



DES PLAINES PLANNING AND ZONING BOARD MEETING
March 14, 2023
MINUTES

The Des Plaines Planning and Zoning Board held its regularly scheduled meeting on Tuesday, March 14, 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: John Carlisle, CED Director
Jonathan Stytz, Senior Planner
Samantha Redman, Associate Planner
John Duddles, Asst Director of Public Works and Engineering
Laura Fast, Executive Assistant
Stewart Weiss, City Attorney

A quorum was present.

Call to Order and Roll Call

Approval of Minutes: February 28 ,2023

APPROVAL OF MINUTES

A motion was made by Board Member Hofherr, seconded by Board Member Catalano to approve the meeting minutes of February 28 2023

AYES: Hofherr, Catalano, Weaver, Veremis, Saletnik

NAYES: None

ABSTAIN: None

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

PUBLIC COMMENT ON NON-AGENDA ITEM

None

Applications

1. Address: 1781 Oakton Street

Case Number: 23-007-CU

The petitioner is requesting a conditional use permit to operate a Body Art Establishment in the C-3 General Commercial District.

PIN: 09-28-103-044-0000

Petitioner: Francisco Castellanos, 1401 S. Wolf Rd., Des Plaines, IL, 60018

Owner/Property

Control: Salvador Castellanos, 1479 Wicke St., Des Plaines, IL 60018

Case Number: #23-007-CU

Ward Number: #2, Alderman Colt Moylan

Existing Zoning: C-3, General Commercial

Surrounding Zoning: North: C-3, General Commercial

South: R-1, Single Family

East: C-3, General Commercial

West: C-3, General Commercial

Surrounding Land Uses: North: Commercial buildings

South: Single Family Residences

East: Commercial buildings

West: Commercial buildings

Street Classification: Oakton Street is classified as a minor arterial road.

Comprehensive Plan: Higher Density Urban Mix with Residential is the recommended use for this property.

Property/Zoning History: This building was originally built in 1965 according to the Cook County Assessor. The building's current configuration, with the commercial area on the ground floor and two apartments on the second floor, has existed throughout its known history. The

property has had a commercial zoning since the 1920s. Many buildings in this neighborhood are “mixed use,” meaning at least one residential unit is located above a commercial use. Previously, the commercial space was used for a radio store with apartments on the second story from the early 1970s to 2022. 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, Francisco Castellanos of Serpent’s Lair is proposing a conditional use to allow a body art establishment at 1781 E. Oakton. The property currently consists of two occupied two-bedroom apartments on the second story and Angels and Dragons Emporium -- a sustainable clothing, accessories, and novelties store -- on half of the ground story. The tattoo shop is proposing to be located in the second half of the commercial space on the ground level.

Proposed Use and Hours of Operation

The attached floor plan includes the areas associated with the Angels and Dragons Emporium (485 square feet), the proposed area for the tattoo shop (485 square feet), shared areas including the bathrooms, and storage areas for the building. The proposed hours of operation are 11 a.m. to 7 p.m. Monday through Saturday and Sunday 12 p.m. to 6 p.m. and are by appointment only. The hours of operation for Angels and Dragons Emporium, the existing store in the building, are 11 a.m. to 7 p.m. Monday through Saturday and Sunday 12 p.m. to 5 p.m. The hours will overlap, supporting both businesses. Serpent’s Lair seeks to operate during these hours to limit disturbance to the existing residences in the building and the single-family residential neighborhood to the south.

Body Art Establishment Regulations

Body art establishments are defined in Section 12-13-3 as, “an establishment licensed under the Illinois Department of Public Health that conducts physical body adornment activities,” which may include piercing and tattooing. The proposed use for this location falls under this definition.

In 2020 the Zoning Ordinance was amended to define and regulate body art establishments. Body art establishments are only permitted within the C-3 zoning district with conditional use and may not be located closer than one mile to any other similar establishment. This location is outside of the range of the only other tattoo business in Des Plaines: High Class Studio, located at 633 Metropolitan Way.

The original intent of requiring a conditional use for body art establishments was to provide limitations on the location of these businesses and the proximity to other body art establishments. For a body art establishment, the conditional use process allows the City to determine if a use is compatible with its neighborhood and, partnered with state licensing regulations, ensure a facility will provide safe and sanitary services. Although parking may be a consideration for this location and for this type of business, the length of time required for tattooing (according to the petitioner, a minimum of one hour per customer, with larger projects taking several hours) limits the amount of traffic and parking generated. Serpent's Lair Tattoo is proposing to be by appointment only.

