirements are laid out in Section 12-7-3.H.6. (Supplemental Parking Requirements) and reflect that downtown Des Plaines is the densest portion of the City, being well served by sidewalks, bike infrastructure, and public transportation (buses and rail). This leads to a reduced need for parking than in other portions of Des Plaines. The following table lists the uses subject to off-street parking requirement shows the pertinent ratios under C-5 zoning.



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**Table 4. Parking Requirements for the Uses Proposed Under C-5 Rules**

Use	General Ratio	Required
Efficiency and one-bedroom	One space per unit	120 spaces
Two-bedroom	1.5 spaces per unit	(16.5, rounded to 17 spaces)
Restaurant (Class A)	One space for every 100 sq. ft. of net floor area <sup>1</sup> or one space for every four seats <sup>2</sup> , whichever is greater, plus one space for every three employees <sup>3</sup>	17 spaces
<b>Total</b>	-	154 spaces

Exclusive of meeting the minimum off-street parking, the project is also designed to partially replace the existing supply of 38 public spaces at 1332 Webford. Of the 179 proposed off-street garage spaces, there is a surplus of 25 over the minimum zoning requirement. There are also five newly proposed on-street spaces, with one on-street loading space (a designated loading space or area is not required for the development under the Zoning Ordinance, but the petitioner proposes to have a designated area adjacent to the on-street parking.)

Although including public parking spaces in the project would not be specifically required by the Zoning Ordinance under C-5, the petitioner nonetheless must acquire 1332 Webford from the City to accommodate the project. As part of the terms of a sale, the petitioner would accept a requirement to provide public parking on their property. The ongoing development would then be responsible for maintaining the public parking spaces. A requirement that the spaces be reserved for public use would be recorded against the property. The decision to sell 1332 Webford to the petitioner rests solely with the City Council.

*Circulation, Mobility, and Traffic*

The petitioner has submitted a revised traffic study and report, dated May 11, 2022 and prepared by Eriksson Engineering Associates, Ltd. The report is updated from the initial version of February 22, 2022, and factors in the petitioner’s new proposal for on-street parked vehicles along the Webford frontage. In

<sup>1</sup> The first 2,500 square feet may be deducted in the C-5 district.

<sup>2</sup> Fifty-six seats are shown in the floor plan.

<sup>3</sup> Nine employees working at a given time in the restaurant/lounge are used as an estimate.

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addition, the revised report is based not only on modeling, projections, and secondary<sup>4</sup> data collection but also on direct counts that occurred between Wednesday, April 20, 2022, and Wednesday, April 27, 2022 at multiple different locations in the vicinity. Tables showing the traffic volumes at peak hour is on Pages 17-19 of the report.

As with the original report, the study considers the volume/trips and circulation of individual automobiles, public transportation, and non-motorized (i.e. bike and pedestrian) transportation. The report contains data on the existing conditions and the proposed development, and assesses the capacity of the streets in the adjacent vicinity, using Year 2028 as a benchmark. (Traffic reports typically project to a couple of years after anticipated full occupancy.) Further, the study references and considers the anticipated traffic to be generated by the under-construction development at 1425 Ellinwood Avenue.

The report draws from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11<sup>th</sup> Edition. ITE data are viewed nationally as the urban planning and traffic engineering standard for evaluating how much automobile traffic certain types of uses will generate. The study identifies the uses intended by the petitioner: apartments, restaurant, and lounge. Based on a morning peak hour of 7:15-8:15 a.m. and an afternoon peak hour of 4:30-5:30 p.m. (corrected from the initial report), the study projects 45 total in-and-out automobile movements during a.m. peak and 63 during p.m. peak hour (see Page 8 of the report).

Based on the revised proposed site plan, which includes two driveways perpendicular to Webford that would allow two-way in-and-out traffic from the garage, the study estimates that only 5 percent of inbound and 5 percent of outbound traffic would use the portion of Webford west of the proposed development (i.e. into the residential neighborhood to the west). Unlike the previous submittal, which showed 90-degree perpendicular off-street spaces, on-street parallel (“zero-degree”) spaces are proposed. This alignment will inherently orient parked vehicles to travel west after leaving the development; however, in the attached memo City Engineering takes no issue with the revised traffic report. The City’s engineers believe that 10 percent of inbound and outbound traffic may be more realistic than 5 percent, but the bottom-line difference to the number of automobile movements is quite small in their opinion: “a vehicle or two to the westbound peak hours,” according to the memo.

Webford is still proposed to be widened to 28 feet from curb to curb for the frontage of the development, with approximately 140 linear feet having a curb-to-curb width of 35 feet to accommodate the proposed on-street parking and loading. The existing, narrower width would be retained for Webford west of the property, which should provide a visual cue that Webford west of the development is a local, residential street. An excerpt of the revised report, excluding appendices, is an attachment to this packet<sup>5</sup>. The following conclusions appear on Page 20 of the report: 1. The street network can accommodate the

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<sup>4</sup> The engineer referenced Average Annual Daily Traffic (AADT) data, which is made available by the Illinois Department of Transportation. Accessible at: <https://www.gettingaroundillinois.com/Traffic%20Counts/index.html>.

<sup>5</sup> The full study is available at [desplaines.org/gracelandwebford](https://desplaines.org/gracelandwebford).

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additional traffic from the proposed project and future traffic growth; 2.) The location of the site and the availability of public transportation, walking, and biking will minimize the volume of vehicular traffic generated by the site; and 3.) Access from Webford will have two driveways with one inbound and one outbound lane under stop sign control, and can handle the projected volumes. More discussion of the proposed Webford-segment widening is contained under review of the Tentative Plat of Subdivision.

### *Building Design Review*

Since the initial submittal, the petitioner has adjusted various elevations to address input from the initial public hearing, and has added a sun study that illustrates the shadow to be cast on both December 21 and June 21. These adjustments and additions are summarized under “Update” on Pages 1 and 2 of this report. Nonetheless, the Building Design Review requirements under Section 12-3-11 of the Zoning Ordinance will apply. Although Table 1 of the Section lists approved material types for residential buildings and commercial buildings, it does not directly address a mixed-use building or a parking garage. Therefore, staff would consider the first two floors of the building to be subject to the commercial requirements, with Floors 3 through 7 subject to the multifamily residential requirements.

Regarding the first two floors, the submitted plans show a principal entrance on the front of the building, facing Graceland (east elevation). The proposed materials palette consists of a large amount of glazing (glass) on the Graceland elevation, framed by gray brick and accented by other permissible materials such as metal panels. The non-garage portion of the Webford (south) elevation – where the restaurant and lounge would be located – consists of these same elements and ample glazing. The garage portion of the Webford (south) façade is framed by concrete with scrim (screening). Both glass and screen can be considered as windows/opening to satisfy the blank wall limitations on street-facing facades, provided the openings are transparent. Renderings show decorative ivy grown onto the garage scrim. Ivy is not a prohibited wall material, but the ivy areas would inherently reduce the amount of transparency. The blank wall requirements specify that no greater than 30 percent of a total street-facing façade, and no more than a 15-foot horizontal distance, may be non-transparent.

The petitioner is not requesting relief from the Building Design Review requirements at this time. Complete Building Design Review approval, which may be granted by the Zoning Administrator per the process outlined in Section 12-3-11, must occur before issuance of a building permit.

### **Tentative Plat of Subdivision**

**Request Summary:** To allow for the sale of multiple zoning lots, formally consolidating them into one lot via the subdivision process (Title 13) is required. The Tentative Plat, titled Tentative Plat of Graceland-Webford Subdivision, shows the following easements and building lines: (i) a recorded 20-foot building line near the southern property line; (ii) a five-foot public sidewalk easement near the southern property line—relocated from the initial submittal to accommodate the new design; (iii) a 25-foot building setback line along Webford Avenue for the portion of the property adjacent to a residential district; (iv) a five-foot

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building setback line along Webford Avenue for the portion of property adjacent to a commercial district; (v) a five-foot easement for underground utilities along the north lot line; and (vi) an approximately 3,400-square-foot (not including the sidewalk easement) shaded area that is reserved for passive open space, open to the public but maintained by owner subject to restrictive covenant/easement.

*Green Space for Public Use*

The revised landscape plan and renderings, both attached, show a green space area with light or passive recreation such as seating amid ample plantings and trees. Plantings abutting the base of the building could serve as the required foundation landscaping. The Board may wish to ask the petitioner to explain why they chose to amend their submittal and replace the 16 off-street parking spaces with a “public park” instead. If the City Council ultimately approves the required entitlements, the City’s General Counsel would advise on the best legal instrument(s) to ensure area is permanently reserved for public use while maintained by the property owner.

*Subdivision Process, Required Public Improvements*

Although the petitioner’s request is for a Tentative Plat only at this time, the Board and public may benefit from understanding the requirements of a Final Plat, which is the second step in the Subdivision approval process. Prior to any permitting, a Final Plat of Subdivision would be required. The steps for Final Plat are articulated in Sections 13-2-4 through 13-2-8 of the Subdivision Regulations. In summary, the Final Plat submittal requires engineering plans that must be approved by the City Engineer, in particular a grading and stormwater management plan. Ultimately a permit from the Metropolitan Water Reclamation District (MWRD) will be required for construction. Tentative Plat approval does not require submittal of engineering plans. Regardless, the Department of Public Works and Engineering has provided a revised memo (attached) based on the latest submittal and some public inquiries and comments to this point.

Under 13-3 of the Subdivision Regulations, City Engineering will require the aforementioned widening of the segment of Webford. Resurfacing/reconstruction would be required based on the determination of Engineering. The sidewalk streetscaping (e.g. paver style) would be required to match the downtown aesthetic, which is already present along the Graceland side of the site; under the proposal, this style would be extended around the corner and onto the Webford sidewalk. The developer would be responsible for installing new or replacing existing streetscaping. Certain underground infrastructure, such as water mains and sewers, would be required to be replaced and installed to the standards required by the Public Works and Engineering Department. Of note, the property is currently served by a combined storm and wastewater system, and the developer would be required to separate them into two different systems, which should improve storm drainage capacity for the 1300 block of Webford. Any the above-



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mentioned public improvements would be required to be secured by a performance guaranty, which allows the City to complete the required improvements if necessary.

### *Water Pressure*

In prior public comment, the issue of this specific development and multifamily/mixed-use development in general affecting water pressure in the area was raised. From the attached Engineering memo: “In connection with a public comment on April 4, we obtained an evening-peak static water pressure in the 600 block of Parsons Street. The reading of 44 psi is consistent with our historical pressure reads in the area of Graceland / Prairie. This pressure is sufficient for the development; the building will have its own booster pump for domestic and fire supplies. The fire line should be connected to the existing 12-inch water main along the east side of Graceland Avenue.”

Since the initial hearing on April 12, Pace Suburban Bus commented to the City that the widening of Webford affects the intersection curb radii and shortens the current bus stop in front of the Journal and Topics building for Routes 226, 230, and 250. For this reason, they recommend the bus stop be relocated to the southwest corner of Prairie and Graceland. Staff agrees with this recommendation and would envision creating a concrete pad for the new stop in the new location large enough to accommodate a shelter, which would be an enhancement over the existing flag stop.

### **Alignment with the 2019 Comprehensive Plan**

The PZB may find the following excerpts and analysis useful in determining the extent to which the proposed project and requests align with the Comprehensive Plan.

- *Under Overarching Principles:*
  - “Expand Mixed-Use Development” is the first listed principle. It is a central theme of the plan.
  - “Preserve Historic Buildings” is also a principle. The First Congregational United Church of Christ (766 Graceland), Willows Academy (1015 Rose Avenue), and the former Des Plaines National Bank / Huntington Bank (678 Lee Street) are specifically listed. However, 622 Graceland is not listed.

The Executive Director of the History Center has expressed interest in two components of the existing building: (i) the exterior ironwork on the front façade and (ii) the cornerstone. Incorporating these elements into the new structure would be encouraged, but the History Center could also potentially acquire these elements and install them at

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their properties on Pearson Street. The Center is not interested in collecting or preservation of the existing interior murals.

- *Under Land Use & Development:*
  - The Future Land Use Plan illustrates the property as commercial. While the proposal is not strictly commercial, the proposed zoning is a commercial district (C-5). The proposed project is certainly more pronounced in its residential footprint than its commercial. However, the decision makers may consider that supporting a desirable commercial use, like a restaurant-lounge, requires an inherent market of potential customers (i.e. residential households).
  - Further in this chapter: “The Land Use Plan supports the development of high-quality multifamily housing located in denser areas near multi-modal facilities such as the Downtown. New multifamily housing should be encouraged as a complement to desired future commercial development in the area and incorporated as mixed-use buildings when possible” (p. 12).
- *Under Housing:*
  - Recommendation 4.2 calls for housing that would appeal to “young families,” which could include households that have, for example, a small child: “...The City should revisit its current zone classifications and add a new zone exclusively for mixed-use development or amend existing regulations to allow for mixed uses. Focus should be placed on commercial areas zoned C-1, C-2, and **C-3**, for potential sites for mixed-use development” (p. 32).
- *Under Downtown:*
  - The Vision Statement is “Downtown Des Plaines will be a vibrant destination with a variety of restaurant, entertainment, retail, and housing options...” (p. 69). Directly below that statement is the following: “The community desires expanded retail and dining options in Downtown Des Plaines, which can be supported by higher housing density for greater purchasing power.”
  - Recommendation 8.2 is to enhance the streetscape, which would be required for the proposed project along Webford Avenue, where the downtown streetscape is not currently present (p. 70).
  - Recommendation 8.11 states: “Des Plaines should continue to promote higher density development in the Downtown ... complemented by design standards and streetscaping elements that contribute to a vibrant, pedestrian-friendly environment” (p. 74).
  - Recommendation 8.12 calls for pursuing the development of new multifamily buildings, specifically apartments and townhomes: “Market analysis suggests that there is support for an increase in multifamily rental housing and owner-occupied townhomes. Access to transit, freeway connectivity, walkability, and commercial and recreational amenities are all driving market demands for additional housing in the Downtown.... Within Downtown Des Plaines there is an estimated 15.8 acres of land that is either vacant or underutilized (typically having small building footprints and large surface parking lots) that could be developed over the next 10 years.... It is estimated that these sites could accommodate

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between 475 and 625 new residential units if developed at densities similar to recent developments in the Downtown” (p. 74-75).

- The same recommendation also states, however: “While the market is prime for new development, the City of Des Plaines should approach new dense housing responsibly to ensure that new developments do not lose their resale value, are not contributing to further traffic congestion, that the City’s emergency services (particularly fire, ambulance, and police) have the capacity to serve them.”
- *Under Appendix A4: Market Assessment*<sup>6</sup>:
  - The study area included the subject property and specifically marked it as one of five properties identified as a “likely development site over the next 10 years” (p. 20).
  - The projected demand of 475-625 units was in addition to any units “proposed or under construction” at the time of publication. Both “The Ellison”/Opus at 1555 Ellinwood (113 units) and Bayview-Compasspoint at 1425 Ellinwood (212 units) were under construction at this time.

### **Implications on Property Tax Revenue, Schools (Estimates)**

The existing parcels had a combined tax bill of \$67,215.76 in Tax Year 2020 (Calendar Year 2021). To estimate the potential taxes generated by the petitioner’s proposed development, consider the mixed-use project by Opus (“The Ellison”), which was completed in 2019 and has now been occupied and is fully assessed. It has a comparable number of units to what is proposed at the subject property. The 1555 Ellinwood property (PIN: 09-17-421-041-0000) generated \$580,739.91 in Tax Year 2020. The difference is more than \$500,000. Although the City receives only a small share (approximately 11 to 12 percent) of the tax bill, partners such as school districts stand to receive a greater amount of tax revenue if the development is approved and built. Further, based on the housing unit mix proposed – studios, one-bedroom, and two-bedroom apartments – an estimated total number of school children generated from all 131 units would be 13<sup>7</sup>. An estimated 10 of these would be preschool-to-elementary-aged students.

### **Findings of Fact: Map Amendment**

The request is reviewed below in terms of the Findings of Fact contained in Section 12-3-7 of the Zoning Ordinance. The Board may use comments below as its rationale for recommending Findings of Fact, or the Members may adopt their own, in which case space is provided for the Board’s convenience. See also

<sup>6</sup> Downtown Des Plaines Market Assessment (2018, March 29). S.B. Friedman, Goodman Williams Group Real Estate Research. Accessible at [https://www.cmap.illinois.gov/documents/10180/0/Downtown+Market+Assessment\\_May+2018.pdf/92420bd0-0f5e-d684-4a71-bd91456b7e44](https://www.cmap.illinois.gov/documents/10180/0/Downtown+Market+Assessment_May+2018.pdf/92420bd0-0f5e-d684-4a71-bd91456b7e44).

<sup>7</sup> Source: Illinois School Consulting Service/Associated Municipal Consultants Inc. Accessed at <https://dekalbcounty.org/wp-content/uploads/2018/12/cd-zoning-table-population.pdf>.

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the petitioner’s responses to standards (Attachment 3) and/or the opposition submission (Attachment 17).

**A. 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 current Comprehensive Plan, adopted in 2019, appears to be supportive of rezoning the site from C-3 to C-5. C-5 on this site is permissive of mixed-use residential-commercial development, while C-3 is not. In particular, the economic benefit of bringing additional household spending power to downtown creates additional market demand for the desired retail and restaurants—and notably a restaurant/lounge is proposed by the petitioner.

PZB Additions or Modifications (if necessary): None.

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

*Comment:* C-5 zoning is present directly across the street, where a building of similar scale to what is proposed is being constructed. The downtown train/bus station is a short walk away.

While R-1 zoning is also close to the proposed site, and the desirable “Silk Stocking” residential neighborhood lies to the west, note that a C-3 property would still exist at 1330 Webford, and there is an R-4 residential property at 1328 Webford. On the north side of the street, these could still serve as a transition into the primarily single-family neighborhood.

PZB Additions or Modifications (if necessary): None.

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**C. The proposed amendment is appropriate considering the adequacy of public facilities and services available to this subject property:**

*Comment:* Public transportation is either directly adjacent or within a short walk. In addition to Metra station access, the site has excellent access to the future Pace PULSE Arterial Rapid Transit route, which will stop at the Des Plaines Metra station and provide service to O’Hare Airport that is faster and more desirable than the current Route 250. For that reason, housing units at this property might be desirable not only to the frequent commuter but also to the frequent flier.

The Fire Prevention Bureau has reviewed the project and signaled that the required fire code access (i.e. reach of a fire engine) would comply, in particular because a new construction C-5 building will almost certainly need to be fully sprinklered. Neither Police nor Public Works have expressed concerns about an inability to serve the site, even with denser development. Its central location is beneficial for service response.

PZB Additions or Modifications (if necessary): None.

**D. The proposed amendment will have an adverse effect on the value of properties throughout the jurisdiction:**

*Comment:* “Throughout the jurisdiction” is the key measurement. Adding this investment to downtown Des Plaines is likely to raise the profile of Des Plaines overall, making it a more desirable place to live and invest. The impact on immediately adjacent properties, particularly single-family, is unknown but it is important to note that even single-family homebuyers may place a premium on being able to walk to an additional amenity – specifically a restaurant-lounge – at the end of their street, which the C-5 zoning change would support.

