



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

The Des Plaines Planning and Zoning Board held its regularly scheduled meeting on Tuesday, June 28, 2022, at 7:00 p.m. in Room 102 of the Des Plaines Civic Center.

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

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

ABSENT: Weaver

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

A quorum was present.

PUBLIC COMMENT ON NON-AGENDA ITEM.

There was no public comment.

Pending Applications

1. Address: 1245 Forest Avenue

Case Number: 22-021-CU-TA

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

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

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

Ward Number: #5, Alderman Carla Brookman

Existing Zoning: M-1, Limited Manufacturing District

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

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

Surrounding Land Uses:

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

Street Classification:

Forest Avenue is classified as a local street.

Comprehensive Plan :

Industrial is the recommended use of the property

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

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

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

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

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

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

TEXT AMENDMENT

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

What is a Cannabis Infuser?

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

How are Cannabis Infusers Regulated?

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

Current Local Regulation

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

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

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

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

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

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

Refer to the attached Proposed Text Amendment.

CONDITIONAL USE

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

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

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

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

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

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

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

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

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

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

Standards for Text Amendment:

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

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

³ 410 ILCS 705 Section 35-25. Infuser organization requirements; prohibitions

⁴ 410 IL 705 Section 15-100. Security

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Conditions of Approval:

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

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

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

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

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

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

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

NAYES: None

ABSTAIN: None

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

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

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

NAYES: None

ABSTAIN: None

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

2. Address: Citywide

Case Number: 22-023-TA

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

PIN: Citywide

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

Case Number: #22-023-TA

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

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

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

Table 1: Existing Driveway Width Regulations based on Garage Size

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

Driveway Width Regulations

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

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

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

Driveway Setback Regulations

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

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

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

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

Adding Residential Walkway Definition and Amending Walkway Width Regulations

New "Residential Walkway" term

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

Amended Walkway Width and Setback Regulations

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

Revising Patio Definition and Clarifying Patio Regulations Related to Walkway Connections

Revised Patio Definition

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

Clarifying Patio Regulations Related to Walkway Connections

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

Proposed Amended Sections

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

Standards for Zoning Ordinance Text Amendment:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NAYES: None

ABSTAIN: None

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

Case 22-021-CU-TA
Case 22-023-TA

1245 Forest Avenue
Citywide

Conditional Use/Text Amendment
Text Amendments

ADJOURNMENT

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

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

Sincerely,

Laura Fast, Recording Secretary

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