

Case 23-001-CU
Case 22-048-CU-V
Case 22-055-Appeal

1300 Miner
1683 Elk
1378 Margret

Conditional Use
Conditional Use - Variation
Appeal



DES PLAINES PLANNING AND ZONING BOARD MEETING
January 24, 2023
APPROVED MINUTES

The Des Plaines Planning and Zoning Board held its regularly scheduled meeting on Tuesday, January 24, 2023, at 7:00 p.m. in Room 102 of the Des Plaines Civic Center.

Vice Chair Saletnik called the meeting to order at 7:00 p.m. and roll call was established.

PRESENT: Catalano, Hofherr, Saletnik, Veremis, Weaver

ABSENT: Fowler, Szabo,

ALSO PRESENT: Jonathan Stytz, Senior Planner
Samantha Redman, Associate Planner
Margie Mosele, CED Executive Assistant

A quorum was present.

Call to Order and Roll Call

Approval of Minutes: January 10, 2023

APPROVAL OF MINUTES

Vice Chair Saletnik requested a revision to the minutes to correct the final voice vote to adjourn from Chairman Szabo to Vice Chair Saletnik.

A motion was made by Board Member Weaver, seconded by Board Member Catalano to approve the meeting minutes of January 10, 2022, with one revision.

AYES: Weaver, Catalano, Veremis, Saletnik

NAYES: None

ABSTAIN: Hofherr

*****MOTION CARRIES ****

PUBLIC COMMENT ON NON-AGENDA ITEM

There was no public comment.

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Applications

1. Address: 1300 Miner Street **Case Number:** 23-001-CU

Petitioner: Melbin Ordonez, 8424 Mansfield Avenue,
Morton Grove, IL 60053

Owner: GK Properties, LLC, P.O. Box 735, Prospect Heights, IL 60070

Real Estate Index Number: 09-17-408-011-0000

Ward: #1, Alderman Mark A. Lysakowski

Existing Zoning: C-3 General Commercial

Existing Land Use: Multi-Use Commercial Building (Auto Service uses)

Surrounding Zoning:

North: R-4 Central Core Residential District
South: Railroad; R-1 Single-Family Residential District
East: R-4 Central Core Residential District
West: C-3 General Commercial

Surrounding Land Use:

North: Multi-Family Residents (Residential)
South: Railroad; Single-Family Residents (Residential)
East: Multi-Family Residential Building (Residential)
West: Restaurant (Commercial)

Street Classification: Miner Street is a minor arterial street, and Laurel Avenue is a local road.

Comprehensive Plan: The Comprehensive Plan illustrates the site as commercial.

Zoning/Property History: Based on City records, the subject property was rezoned from residential to commercial in 1981 when an auto service repair use was a permitted use. Since then, the property has been rezoned to C-3 General Commercial and a conditional use permit is required for auto service repair uses. As such, the existing C&H Auto Repair, Inc. currently in operation on site does not have a

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conditional use and is therefore non-conforming to the current regulations.

In 2020 Blessing Automotive received conditional use approval via Ordinance Z-7-20 to operate an auto body repair use in Suite 1 of the multi-tenant building with several conditions (see Attachments) regarding screening, property use, and business operations. Since opening, the petitioner has striped the parking area and added landscaping along the west building elevation in addition to installing fencing to screen along the southwest property line along Miner Street and installing a dry chemical fire suppression system for the paint both and mixing room as required by Conditions No. 5 and 6 of the ordinance. However, to date, Condition No. 7 requiring the installation of a landscape bed abutting the mobility-impaired accessible parking space has not been satisfied.

There have also been concerns related to the parking and storage of damaged or inoperable vehicles outside on the subject property, surrounding streets, and neighboring properties in violation of conditions No. 1 and 4. During the public comment period of the January 10, 2023 public hearing, which was continued to January 24, surrounding property owners and residents raised issues regarding parking availability, access, and organization of the subject property as well as the parking/storage of vehicles off-site for extended periods of time.

Project Description:

Overview

The petitioner, Melbin Ordonez, has requested an amendment to the existing Conditional Use Permit to expand the existing auto body repair facility, Blessing Automotive LLC, at 1300 Miner Street into Suite 3 of the multi-tenant building located on the subject property. The existing one-story, 9,139-square-foot building is made up of three tenant spaces, all of which have been utilized for automotive repair uses in the past. Suites 1 and 2 of the building, or the two end spaces, have been occupied by Blessing Automotive since 2020 and C&H Auto Repair, Inc. since 2015. Suite 3, the middle space, which had been occupied by AP Transmissions, Inc. since 2017, is now vacant and is adjacent to Suite 1. As such, the petitioner proposes to expand Blessing Automotive into Suite 3, which is directly adjacent to its current

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space. This means they would occupy two-thirds of the building instead of one third. The proposed change to the requires an amendment to the conditional use.