PZB Additions or Modifications (if necessary): None.

**E. The proposed amendment reflects responsible standards for development and growth:**

*Comment:* While certainly the scale of C-5/downtown Des Plaines would not be expanded all through the City, for this particular site – given its identification in the market assessment appendix of the Comprehensive Plan – it would be responsible in staff’s view to enable it to its highest and best use.

PZB Additions or Modifications (if necessary): None.

**Standards for Site Plan Review:**

Pursuant to Section 12-3-7.D.2. of the Zoning Ordinance, staff (zoning administrator) should conduct a Site Plan Review as set forth in Section 12-3-2 and forward a written report and recommendations to the

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Board. The purpose of the Site Plan review process is to examine and consider whether a proposed development furthers or satisfies the following general goals:

1. Compatibility of land uses, buildings, and structures;
2. Protection and enhancement of community property values;
3. Efficient use of land;
4. Minimization of traffic, safety, and overcrowding problems; and
5. Minimization of environmental problems.

Although the main narrative of this CED Memo, as well as Attachment 14 (Engineering Memo) and Attachment 15 (Fire Memo) review various site plan standards and issues, this section compiles and summarizes the issues germane to Site Plan Review to assist the Board in making specific written findings. The PZB may adopt staff's comments as presented or make any additions or changes, with space provided for the Board's convenience. The Board may also see Attachment 17.

Section 12-3-2.D. "Standards for Site Plan Review" states: "[i]n reviewing site plans, the zoning administrator or other city body or official *may* evaluate the following characteristics:"

1. **Arrangement of Structures on Site:** The arrangement of the structures on the site with respect to how well it:
  - a. Allows for the effective use of the proposed development;
  - b. Allows for the efficient use of the land;
  - c. Is compatible with development on adjacent property; and
  - d. Considers off site utilities and services and minimizes potential impacts on existing or planned municipal services, utilities, and infrastructure.

*Comment:* As stated on Pages 11-12, petitioner plans to construct a mixed-use development that provides a supply of multifamily residential units as well as a desirable commercial use. The site is centrally located and highly visible.

Regarding compatibility with adjacent properties, as discussed on Page 13 under the Findings of Fact for Map Amendments, the site is across Graceland from a building of similar height. A smaller mixed-use building (1330 Webford, "The Dance Building") and a multifamily building (1328 Webford) would serve as a transition to less dense uses on the north side of the street. On the south side of the street, there are smaller buildings and less intense uses, notably the R-1-zoned single-family detached homes across Webford from the western portion of the proposed development. However, the C-5 minimum yard area (i.e. setback) and the planned green space and plantings would to provide some physical distance and softening between the uses/structures. See also the sun study provided by the petitioner (Attachment 7) that illustrates the shadow to be cast by the building and its direction based on times of year.

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Attachments 14 (Engineering Memo) and 15 (Fire Memo) express a staff opinion that utilities, services, and infrastructure would either be unaffected or improved by the proposed development, in particular because of required public improvements such as the construction of upgraded and separated storm and sanitary sewers that would not only serve the proposed development but also surrounding properties.

PZB Additions or Modifications (if necessary): None.

2. **Open Space and Landscaping:** The arrangement of open space and landscape improvements on the site with respect to how well it:

- a. Creates a desirable and functional environment for patrons, pedestrians, and occupants;
- b. Preserves unique natural resources where possible; and
- c. Respects desirable natural resources on adjacent sites.

*Comment:* As described in Page 10 of the CED staff memo, the proposed development includes an approximately 3,400-square-foot green space, as well as building foundation plantings. Attachment 11 shows the landscape plan including shade trees in the public-access green space area and a mix of deciduous and evergreen shrubbery on the southern side of the site. Six new parkway/right-of-way trees are depicted in the landscape plan, with a note that all plantings would comply with the City's standards for parkway plantings. Staff Photos (Attachment 2) of the subject property show an existing site that is largely covered with impervious surface, including surface parking areas. Therefore, the development may be an improvement on the existing site in terms of intentionally planned open space and landscaping.

PZB Additions or Modifications (if necessary): None.

3. **Site Circulation and Traffic Safety:** Circulation systems with respect to how well they:

- a. Provide adequate and safe access to the site;
- b. Minimize potentially dangerous traffic movements;
- c. Separate pedestrian and auto circulation insofar as practical; and
- d. Minimize curb cuts.

*Comment:* Attachment 13 (Traffic Study) includes conclusions that "[t]he location of the site and the availability of public transportation, walking and biking will minimize the volume of vehicular traffic generated by the site," and "[a]ccess to the site from Webford Avenue will have two driveways with one inbound and one outbound lane under stop sign control and can handle the projected traffic volumes." In Attachment 14 (Engineering Memo), staff concurs with the traffic study's conclusions, conditioned upon the addition of supplemental safety improvements such as a pedestrian warning system.

PZB Additions or Modifications (if necessary): None.

4. **Parking and Screening:** Parking lots or garages with respect to how well they:

- a. Are located, designed, and screened to minimize adverse visual impacts on adjacent properties; and

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- b. Provide perimeter parking lot screening and internal landscaped islands as required by chapter 10, "Landscaping And Screening", of this title.

*Comment:* As described on Pages 2 and 9, the garage elevations contain an architectural element to block headlight glare emanating from the south elevation and while balancing architectural openings/transparency (metal scrim) with ivy to soften the wall. The north façade of the garage, facing the railroad tracks, is also rendered with ivy (Attachment 8). An opening into the first floor of the garage for pedestrians, with the 1330 Webford property in mind, is shown on the west elevation.

PZB Additions or Modifications (if necessary): None.

5. **Landscaping:** Landscaping design with respect to how well it:
  - a. Creates a logical transition to adjoining lots and developments;
  - b. Screens incompatible uses;
  - c. Minimizes the visual impact of the development on adjacent sites and roadways; and
  - d. Utilizes native plant materials selected to withstand the microclimate of the city and individual site microclimates.

*Comment:* Based on Attachment 11 and Page 10 of this memo, the petitioner's plan includes an approximately 3,400-square-foot green space on the Webford/south side, including evenly-spaced shade trees, as well as building foundation plantings. Attachment 11 categorizes the plantings as shade trees, ornamental trees, deciduous shrubs, evergreen shrubs, perennials, and groundcover. Specific species are not listed, so nativity is unable to be evaluated. Nonetheless, overall the landscape design would allow the building to blend in to the downtown streetscape while using the green space to provide a gap between the parking garage façade, Webford Avenue, and the development on the south side of Webford Avenue.

PZB Additions or Modifications (if necessary): None.

6. **Site Illumination:** Site illumination with respect to how it has been designed, located and installed so to minimize adverse impacts to adjacent properties;

*Comment:* In the materials for the April 12 public hearing, there is a site lighting diagram in which wall-mounted sconces are shown, as well as two illuminated signs at building entry points and two wall-mounted garage signs. This page is Attachment 16 in this packet. Renderings in Attachment 8 show downward-pointed fixtures, both freestanding and building-mounted, which should aid in minimizing adverse impact and complying with the lighting Performance Standards of Section 12-12-10. However, the directional illumination of the sconces (i.e. upward or downward) is unclear. Nonetheless, Section 12-12-10 would apply.

PZB Additions or Modifications (if necessary): None.



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7. **Conformance with Adopted Land Use Policies and Plans:** The relationship of the site plan to adopted land use policies and the goals and objectives of the comprehensive plan. (Ord. Z-8-98, 9-21-1998)

Comment: See the review on Pages 11-13 and the staff comments on the Map Amendment Standards (Findings of Fact) on Pages 13-14.

PZB Additions or Modifications (if necessary): None.

8. **Business District Design Guidelines.** In addition to the foregoing, development review procedures within those districts outlined in the city's "Business District Design Guidelines", dated March 2005, and approved by the city council May 16, 2005, shall constitute standards in performing site plan review. (Ord. Z-10-05, 6-6-2005)

Comment: Page 8 of this report comments on the project with regard to the Building Design Review standards of Section 12-3-11, adopted initially in 2014, instead of the Business District Design Guidelines from 2005. Nonetheless, per Section 12-3-2.D the Board **may** evaluate this Site Plan standard.

PZB Additions or Modifications (if necessary): None.

**PZB Recommendation and Conditions:** Pursuant to Section 12-3-7 of the Zoning Ordinance, the PZB should vote on a recommendation to City Council regarding the request for Map Amendment. In making its recommendation, the Board should consider both Map Amendment and Site Plan Review standards. The Board may use comments as provided in this packet, make changes, or state its own. Because there is no longer a variation request, staff does not recommend conditions.

**PZB Action:** Through a separate motion, the Board may approve the Tentative Plat of Subdivision based on Sections 13-2-2 and 13-2-3 of the Subdivision Regulations. A Final Plat of Subdivision, to involve the review of more detailed engineering and public improvements, would be required at a later time. Staff recommends one condition: Prior to the Board's review of a Final Plat, written approval of utility easements by all privately owned companies should be provided to the City.

The Chair opened discussion and members began to explain their rationale for evaluating the map amendment request and project overall.

Member Fowler reviewed the zoning map and materials she distributed to the Board and had displayed on screen. She stated that it is not that we don't want to improve the site, the problem is that the C-3 district should not be changed to C-5. There is plenty of available land in the C-5 district. A building over 45-feet tall it too large for the proposed development.

Member Weaver cited from the traffic study that during peak hours 20 percent of the traffic will travel west on Ellinwood Avenue. A potential problem is if the traffic is going west on Ellinwood, south on Graceland and west on Webford. Member Weaver would like to see some type of traffic calming or delineators between the two southbound lanes on Graceland. Understandably this is IDOTs jurisdiction,

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but he would like the City to inquire if traffic control is possible. This is only in the preliminary plat stage where a lot of changes could be proposed.

Member Fowler addressed compatibility by stating there is no C-5 next to residential in Des Plaines for a reason; it will negatively affect property values. Member Weaver and Chair Szabo interjected that there is residential; it's just not single-family.

Member Saletnik expressed that he is favor of the project but acknowledged concerns over the number of cars that will be going west on Webford. He suggested a limitation on cars leaving the development. He emphasized "The Dance Building" property at 1330 Webford should be included in the project. He discussed how service and deliveries will be handled and called for a design improvement in the right of way.

Member Hofherr believes that this is would be a good project fit for the downtown area but has a problem of where it is located. There will be heavier traffic on Webford and a number of unknown items.

Member Saletnik stated that the property is part of downtown but called for the importance of buffering between uses. Member Fowler asked how this could be achieved in this case, and Member Saletnik responded with ideas to acquire additional property for buffering.

Legal Counsel Weiss suggested the Board ask for staff to review the process and motions.

John Carlisle, Director of Community & Economic Development, explained the changes to the staff report from the May 24 meeting and noted the attachment that contains suggested findings from counsel for the objectors. The Public Hearing is closed and the purpose of continued deliberation is to evaluate the site plan review standards. He informed the Board could use either set of findings in their packet or use their own rationale for voting on the request.

Director Carlisle explained the two motions: First, a recommending vote on the map amendment, and second, a vote on the Tentative Plat of Subdivision. The Planning and Zoning Board has the final approval of the Tentative Plat of Subdivision, but it is tentative. If the Tentative Plat is approved, then the developer works with the Engineering department. The Planning and Zoning Board will then at a later date review and make a recommendation on a final plat. However, the City Council has the final vote on the Final Plat.

Legal Counsel Weiss reiterated the separate motions for Map Amendment and Tentative Plat of Subdivision

**A motion was made by Board Member Saletnik, seconded by Board Member Weaver, to recommend approval of the Map Amendment.**

AYES: Szabo, Saletnik, Weaver

NAYES: Veremis, Hofherr, Fowler

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**\*\*\* MOTION FAILED \*\*\***

**A motion was made by Board Member Saletnik, seconded by Board Member Weaver, to approve the Tentative Plat with the notion the items discussed will be addressed before the Final Plat.**

AYES: Szabo, Saletnik, Weaver

NAYES: Veremis, Hofherr, Fowler

**\*\*\* MOTION FAILED \*\*\***

Legal Counsel Weiss reviewed the City Code regarding the tie vote and reported back.

After review of the Subdivision Code, Legal Counsel Weiss reported that the Subdivision Code does not provide guidance if there is a denial of the Tentative Plat. The process if there is a Tentative and Final Plat, the Final Plat is recommended for approval by the Planning and Zoning Board if it is in conformance with Tentative Plat. After reviewing the Code, both items ultimately go to the City Council for final determination. The Planning and Zoning Board recommendation goes to the City Council as a recommendation to deny the Map Amendment, and the Tentative Plat outcome will also go to the City Council and be reflected in the minutes.

Member of the public Chris Walsh and Legal Counsel Weiss discussed the number of votes needed for approval at the City Council level.

**4. Addresses:** 550 Northwest Highway

**Case Number:** 22-020-CU

**Owner:** Sam Jidd, 1505 S. Mount Prospect Road, Des Plaines, IL 60016

**Petitioner:** Sam Jidd and Radek Malinowski, 1505 S. Mount Prospect Road, Des Plaines, IL 60016

**Case Number:** 22-020-CU

**PIN:** 09-18-201-032-0000

**Ward:** #7, Alderman Patsy Smith

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**Existing Zoning:** C-3, General Commercial District

**Existing Land Use:** Vacant Commercial Building

**Surrounding Zoning:** North: C-3, General Commercial District  
South: R-3, Townhouse Residential District  
East: C-3, General Commercial District  
West: C-3, General Commercial District

**Surrounding Land Use:** North: Domestic Pet Service (Commercial) / Professional Services (Commercial) / Vacant Commercial Space  
South: Townhouses (Residential)  
East: Vacant Commercial Space  
West: Religious Institution (Commercial)

**Street Classification:** Northwest Highway is classified as a minor arterial.

**Comprehensive Plan:** The Comprehensive Plan illustrates the site as Higher Density Urban Mix with Residential.

**Zoning/Property History:** Based on City records, the property was annexed into Des Plaines in 1927. The subject address was developed with a building and parking area as early as 1961. The subject property was previously utilized by a dealership, Des Plaines Honda, which left around April 2021. Although Des Plaines Honda was a motor vehicle sales use, there was no conditional use on record, which meant it was a legal nonconforming use. Per Section 12-5-5 (Nonconforming Uses), when a nonconforming use is discontinued for more than 12 months, a conditional use is required. Therefore, the proposed business, Just Drive It, requires a conditional use to operate on this property.

The petitioner, Adam Jidd of Just Drive It, LLC, is requesting a conditional use to allow a motor vehicle sales use in the C-3 General Commercial district at 550 Northwest Highway. The subject property at 550 Northwest Highway consists of one parcel totaling 23,677 square feet (0.54 acres) and currently contains a 3,624-square-foot, one-story single-tenant commercial building with a lower level and a paved surface parking lot area as illustrated on the attached Plat of Survey. The subject property is currently accessed by one curb-cut off Northwest Highway but does have access to an alley off the northeast property line via a gate. The existing building is set back approximately 3 feet off the south property line (front) along

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Northwest Highway, 105 feet from the north property line (rear), 0.05 feet off the west property line (side), and 51 feet off the south property line (side).

Just Drive It is a car dealership looking to locate to Des Plaines at the subject property. The business will utilize the full building in its operations and remodel the building's interior to provide a 3,530-square-foot open showroom area on the lower level, a 3,843-square-foot office/showroom area on the main level, a 210-square-foot reception area, restrooms on the main and lower levels, and mechanical space on the lower level as illustrated in the attached Site Plan & Architectural Plans. The petitioner does plan to update the south exterior of the building with new paint, aluminum mesh façade, and new wall signs as shown in the attached Site Plan and Architectural Plans. Given that the proposed exterior changes alter a street-facing elevation, all proposed changes must comply with the Building Design Standards in Section 12-3-11 of the Zoning Ordinance. Metal is a permitted ground story material for a commercial use so the proposed aluminum façade meets this requirement. The proposed hours of operation are 10 a.m. to 8 p.m. Monday through Friday and closed on the weekends. Up to ten employees will be on site at one time.

Just Drive It will have access to the east paved surface parking area for parking for customers and employees. Pursuant to Section 12-9-7 of the Zoning Ordinance, motor vehicle sales uses require a minimum of one parking space for every 500 square feet of showroom and office floor area, plus one space for every 20 vehicle display spaces (required off street parking spaces cannot be occupied by motor vehicles for sale or for lease). The 7,156-square-foot combined showroom/office areas and 40 proposed vehicle display spaces require a minimum of 17 parking spaces, including one accessible space.

The attached Site Plan identifies the surface parking area that extends from the east side of the building to the rear of the lot. However, the allocation of parking between vehicle display parking and employee/customer parking is not shown on this plan. As customer parking is required for this use, staff has added a condition that the Site Plan is revised and resubmitted to staff prior to the City Council meeting to identify that the property can accommodate 40 vehicle display spaces and 17 open parking spaces for patrons and employees, including one handicap accessible parking space in compliance with all applicable City of Des Plaines codes. There are existing exterior lights on the property that the petitioner does not intend to alter as part of this request. While the proposal intends to utilize existing exterior building lighting and there are no immediate plans to add exterior lighting, staff has added a condition that a Photometric Plan will be required at time of building permit if new exterior lighting is proposed for the subject property.

**Conditional Use Findings:** Conditional Use requests are subject to the standards set forth in Section 12-3-4(E) of the Zoning Ordinance. The PZB may use the staff comments below or the attached petitioner responses as its findings, or the Board may adopt its own:

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

Case 22-014-V	1285 E. Golf	Major Variation
Case 22-018-CU	676 N. Wolf Road	Conditional Use
Case 21-052-MAP-TSUB-V	622 Graceland Avenue, 1332 and 1368 Webford Ave	
Map Amendment/Tentative Plat/Variation		
Case 22-020-CU	550 Northwest Highway	Conditional Use
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*Comment:* The proposed principal use is classified as a motor vehicle sales use. A motor vehicle sales use is a conditional use as specified in Section 12-7-3 of the Zoning Ordinance.

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

*Comment:* The subject property is a vacant building with available commercial space. The proposal would repurpose the building to provide a new business and services for residents.

**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:* The motor vehicle sales use would utilize the existing building and site, which adjoins smaller commercial developments. The proposed use is generally harmonious with the surrounding commercial development on all sides with the exception of the south side that abuts townhouses.

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

*Comment:* The use would not be hazardous or disturbing to the existing neighboring uses. Instead, the proposal will improve an underutilized property with a new use.

**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:* The subject property is an interior lot with direct access to essential public facilities and services. Staff has no concerns that the motor vehicle sales use will be adequately served with essential public facilities and services similar to other motor vehicle sales uses in the past.

**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:* The motor vehicle sales use would neither create a burden on public facilities, nor would it be a detriment to the economic well-being of the community. The addition of a new use could help the existing business grow and promote business retention of surrounding commercial areas.

