

Case 22-014-V
Case 22-017-CU
Case 22-018-CU
Case 21-052-MAP-TSUB-V
Map Amendment / Tentative Plat / Variation

1285 E Golf Rd
622 Northwest Highway
676 N Wolf Rd
622 Graceland Ave, 1332 and 1368 Webford Ave

Major Variation
Conditional Use
Conditional Use



**DES PLAINES PLANNING AND ZONING BOARD MEETING
May 24, 2022
MINUTES**

The Des Plaines Planning and Zoning Board held its regularly scheduled meeting on Tuesday, May 24, 2022, at 7:00 p.m. in Room 102 of the Des Plaines Civic Center.

Chairman Szabo called the meeting to order at 7:03 p.m. and read the evening's cases. Roll call was established.

PRESENT: Szabo, Veremis, Saletnik (arrived 7:10 p.m.), Hofherr, Fowler, Catalano, Weaver

ABSENT:

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

A quorum was present. For reasons of illness (COVID-19), Member Catalano was present remotely.

APPROVAL OF MINUTES

A motion was made by Board Member Hofherr, seconded by Board Member Veremis, to approve the minutes of May 10, 2022, as presented.

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

NAYES: None

ABSTAIN: Weaver

*****MOTION CARRIED *****

PUBLIC COMMENT ON NON-AGENDA ITEM.

There was no public comment.

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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

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

Chairman Szabo stated the petitioner is not present.

A motion was made by Board Member Veremis, seconded by Board Member Weaver, to recommend continuing this case to June 14, 2022 due to the petitioner not appearing.

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

NAYES: None

ABSTAIN: None

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

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2. Address: 676 N. Wolf Road

Case Number: 22-018-CU

The petitioner is requesting 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

PINs: 09-07-210-046-0000

Petitioner: Michelle Janczak, 1008 E. Ironwood Drive, Mount Prospect, IL 60056 / Catherine Schilling, 1636 E. Clayton Court, Arlington Heights, IL 6004

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

Chairman Szabo stated the petitioner is not present.

A motion was made by Board Member Weaver, seconded by Board Member Saletnik to recommend continuing this case to June 14, 2022 due to the petitioner not appearing.

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

NAYES: None

ABSTAIN: None

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

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3. Addresses: 622 Northwest Highway

Case Number: 22-017-CU

The petitioner is requesting a conditional use to allow a motor vehicle sales use on the subject property in the C-3 General Commercial district, and any other variations, waivers, and zoning relief as may be necessary.

PINs: 09-18-215-002-0000

Petitioner: Bryan Fleischer, Premier Auto, 1124 Cayuga Drive, Northbrook, IL 60062

Owner: Rob Zimmerman, 1216 Rand Road, Des Plaines, IL 60016

Chairman Szabo swore in the petitioner Bryan Fleischer and Daniel Schlosberg.

Mr. Fleischer stated Premier Auto is applying for a conditional use permit for the property located at 622 E Northwest Hwy, Des Plaines, IL. Premier Auto currently operate as a car dealership in Palatine, IL and the landlord has since sold the building. Premier Auto is currently looking to move its business to Des Plaines, IL and serve the community. They do not plan any alterations or additions. The space was originally constructed as a car dealership and will suit their needs as is. Premier Auto will take possession of the west and north parking lots for inventory and use the west showroom and forward offices. They will also use the north overhead door and half of the service drive to maintain our vehicles inside.

Member Fowler asked if they are moving out of Palatine and how long they have been there?

Mr. Fleischer confirmed they are moving from Palatine and have been for the past 5 and a half years.

Member Fowler asked if this location is the same size as the Palatine location.

Mr. Fleischer stated the Des Plaines location actually is a bit larger and suits their needs better.

Member Weaver asked if they will perform general maintenance on vehicles on a regular basis or is the maintenance only for customers that have purchased their vehicle directly from you.

Mr. Fleischer stated that is correct, we only perform routine maintenance on their customer's vehicles.

Member Weaver asked if they have hoists, oil collection systems, and similar equipment for automotive service repair uses and if they will meet environmental standards.

Mr. Fleischer stated they have all appropriate equipment and have a company to come to remove used oil from the site to avoid contamination of the subject property and meet environmental standards.

Member Szabo asked how many employees will there be.

Mr. Fleischer stated currently they have five, but are hoping to add another mechanic to the team.

Member Hofherr asked if the petitioner agrees with the conditions that are being presented.

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Mr. Fleischer stated he is aware of some conditions but the owner of the property is handling it with the City directly.

Senior Planner Stytz stated that the owner is aware of the conditions and we are in communication.

Member Saletnik asked if Mr. Fleischer if he plans on buying this property or just wants to continue to lease at this time.

Mr. Fleischer stated at this time we only want to lease.

Member Veremis asked when this location is supposed to be open and operating.

Mr. Fleischer stated he is hoping to be completely moved in by July 1, 2022. However, our existing lease in Palatine is not up until July 31, 2022 so we will have additional time if needed.

Member Veremis asked when this location was a Chrysler dealership.

Mr. Fleischer responded that he did not know.

Chairman Szabo asked staff if the vehicles parked in the lot along Seegers Road were located on the subject property.

Senior Planner Stytz stated that there are two separate properties in this area: 622 Northwest Highway and 655 Seegers Road. He added that both properties have trucks parked on them.

Senior Planner Stytz gave his staff report.

Issue: The petitioner is requesting a conditional use to allow a motor vehicle sales use in the C-3 General Commercial district at 622 Northwest Highway.

Address: 622 Northwest Highway

Case Number: 22-017-CU

Ward: #7, Alderman Patsy Smith

Existing Zoning: C-3, General Commercial District

Existing Land Use: Multi-Tenant Commercial Building

Surrounding Zoning: North: C-3, General Commercial / R-1, Single Family Residential Districts
South: R-3, Townhouse Residential / I-1, Institutional Districts
East: R-3, Townhouse Residential / M-2, General Manufacturing Districts
West: R-3, Townhouse Residential / R-1, Single Family Residential Districts

Surrounding Land Use: North: Health Clinic (Commercial) / Single Family Residences

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South: Townhouses (Residential) / Cultural Center (Institutional)
 East: Townhouses (Residential) / Enclosed Parking Area (Commercial)
 West: Townhouses (Residential) / Single Family Residences

Street Classification: Northwest Highway is classified as a minor arterial, and Seegers Road is classified as a local street.

Comprehensive Plan: The Comprehensive Plan illustrates the site as Industrial

Zoning/Property History: Based on City records, the property was annexed into Des Plaines in 1965. The subject address was developed with a building and parking area in as early as 1998. Since then, a building addition occurred on the south side of the building around 2005. The subject tenant space was previously utilized by a moving business, Two Men and a Truck, which left around January 2022.

Project Description: The petitioner, Bryan Fleischer of Premier Auto, is requesting a conditional use to allow a motor vehicle sales use in the C-3 General Commercial district at 622 Northwest Highway. The subject property at 622 Northwest Highway consists of one parcel totaling 153,529 square feet (3.52 acres) and currently contains a 31,180-square-foot, one-story multi-tenant commercial building with multiple paved surface parking lots as illustrated on the attached Plat of Survey. It is important to note that the Plat of Survey includes the property at 655 Seegers Road, which is located directly east of the subject property. However, the conditional use request is focused solely on the property at 622 Northwest Highway. The subject property is currently accessed by one curb-cut off Northwest Highway and three curb-cuts off Seegers Road. The existing building is set back approximately 14 feet off the west property line (front) along Northwest Highway, 153 feet from the west property line (rear), 62 feet off the north property line (corner-side), and 150 feet off the south property line (interior side).

Premier Auto is a car dealership focused on Asian and German brands that is currently operating in Palatine but is planning to relocate to Des Plaines at the subject property. Premier Auto plans to operate out of the westernmost tenant space facing Northwest Highway, which consists of a 2,983-square-foot open office/showroom area, a 260-square-foot interior office area, a 1,609-square-foot open area to be utilized as a car photo room, and a 742-square-foot open mechanical and storage area with an overhead door as illustrated in the attached Floor Plans. The petitioner does not plan to make any alterations or additions to tenant space at this time. The proposed hours of operation are 10 a.m. to 7:30 p.m. Monday through Friday, 10 a.m. to 6 p.m. on Saturday, and closed on Sunday. Up to five employees will be on site Monday through Friday and a reduced staff will be present on Saturday. See the attached Project Narrative for more information.