Proposed Floor Plan

Suite 1, where Blessing Automotive currently operates, consists of a 3,720-square-foot tenant space with four service bays, a retail area with an office and kitchenette, a spray booth, a mixing room, three separate storage areas on a mezzanine level, and four off-street parking spaces as shown on the Architectural Plan and Site Plan. Suite 3 consists of an indoor garage area with access to the front parking area, kitchenette area, two restrooms, and two separate office spaces. The petitioner intends to utilize the existing kitchenette and separate offices spaces in Suite 3 for additional storage space. There are no proposed changes to the size of the building or to Suite 2 (C&H Auto Repair, Inc.) on the far east side of the building. However, the petitioner intends to add two service bays, a wheel balancing machine, and two customer parking spaces inside the existing indoor garage area in Suite 3.

Off-Street Parking

Auto repair facilities are required to provide two parking spaces per service bay, plus one space for every 200 square feet of accessory retail. As a result, a total of 12 off-street parking spaces are required for the new proposal for Blessing Automotive. Given the unique shape of the property and the small size of the outdoor parking lot, Suite 1 contains four indoor parking spaces—two for employees and two for customers—inside the open garage area. Now that the petitioner is expanding the business into Suite 3 of the building, the proposal includes adding two customer parking spaces in the indoor garage area of Suite 3. Therefore, the Site Plan proposes 13 total parking spaces on the property—six spaces inside the building and seven outside in front of the building, including a mobility-impaired accessible space. The attached parking exhibit identifies available parking allocated to both tenants on the subject property.

Business Operations

Blessing Automotive currently operates from 8:00 a.m. to 6:00 p.m. Monday through Friday, 9:00 a.m. to 2:00 p.m. on Saturday, and

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closed on Sundays. Their services include removal of damaged auto body parts; realigning car frames and chassis; patching dents and repairing minor auto body damage; and fitting, attaching, and welding replacement parts in place. Additionally, priming, painting, and applying finish to restored parts takes place inside a prefabricated fireproofed spray booth with a filtered exhaust system. During operations a total of two employees will be on site at a given time. The petitioner does not intend to change the hours of operation or expand their existing services at this time. Please see the Project Narrative for more information. Because of the small lot and prominent location, several conditions are being recommended by staff to continue to minimize any visual impacts.

Conditional Use Findings: Conditional Use requests are subject to the standards set forth in Section 12-3-4(E) of the Zoning Ordinance. Rationale for how the proposed amendments would satisfy the standards is provided below and in the attached petitioner responses to standards. The Board may use the provided responses as written as its rationale, modify, or adopt its own.

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

Comment: An auto body repair use is a Conditional Use, as specified in Section 12-7-3.K of the Des Plaines Zoning Ordinance, for properties in the C-3 General Commercial District.

PZB Additions or Modifications (if necessary): _____

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

Comment: The Comprehensive Plan illustrates this property as commercial. The Comprehensive Plan strives to foster growth and redevelopment of existing commercial corridors to retain existing businesses in Des Plaines. The expansion of the existing auto body repair use at the subject property meets this intent while also repurposing a vacant space along a major commercial corridor near downtown Des Plaines.

PZB Additions or Modifications (if necessary): _____

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 property and existing building currently contains all automotive repair uses and has for many years. Blessing Automotive currently operates out of Suite 1 and AP Transmissions, Inc. was an auto repair use previously located in Suite 3 of the building. The current building blends well with the surrounding commercial uses and structures. The

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repurposing of Suite 3 with another auto repair use does not physically alter the building footprint or exterior, maintaining the existing building appearance, which is appropriate with the existing mixture of commercial and residential developments nearby.

PZB Additions or Modifications (if necessary): _____

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

Comment: The footprint, height, and appearance of the existing building will remain the same but the interior of building Suite 3 will be renovated to suit the needs of Blessing Automotive.

However, it is unclear to staff whether the site and mix of multiple auto-oriented businesses (service repair and body repair) can co-exist. While there is a parking exhibit identifying the amount of parking spaces allocated to each tenant space, the space constraints on the subject property and the nature of auto-oriented businesses can present concerns related to access and parking.

PZB Additions or Modifications (if necessary): _____

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 existing auto service repair facilities are adequately served by essential public facilities and services. The expanded use will also be adequately served by public facilities and services.

PZB Additions or Modifications (if necessary): _____

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: On one hand, the existing auto body repair facility does not create a burden on public facilities specifically or is not a detriment to the economic well-being of the community. On the other hand, it is demanding code enforcement resources to monitor and respond to issues.

PZB Additions or Modifications (if necessary): _____

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,

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or the general welfare by reason of excessive production of traffic, noise, smoke fumes, glare or odors:

Comment: The expanded auto body repair use is not anticipated to create additional traffic compared to the existing Blessing Automotive business or the other auto service-oriented business in Suite 2. The former use of Suite 3, before it became vacant, was a similar business type (auto service and/or auto body). After the initial conditional use approvals in 2020, the petitioner installed the appropriate mechanical systems necessary to reduce the production of traffic, noise, smoke fumes, glare, and odors generating from this use. In addition, the petitioner will be required to install all necessary equipment to address all potential concerns for the proposed operations in Suite 3 in compliance with all applicable codes.

PZB Additions or Modifications (if necessary): _____

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 expanded auto body repair use, if it complies with conditions, will not create an interference with traffic on surrounding public thoroughfares. There will be no changes to the existing two access points onto the property from Miner Street that are currently utilized by the existing auto service repair business.