**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:**

Case 22-014-V	1285 E. Golf	Major Variation
Case 22-018-CU	676 N. Wolf Road	Conditional Use
Case 21-052-MAP-TSUB-V	622 Graceland Avenue, 1332 and 1368 Webford Ave	
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*Comment:* Aside from the parking of vehicles for sale, activities for the motor vehicle sales use will take place inside, reducing any noise, smoke fumes, light, glare, odors, or other concerns. The existing development and site improvements currently do not create adverse effects on surrounding properties.

**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:* The proposed use will not create an interference with traffic on surrounding public thoroughfares as there is an adequate curb-cut off Northwest Highway. The proposal will not alter the existing access point or add any curb cuts to the existing property.

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

*Comment:* The subject property is already developed so the motor vehicle sales use would not result in the loss or damage of natural, scenic, or historic features. Instead, the petitioner is repurposing a vacant property and single-tenant commercial building to provide new services to the city.

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

*Comment:* The motor vehicle sales use will comply with all applicable requirements as stated in the Zoning Ordinance.

**PZB Procedure and Recommended Conditions:** Under Section 12-3-4(D)(3) (Procedure for Review and Decision of Conditional Uses), the PZB has the authority to recommend that the City Council approve, approve subject to conditions, or deny the above-mentioned conditional use request for 550 Northwest Highway. The 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 above, as specified in Section 12-3-4(E) (Standards for Conditional Uses) of the Zoning Ordinance. If PZB recommends approval and City Council ultimately approves the request, staff recommends the conditions on the following page.

**Conditions of Approval:**

1. The Site Plan is revised and resubmitted to staff prior to the City Council meeting to identify the 40 vehicle display spaces and 17 required open parking spaces for patrons and employees,

Case 22-014-V	1285 E. Golf	Major Variation
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Case 21-052-MAP-TSUB-V	622 Graceland Avenue, 1332 and 1368 Webford Ave	
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including one handicap accessible parking space, in compliance with all applicable City of Des Plaines codes.

2. A Photometric Plan will be required at time of building permit if new exterior lighting is proposed for the subject property.
3. All activities on the subject property shall be related to the motor vehicle sales use as defined in Section 12-13-3 of the Zoning Ordinance.
4. That all proposed improvements on the subject property are in full compliance with the City of Des Plaines codes. Any proposed improvements off the subject property shall obtain proper approvals.
5. The property shall be brought into and remain in conformance with all property maintenance code requirements.
6. All vehicles parked on the subject property shall contain valid plates and vehicle registration at all times.

Representative Jackie Noack, 1015 S Mt. Prospect, was sworn-in and provided an overview of the request. The business will utilize the full building in its operations and remodel the building's interior to provide a showroom for the sale of mainly luxury vehicles.

Board members asked Ms. Noack the number of employees, number of cars and type of vehicles that will be at this location. Ms. Noack responded that six employees will be at the location at a time. All vehicles are pre-owned and about 30-40 vehicles will be sold per month. Most of the vehicles sold at this location will be luxury electric vehicles.

Jonathan Stytz, Senior Planner, reviewed the Staff Report. If the recommendation is to approve the request, staff recommended six conditions.

**A motion was made by Board Member Saletnik, seconded by Board Member Weaver to approve a conditional use to allow a motor vehicle sales use in the C-3 General Commercial district at 550 Northwest Highway.**

AYES: Szabo, Veremis, Saletnik, Hofherr, Fowler, Weaver

NAYES: None

ABSTAIN: None

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



Case 22-014-V	1285 E. Golf	Major Variation
Case 22-018-CU	676 N. Wolf Road	Conditional Use
Case 21-052-MAP-TSUB-V	622 Graceland Avenue, 1332 and 1368 Webford Ave	
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**5. Address:** Citywide

**Case Number:** 22-020-CU

**Issue:** Consideration of the following Zoning Ordinance amendments: (i) establish term definitions for recreational vehicles (RVs), commercial vehicles, moving vehicles, and moving-vehicle leasing agents; (ii) amend existing definitions for vehicle leasing/rental agent and equipment leasing/rental agent; (iii) create a section in the Ordinance to address specifically RV parking regulations; (iv) establish a standard variation from certain RV parking regulations in residential districts; (v) add the newly defined moving vehicle leasing use as a conditional use in the C-3 District, with various limitations; and (vi) add the newly defined moving vehicle leasing use as a permitted use in the M-1 and M-2 Districts.

**PIN:** Citywide

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

**Case Number:** #22-022-TA

**Project Summary:** The City of Des Plaines is applying for various zoning text amendments related to vehicle and use definitions, parking regulations, and relief and approval processes. The proposed amendments cover (i) recreational vehicles and (ii) moving vehicles. Background is provided for each separately, but the amendments (Attachment 1) encompass both issues.

### **Background: RV Regulations**

The City Council and City Manager assigned staff in early 2022 to examine the City's existing RV rules. In particular, the Council and Manager were interested in parking location and size regulations, with an emphasis on vehicles that are not actively or frequently used and those not displayed for sale at a commercial business. They urged staff to compare Des Plaines to other communities. What staff found was Des Plaines does not have regulations on these issues in the Zoning Ordinance, only in the Property Maintenance section of the Construction Regulations of City Code, and further, existing rules do not clearly define a recreational vehicle. Staff provided this cursory research to the Council and Manager, who then asked staff to devise a general summary of a list of potential regulations. Now, staff has been asked to apply for and write full amendments for consideration and recommendation of the PZB, with potential adoption by the Council.

As part of research, staff contacted the Northwest Municipal Conference (NWMC), which provided 2017 survey data results from member communities. These results are Attachment 2. To summarize:

- Like Des Plaines, most communities require RV parking only on a hard surface.
- Some communities also have maximum heights, lengths, and/or widths, while others do not.
- Some communities allow parking only in less-visible portions of properties, such as only in the required rear yard but not in the required front or side yards; and
- Some others establish a minimum distance (setback) from lot lines.

Case 22-014-V	1285 E. Golf	Major Variation
Case 22-018-CU	676 N. Wolf Road	Conditional Use
Case 21-052-MAP-TSUB-V	622 Graceland Avenue, 1332 and 1368 Webford Ave	
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### **Proposed Amendments: RV Regulations**

All proposed amendments are contained in Attachment 1. Additions are **bold, double-underline**. Deletions are ~~struck through~~. Amended sections are provided with some surrounding, unamended text for context. The following is a summary of the proposed zoning amendments relating to recreational vehicles:

- Add a term definition for “vehicle, recreational” that includes terms such as “motor home,” “camper,” “trailer,” and smaller vehicles such as all-terrain, snowmobiles, and jet skis.
- In the off-street parking regulations, add the following restrictions (exempting business uses that conduct the permitted sale of RVs):
  - In residential zoning districts:
    - RVs parked outdoors cannot exceed a certain length and width (tentatively 32 feet in length and 8 feet in width).
    - No more than one RV may be parked outdoors per zoning lot of 10,000 square feet or less. No more than two RVs may be parked outdoors on a zoning lot of 10,000 square feet or greater.
    - No portion of an RV may encroach upon public right-of-way, including streets, sidewalks, driveway aprons, or alleys.
    - Except for loading or unloading for a period of 24 hours, no portion of an RV may be parked nearer to front or corner side lot lines than any portion of the principal structure (i.e. usually a house).
    - A screening mechanism, such as a solid fence or dense row of bushes, no less than six feet in height, must be installed, except where an RV is parked for 24 hours for the purpose of loading or unloading.
  - In non-residential zoning districts:
    - No RV parking in the C-1, C-2, or C-5 districts.
    - Where allowed, RVs may be parked in a required yard but at least five feet from any lot line in an off-street parking space that complies with all other rules (e.g. surface, striping, design).
    - Where abutting or adjacent to a residential district, a screening mechanism must be installed.
  - Variation option:
    - For unique circumstances on properties in a residential district, a standard variation (Planning & Zoning Board) may be granted. All other relief would be a major variation.

Although not within the purview of the PZB, once the Board recommends approval of amendments, the City Council would concurrently consider a small amendment to the City Code, specifically in the Local Amendments to the International Property Maintenance Code (Sub-Sections 302.8 Motor Vehicles and 302.8.1 Parking of Section 10-9-2). A reference to the pertinent sections of the Zoning Ordinance would be added there. The existing rules in those sub-sections would be retained. RVs must be:

- Operable and licensed;
- Not in a state of major disrepair or disassembly;
- Parked or stored either inside an enclosed structure such as a garage or in an approved off-street parking area, such as a driveway, carport, or parking lot, as further regulated by Zoning;

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and

- Cannot be stored on grass, dirt, parkways, or any similar non-hard surface.

### **Background: Moving Vehicles**

In April 2022, code enforcement staff became aware of multiple moving-vehicle rental business operations, specifically U-Haul, that had begun operating without permission of the City. These businesses included a retail establishment within a shopping center, a gas station, a car wash, and an automotive services establishment, all located in the C-3 General Commercial District. While the properties were not overrun with U-Haul vehicles or activity, it was observed that at least a handful of vehicles in each area were parked on the lots at all times. In all four cases, these operations were separate and subordinate from the core, primary business activities occurring there. Staff determined that these operations ran afoul in two ways: a.) the business registrations for these entities had not been updated to accurately reflect the U-Haul operation (Chapter 4-1 of the City Code) and b.) the Zoning Ordinance did not clearly define U-Haul rental. Three existing terms were reviewed, and it was determined the intent of all of the terms did not fit.

- *Commercial Motor Vehicle Sales and Leasing*: Lists as examples very large vehicles and equipment
- *Leasing/Rental Agents, Equipment*: Lists as examples mostly non-vehicles
- *Leasing/Rental Agents, Vehicle*: Lists as examples personal and recreational vehicles, likely contemplating traditional rental car establishments

Therefore, staff notified the violating establishments but suspended enforcement, pending the outcome of zoning text amendments to establish an appropriate regulatory framework. To staff, U-Haul rental as a small portion of a larger business, on certain properties, may make sense as an ancillary revenue stream. Certainly staff aspire to carry out the vision of decision makers that the City be business-friendly. However, there may be practical concerns – such as parking availability for the primary use(s) on properties – and aesthetics or adjacent property character that would prevent moving-vehicle leasing from being compatible necessitates an intentional set of rules.

### **Proposed Amendments: Moving Vehicles**

All proposed amendments are contained in Attachment 1. Additions are **bold, double-underline**. Deletions are ~~struck through~~. Amended sections are provided with some surrounding, unamended text for context. The following is a summary of the proposed zoning amendments relating to recreational vehicles:

- Add term definitions for “Vehicle, Commercial” and “Vehicle, Moving.”
- Add a term definition for “Leasing/Rental Agents, Moving Vehicle.”
  - While similar to Leasing/Rental Agents, Vehicle,” this term expresses intent that it may be a secondary principal use on a zoning lot (i.e. different from an *accessory* use, but secondary to the *primary*, or main, principal use)
  - The use will carry an off-street parking minimum in addition to the requirement for the primary use of the zoning lot.
- Allow “Leasing/Rental Agents, Moving Vehicle” as a conditional use in the C-3 General Commercial District

Case 22-014-V	1285 E. Golf	Major Variation
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- Newly proposed Footnote 24 caps the number of moving vehicles for lease or display at five (5). The Footnote requires them to be parked in permanently striped off-street parking spaces and to follow all other off-street parking requirements, including the sum of the total requirements for all uses on the zoning lot.
- Representatives of U-Haul have asked the City to consider allowing this as a permitted use instead of a conditional use. Given the parameters in the footnote, the Board may feel permitted use is appropriate. Staff has put forth conditional use in the proposed amendments but would change the amendment language based on the Board’s recommendation. In general, permitted use is friendlier to business, but conditional use allows the City to determine the appropriateness of the proposed operations on a case-by-case basis.
- Allow “Leasing/Rental Agents, Moving Vehicle” as a permitted use in the M-1 Limited Manufacturing District and M-2 General Manufacturing District.

**Standards for Text Amendments:**

The following is a discussion of standards for zoning amendments from Section 12-3-7.E of the Zoning Ordinance. Rationale for how the proposed amendments would satisfy the standards is provided. The Board may use the comments as Findings of Fact, modify, or adopt its own.

**1. 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;**

Comments: The Comprehensive Plan does not directly address either recreational or moving vehicles, but through its assertion to “preserve and enhance single-family neighborhoods” (p. 11) and strengthen commercial corridors and industrial areas (Chapter 3: Economic Development). Common-sense, reasonable regulations on recreational vehicles and moving vehicles works to achieve that.

PZB Additions or Modifications (if necessary): None

**2. Whether the proposed amendment is compatible with current conditions and the overall character of existing development;**

Comments: The amendments draw from existing terms, parking regulations, and the structure of the Zoning Ordinance and Map (i.e. districts) to craft regulations that are complementary to existing conditions.

PZB Additions or Modifications (if necessary): None

**3. Whether the proposed amendment is appropriate considering the adequacy of public facilities and services available;**

Comments: The amendments should not have an effect on public facilities and services.

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PZB Additions or Modifications (if necessary): None

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

Comments: By balancing business and private property needs through reasonable restrictions that address aesthetics and character (by considering district type and classification), the amendments should not have an adverse effect on property values. They intend to allow the reasonable use of property without inhibiting the enjoyment of property by adjacent owners and users.

PZB Additions or Modifications (if necessary): None

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

Comments: The amendments are based in research of regulations in peer communities in the region overall, as well as respond to issues encountered by the City Council and staff, with input from private businesses (i.e. U-Haul).

PZB Additions or Modifications (if necessary): None

**PZB Procedure and Recommendation:** Under Section 12-3-7 of the Zoning Ordinance, the PZB has the authority to recommend that the City Council approve, approve with modifications, or deny the above-mentioned amendments. The Board should clearly state modifications so that a recommendation can be incorporated in the approving ordinance passed on to Council, which has final authority on the proposal.

Staff was directed to review the Zoning Ordinance and propose amendments to strength the rules as it pertains to parking of large motor homes and campers parked primarily in residential areas.

John Carlisle, Director of Community & Economic Development reviewed the Recreational Vehicles Parking Survey. Director Carlisle explained that the proposed amendments are standard between other communities and does not feel that imposing the proposed amendments will create issues, but is inline and will fit with other regulations.

Member Hofherr recommended adding a maximum height of 12-feet for a recreational vehicle in Section 12-9-11.

Director Carlisle stated that box trucks, U-Haul type of vehicles are a type of add-on business; they are all located in the C-3 Zoning District. Currently, there is no language in the Zoning Code that fits allowing these secondary use businesses. With the proposed amendments the secondary business would be allowed but has to clearly be related to the principal use.

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Case 22-020-CU	550 Northwest Highway	Conditional Use
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**A motion was made by Board Member Hofherr, seconded by Board Member Fowler, to recommend approval of various zoning text amendments related to vehicle and use definitions, parking regulations, and relief and approval processes. The proposed amendments cover (i) recreational vehicles and (ii) moving vehicles.**

AYES: Szabo, Veremis, Saletnik, Hofherr, Fowler, Weaver

NAYES: None

ABSTAIN: None

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

### **ADJOURNMENT**

The next scheduled Planning & Zoning Board meeting is Tuesday, June 24, 2022.

Chairman Szabo adjourned the meeting by voice vote at 8:26 p.m.

Sincerely,

Laura Fast, Interim Recording Secretary  
cc: City Officials, Aldermen, Planning & Zoning Board, Petitioners



**DES PLAINES PLANNING AND ZONING BOARD MEETING**  
**June 28, 2022**  
**DRAFT MINUTES**

The Des Plaines Planning and Zoning Board held its regularly scheduled meeting on Tuesday, June 28, 2022, 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 the evening's cases. Roll call was established.

**PRESENT:** Szabo, Veremis, Saletnik, Hofherr, Fowler, Catalano

**ABSENT:** Weaver

**ALSO PRESENT:** John Carlisle, AICP, Director of Community & Economic Development  
Jonathan Stytz, AICP, Senior Planner  
Samantha Redman, Associate Planner  
Laura Fast/Recording Secretary

A quorum was present.

**PUBLIC COMMENT ON NON-AGENDA ITEM.**

There was no public comment.

**Pending Applications**

**1. Address:** 1245 Forest Avenue

**Case Number:** 22-021-CU-TA

The petitioner is requesting a text amendment to the Zoning Ordinance to allow "Cannabis Infuser" as a conditional use in the M-1 Limited Manufacturing District. The petitioner is also requesting a conditional use permit to allow a cannabis infuser facility to be located in the M-1 Limited Manufacturing District at 1245 Forest Avenue.

**PIN:** 09-20-400-027-0000 & 09-20-400-031-0000

**Petitioner:** Kate Nadolski, P.O. Box 1590, Des Plaines, IL 60017  
1245 Forest Holdings LLC, One Transam Plaza Drive, Suite 120,  
Oakbrook Terrace, IL 60181

**Ward Number:** #5, Alderman Carla Brookman

**Existing Zoning:** M-1, Limited Manufacturing District

**Surrounding Zoning:** North: C-3, General Commercial District

South: C-4, Regional Shopping District  
East: R-1, Single Family Residential District  
West: C-3, Regional Shopping

**Surrounding Land Uses:**

North: Grocery Store  
South: Shopping Center  
East: Single Family Residences  
West: Restaurant

**Street Classification:**

Forest Avenue is classified as a local street.

**Comprehensive Plan :**

Industrial is the recommended use of the property

**Property/Zoning History:** The subject property was constructed in 1976 and has operated as a multi-tenant industrial facility throughout the history of the building. The site is currently zoned M-1 Limited Manufacturing, allowing for a variety of light manufacturing and associated services. Other tenants of the building are businesses that would fall under light manufacturing. Currently the cannabis infuser use is only permitted in the M-2 zoning district.

Chair Szabo swore in Petitioners Kate Nadolski and David Nadolski, who began a presentation. The petitioners explained that they are a two-person, brother/sister, LLC. who received licensure on December 21, 2021 as a "true equity company." Additionally, as Ms. Nadolski is the majority shareholder in the company and is a woman, she is also considered to be a minority applicant.

They noted that in Illinois, the cannabis seed-to-sale process breaks down to three areas. Craft Grow Operations are those who grow and harvest cannabis. As per the law, a noteworthy portion of their production is required to be earmarked as distillate (aka tincture) that is then sold to infusion operations. Distillate has the consistency of honey and is similar in its coloration. That distillate is the product that the Culinary Cannabis Company will purchase to be infused into food products. By law, there will be no cannabis flower in the facility and the products produced must use cannabis in distillate form. The second area is the Infusion Operations. This is Culinary Cannabis Company's operation. Products will be infused into edible products. Infusers make products with regular ingredients and infuse a very controlled amount of distillate into that product which results in the product becoming a "cannabis infused" or "green" product. Selling to the public directly is prohibited. The third area is a Dispensary operation which serves as a touchpoint for all legal cannabis purchases in Illinois. Dispensaries sell cannabis and cannabis products to the public.

Ms. Nadolski is the Strategic Procurement and Marketing Manager of an industrial ingredient distributor. Mr. Nadolski is an Adjunct Professor of Speech and Communication at Oakton Community College, the only current US College offering a degree in cannabis business. The State of Illinois requires an outreach program as a condition of their license. The program Mr. and Ms. Nadolski developed is based around further educating the future generation of cannabis business owners.