No federal laws – only state – exist regulating tattoo establishments. In Illinois tattooing is regulated by the Illinois Department of Public Health's Body Art Code.¹ This code requires all body art establishments to obtain registration with the state and regulates disinfection, sterilization, and disposal practices. All artists are required to have blood-borne pathogens certifications. No tattooing is permitted on anyone under the age of 18, and proof of ID is required.

Of note, the petitioner previously operated The Serpent's Lair Tattoo for nine years in northwest Chicago located at 4219 North Elston Ave. The Petitioner's Narrative and Response to Standards includes several letters from previous employees and clients discussing the former shop, noting the cleanliness, professionalism, and consideration of the shop within the neighborhood.

¹ Illinois Department of Public Health. (n.d.). Body Art Establishments. Springfield, IL, USA. Retrieved from <https://dph.illinois.gov/topics-services/environmental-health-protection/body-art-establishments.html>

The subject of this conditional use is the location of one specific tattoo studio, but it is worth noting the evolution of the industry. In past decades, tattooing and tattoo parlors have had a negative connotation within the United States. The practice has been associated with crime and deviancy, considered a taboo or counterculture practice, and many municipalities either severely restrict or prohibit tattoo businesses. However, the prevalence of tattoos on adults has been growing steadily in recent decades. Between 2012 and 2019, the percentage of American adults with a tattoo grew from 21% to 30%.² The global market size for tattoos is currently valued at \$1.75 billion and it is estimated to grow to \$3.55 billion by 2029.³ As this number grows, it is reasonable to assume that the correlation, or perception of a correlation, between tattoos and crime will lessen.

Existing Non-Conformity

The proposed business will be located within the existing commercial space.

The building is currently nonconforming with two two-bedroom apartments above the first story commercial space. Section 12-7-3.F.2.a allows *one* apartment above the first floor of a commercial building for properties in the C-3 zoning district between Oakton St and the railroad tracks east to the city limits. However, this restriction in number of apartments either did not exist when the building was constructed in the 1960s or a variation was granted to allow for residences above; of note, several neighboring buildings were granted a variation to construct apartments above storefronts between the 1960s, and when the Zoning Ordinance was amended in 2001 with the current language in Section 12-7-3.F.2.a. The existing retail space and the residential units can persist, provided they abide by the regulations regarding nonconformities.

² Jackson, C. (2019, 08 29). IPSOS. Retrieved from More Americans Have Tattoos Today than Seven Years Ago: <https://www.ipsos.com/en-us/news-polls/more-americans-have-tattoos-today>

³ Fortune Business Insights. (2022, 11). Fortune Business Insights. Retrieved from The global tattoo market is projected to grow from \$1.89 billion in 2022 to \$3.55 billion by 2029, at a CAGR of 9.43% in the forecast period 2022-2029: <https://www.fortunebusinessinsights.com/tattoo-market-104434>

Parking Requirements

Body art establishments are required to provide 1 space for every 250 square feet of floor area per Section 12-9-7. The definition of “floor area” in Section 12-13-3 allows spaces such as restrooms, mechanical rooms, hallways, and storage areas to be excluded. With a floor area of 485 square feet subject to the parking requirement, two spaces are required. The existing store in the unit is approximately the same size, requiring two spaces. The second story residences would require two spaces per dwelling unit, with four spaces total. The total parking required for this mixture of uses would be six spaces.

Off-street parking is located in the rear of the building, an area capable of holding approximately four standard spaces. Current striping does not meet the requirements of the Zoning Ordinance or the Illinois Accessibility Code. A suggested condition of approval is to restripe the parking area to the dimensions specified in Section 12-9-6, including adding one accessible space to meet the requirements of 12-9-8.

However, when the building was constructed, the parking requirements were significantly different. Section 12-9-2 states, “if the building or structure was erected prior to the effective date [of the current Zoning Ordinance], additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use.” The use of the building prior to its purchase in 2022 was a commercial radio store, classified as a “retail establishment.”

The amount of parking required for a retail establishment when the building was originally constructed was one space per 200 square feet of floor area, but only if the floor area exceeded 2,500 square feet. The definition of “floor area” for the purposes of calculating parking requirements in the 1961 Zoning Ordinance was the same as the current definition. Therefore, no parking was required for the approximately 970 square feet of total retail space. For the apartments, 1.5 spaces were required per dwelling unit with 0.25 spaces allocated for guest parking. The rear parking lot includes enough room for approximately four 8 ½ foot by 20 foot parking

spaces. In sum, at the time of construction, the property's uses met off-street parking requirements.