Premier Auto will have access to the north (facing Seegers Road) and west (facing Northwest Highway) paved surface parking areas for vehicle display as well as 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 3,244-square-foot combined showroom/office areas and 25 proposed vehicle display spaces require a minimum of eight parking spaces, including one handicap accessible parking space.

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The attached Site Plan identifies the allocation of parking between vehicle display parking and employee parking in addition to a note that drive aisle widths will be 12 feet. Per 12-9-6 of the Zoning Ordinance, a 12-foot-wide drive aisle is only acceptable for one-way circulation. 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 the one-way direction of travel throughout the portion of the site to be utilized by Premier Auto, with clear striped arrows and/prone-way/do-not-enter signs. The revised site plan should also clearly indicate that the property can accommodate eight open parking spaces for patrons, including one handicap accessible parking space in compliance with all applicable City of Des Plaines codes. The petitioner has also shown exterior lighting on the Site Plan. 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.

The vehicle display and showroom activities proposed on site fall within the Motor Vehicle Sales use, defined in Section 12-13-3 of the Zoning Ordinance as an establishment, the principal use or purpose of which is the sale of motorized vehicles, including, but not limited to, the sale of automobiles, personal trucks, recreation vehicles, snowmobiles, boats, and motorcycles. The subject property is located within the C-3 district and a Motor Vehicle Sales use requires a conditional use in this district. Since no conditional use currently exists for this address, a conditional use is required for Premier Auto to operate on this 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:

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 multi-tenant building with available commercial space. The proposal would repurpose available space 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. However, it is not necessarily harmonious with the surrounding commercial development to the north, or the residential development situated at its east, south, and west sides.

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 portion of the existing commercial building.

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- 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 a corner 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.

- 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 promotes 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:**

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 are multiple access points from existing streets. The proposed 12-foot-wide drive aisles will restrict vehicular access to one-way circulation throughout this portion of the site. 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 available space in an existing multi-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 622 Northwest Highway. The City Council has final authority on the proposal.

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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. If PZB recommends approval and City Council ultimately approves the request, staff recommends the following conditions.

Conditions of Approval:

1. The Site Plan is revised and resubmitted to staff prior to the City Council meeting to identify the one-way direction of travel throughout the portion of the site to be utilized by Premier Auto with proposed one-way/do not enter signs and accommodate eight open parking spaces for patrons, 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 businesses on the property shall have current and accurate business registrations and be in full compliance with all applicable City of Des Plaines codes.
4. No contractor storage shall occur at 622 Northwest Highway property without appropriate approvals from the City and a valid business registration for a trade contractor. Any existing contractor storage/trade contractor activities occurring on site shall cease immediately until appropriate approvals are obtained.
5. No commercial truck parking shall occur at 622 Northwest Highway.
6. The property shall be brought into and remain in conformance with all property maintenance code requirements.
7. All vehicles parked on the subject property shall contain valid plates and vehicle registration at all times.

Member Veremis asked if an internet sales use bring in the same sales tax as a regular dealership.

Mr. Fleischer stated that they tax based on where the customer lives based on the Illinois Security of State guidelines.

Member Fowler asked if the petitioner was aware of the one condition prohibiting commercial trucks.

Mr. Fleischer stated that they do not have any commercial trucks.

Chairman Szabo asked if anyone from the audience had any questions or comments.

Resident Edna Graef from 635 Yale Ct stated she has some concerns regarding parking of commercial vehicles down her street and in the neighborhood. She asked the petitioner where the customers will park, will they have commercial vehicles on the property or parked on the side streets, will there be loud speakers or spot lights.

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Mr. Fleischer stated we deal with online sales, so we do not have an overflow or customer parking at one time. We also do not have any large commercial vehicles that will be parked on the property or used by us. Lastly, we will not have a loud speaker but we will have lights for security on the property but they are not spotlights.

A motion was made by Board Member Weaver, seconded by Board Member Fowler to recommend the conditional use to allow a motor vehicle sales use in the C-3 General Commercial district at 622 Northwest Highway, with the conditions as listed in the staff report.

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

NAYES: None

ABSTAIN: None

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

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4. Addresses: 622 Graceland Avenue, 1332 and 1368 Webford Avenue
Case Number: 21-052-MAP-TSUB-V

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; (ii) Tentative Plat of Subdivision to consolidate three existing lots lot of record into one; and (iii) any other variations, waivers, and zoning relief as may be necessary.

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

Chairman Szabo stated this is a continued case, Case number 21-052-MAP-TSUB-V, and he reminded the petitioner, Joe Taylor, that he was sworn in from the previous meetings so he will not need to be sworn in today.

Mr. Taylor stated we will not discuss everything from the last meeting but we will go through the changes that we made based on comments from staff, the board, and residents. As a recap the apartments proposed at 622 Graceland Avenue will be a transit-oriented, mixed-use building located in the Downtown Business and Mixed-Use District of Des Plaines.

Mr. Taylor stated the revised plans illustrate a green space area directly south of the proposed parking garage. This park area will not just be for the tenants of the building but for the entire community to use. The previously proposed 16 surface off-street parking spaces and one off-street loading space have been removed and we now will have five parallel on-street parking along the north curb and an on-street loading area. By doing this we also created a larger outdoor dining space. The parking garage spaces will remain the same, but we did add a knee wall about four feet high along the south elevation to block potential headlights from parked vehicles in the garage. We will also include scrim at the northwest corner and wrapped around the north elevation.

Mr. Taylor continued and stated his team also considered the west elevation of the parking structure and created additional building openings and fenestrations have been added along the west elevation. We also added an opening for pedestrians at the southwest corner designed to provide a pathway between, the building at 1330 Webford and public parking spaces in the garage.

Mr. Taylor asked his traffic consultant to come forward and talk about the traffic as it was a point of concern the last meeting. The consultant stated that they did a focus study of the traffic generated on Webford Avenue going both east and west: turning on and off of Laurel and turning on and off of Graceland.

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Stephen Corcocan, director of traffic engineer with Eriksson Engineering, stated as Mr. Taylor mentioned we did do additional work. We looked at the Staff's report and our traffic report and we showed 5% of the traffic coming in and out of the development going west on Webford and going to and from Laurel. Staff's report states it is a little more at 10%. I am fine with that as it is only two or three vehicles during the peak hours.

Mr. Corcocan noted we also looked at the concerns about the Metra commuters being picked up on Webford. A few things are going to happen here and should be brought to light. Ellinwood Street has been closed, and the parking for this development is under construction. This prevents vehicles from using the street and parking spaces for Metra pick up. Once Ellinwood reopens there will be an additional 50 street spaces that will all be closer to the Metra station. This proposed project at 622 Graceland will help mitigate any usage for pickups with the widening of the road to 28ft, allowing two-way traffic to occur even if a vehicle is stopped.

Mr. Taylor asked what the peak hours they used and how does the data get collected.

Mr. Corcocan said the traffic that occurs from 7:00 am to 9:00 am and from 4:00 pm to 6:00 pm Monday through Friday. Cameras are placed at all of the intersections that we want to receive data from. The cameras only video record during the peak hours as I stated but they are in place all week.

Member Fowler asked how the traffic report will be accurate once Ellinwood opens up across the street: Won't the added vehicles from those tenants increase the amount of traffic?

Mr. Corcocan stated we took the traffic study from Ellinwood, because we cannot take an actual count of vehicles since the building is under construction. With that report we took that data and added the existing traffic count we recorded along with a regional background number for growth as a standard operation.

Member Weaver asked if a speed bump or speed hump was ever considered to help slow traffic down and or detour some driver from taking that road.

Mr. Corcocan stated we have tried to think of other alternatives, but speed humps are not liked by most public works departments as it impacts plowing, equipment, and road life.

Member Catalano asked if a cul-de-sac could be added down Webford.

Director Carlisle stated a cul-de-sac was not spoken about or suggested by Engineering, but this development is required by code to make public improvements. So, this could be potentially discussed. Once the final plat is secured then that could be a design feature or another solution may be brought forward.