PZB Additions or Modifications (if necessary): _____

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 proposed auto body repair use would not cause the destruction, loss, or damage of any natural, scenic or historic features since the building and site were already developed for the use of a multi-tenant building. The petitioner will maintain the existing foundation landscaping and screening installed while also adding additional landscaping in front of the building to improve the aesthetics of the property.

PZB Additions or Modifications (if necessary): _____

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

Comment: The proposed auto body repair use can meet all other requirements of the Zoning Ordinance for the C-3 General Commercial District provided all operational and physical (i.e. installation or construction-related) conditions are met.

PZB Additions or Modifications (if necessary): _____

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PZB Procedure and Recommended Conditions: Under Section 12-3-4.D (Procedure for Review and Decision for Conditional Uses) of the Zoning Ordinance, the PZB has the authority to *recommend* that the City Council approve, approve subject to conditions, or deny the above-mentioned conditional use amendment to expand an auto body repair use at 1300 Miner Street. City Council has final authority on the proposal.

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

Conditions of Approval:

1. That a landscape area located north and west of the proposed handicap accessible parking spot shall be added, which contains at least four shrubs and one tree prior to issuance of any building permits related to the expansion.
2. Vehicles related to the business cannot be stored or parked overnight on the surrounding residential streets.
3. That the sidewalk along Miner Street should not be blocked by vehicles at any time.
4. There shall be no vehicle drop-off on the property between 6 p.m. and 8 a.m. (Note: The PZB may wish to discuss if the hours are too stringent.)
5. No damaged or inoperable vehicles shall be parked or stored outside at any time.
6. That all submitted permit documents shall be sealed and signed by a design professional licensed in the State of Illinois and must comply with all City of Des Plaines building codes.
7. That each business operating on the property shall have separately identified off-street parking spaces that comply with Chapter 9 of the Zoning Ordinance, or that adhere to limitation of any subsequent relief that may be granted.

Attachments:

- Attachment 1: Location and Zoning Map
- Attachment 2: Site and Context Photos
- Attachment 3: ALTA/ACSM Land Title Survey
- Attachment 4: Excerpt from Ordinance Z-7-20 (Conditions)
- Attachment 5: Petitioner’s Standards for a Conditional Use
- Attachment 6: Petitioner’s Project Narrative
- Attachment 7: Architectural Plans and Site Plan
- Attachment 8: Parking Exhibit

Vice Chair Saletnik swore in Ed Yung – Architect for the petitioner, Gary Koliopoulos- Building Owner and Melbin Ordenez - Petitioner.

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Mr. Yung explained the plan to expand the business by renting the next-door unit. Mr. Yung went over the plans that would add two workplaces and two parking spaces. They are seeking to add an additional 6 parking spaces to the business. Mr. Yung stated that if Blessing Automotive is not able to increase their workspace that they might end up leaving Des Plaines. Mr. Yung went over Attachment #7 which is their proposal.

Vice Chair Saletnik asked staff about the City of Des Plaines parking space regulations.

Jonathan Stytz, Senior Planner, stated that in Chapter 9 of the Zoning Ordinance, the off-street parking regulations require spaces that are a minimum of 8'-6" x 18'-0" in size.

Gary Koliopoulos stated that the parking has been the same since the beginning. He said that the business owners have been cycling the cars in and out. Mr. Koliopoulos told the board that Blessing Automotive started their business from nothing during Covid. They created a business that is succeeding. They are a good support for the community. He stated that he is proud to have them as his tenants. Koliopoulos stated that his other tenant is C&H Automotive. They have 6 spaces outside. He cycles cars in and out of spaces depending on need.

Vice Chair Saletnik asked if the six spaces for C&H Automotive are public parking or just for use of C& H Automotive.

Mr. Koliopoulos confirmed that the six spaces are allocated specifically for C&H Automotive.

Melbin Ordonez stated that his business is doing well and he would like to keep growing in Des Plaines. He wants to keep helping his neighbors.

Member Veremis asked if they will have enough parking spaces. She stated that the business was using the restaurant parking lot for a while and asked if they keep growing how will they accommodate the cars.

Mr. Ordonez stated that for a couple of months the restaurant parking was used. In the beginning their company grew fast and they had a number of vehicles. They rented the parking lot of Porters until they were notified by the City that they could not use it. Now the business has accounts they are able to take and return the cars to the companies. He said they are doing a better job at monitoring the jobs that come in and out. They are also able to park some vehicles inside the building and propose to add two to three more parking spaces inside the building.

Member Weaver asked the property owner about the other tenant parking, inquiring as to whether the allocated parking spaces are designated by pavement markings. He asked to look at the pictures of the outside of the building and whether certain spots are for certain tenants.

Mr. Koliopoulos confirmed that the allocated parking areas are designated by yellow markings on the pavement which are based off distance of approximately 25 feet. He added that each tenant is currently able to utilize the allotted parking area as they see fit.

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Member Weaver asked if there have been issues with tenants parking over the yellow markings into other tenant parking areas or utilizing other tenant parking area spaces.

Mr. Koliopoulos mentioned that at times there can be issues because customers are not aware of the allocated parking areas for each tenant.