Because of this provision in Section 12-9-2, a parking variation is not required because two required spaces for retail = two required spaces for body art. However, with the conditional use process, the petitioner must demonstrate the proposed use will not be disruptive to the neighboring area. The PZB may consider how substantial the effect of not having off-street parking for this use will be to businesses and residents in this area.

Standards for Conditional Use

The following is a discussion of standards for conditional uses 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: Body art establishments require a conditional use permit in the C-3 Zoning District.

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

Comment: The 2019 Comprehensive Plan illustrates this area to be used for Higher Density Urban Mix. In addition, an established goal in the Comprehensive Plan is to "Revitalize the Oakton Street Corridor." Promoting economic vitality of a corridor requires supporting the establishment of businesses within existing storefronts. The approval of this conditional use allows for a vacant commercial space to be occupied and creates additional economic activity along Oakton Street.

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 with the exception of signs for the business, which will be designed to meet requirements of the Zoning Ordinance. The existing storefront is harmonious with other similar buildings along Oakton Street. A building permit is currently being processed to repair the stairway in the rear of the building. The rear

parking lot will also be re-surfaced and re-stripped to meet code requirements and add an accessible space, as noted in the Conditions of Approval for this application.

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

Comment: As discussed in the Petitioner's Response to Standards, the business will operate by appointment only with no more than two customers at a time. Refer to the Parking section of this report for details on parking requirements. It is important to note that the property has never required off-street parking for the retail component of the building. On-street parking is available on Oakton Street to accommodate customers; however, the petitioner is also working with a nearby business, Kids Above All, on a parking agreement to accommodate parking for their site. Customers will be encouraged to use on-street parking, when necessary, unless a parking agreement can be formed to accommodate parking in other available parking areas. The hours of operation will be Monday through Saturday, 11 a.m. to 7 p.m. and Sundays 12 p.m. to 6 p.m., creating minimal disturbance for the existing residents within the building and the single-family residences to the south. A limited amount of traffic will be generated, as the business is by appointment only with no walk-ins or retail operations. State licensing is required to operate a body art establishment, which the petitioner will maintain while operating as this use.

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

Comment: The existing building has been adequately served by essential public facilities and services. Staff have no concerns that the proposed use will not be adequately served with essential public facilities and services. The establishment will follow all local and state regulations regarding disinfection, cleanliness, and proper disposal of all needles and other substances related to the business.

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 not create a burden on public facilities. This new business would be located within an existing, unoccupied portion of the building and provide additional commercial activity to this corridor.

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 the Petitioner’s Narrative and Response to Standards, the hours of operation will be limited to normal business hours and will be by appointment only, creating limited generation of traffic. 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.

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: Access to the building will continue to be provided through the entrance on Oakton Street. New traffic generated will be limited to appointments for the business; it is important to note that the zoning of this property allows for other uses that could result in a greater amount of traffic/parking for the site, such as a restaurant or store. The existing street network can accommodate the limited amount of traffic for this new use.

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 uses comply with all applicable requirements as stated in the Zoning Ordinance.

Vice Chair Saletnik swore in Francisco Castellanos and Salvador Castellanos. Francisco Castellanos stated that he would like to open up a body art studio in Des Plaines. He has been a Des Plaines resident since 1987, he had a business in Chicago for 9 years, and would like to reopen the business in Des Plaines. Hours of operations would be 11:00 am to 7:00 pm Monday to Saturday and 12 to 6 pm on Sundays. The clients are mostly word of mouth and by appointment. Mr. Castellanos stated that he spends from 1 to 6 hours with a client.

Board Member Hofherr stated that he read the report and was very impressed by all the recommendations that were provided.

Board Member Catalano asked if the petitioner has seen the recommended conditions of approval. Francisco Castellanos stated that yes, they are aware of the conditions and the conditions would be taken care of before opening the business.

Vice Chair Saletnik asked the audience by hand vote if they were in favor of approval – stated a number of hands were raised. Vice Chair Saletnik then asked if anyone in the audience was against the proposal – no hands were raised. No comments from the audience.