Mr. Taylor asked Maureen Mulligan, Civil Engineer, to come up to speak upon the improvements.

Member Szabo swore in Ms. Mulligan.

Ms. Mulligan stated she does the site development, final engineering, and the preliminary design.

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Attorney Citron asked Ms. Mulligan asked if at this point the preliminary engineering plans as required by the city.

Ms. Mulligan stated that is correct.

Attorney Citron asked for Ms. Mulligan to briefly go through the improvements that are proposed for this site.

Ms. Mulligan stated from stormwater management point of view there will be two major improvements with this development. The first on being the separation from the combined sanitary sewer. Right now all of the existing site and all of Webford is combined in a pipe with the combined sanitary sewer, but for the proposed development our site and also Webford will be separated into a new storm sewer and be brought all the way to Laurel. That is a very large improvement. The second improvement is there will be stormwater management which is stormwater storage that will be stored on the site and that is not there previously. It is required by MWRD, but its purpose is to store stormwater on the site to reduce the volume going into the new storm sewer and reduce the rate of the stormwater going into the sewer.

Attorney Citron stated at this time the site is entirely impervious surface with no grassy areas, so the water rolls off the pavement and into the combined sewers. He asked Ms. Mulligan that while we might not be aware of any individual flooding activates in people's homes would it be expectation that some of that could be due to the combined sewer system not handling all of the water.

Ms. Mulligan stated that is correct.

Attorney Citron stated so in a fact our development—unlike what is being said claimed by people without engineering knowledge—will not exacerbate the problem but what was testified to would indicate it would actually improve the situation. This is because we will split the stormwater from the combined sewer we are building a brand-new storm sewer.

Ms. Mulligan stated we will also widen Webford and repave portions of it as well. A new water service will also be added.

Attorney Citron stated he has no other questions for Ms. Mulligan and noted that Ms. Lambert our architect is present this evening if anyone had any questions. Attorney Bernie then said he has a question he wanted to ask Ms. Lambert.

Attorney Citron stated this has not come up yet, but our garage is what you would consider an open garage.

Katie Lambert with OKW Architects responded yes, that is correct. The current ordinance dictating aesthetics states you have to have an opening every fifteen feet or so. In conversations with staff they said if we wanted to have fully enclosed garage then we would have to install windows essentially all along the facade.

Attorney Citron asked what that would require in terms of ventilation.

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Ms. Lambert stated it would change the way the mechanical system would need operate in the garage. You would need to have a full mechanical system.

Attorney Citron stated that you would have to vent somewhere and this could potentially be noisier than the garage.

Ms. Lambert responded stated it is unsightly, noisy, and all in all an undesirable solution. It is also not common when you look around Des Plaines.

Attorney Citron stated that other than the public spaces the majority of this garage consists of residential spaces that may be accessed once a day or twice a day. This is not a high-traffic garage.

Ms. Lambert stated that the majority of this garage is for residential use and there should be no noise problems.

Attorney Citron stated a question did arise at a previous meeting about fire service to this development and how it is being accessed. He asked Ms. Lambert if she was involved with staff conversations and the fire department in terms as how the building would be served.

Ms. Lambert stated that is correct; our team has been working with staff since the inception of this project and we actually went through a small reconfiguration to the plan in order to accommodate comments that we received. If you look at the average floor plan on the upper level we have a little bit of a dog leg on the west side of the building and that will allow firefighters to hop onto the roof of that building so they can fight the fire from the roof.

Attorney Citron stated to your knowledge while review will still continue up through actual building permits by the fire department and other city agencies, at this point in time the fire department has not indicated any issues with how the building is designed or going to be constructed.

Ms. Lambert stated after we made the change to the plan the fire department gave their preliminary approval. This is why he have these conversations and meetings at the very beginning of the project so we can make sure everyone is on the same page with safety.

Attorney Citron stated when this project comes forward for final approvals there will be more information in terms of landscaping; right now it is a generalized landscape plan along Webford.

Ms. Lambert stated along Graceland and Webford it is pretty prescriptive, but in terms of the public park design we want it to be more collaborative with other stake holders and the City.

Attorney Citron noted its being called a public park but to your understanding the owner of the building is going to maintain ownership of that park. So the people in the community can utilize this space and it is not being turned over to the park district.

Ms. Lambert stated that is correct the intent is provide an amenity not only those who live in the building but those who are in the community.

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Attorney Citron stated he had no other questions at this time.

Member Fowler asked if changes were made regarding the distance from the proposed building and the dance building.

Ms. Lambert stated there is a three-foot separation dictated by the building code that is the minimum requirement in order to get windows up against the façade. There was a lot of conversation as people wanted some nuances and life on that façade so that is what was driving that.

Member Fowler asked where the garbage pickup and deliveries would take place.

Ms. Lambert stated it is on the site plan and we had heard the criticism at the last meeting and this location feeling like an ally which I think was the objection of that loading space. We instead moved it so there is now more outdoor seating and in the area where we show the parallel parking spaces there is a long space and that is what is dedicated as the loading space. The majority of the time it would just be a striped space.

Member Fowler said her concern is not just the traffic but the sheer size of this building. It is too big for the land. She appreciates the changes that were made and the fact that everyone listened to the feedback provided is wonderful. She asked staff that if this does get approved and changed to a C5, how can we protect the rest of the neighborhood?

Director Carlisle stated any map amendment is a required application and review just like this one. So it is purely a policy decision, your recommendation, and then City Council's as to how far they would want to move, let's say, C-5 zoning.

Member Fowler stated he has a few questions for Mr. Taylor. On Ellinwood have you filled any of the stores or do you have any tenants in the retail stores?

Mr. Taylor stated we have an active ongoing brokerage doing active marketing for those spaces at the property. We have not signed any lease as of yet and we do have several letters of intent. The property is not even complete yet so typically what happens is we complete the construction along Ellinwood and then the picture becomes clearer; we can then come up with the terms and the use for each store front. We have a very specific target as to what we want in those spaces.

Member Fowler stated there are rumors about a mini Target coming into the space.

Mr. Taylor stated it was one of the potential tenants and it would be a Target Express—a small urban format that would be more grocery. However, this would need the entire space and I want to bring in more restaurants.

Member Fowler stated she drove past the Ellison and noticed a store front that is open.

Mr. Taylor stated that is a completely different animal. There is very little space at the Ellison that is available and the last thing I heard it was going to be leased by a smaller real-estate brokerage company.

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Member Veremis asked if Mr. Taylor has ever considered building townhomes in this area as it seems it could be a good compromise and give up a lot of the density. The ones on Lee Street are reselling for \$400,000 to \$450,000.

Mr. Taylor stated the Lee Street site was a three-and-a-half-acre site, whereas the subject property is a one-acre site. What's called for in the comprehensive plan that the city council passed and approved in 2018, has part of the urban center that they want high density, not town homes. The challenge of being an investor and a developer is how I financially satisfy so many different requirements. The most town homes on that site would be roughly seven, but then there is no space to do anything of meaning or amenities.

Member Fowler stated the comprehensive map was not prepared by the City Council it was done by CMAP. Also this was a while ago and I think things have changed, and we will lose green space.

Member Veremis asked where the proposed ivy would be located.

Mr. Taylor stated that the ivy would be located on the metal screen along the south side of the parking garage, in addition to the proposed landscaping on the ground, to provide additional screening.

Mr. Carlisle gave his staff report.

Update: 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.

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- 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.
- 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.

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

Ward: #3, Alderman Sean Oskerka

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

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 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)

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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: 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 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: 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	--

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Major Variation
Conditional Use
Conditional Use

Center, Childcare	C	C ¹⁰
Center, Adult Day Service	C	C ¹⁰
Commercial Outdoor Recreation	C	--
Commercial Shopping Center	P	--
Consumer Lender	C	--
Convenience Mart Fueling Station	C ⁴	--
Domestic Pet Service	C ^{11,12}	--
Dwellings, Multiple-Family	--	P³
Leasing/Rental Agents, Equipment	C	--
Motor Vehicle Sales	C ⁵	--
Government Facility	--	P
Radio Transmitting Towers, Public Broadcasting	C	--
Restaurants (Class A and Class B)	P	P
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.