The petitioners provided an overview of the Biotrack Tracking Software that is required to track the THC, their partnership with EcoLab, a company dedicated to environmental safety in manufacturing and the security of their facility.

Samantha Redman, Associate Planner, provided an overview of the Staff Report.



## **TEXT AMENDMENT**

**Project Description:** The petitioner, Kate Nadolski of Culinary Cannabis Company (formerly Mary Jane’s Incredible Edibles), is proposing to amend the Zoning Ordinance to add “Cannabis Infuser” as a conditional use in the M-1 Limited Manufacturing District. The petitioner is proposing to lease space from the property owner, which signed the application form and consents to the pursuit of the text amendment and conditional use. Currently cannabis users are permitted as a conditional use within the M-2 District under Section 12-7-4(G), and the use has an additional restriction limiting the location to parcels greater than 500 feet from any pre-existing pre-school, primary school, secondary school, childcare center on a commercial zoning lot, or place of worship. The proposed text amendment maintains this 500-foot minimum distance from sensitive uses, but expands the possibility of a conditional use to the M-1 Zoning District.

### *What is a Cannabis Infuser?*

Cannabis infuser is defined in Section 12-13-3 as, “a facility licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to create a cannabis-infused product.” In other words, cannabis infusers use concentrated cannabis to combine with other products, including candies, foods, lotions, and other consumables. Infusing involves the incorporation of cannabis distillate, a concentrated cannabis into products for human consumption.<sup>1</sup> The cannabis distillate is previously prepared and provided to infusers by licensed cannabis growers and manufacturers and is not manufactured at infuser facilities.

### *How are Cannabis Infusers Regulated?*

The Department of Agriculture Division of Cannabis Regulation licenses infuser operations in Illinois. All licensees are required to submit an application demonstrating how the proposed business will follow state cannabis regulations.<sup>2</sup> The Cannabis Regulation and Tax Act (410 ILCS 705) outlines requirements of cannabis business establishments. Infuser organization requirements are included in 410 ILCS 705 Section 35-25 and require facilities to adhere to specific security, transportation, packaging and labeling, advertising, environmental safety, and other requirements.

### *Current Local Regulation*

Within the Zoning Ordinance, the purpose of the M-1 Limited Manufacturing District is, “to provide locations for light manufacturing uses and associated services.” (Section 12-7-4(D)(1)). Light manufacturing involves the assembly, fabrication and processing of goods entirely inside a building with limited disturbances from noise, odor, glare, or other health and safety hazards. Light manufacturing generally involves the fabrication of finished products from previously prepared materials and do not require extensive floor areas.

The cannabis infusing process fits within this definition of light manufacturing. Cannabis infusing does not involve the growing of cannabis flower or manufacturing of raw cannabis into a product. Limited noise and odor are associated with the infusing process, which regardless of district (e.g. M-1, M- 2, etc.) is regulated both by Section 12-8-13 (Cannabis Business Establishment Use Standards) and Section 12-12-6 (Odor under Environmental Performance Standards). According to the petitioner’s project narrative, the machinery involved in the infuser process is estimated to be approximately as loud as a household

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<sup>1</sup> Fuego, H. (2017, July 8). Concentrate! Here's the Difference Between Shatter, Budder, Crumble and More. Retrieved from Westword: <https://www.westword.com/marijuana/concentrate-heres-the-difference-between-shatter-budder-crumble-and-more-8437217>

<sup>2</sup> Cannabis Infuser Application and Exhibits. Illinois Department of Agriculture. Accessed at <https://www2.illinois.gov/sites/agr/Plants/Documents/Infuser%20Application%20and%20Exhibits%20Form.pdf>

blender. In addition, consumption or retail sales are not permitted at an infuser facility and delivery outside of a licensed cannabis business establishment is strictly prohibited.

The cannabis infuser use is currently only permitted within M-2 zoning districts through a conditional use permit. Revising the use table to allow cannabis infusers within the M-1 zoning district would expand the areas available for infuser businesses, which is a growing subsector of the industry. While the potential for the use would expand to M-1, no other changes are proposed.

Refer to the attached Proposed Text Amendment.

### **CONDITIONAL USE**

**Project Description:** The following description and analysis assumes approval of the requested amendments as submitted.

The petitioner is proposing a conditional use to allow a cannabis infuser in the M-1 Limited Manufacturing District at 1245 Forest Ave. Specifically the petitioner would lease Unit 9, a 2,791-square-foot space within a larger building (23,100 square feet) on two parcels (total property area of 69,982 square feet or 1.5 acres.) Other tenants on site include a wholesale bakery, a plastics fabricator, a security company, a drive-away service business, two transportation logistics companies and a screen printing and embroidery business. The property is located on Forest Avenue at the end of a cul-de-sac, adjacent to railroad tracks. The lot line fronting Forest Avenue is designated as the front, the south lot line is the rear, and the side lot lines are on the east and west. The attached Plat of Survey shows the existing site conditions. No railroad crossings are located adjacent to the site; the closest railroad crossing is located approximately 0.2 miles to the south of the subject site. No crossing or additional alterations to the existing rail line are proposed.

In addition, the petitioner's business was issued a cannabis infuser license by the Department of Agriculture Division of Cannabis Regulation on December 21, 2021. Renewal of the license will be required three months prior to its expiration in December 21, 2022. The petitioner does not anticipate any issues with the license renewal. The original license lists the name "Mary Jane's Incredible Edibles" and the business address is in Franklin Park. The petitioner has stated the new name, The Culinary Cannabis Company, and the new address are required to be submitted to the state to update the license prior to beginning business operations. This site meets the location requirements of the proposed conditional use as it is more than 500 feet from any of the listed sensitive uses (e.g. pre-existing pre-school, primary school, secondary school, childcare center on a commercial zoning lot, or place of worship).

The proposed floor plan of the building includes an office, an infusing and packaging area, and the loading/unloading area inside the building (Refer to attached floor plan). The petitioner will be adding two rooms to the floor plan: a clean room and a security room. The clean room will be located at the entrance to the processing and manufacturing area and serves as a pre-production sanitation zone to prevent product contamination. The security room will include the safe for the building and storage for servers and other technical equipment for the facility. Access to the processing and manufacturing area will be restricted to employees with state ID cards. Plans may be revised further at time of building permit to meet all applicable City regulations.

The property has shared parking for tenants. Cannabis infuser uses are required to provide one space for every 1,000 square feet of gross floor area for infusing and packaging purposes, plus one space for every 250 square feet of gross floor area dedicated to office uses, plus one space for every 1,000 square feet of gross floor area dedicated to ancillary uses. The definition of "floor area" in Section 12-13-3 allows certain spaces such as restrooms, mechanical rooms, hallways, and up to 10 percent of storage areas to be

excluded. Therefore, the floor area subject to the parking requirement for this 2,791-square-foot space would be 2,741 square feet.

Use	Floor Area	Required parking
Infusing and packaging	1,848.58 sf	2 spaces
Office	413.82 sf	2 spaces
Ancillary uses	437.03 sf	1 space
	Total	5 spaces

Pursuant to Section 12-9-7, five spaces will be required for this use. Sixty-six (66) total parking spaces and two accessible spaces are located on site. Based on the current tenants on the site, staff has determined a sufficient amount of parking would be available for this new use on the property. The parking area for the entire 1245 Forest complex was recently re-surfaced and re-a building permit approved on April 27, 2022, yielding 66 total parking spaces including two handicap accessible spaces. Pursuant to Section 12-9-8, three accessible spaces are required for parking areas with 66 spaces. A condition of approval is recommended to add one additional accessible parking space.

Deliveries for cannabis business establishments are unique compared to other uses due to state regulations. Transport of product from the proposed facility to dispensaries is required to be completed in an unmarked vehicle, although personal vehicles may be used to deliver to dispensaries within a certain radius, as specified by state law.<sup>3</sup> Loading and unloading may not occur on an open loading dock, but an unmarked vehicle will pull into the garage of the facility and cannot unload until the garage door is completely closed.<sup>4</sup> According to the Project Narrative, deliveries are expected to occur one to two times a week during regular business hours. The facility is also required to have security cameras with 24-hour surveillance at all points of entry and exit, and any areas cannabis is stored, handled, transferred, or destroyed.

Cannabis business establishments are permitted to have one non-illuminated wall sign measuring 50 square feet. No electronic message board signs, temporary signs, or window signs are permitted. The applicant intends to locate one sign for their business establishment on site. State regulations limit what can appear on this sign.<sup>5</sup> Any future signage will be submitted and approved as a separate sign permit.

**Standards for Text Amendment:**

The following is a discussion of standards for zoning amendments from Section 12-3-7(E) of the Zoning Ordinance. Rationale for how the proposed amendments would satisfy the standards is provided. The PZB may use this rationale to adopt findings of fact, or the Board may make up its own. See also the petitioner's responses to standards.

1. Whether the proposed amendment is consistent with the goals, objectives, and policies of the

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<sup>3</sup> 410 ILCS 705 Section 35-25. Infuser organization requirements; prohibitions

<sup>4</sup> 410 IL 705 Section 15-100. Security

<sup>5</sup> 410 ILCS 705 Section 55-20 restricts cannabis advertisements to depict any false or misleading information, any health, medicinal or therapeutic claims about cannabis, overconsumption of cannabis, actual consumption of cannabis, or appeals to any person under 21 years of age with cartoons, toys, animals, or any other characters, images or phrases.

comprehensive plan, as adopted and amended from time to time by the City Council;

*Comment:* The 2019 Comprehensive Plan does not address cannabis use. However, the proposed amendment would not conflict with any existing goals, objectives or policies of the comprehensive plan.

2. Whether the proposed amendment is compatible with current conditions and the overall character of existing development;

*Comment:* Cannabis infuser uses are allowed in the M-2 zoning district. The proposed text amendment would expand available locations to M-1 zoned parcels to support the growing cannabis infuser subsector and the cannabis industry overall in the city.

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

The proposed amendment is not anticipated to impact public facilities and available services but rather enhance economic development within Des Plaines. Infusers do not use a substantial amount of water or generate excessive waste products compared to other manufacturing uses.

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

The proposed amendment will not have an adverse effect on property values throughout the City. The proposed use would provide additional economic opportunities for parcels zoned M-1 and support opportunities for a burgeoning industry within Illinois.

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

The proposed text amendment works towards responsible standards for development and growth by contributing to the economic and employment needs of the community. Expanding the available zoning districts permitted to have this type of business creates additional opportunities for new businesses. As discussed in the petitioner's response to standards, cannabis infusers have several state restrictions limiting where a business can be located. Expanding the available area for this use would support this industry in the city and the infuser subsector overall.

**Conditional Use Findings:** The following is a discussion of standards for zoning amendments from Section 12-3-4(E) of the Zoning Ordinance. Rationale for how the proposed amendments would satisfy the standards is provided. The PZB may use this rationale to adopt findings of fact, or the Board may make up its own.

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

*Comment:* A text amendment request to add Cannabis Infuser as a use in the M-1 Zoning District is currently being requested. If this proposed text amendment is approved, Cannabis Infuser will be listed as a Conditional Use in the M-1 district, as specified in Section 12-7-3 of the Zoning Ordinance, as amended.

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

*Comment:* The 2019 Comprehensive Plan does not address cannabis use. However, the proposed amendment would not conflict with any existing goals, objectives, or policies of the comprehensive plan

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: The proposed Cannabis Infuser Conditional Use would provide a tenant for a vacant space in a multi-tenant manufacturing building. The use would be harmonious with the surrounding manufacturing and commercial businesses in the area and in close proximity to other cannabis businesses in the northwest suburbs of Chicagoland.

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

Comment: The proposed use would not be hazardous or disturbing to the existing neighboring uses. The Police Department was consulted on this use and indicated they did not have any public safety concerns about this use at the property. Security cameras monitored 24/7 will be placed outside the location, as required by state cannabis regulations. All deliveries, including the drop off and pick up of cannabis, are required to be contained inside the existing building as required by state cannabis regulations. Thus, the use is contained inside an existing building and will not detract or disturb surrounding uses in the area.

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: The subject property is within an existing commercial and manufacturing area that has direct access to essential public facilities and services. Staff has no concerns that the proposed use will not be adequately served with essential public facilities and services.

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: The proposed use would neither create a burden on public facilities, nor would it be a detriment to the economic well-being of the community. The proposed use may improve the economic well-being of the community by providing additional economic development and employment opportunities to residents.

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: All proposed activities for the cannabis infuser use would take place inside the building reducing any noise, smoke fumes, light, glare, odors, or other concerns. In addition, cannabis business establishments may be subject to periodic inspections of the premises to determine if any additional odor mitigation is required. Traffic will be limited to employees and up to two weekly deliveries of cannabis products. Pursuant to state regulations, deliveries are completed with sprinter vans or personal vehicles, depending on proximity to cannabis business establishments and must be entirely contained within a garage. No larger truck traffic will be generated by this use.

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: The proposed use will not create an interference with traffic. No retail sales will occur on site and deliveries are anticipated to occur one to two times weekly. Delivery vehicles will be unmarked vans or personal vehicles, depending on proximity to dispensaries. No larger truck traffic will be generated by

this use. Pursuant to state regulations, all deliveries will be entirely contained within the garage located in this unit.

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

*Comment:* The subject property is within an existing building and thus would not result in the loss or damage of natural, scenic, or historic features. No new development is proposed for this site.

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

*Comment:* The proposed cannabis infuser will comply with all applicable requirements as stated in the Zoning Ordinance. The use will follow the Cannabis Business Establishment requirements in Section 12-8-13 and the proposed text amendment for M-1 requires the site to be located 500 feet or greater from pre-existing pre-school, primary school, secondary school, childcare center on a commercial zoning lot, or place of worship.

**PZB Procedure and Recommended Conditions:** Pursuant to Sections 12-3-4(E) and 12-3-7(E) of the Zoning Ordinance, the PZB may vote to *recommend* approval, approval with modifications, or disapproval of the proposed text amendments and conditional use. The City Council has final authority over both requests. The PZB should take two motions to consider each request individually. First, the Board should consider the text amendments, which may be recommended for approval *as submitted*, approval *as revised*, or denial.

Second, based on the outcome of the first motion, the Board can consider a recommendation regarding the conditional use. However, should the PZB recommend approval of the conditional use, staff suggest the following conditions for the conditional use request:

**Conditions of Approval:**

1. Plans may need to be revised further at time of building permit to meet all applicable City regulations.
2. One additional accessible parking space shall be striped in the existing parking lot of the building pursuant to Section 12-9-8.

Member Fowler asked the daily volume of product that will be produced. Ms. Nadolski responded that while currently it is difficult to calculate the estimated units per day will be approximately 500 units. A unit equals one tablespoon.

Member Saletnik asked if both THC and CBD will be used. Mr. Nadolski stated that only THC will be used.

Member Hofherr commended the petitioners on their quality of security and inquired as to who are the end-users and the effect on impaired individuals. The petitioners explained the end-users are typically 40-65 year old women mainly using the product as an ingredient and not an end product. Their products will mainly be consumed in the household.

Member Veremis inquired as to the type of training required. Ms. Nadolski responded that a Food Safety Certificate is required by the State of Illinois and any employees on the production floor are required to be fingerprinted.

**A motion was made by Board Member Fowler, seconded by Board Member Hofherr to approve a zoning text amendment to allow a cannabis infuser use as a conditional use in the M-1 zoning district.**

AYES: Szabo, Veremis, Saletnik, Hofherr, Fowler, Catalano

NAYES: None

ABSTAIN: None

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

**A motion was made by Board Member Veremis, seconded by Board Member Hofherr to approve a conditional use cannabis infuser to operate at 1245 Forest Avenue.**

AYES: Szabo, Veremis, Saletnik, Hofherr, Fowler, Catalano

NAYES: None

ABSTAIN: None

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

**2. Address:** Citywide

**Case Number:** 22-023-TA

**Issue:** Consider the following Zoning Ordinance amendments: (i) simplify residential driveway regulations pursuant to Section 12-9-6.B.3 (R-1, R-2 Districts and single-family detached dwellings) regarding maximum driveway widths, setbacks from front entryways, and distance from lot lines; (ii) clarify and simplify residential driveway, walkway, and patio regulations pursuant to Section 12-7-1.C (Permitted Obstructions in Required Yards); (iii) revise the “patio” term definition pursuant to Section 12-13-3 to differentiate from a residential walkway; and (iv) define “residential walkway,” also pursuant to Section 12-13-3.

**PIN:** Citywide

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

**Case Number:** #22-023-TA

**Project Summary:** The City of Des Plaines is applying for various zoning text amendments to address residential driveway and residential walkway issues that have arisen during 2022.

**Updating Residential Driveway Width & Setback Regulations for R-1 and R-2 Zoned (and Additional Single-Family Detached) Properties**

The City wants to simplify driveway existing driveway regulations to provide residents in the R-1 Single Family Residential district, R-2 Two Family Residential district, and lawfully-established single family dwellings in other districts additional flexibility in how they design their driveways, specifically in regard to driveway width and design. The Community and Economic Development Department has identified these rules as confusing and difficult to meet for many building permit applicants. The Zoning Ordinance, which establishes the City’s off-street parking rules, currently restricts driveway width and design based on the size of the garage (i.e., number of cars) and, depending on the size of the garage, the garage *door width* as denoted in Table 1.

**Table 1: Existing Driveway Width Regulations based on Garage Size**

Garage Size	1-Car	2-Car	3 or more-car
Maximum Driveway Width	20 feet	Garage door width plus 2.5 feet on each side	Garage door width plus 2.5 feet on each side

***Driveway Width Regulations***

Currently properties that have a one-car attached or detached garage are limited to a flat 20 feet in width. Properties with two or more car garages are allowed driveways as wide as the garage door width plus 2.5 feet on each side. As such, properties with larger garages that can house two or more vehicles are



permitted additional driveway width whereas properties with one-car garages are allowed less driveway width. However, it is important to note that the 2.5-foot-allowance on either side of the garage door cannot currently be combined. Thus, only up to 2.5 feet of width could be added on either side of the garage door, not five feet on one side or any other delimitation. There are many front doors, foot stoop areas, or other natural or built objects that are close to or directly abutting the garage door that often encroach into the space where the 2.5-foot-extension could be placed, thus limiting the overall driveway width. For example, a residence with a raised front stoop located one foot away from the garage door would only be able to install an additional foot of driveway width on this side of the garage instead of the allowed 2.5-foot-expansion area, often resulting in oddly shaped or less functional driveway surfaces that do not adequately serve the property owner. Similarly, permit review for properties with two or more car garages are more involved and take longer to process as the garage width and garage door setback distance from the sides of the garage needs to be determined in order to confirm the driveway proposal meets the code requirements.

Consequently, staff has proposed amending this portion of the code to remove the 2.5-foot-expansion area regulation in its entirety for two or more car garages and permitting a flat driveway width for these R-1 and R-2-zoned properties (and properties with lawfully-established single family dwellings) from the garage to the street based on the garage size. Properties with two-car garages would be allowed a maximum driveway width of 23 feet and properties with three or more car garages would be allowed a maximum width of 26 feet.