Member Weaver asked if C&H Automotive is parking in the correct area or if they are utilizing other tenant space parking.

Mr. Koliopoulos mentioned that C&H Automotive is not parking in the correct areas and have utilized a portion of the parking area allocated to Blessing Automotive.

Member Weaver asked if a representative from C&H Automotive was present. Mr. Koliopoulos answered yes.

Vice Chair Saletnik swore in Chris Whyte who operates an auto repair company at 1300 Miner Street. Mr. Whyte stated that there are parking problems. He uses the stagger approach to get his vehicles in and out. Mr. Whyte stated that his main concern is his customers getting in and out of the parking lot. He feels like there are blind spots when vehicles are parked in the lot and you are not able to see down Northwest Highway. He also believes the fence does not allow to people to see since its parallel to the sidewalk. Mr. Whyte said he has no problems with the expansion.

Member Weaver asked Mr. Whyte if there will be any changes to the C&H Automotive tenant space as part of this proposal.

Mr. Whyte responded that he works by appointment only and that there are no proposed changes to the C&H Automotive tenant space.

Member Veremis asked when the tenant, AP Transmission, in the middle section of the property moved out.

Mr. Koliopoulos stated that he does not have an exact date but that it has been a few years.

Member Veremis asked if there were a lot of vehicles associated with AP Transmission.

Mr. Koliopoulos confirmed that there have always been a lot of vehicles stored and parked on site. He added that the parking situation has always been the same.

Member Veremis asked if the two remaining tenants are already utilizing the parking area allocated to the middle tenant. Mr. Koliopoulos confirmed that this is correct.

Senior Planner Stytz clarified that AP Transmission ceased operations in 2019.

Vice Chair Saletnik asked if anyone from the audience would like to speak to the request.

Vice Chair Saletnik swore in John Kaszynski from 450 S. Western Avenue. Mr. Kaszynski is a neighbor and is in favor of this case. He is always in the area of the business and Blessing

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Automotive is always pleasant. He believes they are an asset to the community. He stated that they keep the building and surrounding area clean. He added that when Blessing Automotive was parking on the restaurant property and were told that they could not park there, they reacted immediately and removed the vehicles from the restaurant property.

Vice Chair Saletnik swore in John Pallaohusky who is an owner of a 1325 Perry Street residential property across from 1300 Miner Street. Mr. Pallaohusky is a neighbor, and he is not in favor of this case as he is concerned with its impact on residents. He explained that in Section 12-3-4 “Conditional Uses” there are several items that address the potential impacts a use could have on surrounding properties (e.g., environmental, noise, pollution). He reiterated that parking on the subject property is an issue. While it is cleaned up on site now, the number of cars parked today is more than what the proposed Site Plan accommodates. He stated that he has not heard anything in regard to an impact study that the proposed expansion would have on surrounding properties. He claimed that the congestion in this area of the City is another concern that requires people exiting onto Miner Street from Laurel Avenue to make a wide right turn. He appeared at the last PZB meeting and in January 2020 when the first zoning came up for this property and he raised similar issues during the time. At that hearing he heard what the petitioner would be required to do and claimed that none of those requirements have been met. He asked who would address issues in the future if they are allowed to expand and the requirements have not been met. He addressed a specific instance where an employee of Blessing Automotive blocked the alley located just north of the subject property preventing him from getting out.

Jonathan Stytz, Senior Planner, reviewed the staff report. Mr. Stytz explained the application for the Conditional Use at 1300 Miner. Mr. Stytz went over the location map and background, site photos, a parking exhibit, and the conditional use requirements. He also discussed the previous enforcement measures taken to address violations of some of the proposed conditions from the current conditional use approved in 2020. Mr. Stytz stated that 12 parking spots are necessary, and the petitioner meets this requirement. Mr. Stytz stated that tandem spaces are not allowed.

Vice Chair Saletnik asked if Blessing Automotive double stacks their vehicles. Mr. Ordonez stated that they have double stacked in the past but they will no longer double stack vehicles.

Member Catalano asked if Blessing Automotive is agreeing to the proposed Site Plan for parking on page 17 of the staff report. Mr. Ordonez stated that they will.

Vice Chair Saletnik asked if C&H Automotive will have an issues if they are not allowed to double stacks their vehicles on the subject property.

Mr. Whyte responded that they are not dependent on double stack parking for their operations but turn-around space is necessary for the subject property. He added that damaged and/or inoperable vehicles are inevitable for auto service businesses. He also expressed concerns with blind-spots on Northwest Highway when exiting the subject property.

Vice Chair Saletnik asked Blessing Automotive if there are inoperable vehicles being parked outside on the subject property.

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Mr. Ordonez stated that 99% of our vehicles are drivable so we can agree with no inoperable vehicles being stored outside. He stated if we get those types of vehicles they will be stored inside.

Member Weaver asked why the employees are parking indoors and what will they do as the business continues to grow.

Mr. Ordonez stated that they are now working on cars indoors, some in the employee designated parking spaces, and do not leave them outdoors. He stated that most of the vehicles they work on have minor damage and they are drivable. He said that if their business continues to grow, they might have to add another location in Des Plaines.