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

Bulk Control	C-3	C-5
Maximum Height	45 feet	100 feet
Minimum Front Yard¹ -Adjacent Residential: -Adjacent Other:	-Setback of Adjacent Residential district -5 feet	-Setback of Adjacent Residential district -Not applicable
Minimum Side Yard -Adjacent Residential: -Adjacent Other:	-Setback of Adjacent Residential district -5 feet if abutting street	-Setback of Adjacent Residential district -5 feet if abutting street
Minimum Rear Yard -Adjacent Residential:	-25 feet or 20% of lot depth, whichever is less	-25 feet or 20% of lot depth, whichever is less

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-Adjacent Other:	-5 feet if abutting street	-Not applicable
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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 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

Number of Bedrooms	Minimum Floor Area (Square Feet)
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

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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 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.

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 or one space for every four seats, whichever is greater, plus one space for every three employees	17 spaces
Total	-	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.

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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 addition, the revised report is based not only on modeling, projections, and secondary 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, 11th 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. The following conclusions appear on Page 20 of the report: 1. The street network can accommodate the 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

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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.

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 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.

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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-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:*

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- “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 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).

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- 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 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:*
 - 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. 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 addition, the Board should review petitioner’s responses (attached).

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

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downtown creates additional market demand for the desired retail and restaurants—and notably a restaurant/lounge is proposed by the petitioner.

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.

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.

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.

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 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. Because there is no longer a variation request, staff does not recommend conditions.

Director Carlisle noted the timing of Site Plan Review as stated in the staff report was incorrect; it occurs at the time of Map Amendment, intrinsic to Map Amendment. Nonetheless, the report stated: “However,

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Site Plan Review pursuant to Section 12-3-2 of the Zoning Ordinance would be conducted at the time of building permit review, and the Zoning Administrator would evaluate the project according to the standards listed in this Section and in Section 12-7-3.H.5, which is specific to the C-5 district. In conducting Site Plan Review, the Zoning Administrator would consult with other departments as necessary and consider issues including but not limited to the following: circulation and on-site traffic control; directional and identification signage for parking spaces and general wayfinding; landscaping; and safety—notably for pedestrians, through considerations such as clear sight lines and marked pathways and crosswalks.”

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.

Chairman Szabo asked if there was anyone who wants to give public comment and those who wanted to speak to please stand to be sworn in if they previously were not.

Tammy Couture from 553 Webford stated in the drawing you added a four-foot knee plate so lights will not shine out from the headlights, but you do not show the lumens that will be coming from the entire garage. The headlights of vehicles exiting the garage will be pointing directly to the home across the street.

Lynn Maxson from 715 Laurel is a resident of over 50 years. She said in recent years we see more and more traffic passing through on Laurel Avenue, especially with construction. There are many children, pets, schools busses, and residents so I am very concerned about safety for our residents.

Joan Hozian from 849 Jeannette stated my concerns are the sheer size of this development and the amount of traffic that will be brought to the area. There are not enough parking spaces for the residents and their visitors and delivers. We need more green space to gather or a dog park.

David W Gates Jr. from Crystal Lake presented a video from his YouTube Channel that shows the depression-era murals that are in the Journal & Topic building, previously the Post Office. He wanted to know what the plans are to protect the murals that are in the building. He mentioned repurposing the existing building as a restaurant or a museum.

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Member Catalano asked if it is possible to preserve these by moving them to another location.

Mr. Gates stated these paintings are painted directly on the walls, and that causes a challenge to remove them without damaging the murals. He mentioned that it is also costly.

Chris Walsh from 564 Webford stated he is opposed to the development. He mentioned that this area is not downtown, and how additional density would impact our area. He added that the existing buffer between the downtown area and the residential neighborhood would be diminished with this development.

Tom Lovestrund from 570 Webford stated he has a presentation to share. He asked if the traffic study has considered service vehicles like Uber or delivery vehicles. Residents are concerned about this development's impact on their neighborhoods and the lack of greenspace. We need more greenspace, and I encourage you all to look at Jackman Park in Glenview and preserve the post office building so it could be turned into another use like a restaurant, cultural center, brewery, office space, or a museum.

Marian Cosmides from 570 Webford stated the building being proposed will make our houses look like Monopoly pieces. The new green space being proposed is not a park and is just simply a strip of grass. We do not want more density or high-rises. She mentioned that the future land use map in the 2019 Comprehensive Plan illustrates the subject property as either commercial or as townhomes. She also mentioned the Site Plan review portion of the zoning ordinance mentioning that the proposed development does not meet these items.

Wayne Boyajian from 1247 Prairie stated Des Plaines was a nice residential area with shopping, restaurants, and stores. Everything is going out the window with over population and we need more sewers not more people.

Evan Vogel from 810 Woodlawn stated he would be in support of this. However, he sympathizes with all of the residents regarding all of the traffic this will bring. He also wishes the development could contain additional stores or restaurants.

Sandra Anderson from 1320 Webford expressed concerns with the accuracy of the traffic study findings. She asked what is going to happen when the Ellinwood is complete and those units are full and then the construction on this development starts. She stated that the amount of traffic is going to be impossible and cause backups all the way across the tracks.

Chairman Szabo asked the petitioner and his team to address the public comments and questions.

Mr. Taylor stated in regards to traffic and safety we do not have any new information to present we have impartible data that has been carefully studied and tabulated. We have traffic studies from pre-pandemic and current pandemic. I don't believe we are going to go back to pre-pandemic, but that is my opinion.

Mr. Cocoran stated one of the questions was asked if our traffic projections for the apartment buildings and restaurant included service vehicles, Ubers, Amazon, etc. The answer is yes. When our traffic engineers do these surveys we count all vehicles. Again, the traffic reports include data from both pre-pandemic and current pandemic traffic conditions.

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Mr. Taylor said addressed the question regarding the murals that are in the Journal and Topics building, stating that as far as we are concerned it is a privately-owned building that is not on any historic registry that we know of. We would be certainly happy to look at what the gentleman proposed as in terms of what he has as of data. But as far as the murals go if someone wants to come in at their expense and remove them I think we would need to ask the owner Todd Wessel if they would be okay with that.

Chairman Szabo stated he looked into the removal of the murals and there are two ways to do it: make a transfer or cut the whole thing out and lift it with a crane, and that would be very expensive to do so.

Mr. Taylor responded to the greenspace questions he received. Currently, there is no greenspace on the property now. In regards to the City turning the area into a public park that would be a question for city staff and the city manager and ask if there are funds available to create this public park. He mentioned that he has provided funds for park impact fees for his developments. In regards to 622 Graceland we will have roof top amenities like we have at 1425 Ellinwood, but we also wanted to put in greenery for everyone to enjoy. He also mentioned that the proposed park is not insignificant, but will be an additional space for landscaping/screening, seating area, and green space between the development and the neighborhood. He added that the park area is not required in the C-5 district pursuant to the zoning ordinance.

Mr. Taylor addressed the curb appeal comment mentioning that they have proposed a thoughtful development that is an improvement to the existing site, which currently contains older buildings and is not aesthetically pleasing.

Mr. Taylor reminded everyone the concerns about the stormwater sewer system, we will be upgrading the waste water system and the stormwater system adding a line to Laurel. By doing this it will alleviate any current issues there may be.

Mr. Taylor stated he heard a gentleman say he would like more than one restaurant on the property. It will be an addition to the neighborhood. This restaurant is built into the development budget, so there it will be ready and I don't need to go shop it around.

Mr. Taylor said he heard someone says they have noise concerns, we will be abiding by all of the city codes and regulations, federal and state. I will let you know that the standards that I do in these developments: between floors we have sound insulation that is twelve inches thick, two layers of drywall on the ceiling, and a concrete layer of jipcrete that is poured on the floor above so there is no sound transmission between the floors and then the finished floors on top of that—either hardwood or carpet. Between the units we have the two-hour fire walls, which includes the sound insulation. For the exterior windows facing the train tracks, we hire acoustical consultants that spent three days at the site and what was determined was we needed to upgrade the windows from a basic 30stc rating to a 35stc so you won't hear the train on the tracks or the bell from the train. The upgraded windows also go on the east and west side of the building as well.

Mr. Taylor stated in regards to open retail spaces and restaurants there are not enough people utilizing those shops, which results in more empty commercial spaces. The addition of high-density developments adds people that will shop local and bring those local business more prosperity by having more residents in a walkable downtown community.