Samantha Redman, Associate Planner reviewed the staff report. The petitioner is requesting a conditional use permit to operate a Body Art Establishment in the C-3 General Commercial District. Body Art Establishments as a conditional use are a recent addition to the text of the zoning ordinance, added in 2020. There are several requirements, including being at least one mile from any other body art establishment and the floor area of the establishment cannot be more than 2,000 square feet. Ms. Redman went over the site plan.

Ms. Redman explained the conditions of approval for include the hours of operation, replacement of the rear stair well and the rear parking area needs to be restriped, so the parking dimensions meet the City's requirements.

No parking variation was requested because Section 12-9-2 states, "if the building or structure was erected prior to the effective date [of the current Zoning Ordinance], additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use." The use of the building prior to its purchase in 2022 was a commercial radio store, classified as a "retail establishment." The amount of parking required for a retail establishment when the building was originally constructed was one space per 200 square feet of floor area, but only if the floor area exceeded 2,500 square feet. The definition of "floor area" for the purposes of calculating parking requirements in the 1961 Zoning Ordinance was the same as the current definition. Therefore, no parking was required for the approximately 970 square feet of total retail space. On-street parking is available at this location. However, Ms. Redman stated that through the conditional use process, the Board is able to determine if the lack of off-street parking will be disruptive to the neighborhood or create other issues in this area.

Ms. Redman stated that the board can recommend approval, approval with conditions or deny. The recommended condition of approval includes.

1. The Subject Property shall only be used for activities related to the Body Art Establishment during the following times:
 - a.) 11 a.m. to 7 p.m. Monday through Saturday
 - b.) 12 p.m. to 6 p.m. on Sunday
2. The off-street parking area for the property must be striped in accordance with Section 12-9-6. One accessible parking space shall be located on site to meet accessibility standards pursuant to Section 12-9-8 and Illinois Accessibility Code.
3. The exterior stairwell on the rear of the building must be repaired or replaced prior to the issuance of business license for the body art establishment. A building permit must be submitted, approved, and final inspections completed by the Fire Department, in accordance with Fire Code for emergency exit stairwells.
4. All state licensing must be maintained to operate as a body art establishment at this location.

Case 23-007-CU
Case 23-005 FPLAT

1781 Oakton
622 Graceland
1332 -1368 Webford

Conditional Use
Tentative and Final Plat of
Subdivision

Member Hofherr asked if the owner has arranged for a fire inspector yet?

Francisco Castellano stated that they have not met with the fire inspector, but they will be.

A motion was made by Board Member Catalano seconded by Board Member Veremis to recommend approval to the City Council for the conditional use as requested with the four conditions as stated.

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

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

Case 23-007-CU
Case 23-005 FPLAT

1781 Oakton
622 Graceland
1332 -1368 Webford

Conditional Use
Tentative and Final Plat of
Subdivision

2. Address : 622 Graceland Avenue and
1332 and 1368 Webford Avenue

Case Number: 23-005-FPLAT

The applicant is requesting a combined Tentative and Final Plat of Subdivision under the Subdivision Regulations to consolidate the three existing lots of record on the subject property into one, as required by Section 13-1-2 of the Subdivision Regulations. After the PZB's Plat of Subdivision review, the applicant intends to seek the following approvals from the City Council: (i) an amount for a Fee in Lieu of Dedication of Park Lands, the requirement for which is established in Chapter 13-4 of the Subdivision Regulations; and (ii) a redevelopment agreement.

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

Applicant: *Formerly 622 Graceland Apartments, LLC, Now Mylo Residential Graceland Property, LLC; (Manager: Joe Taylor, Principal of Compasspoint Development)*

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

Ward: #3, Alderman Sean Oskerka

Existing Zoning: C-3 General Commercial District; rezoning to C-5 Central Business District was approved by Ordinance Z-23-22, but certain conditions must be met for the Ordinance to become effective (see Background)

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

Surrounding Land Use: North: Union Pacific Railroad (Metra UP-Northwest Line); then a pharmacy
South: Commercial building (850 Graceland), United Methodist Church parking lot, single-family detached home in commercial district (1347 Webford), single-family detached homes in residential district (1333 and 1339 Webford)
East: Mixed-use residential and commercial (Bayview-Compasspoint project under construction at 1425 Ellinwood)
West: Small mixed-use building (1330 Webford), then multiple-family dwelling (1328 Webford)

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

Existing Land Use

The principal building at 622 Graceland is currently the headquarters of the Journal & Topics newspaper. According to the Des Plaines History Center, the building was constructed as a Post Office in 1940-1941, most likely under the Works Progress Administration (WPA). A smaller accessory building is also part of the Journal & Topics property. At 1332 Webford is a 38-space surface parking lot owned by the City, currently used for both time-limited (14 spaces) and permit-restricted (24 spaces) public parking.