A discussion occurred regarding the location of the parking spaces on the proposed Site Plan and if there are any concerns related to safety and access to and from the site. The existing use of a triangular portion located outside of the subject property boundaries, which was identified as an area where large trucks are parked, was also discussed. Senior Planner Stytz confirmed that this triangular portion is not part of the subject property but rather part of the Jefferson Street right-of-way. He added that no tenant should be parking in this area.

Member Weaver mentioned that he would like to make a change to proposed condition No. 5 to allow damaged or inoperable vehicles to be stored or parked outside for up to fourteen consecutive days instead of entirely banning them.

A motion was made by Board Member Weaver, seconded by Board Member Catalano to recommend approval of a Conditional Use Permit Amendment to allow the expansion of an existing automotive body repair use at 1300 Miner Street subject to the seven conditions proposed by staff but with condition No. 5 modified to allow the parking and storage of damaged or inoperable vehicles outside for up to fourteen consecutive days.

AYES: Weaver, Catalano, Hofherr, Saletnik
 NAYES: Veremis
 ABSTAIN: None

*****MOTION CARRIES ****

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2. Address: 1683 Elk Boulevard

Case Number: 22-048-CU-V

Update: The Planning and Zoning Board (PZB) approved the parking variation and recommended the conditional use to City Council at the December 13, 2022 meeting. However, shortly after the meeting, the Fire Prevention Bureau and Building Division re-examined the proposed use and determined the maximum fire occupancy could be increased. The original occupancy was 21 people; the new approved maximum occupancy is 49. The new calculation takes into consideration the floor plan of the building and area of the intended assembly use, excluding portions of the building that would be used for office use.

The petitioner has re-submitted this application to increase the requested number of people for the assembly use. Because the original request only estimated a maximum of 21 people, the PZB must re-evaluate the request for an assembly use with a maximum of 49 people and re-consider the request for parking variation.

Issue: The petitioner is requesting (i) a variation from the collective off-street parking requirements for the mix of uses proposed at the subject property and (ii) a conditional use permit to operate a Commercially Zoned Assembly Use in the C-3 General Commercial District.

PIN: 09-16-300-119-0000 and 09-216-300-120-0000

Petitioner: Jiju Mathew, Living Hope Church, 1683 Elk Blvd., Des Plaines, IL, 60016

Owner/Property Control: Thomas H. Ahlbeck (via Elk Creek LLC, 1651 Elk Blvd., Des Plaines, IL 60016 and Elk Boulevard LLC, 1665-1695 Elk Blvd., Des Plaines, IL 60016)

Case Number: #22-048-CU-V

Ward Number: #1, Alderman Mark Lysakowski

Existing Zoning: C-3, General Commercial

Surrounding Zoning: North: C-3, General Commercial
 South: C-3, General Commercial
 East: R-1, Single Family
 West: C-3, General Commercial

Surrounding Land Uses: North: Commercial buildings
 South: Open space/river
 East: Single Family Residence
 West: Commercial Building

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Street Classification: Elk Blvd is classified as a local street.

Comprehensive Plan : Commercial is the recommended use of the property.

Property/Zoning History: This property is one unit of a two-building, six-unit office complex (west building: 1651 Elk Blvd., east building: 1665-1695 Elk Blvd.), and is one zoning lot. The property is zoned C-3 and the uses operating at this site have consisted of commercial office space throughout the known history of the development. This site is located within the 100-year floodplain, requiring adherence to Federal Emergency Management Agency (FEMA) regulations for any construction in this location.

Project Description: The petitioner, Jiju Mathew of the Living Hope Church, is proposing a conditional use to allow a commercially zoned assembly at 1683 Elk Blvd. Specifically, the petitioner is interested in using one unit of the 1665-1695 building (east building) for worship services. The church has used this property as an office space for one year and now proposes to host worship services on Sundays and weeknights after standard business hours.

Proposed Use and Hours of Operation

1683 Elk is one unit out of six in a two-building, multi-tenant office complex (six total uses/tenants). All other tenants are classified as “office” in the Zoning Ordinance, including Ahlbeck and Company, an accounting company; a dentist office; an IT company; a video production company; and the Center of Concern, a nonprofit organization that provides housing and social services to senior and other at-risk populations.

The attached floor plan of the 1683 Elk unit includes office space and a common meeting area that the petitioner intends to use for worship services. The applicant requests a maximum of 49 people for the assembly use. The proposed hours of operation are as follows:

- 9 a.m. to 6 p.m. for hours of the office use (Tuesday through Friday; Saturday and Sunday for occasional office use)
- 5 p.m. to 10 p.m. for assembly uses on weekdays (Monday through Friday)
- 7:30 a.m. to 3 p.m. for assembly uses on Saturdays and Sundays

Generally, the hours of operation for the other tenants in this office building are Monday through Friday, 8 a.m. to 5 p.m.