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Mr. Taylor addressed the traffic mitigation standards they considered regarding vehicular traffic from driving through the neighborhood on Webford mentioning that they have proposed some options, such as having the portion of Webford Avenue west of the development a one-way street going east. However, when presented to the City, it was determined that there is no guarantee that this would not necessarily prevent people from traveling through the neighborhood. He also mentioned another option to add directional signs requiring all vehicular traffic to turn left onto Webford Avenue towards Graceland Avenue, which they can enforce on their property. However, he stated that they would not be able to address vehicular movements on the public street for motorists passing by their property. He stated we have visited all of these opportunities to address people's concerns and I don't think we have left any stone unturned. I think people are in turn just dissatisfied and don't want this development to happen for various reasons either it is personal or otherwise. I truly understand that. But having said that we do meet the standards for a map amendment.

Mr. Taylor clarified that there will be no Section 8 housing in this development. It is a private development and there is no requirement to include Section 8 housing.

Chairman Szabo thanks Mr. Taylor, and asked the Attorney for the objectors to come forward and make their presentation and the cross examination.

Mark Daniel with Daniel Law Office at 17W733 Butterfield Road Oakbrook Terrace, and Larry Thompson with The Thompson Law Office PO BOX 743 Lemont, represents Phil and Ginnie Rominski at 1333 Webford Ave. as well as Jim and Denise Hansen at 1339 Webford Ave.

Mr. Daniel's client, Mr. Hansen, presented a scaled down sized model for all board members to see as Mr. Daniel presented a slide show.

Mr. Daniel began his presentation. He stated this development from a height perspective is not possible in the C3 and the R4. The C3 and the R4 are the most common in a transitional buffer zoning districts around the downtown. Mr. Daniel commented that the proposed green space in front of the parking garage along Webford Avenue cannot be classified as a park and compared the proposed development as something that could be found in Elmhurst. He also discussed the parking garage entrances mentioning that two entrances are not necessary for the size of the parking garage. The reality is there are three things that have to be accomplished at the conclusion of this hearing: a Map amendment from a C3 to a C5, a recommendation of a site plan, and the tentative plat of a subdivision.

Mr. Daniel noted that the Site Plan Review standards have not been met given the fact that the City has not been given all of the necessary information to complete one. There is a portion of the Site Plan Review completed, as noted in the staff report, but the preliminary drawings provided by the petitioner are not sufficient to meet this requirement.

Mr. Daniel stated that there is not a basis for rezoning and references the LaSalle/Sinclair Pipeline factors relating to the validity of rezoning decisions. He stated that the petitioner talks about how the proposal is the highest and best use, but has only stated part of the definition—he has left out the portion of the definition pertaining to the laws and regulations associated with this definition. He references specific points on the slide show, which is feels is not met by the proposal, pertaining to: how the rezoning impact

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existing uses and zoning of nearby property; the extent to which property values are diminished by the zoning; the extent to which the destruction of property values benefits the health, safety, or general welfare of the public; the suitability of the property for the zoning proposed; the length of time the property has been vacant compared to development in the immediate vicinity of the property; and the public need for the proposed use.

Mr. Daniel noted the property is perfectly capable of use under C-3. You can go up to forty-five feet but not one hundred, not eighty-two or eighty-four. It is also important to note that on land that is less than an acre, which this is, you can have 24 dwelling units above retail and that is all under a C-3 zoning district. It would be a conditional use, but that is all under the city's code. He talked about the option for a mixed-use development at this site. He added that residents have stressed the value of the C-3 zoning and historical preservation of this property.

Mr. Daniel continued to speak about buffering and feathering. If you rezone this property to a C-5 it would be the very first transition from a C-5 to an R-1. It is not anywhere else in town and is not a natural boundary for this neighborhood. This would be the first interruption of the existing buffering between higher-scale commercial development and lower density residential. The transitions between the commercial and residential are usually rear yard to rear yard, with some corner-side yard to rear transitions across a street (logical zoning boundary), whereas Webford Avenue has a 50-foot right-of-way with 20 feet of pavement is not a natural zoning boundary.

Mr. Daniel discussed setback requirements between the proposed development and the residences. Downtown has always been viewed as the other side of Graceland and keep in mind scale is everything especially for my client's right across the street from this proposed development. He turned the audience's attention to the slide show illustrate 36 street-view shots of development along the transitional zone between the C-5 downtown development and the mostly R-4 residential development. He stated that the height of structures in relation to their surroundings, explaining that if you are closer to taller surroundings, then the buildings get taller, but if you are not closer to taller surroundings and have a taller building, then there is a ton of open space provided. He talked about how the scale of R-4 development is more reasonable when single family residential is nearby.

Mr. Daniel stated that the one-way street and cul-de-sac options considered would effectively cut off residents from the City and an entrance into the neighborhood would be lost. He added that the concerns regarding cut-through traffic have not been addressed. The construction in the area has impacted traffic to the point that motorists are utilizing Webford Avenue to get away from the construction on Graceland Avenue. It is important to keep in mind that just because you come in with impartial data your residents are coming in with their lives and observations. He mentioned that while the proposal includes the improvement of the street in front of the development, he has not been involved with a subdivision project where the public improvements are not required for the entire street.

Mr. Daniel expressed the concerns regarding the proposed loading zone within the public right-of-way, noting that between the rotation of residents moving in/moving out the proposed development, service vehicles, and other public users, there is not enough space in the proposed loading area.

There is a debate about what is downtown Des Plaines. He stated first it is not defined in the Zoning Ordinance or mapped in the 2019 plan. There is no mention of Webford as a future extension of

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downtown Des Plaines, no mention of C-5 expanding, and C-3 offers no reference at all to downtown. However, R-4 is mentioned as intended for in or near downtown. He added that for marketing purposes and sale tax, the downtown area would be defined as anything 10 minutes or less from the intersection of Lee and Miner. However, this is not the downtown area for planning purposes. For parking purposes, downtown would include the existing city-owned lot that is located on the subject property. There are multiple opinions on what is part of the downtown area. However, the downtown area has never crossed Graceland Avenue and been directly abutting single family residential.

Mr. Daniel continued and stated the 2019 comprehensive plan says the mixed-use goal is specifically limited in the plan as follows, "The city should focus its efforts on expanding mixed use developments in the downtown, near Cumberland Metra Station, and along Oakton Street Corridor." This project is neither downtown, near Cumberland Station, or along Oakton Street Corridor.

Mr. Daniel expounded on an earlier point regarding residential dwellings above commercial development and the overall density involved in this proposal. He mentioned that the 24 dwelling unit regulation for C-3 mixed-use developments in the Zoning Ordinance is reasonable and much better in regard to scale of development. The lot area required for the C-3 project would still have be more than double the size of the subject property based on the unit mix proposed and the lot area per dwelling unit regulation. He argued that this development cannot be done under C-3 or R-4. He also discussed parking allocation and how the revised proposal has less parking spaces, including handicap accessible spaces, for the residents.

Mr. Daniel talked about the Business District Design Guidelines that were developed in 2005 and incorporated in the Zoning Ordinance and additional design guidelines were implemented later both apply to this development. He added that the Business District Design Guidelines cover building design but also discuss Site Plan review and that the later ordinance did not repeal the earlier ordinance.

Mr. Daniel provided a review of the project based on the Site Plan Review section of the Zoning Ordinance questioning the arrangement of structures to allow for effective use of the development, the compatibility of the development in relation to adjacent property, location of utilities/surfaces, parkway landscaping installation, arrangement of open space/landscaping, efficient use of land, site circulation, light pollution solutions, site illumination, building design in relation to regulations, and green design infrastructure including improvements such as charging spaces. Mr. Daniel continued that the public park or pocket park that Mr. Taylor has added is in an unsafe location and due to its sizes seems like it would be impossible to play ball or throw a Frisbee. The park is in between two busy parking garage driveways that lead onto Webford and is also alongside the loading zone. The landscape design only shows plantings along the entry façade and nothing is along the west foundation and is entirely concrete. We do not see a plant list, or any photometrics, or evening renderings other than street lights.