Background:

On August 1, 2022, the City Council approved a zoning map amendment for the subject property, which spans 43,500 square feet, from the C-3 General Commercial to C-5 Central Business District to accommodate the proposed development. The effectiveness of the approval, however, was contingent upon the developer finalizing acquisition of the City-owned 1332 Webford Avenue property, the authorized sale agreement for which (approved by Ordinance M-22-22) lists additional requirements:

- Approval of a Tentative and Final Plat of Subdivision to consolidate 622 Graceland and 1332-1368 Webford into one lot of record.
- Successful acquisition by the developer of 1330 Webford, which is directly west of the subject property and zoned C-3, to be redeveloped as a park use (privately owned but with a permanent and perpetual easement for public access);
- Approval of a redevelopment agreement, with plans as exhibits approved by the City Council; and
- Submission of a rezoning covenant binding the future owner/developer not to object to a future rezoning of the subject property back to C-3 if the project is not carried out.

Tentative and Final Plat of Subdivision

Request Summary:

Due to the PZB’s original denial of the Tentative Plat of Subdivision in 2022, the applicant has submitted a new combined Tentative and Final Plat to consolidate the three lots of record on the subject property into one. The table below identifies the characteristics and uses of the existing lots.

Address	PIN	Size	Use
622 Graceland	09-17-306-036-0000	0.52 acres	Journal & Topics
1332 Webford	09-17-306-040-0000	0.31 acres	City parking lot
1368 Webford	09-17-306-038-0000	0.17 acres	Journal & Topics

Just west of the subject property is 1330 Webford Avenue, which would serve as an open-to-the-public park. However, 1330 Webford is a different zoning lot from 622 Graceland and 1332-1368 Webford and is a separate and individual lot of record. Therefore, 1330 Webford is not required under Section 13-1-2 to be included in the proposed subdivision. Nonetheless, because 1330 Webford is integral to the project and will be referenced in the redevelopment agreement, depictions, labels, and site planning for 1330 Webford are shown on the Plat and Final Engineering documents. An illustration and label are used to note a permanent and perpetual easement for public space that will be owned and maintained by the applicant. See the “Open Space and Recreation; Park Land Dedication or Fee-in-Lieu” section for more details.

Easements, Building and Setback Lines, Utility Correspondence

The attached Tentative and Final Plat of Subdivision shows the following easements and building lines: (i) a 50-foot-wide permanent and perpetual easement for public space on property at 1330 Webford (cross-hatched area); (ii) a 10-foot-wide public utilities and drainage easement on 1330 Webford Avenue (double cross-hatched area); (iii) a 20-foot building line extending across the proposed public park property at 1330 Webford; (iv) a 25-foot building line, to reflect the required side yard for the C-5 district, extending approximately 90 feet along Webford where the subject property is adjacent to residentially-zoned property; (v) a 5-foot building line, to reflect the required side yard for the C-5 district, extending approximately 200 feet along Webford where the subject property is adjacent to commercially zoned property; (vi) a 7-foot public sidewalk easement extending along the south property line along Webford; (vii) an approximately 3-foot-wide public utilities and drainage easement on the northwestern corner of the proposed Lot 1; (viii) a 16.5-foot-wide storm water detention area (bubble-hatched area); and (ix) various public utilities and drainage easements throughout the proposed Lot 1 (shaded areas). Written correspondence from major private utility providers to the applicant is attached.

Public Improvements and Final Engineering, PWE and Fire Review

Under Section 13-3-1 of the Subdivision Regulations, the developer is required to widen the segment of Webford in front of the proposed development and install/replace existing appropriate streetscaping (for example, sidewalk, street lighting, etc.) to match the downtown aesthetic, which is already present along the Graceland side of the site. Under the proposal, this style would be extended around the corner and onto the Webford sidewalk, with an emphasis for the area in front of the proposed restaurant/commercial space at the corner. Certain underground infrastructure, such as water mains and sewers, are required to be replaced and installed to the standards required by PWE. Specifically, the developer will be required to separate the existing combined storm and wastewater system for the entire 1300 block of Webford.