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Off-Street Parking

Pursuant to Section 12-9-7, commercially zoned assembly uses for places of worship are required to provide 1 space for every 60 square feet of gross floor area. For comparison, the existing office use for the 1683 space requires 1 space for every 250 square feet of gross floor area. The definition of “floor area” in Section 12-13-3 allows spaces such as restrooms, mechanical rooms, hallways, and storage areas to be excluded. The following reflects the required parking.

| Address | Business | Use | Gross Floor Area | Existing Required Parking | New Required Parking |
|---|------------------------------|--|-------------------------|----------------------------------|-----------------------------|
| 1651 Elk Blvd | Ahlbeck and Company | Office | 2,673 | 10.69 | 10.69 |
| 1665 Elk Blvd | Center of Concern | Office | 3,632 | 14.53 | 14.53 |
| 1677 Elk Blvd | H M S Media | Office | 1,848 | 7.4 | 7.4 |
| 1683 Elk Blvd | Living Hope Church | Office (existing); Commercially Zoned Assembly (proposed) | 1,727 | 6.9 | 28.78 |
| 1689 Elk Blvd | Jensen | Office | 1,727 | 6.91 | 6.91 |
| 1695 Elk Blvd | Des Plaines Family Dentistry | Office | 1,713 | 6.85 | 6.85 |
| Total* | | | | 54 | 76 |
| *Spaces rounded up to next whole number | | | | | |

The parking lot currently includes 56 standard parking spaces and two accessible spaces (58 total) to serve the two buildings collectively. Although the 1651 Elk (office building) adjoins 1645 Elk (Pavestone Brick Paving), Pavestone is a separate zoning lot, with its own parking lot and does not use this parking area.

A minimum of three accessible spaces are required, so designating additional accessible parking spaces to satisfy Section 12-9-8 is a recommended approval condition. The spaces in front of 1683 Elk have striping for a loading zone and a handicap-accessible curb but are missing some necessary striping and signage. These may be an option for the petitioner to fulfill the condition.

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Staff determined the available parking for all tenants in the complex – *without* the proposed assembly use – meets the requirement. Section 12-9-3. A provides that required parking may be provided collectively. Adding the assembly use increases the total requirement to 76, making the parking lot 18 spaces short of the requirement without the practical ability to add more.

The petitioner’s narrative states a maximum of 35 spaces would be used in this parking lot for this use. However, it is important to note the assembly use is not proposed to overlap in hours with the other office uses. The petitioner states in the attached Response to Standards that no tenants in this office complex currently operate on Sunday, and therefore the parking lot would not be in regular use by the other businesses in the complex on this day of the week. Note the neighboring tenants do not have hours of operation after 5 p.m. on any day of the week, leaving many spaces unoccupied. The petitioner’s narrative also states the attendees will be mostly comprised of families, anticipating a maximum of 30 families in attendance with many in the same vehicle rather than driving separately.

The attached Parking Study completed in October 2022 indicates an average of 32 spaces are occupied on a weekday and average of two spaces occupied on Sundays. Additionally, the church requests to use the space on occasional evenings for meetings or other worship activities, intending to operate after 5 p.m. and not exceeding 20 attendees.

Standards for Variation

Variation requests are subject to the standards set forth in Section 12-3-6(H) of the Zoning Ordinance. The petitioner’s rationale for how the proposal would satisfy each of the standards is attached. The PZB may use this rationale as its findings, or the Board may create its own. The standards that should serve as the basis of findings are the following:

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

Comment: The existing 58 parking spaces are not sufficient to meet the parking requirement for the proposed mix of uses on this property. However, the proposed use will operate after business hours of the other tenants in this office complex. In addition, many attendees are in the same family and would likely come to the property together in one vehicle.

Without the variation, to meet the existing parking requirements the occupants and/or the property owner would need to (i) expand the parking lot to accommodate the proposed

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assembly use or (ii) acquire or sign a parking agreement with property owners with available parking on nearby parcels to meet the collective parking requirements in Section 12-9-3. In staff's view, the second option would necessitate pedestrian crossings of Elk Boulevard where there is not a convenient or reasonably close pedestrian crossing.

As discussed in Standard 2 below, expansion of the parking area is not feasible due to physical constraints. Due the limitations on the size of the assembly and the location of the property, it presents a hardship and practical difficulty to meet the parking requirements in Section 12-9-7.

PZB Additions or Modifications (if necessary): _____

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

Comment: 1683 Elk is a small space within a 100-year floodplain in close proximity to the river and a water feature to the south, which presents constraints to construction and expansion of impervious surface (parking lot) due to local and federal regulations.

If required to meet collective parking standards pursuant to Section 12-9-7, the acquisition of other parking areas would also present a challenge due to the location. The collective parking requirements limit the location of any off-street parking spaces to properties that are partially or fully unoccupied (i.e., no existing uses) within 1,000 feet of the subject parcel. There are few available vacant or partially vacant properties within 1,000 feet that could provide an additional 18 parking spaces, and anything across the street might induce unsafe crossings.

PZB Additions or Modifications (if necessary): _____

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

Comment: At the time of construction, the site met parking requirements and did not have the same physical constraints (floodplain and development of the surrounding parcels) that now limit the expansion of the parking lot. When constructed, an assembly use was not envisioned to occupy any of the office spaces. However, it is increasingly common for churches and other places of worship to occupy office spaces, as it is often more economical for smaller churches to lease existing properties rather than purchasing or constructing new facilities.

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

Comment: If the variation is not approved, the conditional use could not be granted because parking requirements for the new mixture of uses could not be satisfied due to the physical limitations of the site, discussed in Standard 2.