### ***Driveway Setback Regulations***

The Zoning Ordinance also limits driveway design based on its setback distance from property lines (minimum of two feet required) and setback distance from the front entryway of a residence (minimum of 6 feet required). The existing minimum two-foot-setback regulation between the driveway and the property line is intended to improve driveway design on both a functional and aesthetic level. However, when read literally, the current regulation applies only when the driveway is accessing a garage in the rear yard; that is not the intent. For multiple years, staff has interpreted both this restriction and allowance – because, otherwise, driveways would not be permitted in the required side/rear yards at all – to apply to all driveways accessing a garage. Moreover, for properties with rear alleys and driveways accessing detached garages from the rear property line, these driveways are technically not permitted by this regulation.

As multiple driveway designs result from varying property types (i.e., interior versus corner lots) and sizes, staff recommends adjusting this regulation to apply to all residential driveways in the R-1 and R-2 districts (and properties with lawfully-established single family dwellings), regardless of the location of the driveway, for added clarity and consistency city-wide. The proposed amendments also clarify that driveways that require access to garages through a property line can pass through that lot line and thus be located within that required yard.

The existing minimum six-foot-setback regulation between the driveway and the front door/landing area leading to the front door is intended to provide an appropriate separation distance for safety and functional reasons. However, there are many residences throughout the City that have a front door and landing area leading to a front door in close proximity to existing driveways (i.e. existing nonconformities). For many residences where the front entryway is close to or directly abutting a driveway, the code limits the ability of these homeowners from fully expanding their driveways to the maximum width and often results in non-functional or oddly shaped driveway designs. Thus, staff is proposing to remove this regulation in its entirety for all driveways in the R-1 district, R-2 district, and properties with lawfully-established single family dwellings.

Please see the attached Proposed Driveway Text Amendments for all proposed changes to the driveway regulations for R-1 and R-2 zoned properties (and properties with lawfully-established single family dwellings).

### **Adding Residential Walkway Definition and Amending Walkway Width Regulations**

#### *New "Residential Walkway" term*

The City is also looking to define and adjust regulations for walkways within residential districts. While the terms "sidewalk" and "walkway" are found throughout the Zoning Ordinance, there is currently no definition for a walkway, leading to ambiguity and confusion for hard surfaces that may resemble a larger surface, such as a patio, but are labeled as sidewalks or walkways. In addition, staff has dealt with a handful of permit requests or situations where the use of a surface characterized as a walkway is not solely for pedestrian access (i.e., storage of receptacles). A hard surface is currently defined as a walkway if it is four feet or less in width, but there is no clear definition available in Section 12-13-3. Thus, staff proposes adding a definition for residential walkways to add clarity and consistency.

#### ***Amended Walkway Width and Setback Regulations***

Staff is also proposing amendments related to walkway width permitted on residential properties. Section 12-7-1.C of the Zoning Ordinance currently limits walkway width to four feet, regardless of whether the walkway is located in a required yard (front, side, corner-side, or rear) *or within the buildable area* (i.e., outside of the required yards). Staff has received several permit requests for walkways in excess of the four feet wide for a variety of different reasons. There are also properties that have existing walkways in excess of four feet in width. For these reasons and to help allow additional design flexibility for pedestrian access, staff is proposing to adjust the walkway width regulations in Section 12-7-1.C based on the walkway's location on the property. Walkways located within the required side yard will still be restricted to four feet in width. However, walkways located within the front, corner-side, or rear yard will be allowed up to six feet of width. The restriction within the buildable area, or outside of a required yard, would be removed. In staff's opinion it is both onerous and inconsistent with the purpose of Section 12-7-1.C., which is to regulate permitted obstructions in required yards. In addition, staff is also proposing to adjust the required setback distance between a walkway and a property line. The Zoning Ordinance currently requires walkways to be setback a minimum of two feet from all property lines. However, there are many examples of properties with insufficient space on the property (e.g., narrow side yard) to install a walkway width that is functional while also complying with this two-foot-setback regulation. Thus, staff is proposing to reduce the required walkway setback distance from a property line from two feet to one foot.

### **Revising Patio Definition and Clarifying Patio Regulations Related to Walkway Connections**

#### ***Revised Patio Definition***

Given the proposed amendments to walkways in the previous section, staff is also looking to amend the definition of a patio, which would be in conflict with the new widths permitted for residential walkways. Pursuant to Section 12-13-3, a patio is defined as "a hard surface larger than four feet by four feet (4'x4') that is not connected to a driveway, parking pad, or other hard surface that is connected to a street or alley." Thus, staff has proposed amending this definition to remove the size qualifications specified within but retaining the restrictions on the placement and use of a patio surface. Moreover, the revised patio definition will still require patio surfaces to be separated from a parking area or driveway surface as currently regulated in Section 12-7-1.C of the Zoning Ordinance and prohibit the parking or storage of vehicles on a patio surface.

### ***Clarifying Patio Regulations Related to Walkway Connections***

The Zoning Ordinance currently requires patio surfaces to be separated a minimum of three feet from all parking area and driveway surfaces. There is an allowance for a walkway, not in excess of the maximum walkway width (currently four feet), to connect to and diverge from a patio surface in order to provide a paved pedestrian access to another hard surface like a driveway. However, this is not clearly identified in Section 12-7-1.C. under patios. As a result, the proposed amendments would update the existing table in Section 12-7-1.C under patios to clarify this allowance.

### **Proposed Amended Sections**

All proposed amendments related to driveways are contained in Attachment 1, and all proposed amendments related to other hard surfaces are contained in Attachment 2. Additions are **bold, double-underline**. Deletions are struck through. Amended sections are provided with some surrounding, unamended text for context.

### **Standards for Zoning Ordinance Text Amendment:**

The following is a discussion of standards for zoning amendments from Section 12-3-7.E of the Zoning Ordinance. Rationale for how the proposed amendments would satisfy the standards is provided.

#### **1. Whether the proposed amendments are consistent with the goals, objectives, and policies of the comprehensive plan, as adopted and amended from time to time by the City Council;**

The Comprehensive Plan calls for the preservation and enhancement established single-family neighborhoods. The proposed amendments help continue this vision by providing residents alternative ways to improve their properties.

#### **2. Whether the proposed amendments are compatible with current conditions and the overall character of existing development;**

The amendments help simplify existing driveway, patio, and walkway regulations for additional clarity and easier compliance for uses city-wide. Similarly, the amendments will allow additional design flexibility to make future hard surface proposals more practical with existing conditions and ultimately more compatible with the character and nature of Des Plaines than the current rules provide. In some cases, the proposed amendments could lead to the reduction of existing nonconformities on properties in violation of current regulations.

#### **3. The proposed amendments are appropriate considering the adequacy of public facilities and services available;**

The amendments intend to clarify and simplify existing regulations to promote more effective use of property for parking facilities, pedestrian access, and recreation. In relation to driveways and residential walkways, the amendments allow for greater flexibility in design but still regulate the size of these hard surfaces to limit impervious surfaces on properties.

#### **4. Whether the proposed amendments will have an adverse effect on the value of properties throughout the jurisdiction; and**

The proposed amendments, if they have any impact, are likely to improve property values by fostering a reasonable way to design off-street parking areas and pedestrian access throughout the site. This, in turn, shall also lead to a more stream-lined permit review that could indirectly encourage property owners to make improvements to their properties.

**5. Whether the proposed amendments reflect responsible standards for development and growth.**

The amendments are based in thoughtful considerations of development trends and existing conditions throughout the City. The amendments also respond to issues encountered by City staff.

**PZB Procedure and Recommended Conditions:** Under Section 12-3-7 of the Zoning Ordinance, the PZB has the authority to recommend that the City Council approve, approve with modifications, or deny the above- mentioned amendments. City Council has final authority on the proposal.

If the PZB wishes, it may consider two separate motions for the issues addressed, with the first motion covering driveway amendments and the second for the patio and residential walkway amendments.

John Carlisle, Director of Community & Economic Development, reviewed the proposed amendments and explained the reason for the proposed text amendments is to simplify the permit process.

Jonathan Stytz, Senior Planner, discussed the existing issues and the lengthy permit review process, as well as the limitation on designs and functionality with the existing code.

Member Saletnik asked what the City will do about zero lot lines and garage setbacks. Director Carlisle responded that a minor variation can handle these type of issues.

Member Vermis asked if a new garage can be replaced in the same location. Senior Planner Stytz responded that a new garage would have to follow the requirements and could not be replaced in the same location.

Jonathan Stytz, Senior Planner explained that currently no definition exists for a walkway in the zoning code and that the proposed amendments would clarify a walkway with a definition.

Chairman Szabo inquired as to whom would handle minor variation and if ribbon driveways are allowed. Director Carlisle stated that staff will handle minor variations and a ribbon driveway is still allowed and can be replaced as is.

Member Fowler inquired if crushed stone driveways are allowed or the expansion of a gravel driveway. Senior Planner Stytz responded that a gravel driveway or expansion is not allowed. Gravel does not drain well and it is not a dust free hard surface, which is required for driveways in the current code.

**A motion was made by Board Member Catalano, seconded by Board Member Saletnik, to recommend approval of zoning text amendments related to driveway and hard surface regulations, as well as any other zoning relief as may be necessary.**

AYES: Szabo, Veremis, Saletnik, Hofherr, Fowler, Catalano

NAYES: None

ABSTAIN: None

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

**ADJOURNMENT**

The next scheduled Planning & Zoning Board meeting is Tuesday, July 26, 2022.

Chairman Szabo adjourned the meeting by voice vote at 8:34 p.m.

Sincerely,  
Laura Fast, Recording Secretary  
cc: City Officials, Aldermen, Planning & Zoning Board, Petitioners

DRAFT

**MEMORANDUM**

**Date:** July 22, 2022

**To:** Planning and Zoning Board (PZB)

**From:** Jonathan Stytz, Planner JS

**Cc:** John T. Carlisle, AICP, Director of Community and Economic Development

**Subject:** **1628 Rand Road – Case #22-024-TA-CU-V**  
Consideration of a Zoning Text Amendment to allow outdoor display of finished products in the C-3 district, Conditional Use Amendment to allow the outdoor display of finished products at 1628 Rand Road, two Major Variations for an electronic message board (EMB) sign, and a Major Variation for total sign area allowed on a single building

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**Issue:** The petitioner requests the following items: (i) a text amendment to Section 12-7-3.F.5 to allow the outdoor display of finished products in the C-3 General Commercial district where such outdoor displays are not currently allowed; (ii) an amendment to the existing Conditional Use permit for a trade contractor use at 1628 Rand Road to allow the outdoor display of finished products on the subject property; (iii) a Major Variation from Section 12-11-6.B to allow a total wall sign area for a single building of 236 square feet, where the maximum is 125 square feet; (iv) a Major Variation from Section 12-11-6.B to allow an electronic message board (EMB) sign located approximately 189.5 feet away from a residence in the R-1 district, where a minimum 250 feet is required; (v) a Major Variation from Section 12-11-6.B to allow an EMB sign to cover 100 percent of the total pole sign area, where a maximum 50 percent of a pole sign is permitted to be an EMB.

**Address:** 1628 Rand Road

**Petitioners:** Granite Place & Quartz, LLC and Cabinet Land Kitchen & Bath Corporation, 2020 Berry Lane, Des Plaines, IL 60018

**Owner:** Art Investment, LLC, 2020 Berry Lane, Des Plaines, IL 60018

**Case Number:** 22-024-TA-CU-V

**PIN:** 09-16-104-022-0000

**Ward:** #1, Alderman Mark A. Lysakowski

**Existing Zoning:** C-3, General Commercial district

**Existing Land Use:** Retail Store and Trade Contractor for installation of products

**Surrounding Zoning:** North: R-1, Single-Family Residential district  
 South: C-3, General Commercial district  
 East: C-1, Neighborhood Shopping district  
 West: C-3, General Commercial district

**Surrounding Land Use:** North: Single-family detached homes  
 South: Fuel Station / Dentist Office / Vacant Building  
 East: Office Building  
 West: Religious Institution Office

**Street Classification:** Rand Road is a minor arterial and Grove Avenue is a local street.

**Comprehensive Plan** The Comprehensive Plan illustrates the property as commercial.

**Zoning/Property History:** Based on City records, the subject property was annexed into the City in 1965. A conditional use was approved in 2021 through Ordinance Z-36-21 to permit a trade contractor use at this address. Since then, there have been code enforcement warnings issued to this property for outdoor storage and various work done without permits, including, but not limited to, the installation of fencing, awning, signs, and parking lot paving and stripping. However, the applicant has been working with the City to resolve outstanding issues and to address the outstanding code violations. This application is part of the resolution.

**Text Amendment**

**Project Summary:** The Zoning Ordinance currently does not allow outdoor storage or display in the C-3 General Commercial district, in particular for the types of products that might be displayed by a trade contractor. Thus, the first portion of the petitioner’s proposal consists of the attached Proposed Text Amendment to Section 12-7-3.F.5 of the Zoning Ordinance under Standards for Site Plan Review to allow for the display of finished products and fabricated goods on a C-3-zoned property. The petitioner has worked diligently with staff to construct these text amendments in an effort to make outdoor display areas an impactful improvement to trade contractor properties on C-3-zoned properties throughout the City while also ensuring it is designed appropriately to meet the overarching principals of the Zoning Ordinance.

First, the proposed text amendment limits the allowance of outdoor display areas to trade contractor uses with an active business license and a conditional use permit. Since trade contractor uses are only permitted in the C-3 district through a conditional use permit, this would require businesses classified as trade contractor uses (who are interested in installing outdoor displays on their site) to indicate on the proposed Site Plan the location, quantity, and type of outdoor display on a given C-3-zoned property and allow decision makers to determine the practicality and scale of outdoor display areas based on the

property's development, size, location, etc. In addition, outdoor displays on properties with a trade contractor use would be governed by certain general conditions and restrictions—beyond the conditions in a conditional use ordinance—related to location, height, screening, and type of outdoor displays, to ensure that they do not create adverse effects on the subject property or surrounding properties. Outdoor displays would be required on dust-free hard surfaces and would not be permitted within required yards in an effort to prevent outdoor displays from being directly at property lines of neighboring properties. Moreover, outdoor displays would be limited to eight in height and required to be fully screened by an eight-foot-tall, opaque fence to reduce an adverse impacts from neighboring properties, especially when the subject property abuts a residential district. As Section 12-7-3.F.5 already requires properties in the C-3 zoning district to install eight-foot-tall fencing on property lines abutting residential districts, this regulation would be consistent with the intent of the Zoning Ordinance. Finally, the type of outdoor display materials would be regulated to allow only prefabricated finished products to be displayed and prohibiting raw materials or any other materials utilized for the manufacturing, processing or assembly of products from being located outside. The intent is to distinguish “outdoor display” from “open storage,” which is currently only possible in the M-2 General Manufacturing District (see Section 12-7-4). The attached Proposed Text Amendment provides all suggested changes for the allowance of outdoor displays.

### **Conditional Use Amendment**

#### **Request Summary:**

The petitioner is requesting an amendment to the existing Conditional Use permit approved in 2021 through Ordinance Z-36-21, which allowed a trade contractor use to operate on subject property. The requested amended approval would remove the condition prohibiting the outdoor storage of fabricated goods on the property. However, if the proposed text amendment is approved, the petitioner proposes to utilize an outdoor portion of the subject property for storage of business products, processing business orders, and as a staging area for incoming and outgoing orders. The attached Site Plan, which was recently approved through a building permit in February 2022, does not specifically identify the area(s) intended for the outdoor display or storage of finished products for this use. Thus, staff recommends a condition that the Site Plan is revised to identify the area(s) on site designed for this purpose prior to the City Council meeting for additional clarity. Because the petitioner's request may differ from staff's recommendation, it is important the Board ask the petitioner to explain clearly what they want to do and why they would not want to be bound to a specific location on site and quantity of outdoor display.

It is also important to note that the existing conditions on site do not match the improvements provided on the approved building permit Site Plan. Consequently, staff has added a separate condition that the improvements shown on the approved Site Plan are installed on the subject property if the conditional use amendment is approved.



## Variations

### **Request Summary:**

The petitioner's project narrative requests several variations related to signs. The first variation relates to total wall sign area, specifically wall signs totaling 236 square feet in area, that have been installed without a permit and exceed the maximum sign area allowed for the entire building.

Pursuant to Section 12-11-6.B of the Zoning Ordinance: *"The total sign area (including the area of any awning or canopy signs) permitted on any street facing elevation shall not exceed 3 sq. ft. per linear foot of horizontal building face. The total sign area (including the area of any awning or canopy signs) permitted on an entire building (including all elevations) shall not exceed 125 sq. ft. unless such building is a shopping center or office building containing three or more businesses."*

As the existing building does not meet the definition of a shopping center – at least three tenant spaces are required – or office building, it is limited to a total of 125 square feet for the entire building (including all elevations). The petitioner's request to allow almost double the sign area does not meet the sign code requirements and requires a major variation.

The other two variation requests relate to an existing pole sign structure along the southern property line near the southwest corner of the property and at the Rand Road frontage. There is currently no sign installed on the existing pole but rather the framing of the pole sign structure with exposed electrical and internal sign cabinet components. Nonetheless, the petitioner intends to repurpose this pole sign structure with a new electronic message board (EMB) sign. EMB signs and regulations are discussed in Sections 12-11-5.G and 12-11-6.B of the Zoning Ordinance. However, the two EMB sign regulations in conflict with the petitioner's proposal are noted below pursuant to Section 12-11-6.B:

- Location: The animated face of an electronic message board sign shall be a minimum of 250 feet away from a residence in the R-1, R-2, and R-3 Residential Districts and shall be arranged to prevent direct glare onto any adjacent properties.
- Electronic message boards shall not exceed 50% of the total sign area.

As the existing pole sign structure is located approximately 189.5 feet from the nearest residence in the R-1 district, just north of the subject property, it does not meet the minimum setback distance required. Moreover, the petitioner's proposal includes an EMB that would equal 100 percent of the pole sign area, double the 50 percent maximum sign area permitted for EMBs in pole signs. As such, two separate major variation requests are necessary for the EMB sign setback distance and area in relation to the total pole sign area.

The petitioner's requested variations are summarized in the table below.

<b>Regulation Type</b>	<b>Requirements</b>	<b>Proposal</b>
Total sign area (wall, awning, and canopy signs) allowed for Entire Building	125 sq. ft. maximum	236 sq. ft.
Setback Distance for EMB signs from a residence in the R-1, R-2, and R-3 districts	250 feet minimum	189.50 feet
Area allowed for EMB portion for Pole Signs (%)	50% maximum	100%

**Standards for Zoning Text Amendment:**

The following is a discussion of standards for zoning amendments from Section 12-3-7.E of the Zoning Ordinance. Rationale for how the proposed amendments would satisfy the standards is provided. The PZB may use this rationale to adopt findings of fact, or the Board may make up its own. Please see the attached petitioner’s responses to standards for amendments.