Mr. Daniel discusses the Tentative Plat of Subdivision mentioning that the current 50-foot right-of-way is insufficient for the proposed development since it does not allow for appropriate parkway space for streetscaping, such as landscaping, lighting, utilities, and pedestrian areas.

Mr. Daniel discusses the future land use map in the 2019 Comprehensive Plan stating that nothing on the map recognizes that this area should be C-5. He added that the Comprehensive Plan does not say expand mixed use development but rather specifies areas in the city for this type of development, which the subject property does is not included.

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Mr. Daniel discussed another argument regarding how the project fulfills the plan's call for housing and appeal to young families, and the assertion that this C-3 property should be rezoned to allow mixed uses. I want to point out this is not a family friendly development; it has amenities like grills, a rooftop pool, outdoor lounge, outdoor and window bar, bar and restaurant, and other drinking areas inside and mainly has one bedrooms and only eleven two bedrooms.

Mr. Daniel continued that the public park or pocket park that Mr. Taylor has added is in an unsafe location and due to its sizes seems like it would be impossible to play ball or throw a Frisbee. The park is in between two busy parking garage driveways that lead onto Webford and is also alongside the loading zone. The landscape design only shows plantings along the entry façade and nothing is along the west foundation and is entirely concrete. We do not see a plant list, or any photometrics, or evening renderings other than street lights.

Mr. Daniel asked to cross-examine Maureen Mulligan.

Mr. Daniel asked if Ms. Mulligan would agree that a wider right of way would accommodate the parkway and the street trees and allow for better orientation of public utilities.

Ms. Mulligan stated she goes with the site plan that has been created and then I design the utilities around it and in my opinion I think that the way the storm sewer was specifically designed especially along Webford because it is not just our site that we are taking off the line of the combined sewer it is going to be the entire Webford right of way and road way. Mr. LaBerg and I spoke about this and that is what the City had wanted.

Mr. Daniel asked if Ms. Mulligan agrees that the location of the utilities affects the planting of street trees and the location of the side walk.

Ms. Mulligan responded that to be honest she doesn't have anything to do with the placement of that.

Mr. Daniel asked to cross-examine Mr. Taylor.

Mr. Daniel asked Mr. Taylor to show him the paperwork he used to show the designation of the property as being in the downtown.

Mr. Taylor stated it was prepared by SB Freidman on behalf of downtown Des Plaines.

Mr. Daniel asked if Mr. Freidman is a TIF consultant who handles market studies, economic development, analyst of financial and tax benefits, is that correct.

Mr. Taylor agreed.

Mr. Daniel asked if he agrees this is part of a market assessment.

Mr. Taylor agreed.

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Mr. Daniel asked if Mr. Taylor has been a zoning map, a comprehensive plan exhibit, or any planning document that shows this property is in downtown.

Mr. Taylor stated he doesn't believe there is a map that says it is not in downtown.

Mr. Daniel asked if Community Economic Director Carlisle pulled the map from the market study.

Mr. Carlisle stated yes.

Mr. Daniel asked if that map was adopted into the comprehensive plan.

Mr. Taylor responded saying it is directly off of the city website titled roadmap to the future.

Mr. Daniel asked Mr. Taylor yes or no. Is there a map in there?

Mr. Taylor responded, no.

Mr. Daniel asked how much your LLC is going to pay the city for the parking lot.

Mr. Taylor stated he is not at liberty to say that.

Mr. Daniel stated the amount you are paying is part of the consideration that these volunteers should consider. So what are you paying?

Mr. Taylor stated it is a private transaction.

Mr. Daniel stated fine on the public side, what is the amount being discussed for the parking lot.

Mr. Taylor stated \$300,000 dollars.

Mr. Daniel stated so the location at Prairie and Graceland that is already zoned C5, you could build this development on that property.

Mr. Taylor stated that is two and a half acres and is at Prairie, Graceland, and Lee.

Mr. Daniel stated so that site is too much money but you would have the C5 and no one to complain about it.

Mr. Taylor stated this is absolute value, the cost of the build that you could build there is more than my capacity as an investor.

Mr. Daniel asked how much would the cost to build be.

Mr. Taylor stated over \$150,000,000 dollars.

Mr. Daniel said and you have \$170,000,000 in the pipeline?

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Mr. Taylor responded I have various other developments that add up to \$170 million, but what is the point.

Mr. Daniel said he is questioning if you can afford building in the C5 area and whether or not it is a true justification for you.

Mr. Daniel stated his developments are spread out into three municipalities across the city of Chicagoland area, but I don't get how it is relevant to this development.

Mr. Daniel asked when you started to discuss the parking lot with the city, when was the first time the C5 zoning came up.

Mr. Taylor stated he has been doing this a while and directly across the street from this proposed development is another development the Ellinwood that he is the developer of, and it is zoned C5. It was pre-planning prior to the first technical review meeting where I approached city staff about purchasing the lot in addition to negotiating with the Wessel family; it has been about seven or eight months.

Mr. Daniel asked if Mr. Taylor talked to any public officials before staff.

Mr. Taylor responded, no.

Mr. Daniel when was it you first determined you could not build within the C3 zoning classification.

Mr. Taylor stated in his position it is pretty clear diligence and you look at what you need it to be in order to change it.

Mr. Daniel asked if he agrees this project could not be built in the R4.

Mr. Taylor resounded, there was some discussion and it was staffs interpretation that C5 was the best route.

Mr. Daniel asked how many employees the restaurant will have.

Mr. Taylor stated it is hard to say at this point; it is a projection.

Mr. Daniel asked what is the max per shift.

Mr. Taylor responded he is not sure.

Mr. Daniel asked if Mr. Taylor is going to run the restaurant.

Mr. Taylor stated no, a third party will.

Mr. Daniel asked what Mr. Taylor told Steve the traffic engineer regarding the number of restaurant employees.

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Mr. Taylor stated they went off the guidelines of the zoning code and with staffs help we came to a determination of how many patrons based on the square footage of the restaurant space. But we took the strictest requirement guideline from the code. I also want to make a point that we are over parked for that use.

Mr. Daniel asked what the carry out window is about.

Mr. Taylor stated this is pre planning. This has not gone through the full planning of and I can tell you that it was an idea that it would make it easier and more convenient for people to pick up their food.

Mr. Daniel asked how many employees the apartments will have.

Mr. Taylor stated probably three or four that includes maintenance.

Mr. Daniel if I rent there is there designated guest parking.

Mr. Taylor stated that is not a requirement under C5, so I am not sure how it is relevant.

Mr. Daniel asked if the residents will have assigned spaces by unit number so I always have the same space.

Mr. Taylor stated, yes.

Mr. Daniel asked if there will be additional rent for a parking space.

Mr. Taylor responded, yes and I am not sure how much.

Mr. Daniel asked if he knows what his rental rates will be.

Mr. Taylor said yes, but off the top of my head I am not sure.

Member Catalano asked what the point of all this questioning is.

Member Szabo said at this point I still think there is relevant questions being asked but if it starts to get repetitive then I will ask Mr. Daniel to wrap up.

Mr. Daniel stated Mr. Taylor mentioned he has several LOIs (letter of intent) and mentioned a Target Express.

Mr. Taylor stated for what, Ellinwood is a completely separate development and I don't see how it is relevant to 622 Graceland.

Mr. Daniel asked when Mr. Taylor stated the loading zone is going to be dedicated do you mean dedicated to general loading or for anybody.

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Mr. Taylor stated so in C5 we are not required to have a loading zone, the idea is this is for move in and move outs for residential, needs to have a way to effectively manage those moves. It also can be an area were delivery trucks for Amazon, FedEx, USPS, and food drivers can use that space to load in and load out. I will also provide a professional management company that will handle all of that.

Mr. Daniel asked what if I bring my big truck in the loading zone and I decide to park there and go to the pawn shop across the street.

Mr. Taylor said he is not aware of the space will be policed at this time either we will police it or the city will police it.

Chairman Szabo said he feels these questions are getting to be too hypothetical.

Mr. Daniel asked Mr. Corcoran to come back to the podium for a few quick questions. In the description of Graceland do you see a description of it being a narrow width at all?

Mr. Corcoran stated he is not sure where there is a narrow width that you are referring to.

Mr. Daniel asked if he understands that Webford has a twenty foot paved width right now.

Mr. Corcoran stated it is twenty feet and for an older neighborhood it is not uncommon.