The developer has provided the City Engineer with an estimated cost of public improvements, an amount for which the City Engineer has approved in the attached memo. A performance security in the form of a letter of credit, with the City named as the

beneficiary, will be required to secure the improvements. An attached memo serves as the City Engineer's approval (as noted) under Section 13-2-4. The Fire Department also reviewed the Plat and Final Engineering submittal and has no changes from its recommendation regarding the design of the project from its 2022 memo (see attached).

Open Space and Recreation; Park Land Dedication or Fee-in-Lieu

The applicant is proposing two open space/park areas to serve the public, one on the 622 Graceland and 1332-1368 Webford property and the other on the separate lot at 1330 Webford. On the first property is an approximately 3,000- square-foot southern green space area along the south building elevation in between the two parking garage entrances. On the 1330 Webford property is an approximately 9,000-square-foot park space with patio area seating and a play lawn. A barrier between the railroad and the play lawn is shown. In general, the plans for both open space/park areas show passive recreational programming instead of active programming such as playgrounds, ball fields and courts, or fitness equipment. For residential developments at the proposed scale, Chapter 13-4 of the Subdivision Regulations requires providing public park land and/or paying a fee in lieu. The rationale is that residential developments increase demand for parks and recreation. As described above, the developer is proposing to provide two pieces of land for public-access park and open space. Further, private recreational areas within the building are intended to meet the needs of the anticipated future residents and potentially lessen the demand for public park facilities generated by those residents. The developer's providing of these areas may make the project eligible for credits and reductions in their obligation. However, the approval of the amount of that obligation rests with the City Council.

PZB Action and Conditions:

Pursuant to Sections 13-2-3 and 13-2-7 of the Subdivision Regulations, the PZB should take two separate motions:

- Vote on the *approval or denial* of the Tentative Plat of Subdivision; and
- Vote on *approval, approval with conditions, or denial* of the Final Plat of Subdivision, to be forwarded to the City Council for final decision.

If the PZB votes to forward Final Plat *approval* to the City Council, staff recommends the following condition: That construction-level street lighting detail as required in the attached Engineering memo is provided and approved by the PWE Department prior to issuance of any building or right-of-way permits.

Attachments

- Attachment 1: Location Map
- Attachment 2: Site Photos
- Attachment 3: ALTA Survey
- Attachment 4: Engineering Memo
- Attachment 5: Fire Comments and 2022 Memo
- Attachment 6: Utility Correspondence
- Attachment 7: Tentative and Final Plat of Subdivision

Attachment 8: Final Engineering Drawings, including Drainage Report

Vice Chair Saletnik swore in Bernard Citron, Joe Taylor and Maureen Mulligan on behalf of the applicant.

Mr. Citron stated that they are here today for the preliminary and final plat of sub-approval. Mr. Citron stated that the staff has done a full report and all the various departments, including Community Development and Engineering have indicated that they have met the requirements of the ordinance. He stated that Mrs. Mulligan is here if we would like to discuss any of the engineering. Mr. Citron also stated that this meeting is for the Plat of Subdivision and not the project.

Vice Chair Saletnik asked the audience for a poll to see how many are against the proposal. Eight hands raised that are against the proposal.

Jim Hansen came to the podium to speak but did not speak since he concluded he could not ask any questions.

City Attorney Stewart Weiss stated that since this is a review of a Plat it is not a public hearing. It is a public meeting so sworn testimony is not required and there can be no cross examination or questioning. The audience is allowed to have public comment.

Tom Lovestand commented that he looked at the Planning and Zoning Board Meeting minutes from April 24, 2018, which included discussion on a development called the Welkin mixed use development. He wants the board to look at the past questions and the petitioners' commitments and the boards 5 to 1 vote to deny the major variation and the tentative plat of subdivision. He states that it is important because the petitioner for this project is the same as the petitioner for the Welkin and Ellison Projects. He questioned the annual revenue that was discussed then and if the promises had been met. Mr. Lovestand asks that the board take some time and evaluate the pending request with your past questions and the petitioner's previous commitments and ask where those have been met.

Deb Lester passed out a handout. She commented about safety concerns about the public parkway being eliminated. She said she noticed children using this sidewalk frequently and train commuters and concerns with sidewalk right up against parking. Around the Welkin property and on Miner St there is a parkway before you get to the sidewalk. That is eliminated here in this new plat.