PZB Additions or Modifications (if necessary): _____

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

Comment: This variation would not constitute a special privilege for the occupant. It is a reasonable request in this circumstance to reduce the parking standards due to the physical limitations of the property.

PZB Additions or Modifications (if necessary): _____

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

Comment: As discussed in the petitioner's narrative, the petitioner and property owner have confirmed with neighbors that the use of the parking spaces on Sunday and after hours would not disturb their business activities. A parking agreement exists between the property owner and petitioner discussing the exact hours and spaces allocated for Living Hope Church to ensure the proposed use is in harmony with the other tenants and that off-street parking demand is met to limit any potential nuisance to the neighborhood.

PZB Additions or Modifications (if necessary): _____

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

Comment: Expansion of the parking lot to accommodate the new use would be challenging due to the location in the floodplain, constraints with the existing water feature to the south, and the fact the area surrounding this site is already fully developed. If the church were required to find additional parking elsewhere, it would be challenging to meet the collective parking requirements section of the Zoning Ordinance; the petitioner or the property owner would need to locate and sign an agreement with the owner of a parcel within an allowable distance of 1683 Elk, with available parking that could accommodate

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this use. This would be unnecessary, as the narrative discusses the lack of overlap in the hours of operation of the other tenants and the availability of parking during the proposed hours of service.

PZB Additions or Modifications (if necessary): _____

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

Comment: This is the minimum required relief needed to alleviate the hardship.

PZB Additions or Modifications (if necessary): _____

Standards for Conditional Use

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 below and in the petitioner’s response to standards. The PZB may use this rationale toward its recommendation, 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: Commercially zoned assembly use requires a conditional use permit in the C-3 Zoning District.

PZB Additions or Modifications (if necessary): _____

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

Comment: Although his use would not conflict with any overarching policies of the comprehensive plan, the 2019 Comprehensive Plan illustrates this area to be used for commercial activities.

PZB Additions or Modifications (if necessary): _____

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: All uses will be located within an existing building; no changes to the appearance are proposed. The worship services will occur indoors. Although an office complex, this use will not alter the appearance of this property and will not result in excess traffic or deliveries.

PZB Additions or Modifications (if necessary): _____

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

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Comment: As discussed in the Petitioner’s Response to Standards, the petitioner discussed the proposed worship services with each of the existing tenants in the office complex and confirmed no businesses operate on Sunday. The businesses in this complex operate during typical business hours, 8 a.m. to 5 p.m. The proposed worship services will occur between 7:30 a.m. and 3 p.m. on weekends and no activities after 10 p.m. are proposed after business hours during weeknights. Parking can be accommodated on site and will not require any overflow parking into the adjacent neighborhood.

PZB Additions or Modifications (if necessary): _____

- 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 existing building has been adequately served by essential public facilities and services. Staff has no concerns that the proposed use will not be adequately served with essential public facilities and services.

PZB Additions or Modifications (if necessary): _____

- 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.

PZB Additions or Modifications (if necessary): _____

- 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: As discussed in this staff report and the Petitioner’s Narrative and Response to Standards, the hours of operation for the proposed uses do not overlap with the hours of operation for the other existing tenants; therefore, the parking demand of this request would be met. No larger truck traffic will be generated by any uses. All proposed activities would take place inside the building reducing any noise, smoke fumes, light, glare, odors, or other concerns.

PZB Additions or Modifications (if necessary): _____

- 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**

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thoroughfares:

Comment: Vehicular access will continue to be provided through one access point on Elk Blvd. This use will generate new traffic and parking on Saturdays and Sundays. However, the site is located on Elk Blvd, a generally low-traffic connection between Rand Road and River Road with two lanes of traffic in either direction, and near two arterial roads; therefore, the existing street network is capable of accommodating new traffic. The number of vehicles entering/exiting the parking lot would not exceed the number of vehicles typically located at the site Monday through Friday. As discussed in the parking section of this report, adequate parking would be available for this use given the worship services will not overlap with the normal business owners of the other businesses in the complex. Refer to the Parking Study for additional details.

PZB Additions or Modifications (if necessary): _____

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.

PZB Additions or Modifications (if necessary): _____

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

Comment: The proposed uses comply with all applicable requirements as stated in the Zoning Ordinance. A Standard Variation for parking is necessary and submitted concurrently with this application to provide relief to the parking standards for this conditional use.

PZB Additions or Modifications (if necessary): _____

PZB Procedure and Recommended Conditions: There are two requests upon which the PZB must take action. First, a Standard Variation, for which the PZB is the deciding body, and second, a recommendation to the City Council regarding a conditional use permit.

Standard Variation

Pursuant to Sections 12-3-6(F), (I), and (J) of the Zoning Ordinance, the PZB may vote to approve, approve with conditions, deny, or approve relief less than requested. The request is to vary the off-street parking requirement for the proposed mix of uses, which includes a commercially zoned assembly, from 76 spaces to 58 total spaces. This relief is 24 percent of the requirement, which falls under a Standard Variation (up to 30 percent relief).

If the variation fails, consideration of the conditional use will be moot.