**1. 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 2019 Comprehensive Plan identifies restrictions on the permanent sale or display of merchandise for C-3-zoned properties, so the proposed text amendment could be utilized to build off this allowance and further clarify the use of merchandise displays for these properties. The proposed text amendment provides an allowance for trade contractor uses that have products to display but do not necessarily have the indoor space to display their products. This allowance lessens restrictions for these types of uses in an effort to support existing trade contractor uses and foster a more business-friendly environment.

PZB Additions or Modifications (if any): \_\_\_\_\_

**2. Whether the proposed amendment is compatible with current conditions and the overall character of existing development;**

*Comment:* Amending the regulations to allow outdoor displays of finished products would be compatible with current conditions across the City, as many trade contractor uses and similar uses in the C-3 district have showrooms where finished products are on display for purchase. This allowance is tailored for trade contractor uses and specifically restricted in order to be consistent with the character of area for which the property is located in.

PZB Additions or Modifications (if any): \_\_\_\_\_

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

*Comment:* The proposed amendments are not anticipated to impact public facilities and available services but rather enhance existing trade contractor uses in Des Plaines. This new allowance may also result in the rendition of new trade contractor uses that can, in return, provide additional services to residents.

PZB Additions or Modifications (if any): \_\_\_\_\_  
\_\_\_\_\_.

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

*Comment:* All proposed amendments as written for a specific use with specific restrictions is meant to complement existing properties and be design in a way to have little to no adverse effect on property values throughout the City. All outdoor displays will be screened from all property lines and positioned away from property lines to be less noticeable and less likely to impact neighboring property values.

PZB Additions or Modifications (if any): \_\_\_\_\_  
\_\_\_\_\_.

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

*Comment:* The proposed text amendments work toward responsible standards for development and growth by addressing concerns of existing trade contractors and, in return, allowing them to provide additional services to residents. The new allowance attempts to provide a balance between trade contractor needs and the City’s desire to foster a business-friendly environment.

PZB Additions or Modifications (if any): \_\_\_\_\_  
\_\_\_\_\_.

**Conditional Use Standards:** Conditional Use requests are subject to the standards set forth in Section 12-3-4(E) of the Des Plaines Zoning Ordinance. The petitioner seeks to amend the existing conditional use for the sole purpose of striking a condition in the conditional use prohibiting the storage or display of finished products on the subject property. If this conditional use amendment is denied, the petitioner will not lose the entitlement of Ordinance Z-36-21 but will be required to continue to adhere to all the conditions, notably the prohibition of storing or displaying any materials, including their fabricated and finished products.

The petitioner’s rationale for how the conditional use amendment would satisfy each of the standards is attached. The PZB may use this rationale to adopt findings of fact, or the Board may make up its own. The standards that should serve as the basis of findings are the following:

**1. The proposed conditional use is in fact a conditional use established within the specific zoning district involved;**

PZB Additions or Modifications (if any): \_\_\_\_\_  
\_\_\_\_\_.

**2. The proposed conditional use is in accordance with the objectives of the city's comprehensive plan and this title;**

PZB Additions or Modifications (if any): \_\_\_\_\_  
\_\_\_\_\_.

**3. The proposed conditional use is designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity;**

PZB Additions or Modifications (if any): \_\_\_\_\_  
\_\_\_\_\_.

**4. The proposed conditional use is not hazardous or disturbing to existing neighboring uses;**

PZB Additions or Modifications (if any): \_\_\_\_\_  
\_\_\_\_\_.

**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 the persons or agencies responsible for the establishment of the proposed conditional use shall provide adequately any such services;**

PZB Additions or Modifications (if any): \_\_\_\_\_  
\_\_\_\_\_.

**6. The proposed conditional use does not create excessive additional requirements at public expense for public facilities and services and not be detrimental to the economic welfare of the community;**

PZB Additions or Modifications (if any): \_\_\_\_\_  
\_\_\_\_\_.

**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;**

PZB Additions or Modifications (if any): \_\_\_\_\_  
\_\_\_\_\_.

8. **The proposed conditional use provides vehicular access to the property designed that does not create an interference with traffic on surrounding public thoroughfares;**

PZB Additions or Modifications (if any): \_\_\_\_\_  
\_\_\_\_\_.

9. **The proposed conditional use does not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance; and**

PZB Additions or Modifications (if any): \_\_\_\_\_  
\_\_\_\_\_.

10. **The proposed conditional use complies with all additional regulations in this title specific to the conditional use requested.**

PZB Additions or Modifications (if any): \_\_\_\_\_  
\_\_\_\_\_.

**Variation Standards:** Variation requests are subject to the standards set forth in Section 12-3-6(H) of the Zoning Ordinance. Staff has the following individual comments for each variation request based on the standards. The PZB may use staff comments, the petitioner’s response, or state their own comments as rationale for their decision.

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.**

- a. *Comment:* Staff does not see a hardship or practical difficulty preventing the petitioner from complying with the maximum total building sign area requirements for several reasons. First, the subject property is located on a corner and fronts two separate streets, allowing additional visibility than interior lots. Wall signs on street-facing elevations are allowed an area of up to three square feet of sign area per linear foot of building frontage provided that the total sign area does not exceed 125 square feet for the entire building (all elevations). Furthermore, the maximum 125-square-foot sign area restriction for the entire building is more than sufficient to advertise all aspects of the business activity on site, allowing for up to two wall signs on street-facing elevations (this building fronts two streets and is allowed up to four building signs). Finally, the wrap-around sign straddling two building elevations is not consistent with existing signs in Des Plaines or the character of the area.
- b. Some argument could be made for the requested EMB sign distance-from-residential variation, as the sign faces would face Rand Road, not the residences within 250 feet of the EMB sign. The pole sign could be relocated, but given the property characteristics, it may be difficult for the property owner to meet the minimum setback distance for EMB sign given the property’s close proximity to the R-1 district.

- c. Staff does not see any hardship or practical difficulty regarding the adherence of the maximum EMB sign area regulation, which restricts the EMB portion of the sign to 50 percent of the total sign area. While the petitioner is attempting to repurpose an existing pole sign structure, there is opportunity to install a smaller EMB portion than what is proposed to effectively advertise the property and still meet the code requirement. As the petitioner has not provided an adequate description of this request or justification on how this variation request meets the standards, this request appears to merely be a convenience for the property owner, not a hardship.

PZB Additions or Modifications (if any): \_\_\_\_\_

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**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.**

- a. Comment: The lot is irregular in shape, which forms some basis for the EMB-distance request; perhaps if the lot were more regularly shaped at its north end, sufficient distance would be present. Further, the sign frieze of the single-story building is “tight” in the sense that it does not seem to provide a lot of opportunity for traditional commercial wall signs (e.g. channel letter signs, box signs).
- b. On the other hand, as the building has a large frontage on two separate streets, its visibility from the street is larger than it would be for many other properties in Des Plaines. In fact, many properties in the C-3 zoning district are smaller in size than the subject property and only front one street so the subject property’s size and positioning is more of an advantage than a detriment or unique physical condition as compared to other C-3-zoned lots in Des Plaines. In particular, a sign that is half EMB, half static panel would seem to be quite visible from Rand Road. The Board may wish to ask the petitioner to explain why the sign must be 100% EMB based on uniqueness of the lot, the Rand Road frontage, or any other issue.

PZB Additions or Modifications (if any): \_\_\_\_\_

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**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.**

- a. Comment: While the subject property’s location, size, and development may not be a result of any action or inaction of the property owner, the subject property was purchased with these attributes and conditions being pre-existing. The wall signs that are the subject of the variation request to allow 236 square feet of sign area where a maximum of 125 square feet is allowed

were installed on the building without proper permitting. Thus, this variation request is the direct result of an action of the property owner who wishes to keep the wall signs already installed on the structure for convenience and additional advertising purposes. In addition, the large building frontage and existing pole sign structure alone provide more than adequate advertising potential for this property within the confines of the Zoning Ordinance.

PZB Additions or Modifications (if any): \_\_\_\_\_

\_\_\_\_\_.

**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.**

- a. *Comment:* Staff's review has concluded that carrying out the strict letter of this code for signage does not deprive the property owners of substantial rights. First, there is ample room on site and allowances in the Zoning Ordinance to allow adequate advertising of the site, arguably more than other C-3-zoned properties in this area. Second, there are other C-3-zoned properties that are close to or directly abut R-1, R-2, and R-3 residential districts, limiting their ability to install an EMB sign. Finally, while EMB signs are prevalent in Des Plaines the request for a 100% EMB sign is not. In staff's opinion, restricting the property owner to applicable code requirements for all three sign-related variation requests does not infringe on the property owner's ability to advertise their business as other businesses are also restricted to these same regulations.

PZB Additions or Modifications (if any): \_\_\_\_\_

\_\_\_\_\_.

**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.**

- a. *Comment:* The approval of any of the wall sign and 100%-EMB variations would result in signage that is not consistent with the character of the area or the intention of the Zoning Ordinance. As the purpose of the sign rules is to allow a balanced amount of advertising for all businesses, the approval of the excessive signage proposed in this application, would not meet this intention. The Board may consider whether all of the signage together goes beyond getting motorists attention to being distracting.

PZB Additions or Modifications (if any): \_\_\_\_\_

\_\_\_\_\_.

**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.**

- a. Comment: On one hand, the property owner has made substantial improvements to the site that match the type of development the Zoning Ordinance and Comprehensive Plan want to encourage. The investment has been substantial and now a new business exists on a previously vacant site, generating tax revenue and improving the Rand corridor overall. For this, the petitioner is worthy of praise.
- b. However, the proposed signage, some of which was already installed without permits, may actually detract from this investment. In fact, it seems in conflict with the Zoning Ordinance intentions to: (i) provide reasonable yet appropriate conditions for identifying businesses and services rendered in commercial, institutional, and industrial areas (the proposal represents an overabundance of signage that is more excessive and incongruous with surrounding development than attractive in appearance); and (ii) reduce traffic hazards by restricting signs and lights which exceed a viewer's capacity to receive information or which increases the potential for accidents created by signage which distracts or obstructs a viewer's vision (the EMB sign comprising the entire sign face in and of itself would be a direct distraction and safety hazard for motorists and pedestrians alike).
- c. For these reasons, there are reasonable options for redesigning or reducing the proposed signage – the wall signage down from 236 square feet and the pole sign at less than 100% of the sign panel – to effectively advertise the site without needing relief from three separate sign regulations.

PZB Additions or Modifications (if any): \_\_\_\_\_

\_\_\_\_\_.

**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.**

- a. Comment: There are multiple alternatives to the sign-related variations requested by the petitioner. As mentioned above, the code allows street-facing wall signs an area of up three-square feet of area for every linear foot of building frontage, provided that the total sign area does not exceed 125 square feet. The fact that the building fronts two streets and is larger in size, the available sign area allowed for this property is the maximum 125-square-foot sign permitted by code and can be split up across multiple building elevations providing additional visibility. It is also important to note that EMB signs are a convenience—not a necessity—to effectively advertise a site, meaning that a 100% static sign or 50% static sign with a 50% EMB sign would still provide the adequate identification, advertising, and communication within the community. The Board may wish to ask the petitioner to explain if they have explored or implemented alternatives to reduce the existing wall signage and repurpose or replace the pole sign structure.

PZB Additions or Modifications (if any): \_\_\_\_\_

\_\_\_\_\_.



**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.**

- a. *Comment:* Regarding the EMB distance from residential, the relief is minimal in staff’s opinion. However, the wall sign area and EMB percentage requests may exceed the minimum relief needed. The petitioner could consider the multiple alternatives to redesign the proposed signage to provide advertising that is tasteful, balanced, and better aligns with the principals of the Zoning Ordinance.
- b. For this reason, the Board may consider that it under Section 12-3-6.I, “The reviewing authority may grant variations less than or different from that requested when the record supports the applicant's right to some relief but not to the entire relief requested.”

PZB Additions or Modifications (if any): \_\_\_\_\_  
\_\_\_\_\_.

**PZB Procedure and Recommended Conditions:** Under Section 12-3-4.F of the Zoning Ordinance (Conditional Uses), Section 12-3-6.G of the Zoning Ordinance (Major Variations), and Section 12-3-7 of the Zoning Ordinance (Amendments), the PZB has the authority to recommend approval, approval subject to conditions, or denial the requests. The City Council has the final authority.

The decision should be based on review of the information presented by the applicant and the standards and conditions met by Section 12-3-4.E (Standards for Conditional Uses), Section 12-3-6.H of the Zoning Ordinance (Standards for Variations), and Section 12-3-7.E. of the Zoning Ordinance (Findings of Fact for Amendments) as outlined in the Zoning Ordinance. The PZB should take two motions to consider each request individually. First, the Board should consider the text amendments, which may be recommended for approval *as submitted*, approval *as revised*, or denial.

Second, based on the outcome of the first motion, the Board can consider a recommendation regarding the conditional use request. Third, the Board can take a motion on its recommendation regarding the variation requests; these are not connected to the text amendment and can be considered regardless of its outcome.

Should the PZB recommend approval or approval with modifications of the conditional use and major variations, staff suggests the following conditions:

**Recommended Conditions of Approval:**

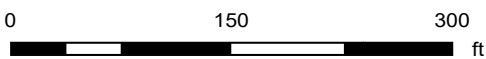
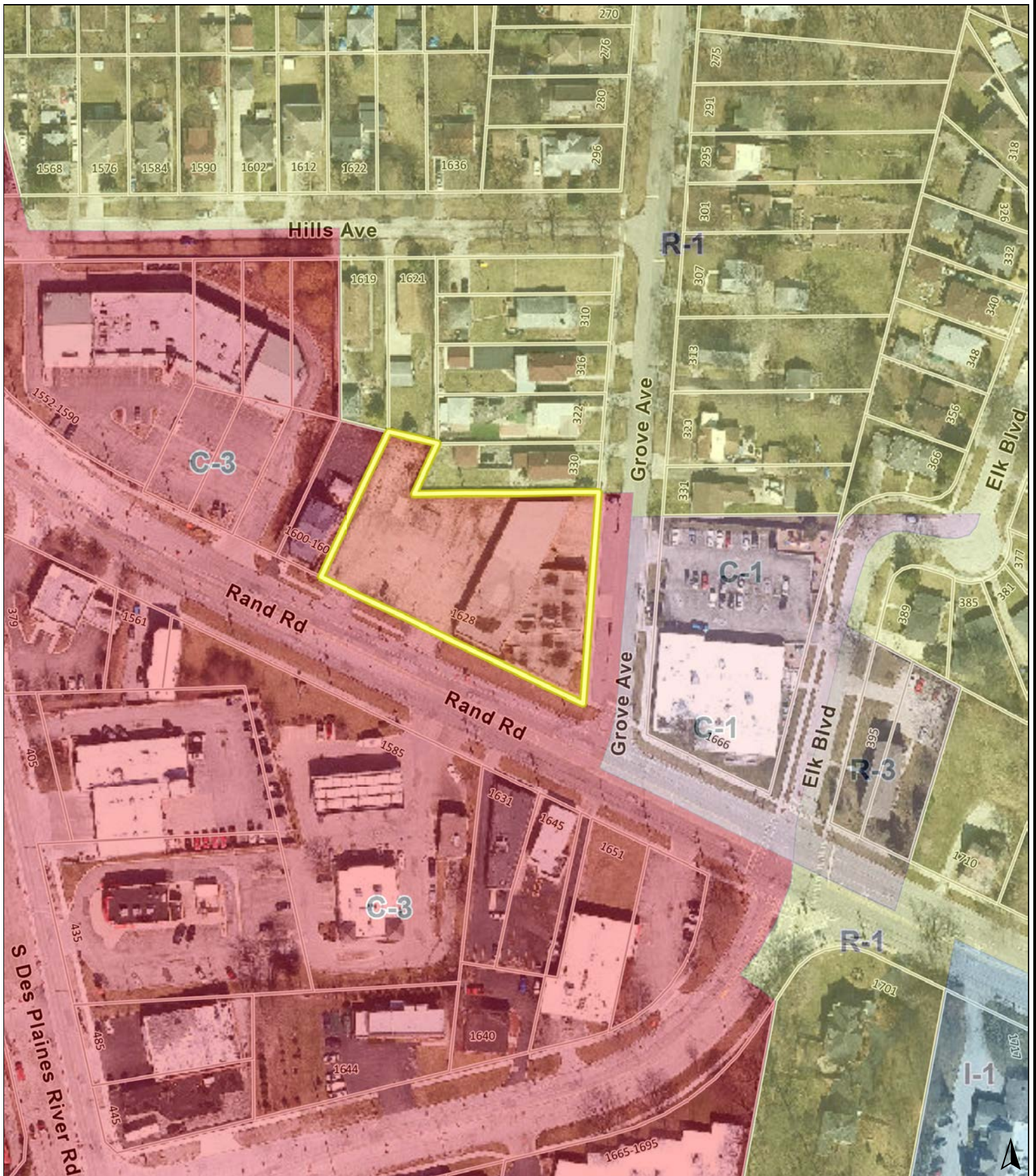
- 1. The petitioner shall implement all site improvements shown on the approved Site Plan attached with permit #2021-07000329 approved on February 22, 2022.
- 2. The petitioner shall add to the site plan to show and label how much/how many products will be displayed outdoors and within which area(s) of the site, prior to consideration of the City Council.
- 3. The required 3-foot-wide landscape bed, populated with shrubs and perennials, shall be installed around the base of the new EMB pole sign and maintained in accordance with all applicable City of Des Plaines codes.
- 4. 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.

**Attachments:**

- Attachment 1: Location Map
- Attachment 2: Site and Context Photos
- Attachment 3: ALTA/NSPS Land Title Survey
- Attachment 4: Ordinance Z-36-21, approving original conditional use permit (without exhibits)<sup>1</sup>
- Attachment 5: Project Narrative
- Attachment 6: Petitioner's Responses to Standards
- Attachment 7: Proposed Text Amendment
- Attachment 8: Site Plan
- Attachment 9: Sign Plan

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<sup>1</sup> Full ordinance available upon request to City staff.



Print Date: 7/22/2022

Notes

Disclaimer: The GIS Consortium and MGP Inc. are not liable for any use, misuse, modification or disclosure of any map provided under applicable law. This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.