The second concern is the north side of the property where 60 apartments will be located. Someone made a FOIA request this summer and there was a memo from the fire department requesting apartments on the Webford side or an access road be provided so the fire department would have access. After that, there was a memo from the chief about access from the east, south, and west side, but no mention of north side. No explanation about how to rescue people from the north side of the building.

Case 23-007-CU
Case 23-005 FPLAT

1781 Oakton
622 Graceland
1332 -1368 Webford

Conditional Use
Tentative and Final Plat of
Subdivision

Another letter is included in the safety packet, from the August 1st meeting, from Union Pacific. The UP, which backs up to the building, this building will be built 2 feet according to the plat to the north neighbor. This request from UP was that the building be set back 50 ft from the buildings. Urges this to be considered by the board.

Final concern – the site line moving from Webford onto Graceland. IDOT has a manual called the public roads manual with a site triangle. When you drive to an intersection, you can move to your left and see oncoming traffic before making a right-hand turn. The current building is set back 15 ft from the sidewalk. The proposed building is 2.4 ft from the sidewalk. You would not be able to see traffic from this point. The bureau has a manual for the distance to be seen and make this triangle. It cuts off quite a bit of the corner of the building.

The developer pointed out that people may turn on Ellinwood to access the property. To do that, you need to turn left into the nearest lane, on the east side of Graceland. You have 2 seconds at a 30-mph speed limit (Graceland speed limit) to turn into the lane, signal and then move to make a right-hand turn. In the process, you go across a crosswalk to get to the library, stores, etc.

Ms. Lester would like the Board to consider whether this is ok to have traffic movement near the train tracks without a traffic signal and with the pedestrian crossing.

Jonathan Stytz, Senior Planner, reviewed the staff report. He discusses location of area and site details. The map amendment for this property has not taken place because there are certain things that must take place before the map amendment can occur. He discussed the site photos, with the areas owned by the City and Journal and Topics.

Mr. Stytz provides background on the process for Map Amendment. He discusses what else must be approved (park and other parts of RDA).

Mr. Stytz stated that on August 1, 2022, the City Council approved a zoning map amendment for the subject property, which spans 43,500 square feet, from the C-3 General Commercial to C-5 Central Business District to accommodate the proposed development. The project request is to consolidate three lots into one lot of record. Mr. Stytz explained the subdivision and public improvements slide and described the tentative and final plat of subdivision. He also describes the breakdown of final engineering plans and the considerations before the PZB for this request.

For tonight the board Pursuant to Sections 13-2-3 and 13-2-7 of the Subdivision Regulations, the PZB should take two separate motions:

- Vote on the *approval or denial* of the Tentative Plat of Subdivision; and
- Vote on *approval, approval with conditions, or denial* of the Final Plat of Subdivision, to be forwarded to the City Council for final decision.

If the PZB votes to forward Final Plat *approval* to the City Council, staff recommends the following condition: That construction-level street lighting detail as required in the attached Engineering memo is provided and approved by the PWE Department prior to issuance of any building or right-of-way permits.

Case 23-007-CU
Case 23-005 FPLAT

1781 Oakton
622 Graceland
1332 -1368 Webford

Conditional Use
Tentative and Final Plat of
Subdivision

City Attorney Stewart Weiss stated that whatever the board's recommendation tonight and CC final action, the approval of the plat would have a delayed effective date until re-zoning is complete. This requires all those map amendment conditions to occur too.

Member Weaver asked to hear the petitioner's comments around the three safety issues brought up for discussion tonight.

Mr. Citron stated the civil review and staff comments demonstrate these are not concerns. Your staff have not found these to be issues with this project. IDOT will be reviewing any permits along that road and will approve as it currently exists. It is a 7 ft wide sidewalk; this has been increased beyond the standard 5 ft per staff request. We exceed requirements. It is also parallel parking, so cars are not pulling into the sidewalk. The same issue with the Ellinwood turning movements. This was addressed by the professional traffic engineering consultant and the City engineer did not have concerns.

A motion was made by Board Member Catalano, seconded by Board Member Veremis to approve the tentative plat of subdivision and to approve the forwarding of the final plat of subdivision to City Council for final decision with the condition of the street lighting detail as mentioned in the staff report.

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

*****MOTION CARRIES *****

ADJOURNMENT

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

Vice Chairman Saletnik adjourned the meeting by voice vote at 7:39 p.m.

Sincerely,

Margie Mosele, Executive Assistant/Recording Secretary

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