Conditional Use

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Pursuant to Section 12-3-4(E) of the Zoning Ordinance, the PZB may vote to *recommend* approval, approval with modifications, or denial of the conditional use. The City Council has final authority over this request.

Should the PZB vote to approve the variation and recommend approval of the conditional use, staff suggests the following conditions:

Recommend Conditions of Approval:

1. The Subject Property shall only be used for the Activities during the following times:
 - a. 9 a.m. to 6 p.m. for hours of the office use (Tuesday through Friday; Saturday and Sunday for employees, as needed).
 - b. 5 p.m. to 10 p.m. for assembly uses on weeknights (Monday through Friday).
 - c. 7:30 a.m. to 3 p.m. for assembly uses on Saturdays and Sundays.
 - d. Any other hours of operation that are approved by the Director of Community and Economic Development.

2. Additional accessible parking for the development shall be located on site to meet the mobility accessible standards pursuant to Section 12-9-8.

3. The Activities and the Subject Property must comply at all times with the maximum occupancy load determined by the Fire Department.

Attachments:

- Attachment 1: Location Map
- Attachment 2: Site and Context Photos
- Attachment 3: Project Narrative and Responses to Standards
- Attachment 4: Parking Study
- Attachment 5: Floor Plan
- Attachment 6: Plat of Survey/Site Plan

Vice Chair Saletnik swore in Jimi Vilson – Petitioner and Pastor of Living Hope Church. He explained that he is back after getting Planning and Zoning Board (PZB) approval of the parking variation and recommended the conditional use to City Council at the December 13, 2022 meeting. Shortly after the meeting, the Fire Prevention Bureau and Building Division re-examined the proposed use and determined the maximum fire occupancy could be increased from 21 to the new approved maximum occupancy is 49. Mr. Vilson stated that his church currently has 35 adult members. He would like the Conditional Use so they can have all members at the same service instead of having to split them up. Mr. Vilson believe that the Church is a benefit to the City of Des Plaines. They believe in caring for the needs of their neighbors.

Vice Chairman Saletnik asked about parking and if the times would change. Mr. Vilson shared the traffic study which shows ample parking during the times of worship services. He also stated that they are looking for the same times approved before, as listed in the staff report.

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Appeal

A motion was made by Board Member Weaver and seconded by Board Member Hofherr to approve a standard variation from the collective off-street parking requirements.

AYES: Weaver, Hofherr, Catalano, Veremis, Saletnik
NAYES:
ABSTAIN: None

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

A motion was made by Board Member Weaver seconded by Board Member Hofherr to recommend approval of the conditional use permit to operate a Commercially Zoned Assembly Use in the C-3 General Commercial District with the following three conditions.

1. The Subject Property shall only be used for the Activities during the following times:
 - a. 9 a.m. to 6 p.m. for hours of the office use (Tuesday through Friday; Saturday and Sunday for employees, as needed).
 - b. 5 p.m. to 10 p.m. for assembly uses on weeknights (Monday through Friday).
 - c. 7:30 a.m. to 3 p.m. for assembly uses on Saturdays and Sundays.
 - d. Any other hours of operation that are approved by the Director of Community and Economic Development.
2. Additional accessible parking for the development shall be located on site to meet the mobility accessible standards pursuant to Section 12-9-8.
3. The Activities and the Subject Property must comply at all times with the maximum occupancy load determined by the Fire Department.

AYES: Weaver, Hofherr, Catalano, Veremis, Saletnik
NAYES: None
ABSTAIN: None

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

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3 Address: 1378 Margret Street

Case Number: 22-055-APPEAL

The subject of the appeal is a Zoning Administrator determination that a structure erected in 2022 at 1378 Margret Street is a trellis and subject to the rules of the Zoning Ordinance regarding trellises.

PIN: 09-20-314-012-0000

Petitioner: Jennifer Toner, 1368 Margret Street, Des Plaines, IL 60018

Owner: Patrick and Val Howe, 1378 Margret Street, Des Plaines, IL 60018

Because the PZB on Tuesday, January 10, 2023 began consideration of zoning text amendments related to fences, trellises, and arbors, (with its consideration continued until February 28), staff has requested and the attorney for the petitioner (appellant) has agreed to continue the appeal hearing to the Board's regular meeting of Tuesday, February 28, 2023. The PZB's Rules of Procedure (Section 6.06) states that continuances in these circumstances "...shall be granted..." so I recommend the Board grant this request, which is attached. Also attached is one written public comment received as of January 19, 2023, regarding the hearing.

Attachments

Attachment 1: Petitioner's Email Agreeing to Continue Hearing

Attachment 2: Excerpt from PZB Rules of Procedure

Attachment 3: Public Comment Received January 18, 2023

A motion was made by Board Member Weaver, seconded by Board Member Veremis to continue Case 22-055-APPEAL to February 28, 2023.

AYES: Weaver, Veremis, Catalano, Hofherr, Saletnik

NAYES: None

ABSTAIN: None

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

ADJOURNMENT

The next scheduled Planning & Zoning Board meeting is Tuesday February 28, 2023.

Vice Chairman Saletnik adjourned the meeting by voice vote at 8:10 p.m.

Sincerely,

Margie Mosele, Executive Assistant/Recording Secretary

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