Mr. Daniel asked if he gauge it was too narrow for this development at twenty feet.

Mr. Corcoran responded no, because it is going to be widen for the development.

Mr. Daniel stated you have had projects before that within the public right of way because of a new development, the developer has to extend or widen the paved area of a right of way even though it is not within his lot lines or frontage. Is that correct.

Mr. Corcoran responded, not necessarily.

Mr. Daniel asked again, have you had these project before?

Mr. Corcoran stated yes.

Mr. Daniel stated tell me how you took the 2018 data for traffic in the area and extrapolated it to 2022.

Mr. Corcoran said first we went out and did our own traffic counts and knowing it was in the middle of a pandemic compared them to the 2018 counts and found those higher. So the higher counts we used as the baseline for the traffic study. To then convert them to the year 2022 as well as the future year we relied on the information we received from the Chicago Metropolitan Agency for Planning, who provides growth rates for various roads within the region and as part of their mandate both on a planning level and IDOT. Since Graceland is an IDOT road we have to use that methodology. They provided the information and came up with an annual growth rate. To be conservative I used 1% a year to get to the existing conditions and used the CMAP for the future. CMAP said ½% a year and I did 1% a year from 2018 to 2022.

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Mr. Daniel stated so a 1% growth rate each year. So do you agree the growth rate in this area is a bit different than the 1%.

Mr. Corcoran stated no, based on CMAP it is less.

Mr. Daniel said so you do not see a reason to adjust that percentage based on the ongoing construction and projects in the downtown area.

Mr. Corcoran said he adjusted for the projects downtown based on separate information so this was a background growth rate.

Mr. Daniel said so you applied additional growth rate above the 1% per year.

Mr. Corcoran said it's the 1% a year and that get us to the existing conditions or the baseline conditions and then for the future projections I added the ½% a year to the background and added the traffic from the Ellinwood development.

Mr. Daniel stated on the issue with the loading zone that is on the right side of the street and a truck wants to pull in but there is someone there already. Would they have to back into the space?

Mr. Corcoran stated they would have to pull right, pull in, and then correct to the left. If the truck needs to back up a little, then they back up.

Mr. Daniel said let's say I park my big truck in the loading zone and walk across the street to the pawn shop what happens to the trucks that need it for the moving. Where do they go?

Mr. Corcoran stated they will wither have to wait, use the other parallel spaces if those are available, or if they wanted to they could park and block you into that space.

Mr. Daniel said or they can just go down into the neighbored and park there.

Mr. Corcoran stated they wouldn't be able to turn around if they did that.

Mr. Daniel said this brings up a couple issues here. Why does it matter if you have gridlock at that loading zone?

Chairman Szabo said there used to be a small store that burned down, but they had parking for the pawn shop, so some of your hypotheticals don't exactly fit because there is parking for the pawn shop. It is an interesting place, but there is never more than one customer at a time. So, if we can move along please.

Mr. Daniel said you just never know who is going to park there. It can't be reserved for the particular user.

Mr. Daniel's thanked Mr. Corcoran for his time and said that is all he has for his questions.

Attorney Citron gave a closing statement. He stated I will try for everyone's sake to make this as brief as possible. What we all just heard from Mr. Daniel is opinion but is not an expert witness. Some of it might

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be correct and some incorrect, but it is inappropriate to testify on those types of things because he is not an expert witness; he is also not a planner, he has been doing this for a very long time as have I.

Mr. Citron said one of the things we have is we have met the standards for rezoning as set forth within the city's ordinance. The standards that are being pointed out are from those who are challenging if they are zoned properly. But again per the city ordinance we have met all of the standards. We do not need to spell it out and say number one this is this standard and how we have met it. All of the testimony you have heard now for two very long evenings and including staff's comments and reports it's all part of that testimony and should be and I assume will be considered both positively and negatively by this commission in terms of meeting those standards.

Mr. Citron continued: Can this property be used under its existing zoning? Well, it is being used today. But is it being used to its highest use for any circumstances? That answer is no. We have a vacant building and with all due respect the Wessels' building that has about four or five people working there. Could you develop under that C3 zoning that it is today? I guess arguably you can, like all of the hypotheticals that have been put out here today, but the fact of the matter is- is the answer to that question can you develop in the C3. Yes you can, twenty-four units and that was given to use by Mr. Daniel. That's it, just twenty four units but guess what. You can't pay for the public improvements with just twenty four units. We have testimony to that. How do you develop a site that you have to widen the streets, sewer work, and storm sewer work to address issues not with our sewers but with existing sewers? We are not getting any money to do that. You also can't pay for that work with seven townhomes. So it can't be developed financially. But again physically could you design a development that would fit there with twenty four units. Absolutely you can. But financially you couldn't do it.

Mr. Citron continued does it meet the comprehensive plan. Well, I guess that is going to be up to this commission and the city council as to if we ultimately meet the plan. We believe with everything that has been put in front of you that it does meet the comprehensive plan. I am missing something on this definition of downtown. What I heard was, "all of the people I talked to" without ever telling us who they have spoken to. Now the people who we have talked to, meaning those who put the staff reports together, believes this is the downtown. Now I don't understand how Ellinwood across the street is downtown but 622 Graceland is not. So we are in the downtown.

Now is there a valid concern of this creeping incrementalism. I think that is how the Vietnam War started, and I am going back and aging myself. That this zoning would keep on going, but the answer was given by staff that every zoning case is looked at under its own set of circumstances. So a block down, would C5 be reasonable? No, I wouldn't bring a case like that in front of you. But at this location that is already zoned commercial that is across the street from a C5 district and it is large enough to support this development. It is large enough because we meet the standards. If we didn't meet the C5 standards, then you could tell me we don't meet the standards. We meet heights, setbacks, and we meet or exceed parking.

We have heard from a few people who talked about flooding that's probably caused by the combined sewers and the existing systems and plumbing that was put in many-many years ago. But on our dollar, we are fixing that. We are improving that aspect. So if the utilities are not there in accordance to the standards to serve this development we are paying to increase them. Again, a lot of money to add new sewer lines and stormwater storage. This will help not just us, but the community. So there are benefits even if people want to hear this or not.

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Mr. Citron stated we have sufficient parking. It was touched on very briefly is that the current lot has thirty-eight spaces and in the plan you see in front of you as part of the site plan review in terms of that plan we are not replacing those thirty-eight spaces one to one. There is a reason why because when we got into this and looking at historical data it never was used. Not all the spaces but it was mainly used for reverse commuters. The point of this is the thirty public parking spaces will be used by the public. When staff was reviewing if we had sufficient parking we actually counted sheers to make sure we have enough. We have more parking spaces then we have apartments. There is a reason for that. One is for guests, and two is under some assumption some people in a two bedroom apartment will have more than one car. We again meet those parking standards per the code.

My argument is we have met the standards for rezoning. The property could not be developed under the existing zoning. Is the public health safety and welfare protected, yes, we meet all of the standards under the new C5 that we are seeking and that is with protecting the public's health and safety. We have enough utilities, we are not asking for more than what is allowed in the C5, and we have sufficient parking. What other externalities can there be from a development.

Mr. Citron mentioned when you talk about density, someone stated it is too dense. Why, are too many people walking on the street? Well, that is the general idea, to have those people walking to downtown; that is what this is all about. It is about generating people to go to the new theater and to go to the restaurants. So when you talk about the people, with all due respect to that neighborhood it is truly a fine neighborhood, you are not just looking at that neighborhood. You are looking at the people meaning Des Plaines.

We keep on hearing about condominiums and townhouses, but I would love to know if anyone in this room has lived in rental housing. Now I can tell you I never lived in rental housing that cost \$3,000 a month, but I have lived in rental housing. More and more people are renting, even older people, because they don't want to tie themselves down. I believe people will live here and not have a car. There is a train and grocery store and shopping. They can get what they need for the activities of daily living.

Mr. Citron station this is rezoning and is not a variation. We eliminated the variations so this is only a rezoning. It is only for the site plan and again there is going to be another level of design that is going to be looked at for the final plat. We genuinely do not do all of the engineering for final plan unless we know the project is going to be approved because of the cost that is involved in doing so. We have submitted plans, met with staff, engineering has said what he wants and where, and that is what is in the plans. The testimony is clear that we are going to improve certain of those situations.