1628 Rand Rd – Public Notice & Front of Building



1628 Rand Rd – Looking Northwest at Parking Area & Pole Sign



1628 Rand Rd – Looking Northwest at Front of Building & Wall Sign 1



1628 Rand Rd – Looking Northeast at Front of Building & Wall Sign 2



CITY OF DES PLAINES

ORDINANCE Z - 36 - 21

**AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR A TRADE CONTRACTOR ESTABLISHMENT AT 1628 RAND ROAD, DES PLAINES, ILLINOIS.**

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**WHEREAS**, Peter Topolewick ("*Petitioner*") is the lessee of the property commonly known as 1628 Rand Road, Des Plaines, Illinois ("*Subject Property*"); and

**WHEREAS**, the Subject Property is located in the C-3 General Commercial District of the City ("*C-3 District*"); and

**WHEREAS**, the Subject Property is improved with an one-story single-tenant commercial building ("*Building*"); and

**WHEREAS**, the Petitioner desires to locate a trade contractor establishment on the Subject Property; and

**WHEREAS**, pursuant to Section 12-7-3.K of the City of Des Plaines Zoning Ordinance of 1998, as amended ("*Zoning Ordinance*"), the operation of a trade contractor establishment is permitted in the C-3 District only with a conditional use permit; and

**WHEREAS**, Petitioner submitted an application to the City of Des Plaines Department of Community and Economic Development ("*Department*") for a conditional use permit to allow a trade contractor establishment on the Subject Property ("*Conditional Use Permit*"), in accordance with Sections 12-7-3.F.3 and 12-7-3.K of the Zoning Ordinance; and

**WHEREAS**, the Subject Property is owned by Elliott Kratz ("*Owner*"), who has consented to the Petitioner's application; and

**WHEREAS**, the Petitioner's application was referred by the Department to the Planning and Zoning Board of the City of Des Plaines ("*PZB*") within 15 days after the receipt thereof; and

**WHEREAS**, within 90 days from the date of the Petitioner's application a public hearing was held by the PZB on May 11, 2021 pursuant to notice published in the *Des Plaines Journal* on April 21, 2021; and

**WHEREAS**, notice of the public hearing was mailed to all property owners within 300 feet of the Subject Property; and

**WHEREAS**, during the public hearing, the PZB heard testimony and received evidence with respect to how the Petitioner intended to satisfy and comply with the applicable provisions of the Zoning Ordinance; and

**WHEREAS**, pursuant to Section 12-3-4 of the Zoning Ordinance, the PZB filed a written report with the City Council on May 12, 2021, summarizing the testimony and evidence received by the PZB and stating the Board's recommendation, by a vote of 5-0, to approve the Petitioner's application for the Conditional Use Permit subject to certain terms and conditions; and

**WHEREAS**, the Petitioner made certain representations to the PZB with respect to the proposed Conditional Use Permit, which representations are hereby found by the City Council to be material and upon which the City Council relies in granting this request for the Conditional Use Permit; and

**WHEREAS**, the City Council has considered the written report of the PZB, the applicable standards for conditional use permits set forth in the Zoning Ordinance, and the Community and Economic Development Staff Memorandum dated April 30, 2021, including the attachments and exhibits thereto, and has determined that it is in the best interest of the City and the public to grant the Petitioner's application in accordance with the provisions of this Ordinance;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Des Plaines, Cook County, Illinois, in the exercise of its home rule powers, as follows:

**SECTION 1. RECITALS.** The recitals set forth above are incorporated herein by reference and made a part hereof, the same constituting the factual basis for this Ordinance.

**SECTION 2. LEGAL DESCRIPTION OF SUBJECT PROPERTY.** The Subject Property is legally described as follows:

LOTS 14 TO 18, BOTH INCLUSIVE, (EXCEPT THE SOUTHWESTERLY 17.0 FEET THEREOF) IN BLOCK 3 IN RIVER-RAND ROAD SUBDIVISION OF LOTS 1 TO 8, INCLUSIVE, IN BLOCK 18 (OR BENNET BLOCK) AND LOT 1 TO 13, EXCLUSIVE IN, BLOCK 18 (OR RAND BLOCK) IN PARK SUBDIVISION OF PARTS OF SECTIONS 16 AND 17, TOWNSHIP 41 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 09-16-104-022-0000

Commonly known as: 1628 Rand Road, Des Plaines, Illinois.

**SECTION 3. CONDITIONAL USE PERMIT.** Subject to and contingent upon the conditions, restrictions, limitations and provisions set forth in Section 4 of this Ordinance, the City Council grants the Petitioner a Conditional Use Permit to allow the operation of a trade contractor

establishment on the Subject Property. The Conditional Use Permit granted by this Ordinance is consistent with and equivalent to a "special use" as referenced in Section 11-13-25 of the Illinois Municipal Code, 65 ILCS 5/11-13-25.

**SECTION 4. CONDITIONS.** The Conditional Use Permit granted in Section 3 of this Ordinance shall be, and is hereby, expressly subject to and contingent upon the following conditions, restrictions, limitations, and provisions:

A. Compliance with Law and Regulations. The development, use, operation, and maintenance of the Subject Property, by the Petitioner must comply with all applicable City codes and ordinances, as the same have been or may be amended from time to time, except to the extent specifically provided otherwise in this Ordinance.

B. Compliance with Plans. Except for minor changes and site work approved by the City Director of Community and Economic Development in accordance with all applicable City standards, the development, use, operation, and maintenance of the Subject Property by the Petitioner must comply with the following plans as may be amended to comply with Section 4.C of this Ordinance:

1. That certain "Project Narrative" prepared by Petitioner, consisting of one sheet, and undated, attached to and by this reference made a part of this Ordinance as **Exhibit A**; and

2. That certain "Site Plan/Floor Plan" submitted by the Petitioner, consisting of one sheet, and undated, attached to and by this reference made a part of, this Ordinance as **Exhibit B**.

C. Additional Conditions. The development, use, and maintenance of the Subject Property shall be subject to and contingent upon the following conditions:



1. The Petitioner must revise the Site Plan to include landscape details in conformance with Section 12-10 of the Zoning Ordinance within 60 days of City Council approval of this Ordinance.

2. That an eight-foot-tall wood privacy fence must be installed along the north property line of the Subject Property in conformance with Section 12-8-2 of the Zoning Ordinance within 60 days of City Council approval of this Ordinance.

3. Storage of commercial vehicles or materials within the required drive aisles or customer parking spaces is prohibited at all times on the Subject Property.

4. Outdoor storage of raw materials or fabricated goods is prohibited at all times on the Subject Property.

**SECTION 5. RECORDATION; BINDING EFFECT.** A copy of this Ordinance must be recorded in the Office of the Cook County Recorder of Deeds. This Ordinance and the privileges, obligations, and provisions contained herein run with the Subject Property and inure to the benefit of, and are binding upon, the Petitioner and Owner and their respective personal representatives, successors, and assigns, including, without limitation, subsequent purchasers of the Subject Property.

**SECTION 6. NONCOMPLIANCE.**

A. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of, any of the provisions of this Ordinance shall be fined not less than seventy five dollars (\$75.00) or more than seven hundred and fifty dollars (\$750.00) for each offense. Each and every day that a violation of this Ordinance is allowed to remain in effect shall constitute a complete and separate offense. In addition, the appropriate authorities of the City may take such other action as they deem proper to enforce the terms and conditions of

this Ordinance, including, without limitation, an action in equity to compel compliance with its terms. Any person, firm or corporation violating the terms of this Ordinance shall be subject, in addition to the foregoing penalties, to the payment of court costs and reasonable attorneys' fees.

B. In the event that the Petitioner or Owner fails to develop or maintain the Subject Property in accordance with the plans submitted, the requirements of the Zoning Ordinance, or the conditions set forth in Section 4 of this Ordinance, the Conditional Use Permit granted in Section 3 of this Ordinance may be revoked after notice and hearing before the Zoning Administrator of the City, all in accordance with the procedures set forth in Section 4.7 of the Zoning Ordinance. In the event of revocation, the development and use of the Subject Property will be governed solely by the regulations of the C-3 District. Further, in the event of such revocation the Conditional Use Permit, the City Manager and City's General Counsel are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances. The Petitioner and Owner acknowledge that public notices and hearings have been held with respect to the adoption of this Ordinance, has considered the possibility of the revocation provided for in this Section, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or any denial of any procedural right, provided that the notice and hearing required by Section 4.7 of the Zoning Ordinance is provided to the Petitioner and Owner.

**SECTION 7. EFFECTIVE DATE.**

A. This Ordinance shall be in full force and effect only after the occurrence of the following events:

1. its passage and approval by the City Council in the manner provided by law;
2. its publication in pamphlet form in the manner provided by law;
3. the filing with the City Clerk by the Petitioner and the Owner, not less than 60 days after the passage and approval of this Ordinance, of an unconditional agreement

and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance, and demonstrating the Petitioner's and Owner's consent to its recordation. Said unconditional agreement and consent shall be in substantially the form attached to, and by this reference made a part of, this Ordinance as **Exhibit C**; and

4. at the Petitioner's sole cost and expense, the recordation of this Ordinance together with such exhibits as the City Clerk deems appropriate, with the Office of the Cook County Recorder.
- B. In the event that the Petitioner and the Owner do not file with the City Clerk a fully executed copy of the unconditional agreement and consent referenced in Section 7.A.3 of this Ordinance, within 60 days after the date of passage of this Ordinance by the City Council, the City Council shall have the right, in its sole discretion, to declare this Ordinance null and void and of no force or effect.

**SECTION 8. SEVERABILITY.** If any paragraph, section, clause or provision of this Ordinance is held invalid, the remainder shall continue in full force and effect without affecting the validity of the remaining portions of the Ordinance.

[SIGNITURE PAGE FOLLOWS]

PASSED this 7<sup>th</sup> day of June, 2021.


APPROVED this 7<sup>th</sup> day of June, 2021.

VOTE: AYES 6 NAYS 0 ABSENT 1

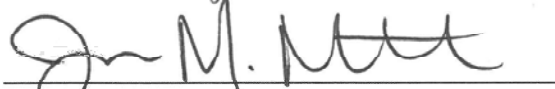


MAYOR

ATTEST:

  
CITY CLERK

Published in pamphlet form this  
8<sup>th</sup> day of June, 2021.

  
CITY CLERK

Approved as to form:



Peter M. Friedman, General Counsel

DP-Ordinance Approving a Conditional Use Permit (CUP) at 1628 Rand Road for a Trade Contractor Use

## PROJECT NARRATIVE

The petitioner, Peter Topolewicz as Member of Art Investment LLC, owner of 1628 Rand Road, Des Plaines, IL 60016 and lessor to Granite Place & Quartz. LLC along with Cabinet Land Kitchen & Bath. Co is requesting an Amendment to the Conditional Use Permit to for a Trade Contractor use, at 1628 Rand Road, namely, Ordinance Z-36-21. Attached hereto as Exhibit A. The subject property is located within the C-3, General Commercial district and has been granted conditional use as a Trade Contractor is in the C-3 zoning district. The subject property contains a commercial building with an off-street surface parking area on the west side of the property and on-street parking area along Grove Avenue on the east side of the property as shown in the Plat of Survey (Attachment 3). The subject property is located along Rand Road at the northwest corner of the Rand Road/Grove Lane intersection. The subject property is currently accessed by three curb cuts, two off Rand Road and one off Grove Lane.

The existing one-story, 14,604-square foot building consists with two front customer entrances in the front and a separate shop area in the rear. The petitioner utilizes the front portion of the building as an office/showroom area and the rear portions of the building as a material warehouse and fabrication room based on the Site Plan (Attached hereto as Exhibit B). The petitioner's amendment proposal to Ordinance Z-36-21 does not include any changes to the building. The petitioner already added landscaping in front of the building and along Rand Road as per Ordinance Z-36-21 and Landscape Plan previously approved. In addition to the Village improvement requirements under Ordinance Z-36-21, Petitioner has made significant improvements to the exterior and interior of the property that has contributed to the beautification and increased safety for the residence of the surrounding area.

The property in question was previously vacant and abandoned for more than few years prior to Petitioner purchasing the property. Due to the improvements made by the Petitioner, including the 5-6 lights placed along the building on Rand Road, residence of the surrounding area have expressed their joy and gratitude that the area feels and appears much safer than when the building was held vacant and abandoned for years by the previous owner.

Attached as Exhibit C please find pictures of the property prior to Petitioners purchase and after. As may be noted from the pictures provided in Exhibit C, the property has undergone extreme renovations. One of the preminent changes was the fencing around the property. As noted in the attached pictures, the property has been split off and separated into sections, including private and exclusive parking for customers. There is a separate section, closed off by a 8 foot fence for the business back yard, which has no access to the public nor views to the public or surrounding residence, thus creating no public nuisance. The back yard of the business is utilized for incoming and outgoing orders, for storage of business products and basic functioning of business orders. The current Ordinance Z-36-21 is written, namely Section 4. Conditions subparagraph C. 4, not only restricts the Petitioners ability to conduct regular/standard business but also places the current employees health and safety at risk as the current restrictions under Section 4. Conditions subparagraph C. 4 of the Z-36-21 Ordinance

limit what and how the employees may complete their job. As you are aware the finished product we produce such as, granite/quartz/marble and/or any stone are not light materials that may be moved easily from place to place. The unrealistic and unsafe restrictions referenced in Section 4. Conditions subparagraph C. 4 of Ordinance Z-36-21 are placing the employees of the Petitioner in an unhealthy and unsafe work environment, especially during the fall and winter seasons. The Petitioner should have access to their own, secured back yard to store business equipment as fits the time of the season and need of the business.

In order to continue to serve the residents of Des Plaines, ensure a safe working environment for the employees and continue to not be a nuisance to the surrounding residence, Ordinance Z-36-21 should be modified as follows: Section 4. Conditions subparagraph C. 4 shall be removed in its entirety. The restriction of Ordinance Z-36-21 Section 4. Conditions subparagraph C. 4, is an additional restriction specifically for this property.

As there is no restriction/ stipulation in the City code regarding back yard storage, the Amendment to Ordinance Z-36-21 Section 4. Conditions subparagraph C. 4 would be the best resolution for all parties involved, including the Village, Petitioner, future and current C-3 and the surrounding community and residence. However, if a Text Amendment is required (which should not be as this an addition instead of an amendment to the City Code), then Petitioner proposes the following addition (not per se amendment as back yards are not covered in the statute to 12-7.3 F.5 but an addition): the addition of subparagraph 5.d to the City Code is requested to 12.7.3 F12-7.3 .5 as follows: Back yard may be used for storage of finished products and/or fabricated products without limitation as long as the back yard is enclosed with 8 foot wooden fencing and does not create a health hazard to the surrounding residence.

Attached please find pictures of the property in question and the deplorable conditions it was held in for over numerous years along with pictures of the exterior renovations completed by the Petitioner to improve and beautify the property and the community. (Attached hereto as Exhibits C, D, and E). As may be observed, the property now functions as a modern and welcoming business that caters to the sale of kitchen cabinets, kitchen accessories and various types of counter tops, including but not limited to granite, marble, quartz and various stones.

More importantly, Exhibits D and E illustrate not only the improvements and beatification to the exterior of the property but also are an example and the reason for the signage variation request. As Exhibit D illustrates, the block windows were replaced with floor to ceiling windows. As Exhibit E illustrates, additional floor to ceiling windows were added to allow a more open, clear and welcoming building structure for the community as a whole, passing traffic (foot or automobile) and for patrons. The position of the signs illustrated in Exhibits D and E, although Exceed 125 sq ft around, make it clear that the signs may not be placed in the floor to ceiling windows (and would be more of a distraction to both drivers and pedestrians). Moreover, as Exhibits D and E illustrate, the way the signage are placed makes the property appear as two separate businesses instead on one continuing "obnoxious" flow of advertisement. Also please keep in mind, the signage is longer in length (as to the 125 sq ft) but short in width than most standard signs authorized by the Village Code.

Furthermore, as Exhibits D and E illustrate, the signage is not obstructive to traffic, roadway, pedestrians or residential owners. In fact, surrounding residence have expressed their gratitude and excitement regarding the tremendous improvements and how now they feel safer to walk to the local strip mall to contribute to local businesses more than in the past, namely due to the additional lighting installed by the Petitioner along Rand Road as illustrated in Exhibit D. The 5-6 lights added to the front of the building are also not a nuisance but actual contribute to the safety and productivity of the community, the residence and traffic on the adjacent roadways. Therefore, overall, the signage placed along the building, although slightly exceeds 125 sq ft, does not interfere with traffic or safety of the community, they in fact increase and contribute to the safety of both residents and commuters along Rand Road and should be approved as a variation by the Village Board.

In regards to the Electronic Message Board (EMB) signage variation request, attached please find Exhibit F for installation and specifications. Please note that the current signage post, height and dimensions that were previously approved by the Village and in place for numerous years will not change. The only difference in the signage will be whether it will be an electronic messaging board or bulb lighting. The Village code current states that EMB signs may not be placed within 250 feet of a residence. The only residence that may “potentially” be “affected” by the EMB sign is residence commonly known as 1600 Rand Rd., Des Plaines, IL 60016. As Exhibit G illustrates, the resident in question has its own very bright and illuminating sign in front of their own residence. Thus, the EMB will not have an impact on this particular resident.

Moreover, please see additional pictures included in Exhibit G that show that the EMB will not have an impact on any other surrounding residence as the EMB signage faces the traffic and main street of Rand Road horizontally and does NOT face vertically towards the residences located slightly outside the 250 feet requirement but also behind a 6-8 foot security fence. Any illumination from the EMB signage will not affect the surrounding residence in a negative way.

Also, please keep in mind that we may simply install plastic signage with high impact and illuminating light bulbs (which is not a violation nor requires a variation from the Village). However, as long standing residence of Des Plaines, we want our surrounding residence to be satisfied and to keep the Village thriving. Our EMB sign will do just that. Not only will the EMB sign reduce light nuisance to the surrounding residence, as the EMB sign automatically dim during certain hours but may be completely turned off during certain hours (unlike the standard bulb lighting currently authorized by the Village.)

It is also worth mentioning that the size of the sign is not in question, as the size will remain the same or slightly smaller, but whether it will be an EMB controlled lighting sign or a constant bulb sign that cannot be controlled and will create more of a nuisance to the surrounding residence. Please also keep in mind that this property was left abandoned, dark and unlit for multiple years and a “regular bulb lit sign” which is approved by the Village would actually create a bigger nuisance for the residence and for the traffic/roadway.

Overall, thank you for your time and consideration regarding the consideration of our Amendment to Current Conditional Use under Ordinance Z-36-21, potential Text Amendment (unless incorporated into Amendments requested in Ordinance Z-36-21) and Signage Variations. Please keep in mind all improvements made by Petitioner have been to enhance the safety, environment and productivity of the surrounding residence and the Des Plaines community as a whole.



## STANDARDS FOR TEXT AMENDMENTS

The Planning and Zoning Board and City Council review the particular facts and circumstances of each proposed Text Amendment in terms of the following standards. Keep in mind that in responding to the questions below, you are demonstrating that the proposed text change is appropriate for the entire jurisdiction, not just a particular site. Please answer each question completely and thoroughly.

1. Is the proposed amendment consistent with the goals, objectives, and policies of the Comprehensive Plan? *Yes it is. The code currently does not specify fully fenced back yard usage and storage*
2. Is the proposed amendment compatible with current conditions and the overall character of existing development? *Yes. the amendment will clarify back yard usage + storage in C-3 areas and for conditional use properties*
3. Is the proposed amendment appropriate considering the adequacy of public facilities and services available to the subject property? *Yes. The amendment will eliminate confusion regarding back yard storage/usage and unnecessary ticketing / waste of Village resources*
4. Will the proposed amendment have an adverse effect on the value of properties throughout Des Plaines?  
*No. It will improve the value*
5. Does the proposed amendment reflect responsible standards for development and growth?  
*Yes, by establishing firm regulation regarding back yard/storage use and eliminating waste of Village resources + time.*

## STANDARDS FOR CONDITIONAL USES

The Planning and Zoning Board and City Council review the particular facts and circumstances of each proposed Conditional Use in terms of the following standards. Keep in mind that in responding to the items below, you are demonstrating that the proposed use is appropriate for the site and will not have a negative impact on surrounding properties and the community. Please answer each item completely and thoroughly (two to three sentences each).

1. The proposed conditional use is in fact a conditional use established within the specific zoning district involved;

Yes, the conditional use request is for a trade contractor use, showroom for purchase and installation of granite, kitchen cabinets, countertops, sinks, etc.

2. The proposed conditional use is in accordance with the objectives of the city's comprehensive plan and this title;

Yes, the commercial/trade contractor use is in accordance with the objectives of Chapters 2, 3 and 8 of the Des Plaines comprehensive plan. The business will be retail showroom with installation services that will primarily serve day-to-day needs of local residents.

3. The proposed conditional use is designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity;

The proposed conditional use will be designed, constructed, operated and maintained so as to be harmonious and appropriate with the existing C-3 commercial character of the general vicinity. The business will be commercial storefront with a warehouse and showroom accessible to the public. The interior and exterior of the building will be refreshed and refurbished.

4. The proposed conditional use is not hazardous or disturbing to existing neighboring uses;

The proposed conditional use is not hazardous or disturbing to existing neighboring uses. As other neighboring uses, the property will be a commercial storefront open to the public and serving the day to day needs of local residents. The warehouse will be located in the rear of the property and not open or accessible to the public.

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 the persons or agencies responsible for the establishment of the proposed conditional use shall provide adequately any such services;

Yes the proposed conditional use will be served adequately by essential public facilities and services. The property is currently connected to all public utilities(gas, water, sewer, etc) and is protected by police and fire services. The property has access to Rand Road and provides parking for customers and employees.

6. The proposed conditional use does not create excessive additional requirements at public expense for public facilities and services and not be detrimental to the economic welfare of the community;

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 welfare. The property is already connected to all public utilities and is within the boundaries of police and fire services provided by the Village. There will be minimal to no additional requirements at public expense as the Purchaser intends to improve the currently vacant property to advance the Villages mission of economic development and eliminate the health and safety issues associated with a vacant commercial building.

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;

The proposed conditional use will be a showroom and warehouse/factory. The business will be open during normal business hours and the warehouse shall be used for storage and cutting granite/marble/stor which does not produce excessive noise, smoke, fumes, glare or odor. The business will not produce excessive production of traffic as the business is not a high traffic business and has large parking lot.

8. The proposed conditional use provides vehicular access to the property designed that does not create an interference with traffic on surrounding public thoroughfares;

The proposed conditional use provides vehicular access to the property via Rand Road. The property also has a large parking lot sufficient for both customers and employees, eliminating any need for customer or employees parking on public streets. The ingress and egress to the property does not create an interference with traffic.

9. The proposed conditional use does not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance; and

The proposed conditional use does not result in destruction, loss, or damage of a historic, scenic or historic feature of major importance. The property is currently vacant and is not classified as historic per the Village. The use will improve the current scenic view.

10. The proposed conditional use complies with all additional regulations in this title specific to the conditional use requested

The proposed conditional use does comply with all additional regulations in this title specific to the conditional use being requested. Purchaser will install streetscaping improvements in the form of adding landscaping in the front of the property. Purchaser will also designate parking spaces for customers and employees as required and stipulated by the Village.

CoList Broker:

Copyright 2022 MRED LLC - The accuracy of all information, regardless of source, including but not limited to square footages and lot sizes, is deemed reliable but not guaranteed and should be personally verified through personal inspection by and/or with the appropriate professionals. NOTICE - Many homes contain recording devices, and buyers should be aware that they may be recorded during a showing.



COMMUNITY AND ECONOMIC DEVELOPMENT

1420 Miner Street  
Des Plaines, IL 60016  
P: 847.391.5306  
desplaines.org

### STANDARDS FOR VARIATIONS

In order to understand your reasons for requesting a variation, please answer the following items completely and thoroughly (two to three sentences each). Variation applicants must demonstrate that special circumstances or unusual conditions prevent them from following the specific regulations of their zoning district. Applicants must prove that the zoning regulations, in combination with the uncommon conditions of the property, prevents them from making any reasonable use of the land. Keep in mind that no variation may be granted that would adversely affect surrounding properties or the general neighborhood.

- 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.

The floor to ceiling windows do not allow for signs to be placed in any other area. The position of the signs illustrated in Exhibits D and E, in the narrative, although Exceed 125 sq ft around, make it clear that the signs may not be placed in the floor to ceiling windows (and would be more of a distraction to both drivers and pedestrians). Moreover, as Exhibits D and E illustrate, the way the signage are placed makes the property appear as two separate businesses instead of one continuing "obnoxious" flow of advertisement. Also, the signage is longer in length (as to the 125 sq ft) but short in width than most standard signs authorized by the Village Code. The Petitioner has a hardship if not allowed to clearly and effectively advertise their business in a way that improves the surrounding community and does not impede traffic. We are requesting a variation to allow 236 sq. ft. of sign area on the building where up to 125 sq. ft. is allowed

- 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.

As stated in statement 1 above, The position of the signs illustrated in Exhibits D and E, although Exceed 125 sq ft around, make it clear that the signs may not be placed in the floor to ceiling windows (and would be more of a distraction to both drivers and pedestrians). Moreover, as Exhibits D and E illustrate, the way the signage are placed makes the property appear as two separate businesses instead of one continuing "obnoxious" flow of advertisement. Also, the signage is longer in length (as to the 125 sq ft) but short in width than most standard signs authorized by the Village Code.

- 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.

Not self created. The building was purchased with floor to ceiling windows which restrict the Petitioner may effectively and safely advertise their business. Although the signage is slightly over the 125 sq ft currently allowed by the Village, as illustrated by the supporting pictures provided in the Narrative, the placement, size and dimensions of the sign are required to avoid further hardship for the Petitioner. Additionally, the size, placement and dimension of the sign improves the appearance of the property (which helps improve the appearance and productivity of Des Plaines community as a whole) and is not a nuisance to the surrounding residence nor traffic.

- 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.

As states previously, the signage is longer in length (as to the 125 sq ft) but short in width than most standard signs authorized by the Village Code. The floor to ceiling windows restrict the signage Petitioner is able to display. The Petitioner would be deprived of sufficient and effective advertisement due to the layout of Petitioners building. The signs are completed in a tasteful, safe and effective fashion.

- 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.**

Petitioner is not requesting or attempting to enjoy special privilege or additional rights not available to others in Des Plaines. Petitioner's building layout actually gives the Petitioner a severe disadvantage and hardship compared to other lots/ similar businesses in Des Plaines.

- 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.**

The variation is in harmony with the general and specific purposes of this title. The variation seeks to allow a business sign that is slightly larger per title due to the building layout. The signage does not interfere with traffic and improves the safety and value of the surrounding residence (both residential and commercial).

- 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.**

There is no other remedy due to the building layout; namely the floor to ceiling windows. Please see responses to paragraphs above.

- 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.**

Yes, due to the positioning of the property and layout of the building the signage is the minimum needed to alleviate the hardship.

CoList Broker:

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### STANDARDS FOR VARIATIONS

In order to understand your reasons for requesting a variation, please answer the following items completely and thoroughly (two to three sentences each). Variation applicants must demonstrate that special circumstances or unusual conditions prevent them from following the specific regulations of their zoning district. Applicants must prove that the zoning regulations, in combination with the uncommon conditions of the property, prevents them from making any reasonable use of the land. Keep in mind that no variation may be granted that would adversely affect surrounding properties or the general neighborhood.

- 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.

Variation to allow an EMB sign located less than 250 feet from a residence. The proposed EMB sign will remain in the same position and location as the previous non EMB sign. The height and size of the previously sign which is approved by the Village will not increase and will actually be more beneficial to surrounding residents as the previous approved sign (same size and dimensions) used regular bulbs that were constantly bright and did not dim. Please see Exhibit G attached to the Narrative which illustrates the current size and the proposed sign. The proposed EMB sign, although within roughly 180 sq ft of the nearest residence, the sign will be able to be controlled electronically, dimmed during certain time nightfall and completely turned off during certain hours. The type of stock and inventory Petitioner holds requires constant updates on sales/promotions and updates in the industry; creating a hardship by limiting the type of sign allowed for advertiser

Requesting to allow the EMB portion to be 100% of the pole sign area. It would be a hardship to not have a 100% EMB sign as it would hinder visibility of the content being advertised (including the business and the product) to traffic along the main road. EMB signs are now the common signs used by most industries; it would hinder and harm Petitioners business to use an out dated sign that is static in any percentage. Moreover, the cost and restructuring of the sign to be 50% static would be an enormous financial hardship of the Petitioner. 50% EMB and 50% static signs are not common and are basically two separate signs

- 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.

lease note that the current signage post, height and dimensions that were previously approved by the Village and in place for numerous years will not change. The only difference in the signage will be whether it will be an electronic messaging board or bulb lighting. The Village code current states that EMB signs may not be placed within 250 feet of a residence. Please see additional pictures included in Exhibit G that show that the MB will not have an impact on any other surrounding residence as the EMB signage faces the traffic and main street of Rand Road horizontally and does NOT face vertically towards the residences located slightly outside the 250 feet requirement but also behind a 6-8 foot security fence. Any illumination from the EMB signage will not affect the surrounding residence in a negative way. Also, please keep in mind that we may simply install static signage with high impact and illuminating light bulbs (which is not a violation nor requires a variation from the Village). However, as long standing residence of Des Plaines, we want our surrounding residence to be satisfied and to keep the Village thriving. Our EMB sign will do just that. Not only will the EMB sign reduce light nuisance to the surrounding residence, as the EMB sign automatically dim during certain hours but my be completely turned off during certain hours (unlike the standard bulb lighting currently authorized by the Village.)

- 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.

The proposed EMB sign will remain in the same position and location as the previous non EMB sign. The height and size of the previously sign which is approved by the Village will not increase and will actually be more beneficial to surrounding residents as the previous approved sign (same size and dimensions) used regular bulbs that were constantly bright and did not dim. Please see Exhibit G attached to the Narrative which illustrates the current size and the proposed sign. The proposed EMB sign, although within roughly 180 sq ft of the nearest residence, the sign will be able to be controlled electronically, dimmed during certain time nightfall and completely turned off during certain hours.

- 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.

The proposed sign will have less of an impact on the surrounding residence and the community than the current "approved" sign by the Village. The Petition would be deprived of rights provided to other commercial businesses in Des Plaines to advertise his business and products.

- 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.**

The proposed sign is already utilized and permitted for other businesses throughout the Village, including within 250 sq feet from residence. One prime example is the Villages own sign, which the Village should be held to at least the same standards as all other residence of Des Plaines, if not higher. The proposed sign will have less of an impact on the surrounding residence and the community than the current "approved" sign by the Village. The Petition would be deprived of rights provided to other commercial bsuniesses in Des Plaines to advertise his business and products.

- 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.**

Please see response to paragraphs 1-5 above

- 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.**

The other remedy, which is per the Village code currently, will be more of a distraction to the surrounding residence within 250 of the sign and the oncoming traffic.

- 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.**

Yes, due to the positioning of the EMB sign and layout of the building the signage is the minimum needed to alleviate the hardship.

## Proposed Text Amendments

### 12-7-3: COMMERCIAL DISTRICTS REGULATIONS:

“\* \* \*

#### F. C-3 General Commercial District:

\* \* \*

##### 5. Standards For Site Plan Review:

a. Front Yards: No front yard shall be used for the permanent sale or display of merchandise. The temporary seasonal sale or display of merchandise shall not encroach into areas of required parking unless permitted by the zoning administrator pursuant to section 12-8-11, "Temporary Uses", of this title.

b. Lights: If the premises abuts a residential district, lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon such abutting residential district.

c. Fencing: If the premises abuts a residential district or use, a solid opaque view screen fence, eight feet (8') in height, shall be provided upon the premises along each property line abutting such residential district or use.

**d. Outdoor display of finished products: For properties utilized by a trade contractor use with an active business license and conditional use permit, finished products related to such use can be displayed outside, subject to the following conditions and restrictions:**

i. **Outdoor displays cannot be located in any required yard.**

ii. **Outdoor displays shall be fully screened with a solid opaque view screen fence eight feet (8') in height.**

iii. **Outdoor displays shall only consist of prefabricated finished products. Raw materials or materials utilized for the manufacturing, processing or assembly of products are not permitted outside.**

iv. **Finished products, including the racks or structures utilized to display them outside, shall not exceed eight feet (8') in height.**

v. **Outdoor displays must be installed on a paved dust-free hard surface, but shall not reduce, block, or otherwise interfere with parking lot drive aisles and off-street parking spaces.**

\* \* \*







EXISTING WOOD FRAME IS TIED INTO THE WALL WITH 3/4”  
(THICK) AND 8’ (LONG) KWIK  
BOLT LONG THREAD CARBON STEEL EXPANSION  
ANCHORS.

MATERIAL: ALU PANEL 12.5 MM INSTALL TO EXISTING  
GREEN WOOD FRAME.

DIMENSIONS: 24’ X 3’







VINYL WRAP OVER EXISTING FRONT FASCIA BOARD.

MATERIAL: VINYL STICKER

DIMENSIONS: 82' X 2'

GRANITE MARBLE QUARTZ

ALL STONES  
LARGE SELECTION  
BEST PRICES











Outdoor LED Programmable sign

16mm Pixel Pitch

Cabinet Size 73" by 144"

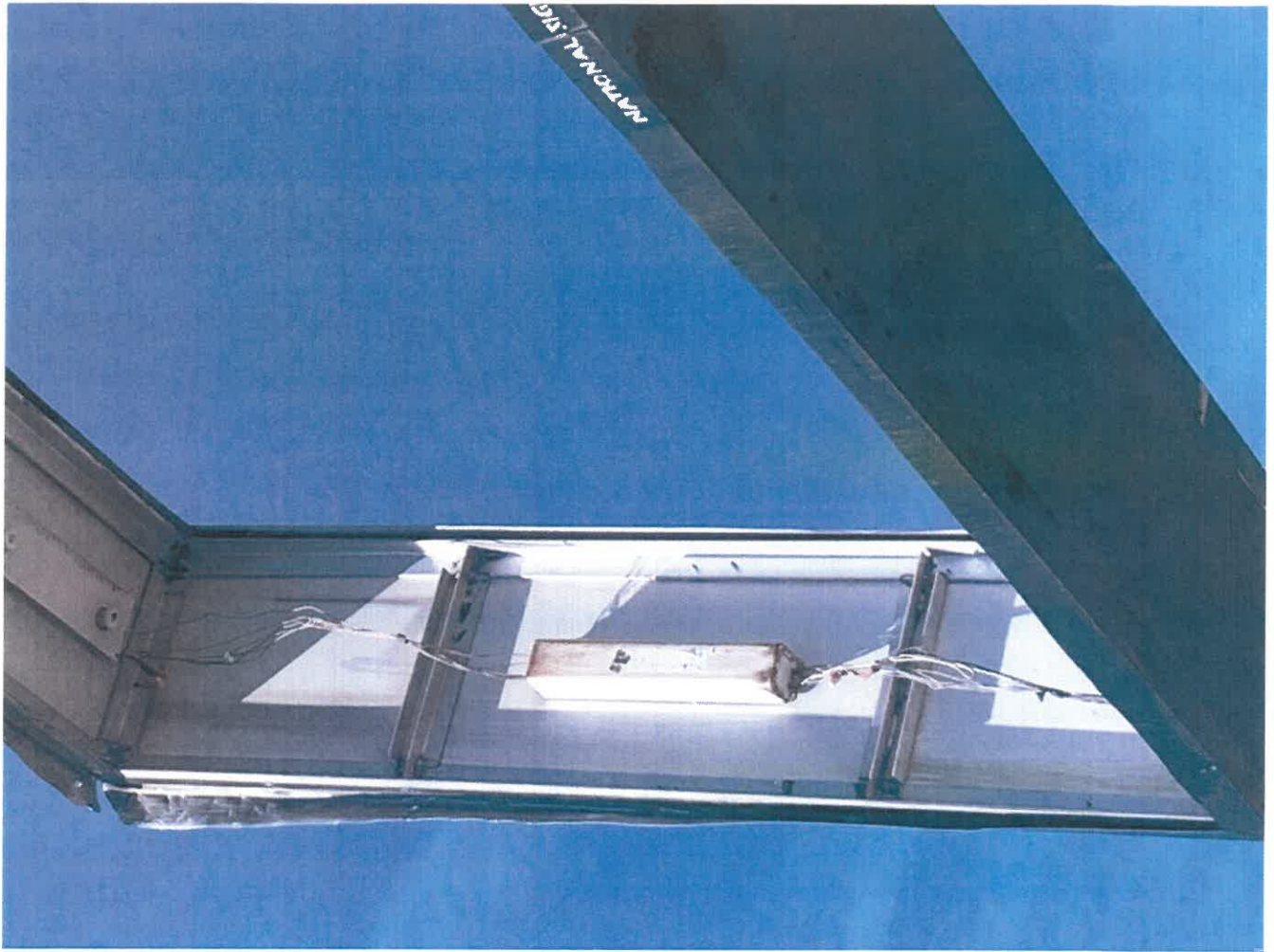
Viewable Area 70.5" by 141.5"

Brightness adjustable and includes Auto Dimmer

Install to **existing** Electric contraction







## MEMORANDUM

Date: July 22, 2022

To: Planning and Zoning Board (PZB)

From: John T. Carlisle, AICP, Director of Community and Economic Development *jc*

Subject: Discussion of Successive Applications and the Zoning Ordinance

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**Issue:** The Zoning Ordinance describes the process for whether the City should consider an application shortly after it has been denied (successive application). The PZB is given certain authority to make an important determination in the process.

**Analysis:** Section 12-3-1.B reads as follows:

“1. Second Applications Without New Grounds Barred: Whenever any application filed pursuant to this title has been denied on its merits, a second application seeking essentially the same relief, whether or not in the same form or on the same theory, shall not be brought *unless in the opinion of the official, board, or commission before which it is brought there is substantial new evidence available* or a mistake of law or fact occurred that significantly affected the prior denial.

“2. New Grounds To Be Stated: Any such second application shall include a detailed statement of the grounds justifying its consideration.”

The Ordinance goes on to state that after a period of 12 months since denial, there is no longer a requirement to state new grounds. Within the 12 months, however, the Ordinance is clear that a detailed statement is required to state the grounds. However, it does not define “substantial new evidence;” it allows the PZB to make that determination.

**PZB Discussion:** Staff asks the Board to discuss and provide feedback that may be useful to petitioners on what in the members’ opinions could constitute “substantial new evidence.” Consider the various types of requests such as conditional uses, variations, and map amendments, as well as the proposed projects that may be the purpose of these requests. For instance, staff suggests that if a proposed project and plans submitted with a successive request are altered in a way that the Board considers “substantial,” it could qualify as new grounds.

However, once again this is the Board’s determination, and staff is simply wanting to make the Board aware of this option and to receive general feedback.