The plat that you saw is again a preliminary plat. There will be comments made on that and changes made before it goes for final plat approval. We have done what we need to do based on the impacts of our project. We are taking care of our development in an appropriate manor. We thank you for your time and consideration. We thank staff for working with us as closely as they have to bring you this project to this level. We have attempted to make changes to the project as best as possible to provide for both our residents and ultimately to the City of Des Plaines. With that we are asking for your support for your vote approving all three of these matters. Thank you.

Chairman Szabo asked if the attorney from the objectors would like to speak.

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Mr. Daniel said this whole thing hinges on inappropriate zoning. We ask that this property does not get rezoned to C5. Thank you all for your time.

Member Fowler stated there is a reason we have for zoning boundaries and we need to realize that you can't fit a square peg in a round hole.

A motion was made by Board Member Hofherr, seconded by Board Member Saletnik to close the public hearing for 622 Graceland Ave. Case number 21-052-MAP-TSUB-V.

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

NAYES: None

ABSTAIN: None

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

Chairman Szabo stated another matter was brought up by the city attorney in regards to the site plan. Here is a short statement. We have been presented with a great deal of information from both the applicant and the objectors tonight and we have seen much more detailed presentation for this development than we would normally expect at a tentative plat stage. Under recommendation of the city attorney, I am going to ask that tonight rather than our normal procedure of voting and having our findings reduced to writing after the fact that we take a vote and direct staff and the city attorney to prepare draft written findings and recommendations for us to vote on at the board's next meeting on Tuesday June 14, 2022. This will give each of us a chance to review the findings in advance and if appropriate amend the findings and recommendation before they are formally adopted by vote. This will reduce confusion and provide clarity as to what the PZB is recommending. The board's findings and recommendation can be to deny the requested relief, to approve the requested relief, or to approve the requested relief with conditions.

Chairman Szabo asked if he can have a motion to direct staff and the city attorney to prepare draft findings of fact and recommendation for our consideration at the June 14, 2022 meeting. A first motion was offered by Board Member Weaver.

City Attorney Stew Weiss stated can you specify if it is going to be a motion to recommend approval, to recommend denial, or recommended approval with conditions. The difference here is rather than just voting and then having staff reduce down what the discussion was, we would present you with draft findings to review in advance in your packets. The formal vote would be at your next meeting.

Member Fowler asked why we are doing it this way.

City Attorney Weiss said this is a process that is done in many other communities and especially given the complexity and the contentious nature, making it clear as to what you are recommending up to Council and the site plan issue as well we want to make sure we are not putting words in your mouth basically.

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Member Weaver withdrew his motion.

Mr. Saletnik stated before we go any further I want to say a few things. The only other guy who has been on this board longer than I is Mr. Szabo. We used to be in the position when we begged developers to come into Des Plaines. Do I think a high-density project is warranted on this site? Yes. Do I think this site is appropriately responding to all of the local issues with the neighbors? They did a fantastic job massing the facility, providing a front to the residents across the street. To have this building on top of the dance building is a gross error. Why the dance studio was never included in the project to begin with I think is a mistake on your part. You should have offered him more money and you would have had a little more room to work with. Having a cul-de-sac of some sorts that creates a physical barrier that prevents the traffic going through Webford is the way to solve this problem. These problems need to be resolved to the point to this memo that Mr. Szabo just read, we have gone into a lot of details on a tentative plat and that level of detail normally doesn't get worked out in a tentative plat. Those details get worked out when you get into design development. This project warrants detailed design development. We are not the final say in this. We need to provide our feedback to the City Council and let the process work. I say why don't we just vote on this now and see where it goes.

Chairman Szabo said he owns three properties in shooting distance of this place so keep that into consideration when we vote. Not everyone in Des Plaines is dead set against redevelopment.

Member Fowler said no one is against redevelopment. We can keep the location C3, and develop it properly.

Member Saletnik stated there are issues with this plan but if the process works I believe those issues can be worked out. For that reason I will make a motion that we recommend the tentative plat of subdivision and the C3 to C5 rezoning. Seconded by Member Weaver.

City Attorney Stew Weiss stated we should also consider the question of the site plan review because that has been raised by the objector's attorney.

Chairman Szabo stated if this goes forward it would come back to us one more time for final.

City Attorney Weiss responded for final plat of subdivision, but not for the zoning change to C5, and so the C5 would not be conditional on final approval. Once zoning is approved, the zoning is approved. The question of site plan review is one to ensure that such development or redevelopment is done in a manner harmonious with the surrounding properties and consistent with the general welfare of the policy of the comprehensive plan. So this was why we made the initial recommendation that rather than doing on final vote on this now that is if there is a consensus either to support or deny this that you can direct us to provide draft findings for you all to review and then vote on at the next meeting.

Chairman Szabo stated so we would vote yay or nay but at our next meeting we can finalize the vote.

City Attorney Weiss stated, yes you would approve the final finding of facts and recommendation. That would incorporate consideration of the site plan, the rezoning, and the subdivision, as well.

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The Board and City Attorney discussed procedural steps.

Attorney Weiss recommended unless you would like me to talk through the factors for site plan and you can recommend based on that and vote tonight if you want me to talk through those recommendations of what site plan review are.

Member Saletnik said are there things we need to be aware of.

Community Economic Development Director Carlisle stated he is the zoning administrator for the record. Site Plan review under 12-3-2 provides general purpose statements that you saw tonight in the materials; Compatibility of land uses, buildings, and structures; Protection and enhancement of community property values; Efficient use of land; Minimization of traffic, safety, and overcrowding problems; and Minimization of environmental problems. Under paragraph C. Contents of the Site Plan and then D. Standards for Site Plan Review. I would say and general counsel if you agree, it is an evaluation of this body in a general sense you believe this development could meet this criteria. Now being able to prepare a draft is there is a litany of things that need to be addressed.

Community Economic Development Director Carlisle noted my written draft finding would be that because of the scale of the development across the street, because of the mapping of the property in the downtown market assessment which is an appendix in the comprehensive plan and for those reasons the development could be considered compatible. I give that as an example because these are the things you might feel more comfortable seeing in writing considering it is so late this evening. He reviewed and explained the direction of paragraph D and stated the Board's review of the site plan standards is different from review of standards for conditional uses and variations.

Member Catalano stated he doesn't think we should prolong the meeting, force John into a corner, and we should allow this to go to the June 14, 2022 meeting. Personally, I would like to see it in writing.

Member Saletnik said if we legally need to dot the i's and cross the t's than I will withdraw my motion allowing staff to prepare all documents and dot the i's and cross the t's.

Member Fowler asked for clarity on where site plan review fits in to what the Board is voting on. Director Carlisle provided further clarification.

Chairman Szabo stated so all we will be doing prior to the June 14 meeting reading the final report and there will be no further public comment or discussion. We have heard it all. So we would just read the document and vote yay or nay.

City Attorney Weiss stated that is correct. The reason we are looking at this is in other cases a project like this may require a conditional use for a PUD or for some other type of relief and normal we are not looking at a pure rezoning at detail elevation or at detailed engineering. This rezoning though is specific to a particular type of development that if the rezoning is approved can be done by right. So we are in an interesting position of recommending to approve or deny a rezoning that would allow a very specific type of development without having to go through the conditional use or planned development. That is how it has been designed, and there is nothing wrong with that. The site plan approval process is forcing us to look at a specific development, things we normally would not if we are just rezoning a piece of land.

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Member Fowler and Attorney Weiss discussed why site plan review is not in public notice.

A motion was made by Board Member Saletnik, seconded by Board Member Catalano, that Case Number 21-052-MAP-TSUB-V continue to June 14, 2022 after staff does their due diligence on the site plan review.

AYES: Szabo, Veremis, Saletnik, Hofherr, Catalano

NAYES: Fowler

ABSTAIN: None

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

ADJOURNMENT

The next scheduled Planning & Zoning Board meeting is Tuesday, June 14, 2022.

Chairman Szabo adjourned the meeting by voice vote at 11:56 p.m.

Sincerely,

Vanessa Wells

Vanessa Wells, Recording Secretary

cc: City Officials, Aldermen, Planning & Zoning Board, Petitioners